

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 6, 2007 General Election as follows:

<b>NAME</b>	<b>OFFICE</b>	<b>TERM</b>
William Budesheim	Mayor	4 Years
Garrett Astarita	Borough Council	3 Years
Joseph J. Falkoski	Borough Council	3 Years

Mayor Budesheim introduced Freehold Director Margaret Nordstrom and Freeholder Doug Cabana. They have been great friends of Riverdale and were of great assistance with the acquisition of the Van Ness house. We are very proud to have them here this evening.

**OATH OF OFFICE ADMINISTERED TO NEWLY ELECTED OFFICIALS:**

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

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

**INTRODUCTION OF NEWLY ELECTED OFFICIALS AND REMARKS BY SAME.**

**COUNCILMAN GARRETT ASTARITA:**

Good evening everybody. First let me say that it has been an honor to serve Riverdale as your Councilman for the last 12 years and I want to thank my fellow residents for having the trust and confidence in me to elect me to a fifth term. In reviewing the speech I made after my first years on Council, I noticed how development in our town would bring Riverdale into a new era. I also noted that we must be careful not to allow overdevelopment. At that time, Bograd's and what are now the Demassi dealership, as well as the Sunoco station were in the news. Since then we have several condominium complexes and a Route 23 retail development near completion. At that time, as Finance Chairman, I was happy to report there was no increase in the property tax and for many years there were no increases. We are now working hard to limit any increases in our property tax rate. At the time we were fighting the railroad and the quarry for encroachment on our resident's quality of life. Although we had met with some successes, our efforts are ongoing. In the years since that time, we have accomplished a lot for Riverdale. Our highway development is just about complete, we have a library, senior community center, and soon-to-be youth center second to none and our town is thriving. We have limited some development to create parks and open space for our residents to enjoy. Our Volunteer Fire Department has the newest equipment, including a new ladder truck, so they might protect us safely. We have implemented a plan to keep our DPW and police vehicles up to date. We have a Master Plan in the works that will determine the future of our downtown area and quarry when it is ready for development. We have a Sewer Master Plan that we will be implementing that will affect

**COUNCILMAN GARRETT ASTARITA (continued):**

all of our homes and businesses. During my campaign I've had the opportunity to speak to many of you as I walk door-to-door. From those discussions I've received insight to what is important to the residents of Riverdale. There's no surprise that property taxes are at the forefront along with improving our quality of life. This Mayor and this Council is very aware of that and we are committed to keeping the lowest taxed community in Morris County as well as improving our lives. Riverdale has entered that new era and will bring many challenges, but I pledge to our residents that I always have your best interests at heart and work towards keeping our town the wonderful place to live that it is. I would be amiss if I didn't thank my fellow Council Members and Mayor for their support and our Borough Employees for all the hard work they do on a day-to-day basis. If it were not for them, our town simply would not function. Carol Talerico and our office staff, Chief Soules and our Police Department, Walt Mahon and our DPW staff, all of our department people and of course, our volunteers without which our budgets would explode. They include Pat Cleary, to whom we are grateful for his years of selfless service as Fire Chief, our new Fire Chief Mike Norton, and all of our dedicated firefighters. Our dedicated CERT Team headed by Charlie Quant, our dedicated First Aid Squad members, the volunteers of our Planning Board, Recreation Board and Friends of the Library. A big debt of gratitude is owed to you all. In closing I feel confident that the future is bright for Riverdale, and I am privileged to be a part of that future.

**COUNCILMAN JOSEPH FALKOSKI:**

I'd like to take this opportunity to express my sincere thanks to the voters who have re-elected me to another term on the Council. It has been an honor and a privilege to have served as your Councilman for the past five years, and what a five years it has been. This Mayor and Council has worked together to accomplish much in the past few years. For example, the Public Safety Committee which I chair. With the support and cooperation of the Mayor and Council, we completely upgraded the equipment and manpower for our Police and Fire Departments thereby equipping them to better address the increased safety concerns related to the additional new development that has occurred. As a result of this, by providing the proper equipment and tools, the professional pride and output of the department members has increased to the point where the professionalism and efficiency of both Police and Fire Departments is the envy of surrounding communities. The additional development which has occurred in Riverdale over the past few years has been mind boggling. With this development surge there have been both benefits and problems. Addressing the problems will be one of the challenges the Governing Body will be facing in the coming year. As for the future development of Riverdale, the Mayor and Council will have to be concerned with protecting the overdevelopment of the remaining land left in the community. To this end, the Borough has engaged a professional firm who has created a new Master Development Plan for Riverdale. With the input of both citizens and officials of the town, this plan is about to be introduced and eventually adopted this year. We will then tackle the review and revision of our zoning and land development ordinances with an eye to protecting and preserving the environmental and aesthetic sensitivity of our remaining developable land. These are just some of the challenges that I look forward to engaging in with the Mayor and Council in the coming year. Thank you again for giving me this opportunity.

**APPOINTMENT OF BOROUGH ATTORNEY – BY MAYOR AND CONFIRMATION OF COUNCIL:**

Mayor Budesheim offered the name of Robert Oostdyk as Borough Attorney.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, to appoint Robert Oostdyk as Borough Attorney.

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

**RESOLUTIONS:**

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

- 1) **Resolution No. 1-2008;** Re: Official Legal Newspaper – Suburban Trends.
- 2) **Resolution No. 2-2008;** Re: Annual meeting schedule – 1<sup>st</sup> and 3<sup>rd</sup> Monday of each month at 7:30 p.m.
- 3) **Resolution No. 3-2008;** Re: Bank Signatures and Depositories.
- 4) **Resolution No. 4-2008;** Re: Delinquent Taxes.
- 5) **Resolution No. 5-2008;** Re: Local Public Contracts Law.
- 6) **Resolution No. 6-2008;** Re: Work Periods – Law Enforcement.
- 7) **Resolution No. 7-2008;** Re: Official Holidays – Borough Employees.
- 8) **Resolution No. 8-2008;** Re: Cash Management Plan

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

**COPY OF RESOLUTIONS IN FULL ON PAGES 3-A, B, C, D, E, F, G AND H**

**COUNCIL TO SELECT PRESIDENT OF COUNCIL:**

Councilman Falkoski stated he has been honored to be selected Council President for the past four years and believes it is time to pass the baton.

Thereupon, Councilman Falkoski offered the name of Paul Carelli as Council President; motion seconded by Councilman Guis.

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

**MAYOR BUDESHEIM NAMES COUNCIL COMMITTEES:**

Mayor Budesheim stated the 2008 Council Committees:

Councilperson Carelli	Finance	2 <sup>nd</sup> Bush
Councilperson Falkoski	Public Safety	2 <sup>nd</sup> Wetzel
Councilperson Guis	Public Works	2 <sup>nd</sup> Astarita
Councilperson Wetzel	Community Relations	2 <sup>nd</sup> Falkoski
Councilperson Astarita	Buildings & Grounds	2 <sup>nd</sup> Guis
Councilperson Bush	Personnel	2 <sup>nd</sup> Carelli
Councilperson Guis	Vehicles	2 <sup>nd</sup> Carelli

**2008 APPOINTMENTS MADE BY MAYOR BUDESHEIM AND CONFIRMATION OF COUNCIL:**

Mayor Budesheim read the names into the record of the 2008 Appointments.

Mayor Budesheim requested Council confirmation of the 2008 Appointments.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, for Council confirmation of the 2008 Appointments as listed.

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

The Oath of Office was administered to the Appointees.

**COPY OF 2008 BOROUGH OF RIVERDALE APPOINTMENT LIST IN FULL PAGE NO. 4-I**

Councilman Astarita set forth the motion, seconded by Councilman Guis, to appoint Paul Carelli as council representative to the H.U.D. Committee.

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

Councilwoman Bush set forth the motion, seconded by Councilman Astarita, to appoint Joseph Falkoski as council representative to the Planning Board.

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

**APPOINTMENTS OF POLICE CAPTAINS – RICHARD ROEMMELE AND JOHN PEINE:**

Mayor Budesheim read statements highlighting the education, awards and achievements of Lieutenants Roemmele and Peine during their service on the Riverdale Police Department. He offered their names for promotion to Police Captain.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to appoint Lieutenants Richard Roemmele and John Peine to the position of Police Captain for the Riverdale Police Department.

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

The Oath of Office was administered to the Captains Roemmele and Peine.

**PRESENTATION TO OUTGOING FIRE CHIEF PAT CLEARY:**

Mayor Budesheim stated that Pat Cleary has been serving as Chief Officer for the past 14 years. He has raised the position of Fire Chief to meet the times and we'll surely miss him. Mayor Budesheim and Councilman Guis presented Chief Cleary with a silver handmade belt buckle and presentation box.

**PRESENTATION OF CERTIFICATES OF APPRECIATION:**

Certificates of appreciation were presented to various individuals, businesses and organizations that supported the borough throughout the year.

**SWEARING IN OF OFFICERS OF THE FIRE DEPARTMENT:**

Mayor Budesheim introduced Lieutenant William Revis, Lieutenant George Giordanetti, Assistant Fire Chief Daniel Sturm, and Fire Chief Michael Norton.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, to appoint Michael Norton as Fire Chief of the Riverdale Fire Department.

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

The Oath of Office was administered to the officers of the Fire Department.

**REMARKS MADE BY MAYOR WILLIAM BUDESHEIM:**

I want to thank you for your support and I pray that I will justify your confidence in me. I especially would like to thank the Riverdale Governing Body. Everything that we accomplish is as one body, not any one individual. What I so appreciate is the lack of pettiness and small-time politics which afflicts so many other organizations. When an issue is decided and done with, everyone goes on to the next order of business with no leftover resentment or anger. The biggest beneficiary of your graciousness is the residents, because we are free to do what is right for the entire community, not some special interest group acting as the squeaky wheel. You have no idea how grateful I am for that. That cooperation extends throughout the entire workforce of the borough, from the front office to the DPW, the Building and Police Departments and so forth. Because we are a small town, many employees wear more than one hat which makes their performance even more remarkable. We have a dedicated group of individuals who offer their time and expertise serving on one of the various boards or committees, assisting us in maintaining the levels of service our residents have come to expect. Those residents who fill the memberships of the Planning Board, the Library Board of Trustees, the Board of Education, the Board of Health, the newly restarted Shade Tree Commission, the Recreation Committee, the Open Space Committee, the Office of Emergency Management, the CERT Team, the Friends of the Library, the Riverdale Land Conservancy and the Redevelopment Committee are in large part the reason why living in Riverdale is so special. Four years ago when we first came into office we noted that politicians have their own patron saint, Saint Thomas More, we would invoke during our tenure to provide guidance and direction. We are grateful for all of his assistance in addition to the fact that we have not suffered his end, at least not yet. In those four years we have made considerable changes. Not the changes of a revolution which overturns the established order, but a gentle change in our course that we may better arrive at our full potential. Riverdale has been known as a town with one of the lowest tax rates in the area, a characterization which we will do all in our power to preserve. But more is needed. If a low tax rate is all that matters then a desert would be the most desirable community of all. But who wants to live in a desert? There are so many quality of life issues that make a town, not only one in which you can afford to live, but one in which you are proud to live. While preserving the first, we have been striving towards the second. Our first major accomplishment was the acquisition of the Van Ness house which saved one of the oldest houses in Riverdale from the wrecking ball. But more importantly, it preserved one of the last remaining open parcels of land this side of Route 23 thus maintaining the integrity of the Pequannock River and keeping additional traffic off an already overburdened turnpike. Working together with the Board of Education we

**REMARKS MADE BY MAYOR WILLIAM BUDESHEIM (continued):**

were able to build a 10,000 square foot Senior Community Center which has truly become an asset. Never before have we had such a facility available to our residents for their family events. Our residents voted for a municipal open space tax giving us the means to acquire open space as well as improve our recreational facilities, included the fields off of Post Lane, fields that are constantly being used during the sports season. The free summer concerts in the park have brought friends and neighbors together to enjoy pleasant music and friendly company. Each year the attendance grows in numbers as well as the areas from which the people come. Our library is becoming the jewel of Riverdale, just as we had hoped when we established the Board of Trustees and became a full-fledged library just a few short years ago. The programs for young and old are available and well-attended throughout the year. We've begun a monthly newsletter bringing the latest in events and schedules and the happy milestones in your neighbor's lives. Our website is one of the most comprehensive in the state and was awarded webmaster of the year by E-Government.com. We are nearly finished in completing redoing our Master Plan, the most comprehensive plan ever in Riverdale's history. Included are provisions for the redevelopment of Hamburg Turnpike and the quarry when its operations are concluded. According to our Planner, we will be one of the first communities in New Jersey to have a Green Element as a part of our plan which requires any future building in the undeveloped areas to be done in a responsible manner to protect those natural resources that are so important to maintaining our quality of life. Among the many issues we have addressed these past four years has been the upgrading of our infrastructure, restructuring our Police Department to bring it in line with today's needs as well as providing the necessary vehicles and equipment for our Fire Department which just celebrated its 100<sup>th</sup> Anniversary. These past four years have seen the Borough of Riverdale receive approximately \$4,000,000 in grants and awards. This is nearly twice as much as we received in all previous years. As for the future, we hope to continue to improve and maintain all of these essential services. While it's becoming more and more difficult to keep taxes down, we believe that we have structured this year's budget and that the municipal tax rate for 2008 will not increase. On such a positive note, I would like to again thank you for coming out this evening and wishing all of you a Happy New Year.

Mayor Budesheim introduced Reverend Howard Ball, Chaplain for the Police and Fire Departments, who lead a benediction for the close of the meeting.

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 7:45 p.m.

**APPROVED:**

Respectfully Submitted:

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



**ORDINANCES:**

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

**ORDINANCE 01-2008**

**AN ORDINANCE AMENDING ORDINANCE NO. 3-2007 ESTABLISHING SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS, NEW JERSEY.**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 8-A**

**RESOLUTIONS:**

Councilman Falkoski clarified that resolution No. 7 is authorization to purchase two vehicles as part of our annual plan. Borough Attorney Oostdyk stated that resolution No. 4 would be a general policy for all employees. Councilman Falkoski stated the Salary Resolution should include the Chief of Police salary of \$118,000. Deputy Clerk Forbes stated that the Police Chief has advised A-Z Towing Service is not in compliance with section 154-4 which requires a fenced in area for vehicle storage. After discussion it was decided to approve the towing license pending compliance. They will not be put on the rotation until they comply.

- 1) Payment of Claims.
- 2) **Resolution #09-2008:** Transfer of 2007 Appropriation Reserves.
- 3) Approval of Escrow Payment to following:
 

a) Paul Darmofalski, P.E. Target Corporation	\$ 1,750.00
b) Paul Darmofalski, P.E. Majestic/Beazer	\$ 375.00
c) Paul Darmofalski, P.E. TCR/Horton	\$ 250.00
- 4) Authorize amendment to Employee Handbook to include a salary stipend of \$2,500 per year in lieu of health benefits in accordance with the State Health Benefits Plan rules of waiver of coverage.
- 5) **Resolution #10-2008:** 2008 Employee Salaries.
- 6) Mayor to appoint two additional members to the Municipal Alliance Committee for 2008 with confirmation of council. Mary Gambino and Loretta Lippens.
- 7) Authorization to purchase two 2008 Dodge Chargers for the police department from Warnock Fleet, under Morris County Co-op Contract #15-A, item #2, purchase price is \$21,251.00 each contingent on availability of funds.
- 8) Approval of Fire Department insurance coverage at a 3 year yearly charge of \$3,081.00 per year, and approval of 2008 payment in same amount.
- 9) Authorization to enter into an Interlocal services agreement for animal control services with the Borough of Bloomingdale in the amount of \$5,546.00 for the year, therefore authorizing Mayor Budesheim to execute the agreement.
- 10) Authorization of Councilwoman Donna Bush, Municipal Alliance Chairperson to execute a Letter of Agreement with the County of Morris, Department of Human Services, Division of Behavioral Health & Youth Services.
- 11) **Resolution #11-2008:** Authorizing application for an \$80,000 Community Development Block Grant Application for Paterson Hamburg Turnpike Sewer Pump Station-Phase II.
- 12) Approval of 2008 Towing License for the following:

**RESOLUTIONS (continued):**

- a. Sky Ball – A to Z Services – 3 Mathews Avenue, Riverdale, NJ (pending compliance with section 154-4, requiring a fenced in area for vehicle storage).
- b. Malanga's Automotive – 39 Hamburg Turnpike, Riverdale, NJ
- 13) **Resolution #12-2008:** Professional Agreement with PK Environmental for Phase 2 Site Investigation of 203 Paterson Hamburg Turnpike – Block 12 – Lot 1 (Dube Property), total contract amount is \$6,400.00
- 14) Authorize the Borough Clerk to proceed with file purge as proposed by File Bank, Inc., Oakland, NJ at a cost not to exceed \$8,000.00, subject to obtaining additional price quotations if required by bidding laws.

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

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

**COPY OF BILLS LIST AND RESOLUTION IN FULL ON PAGE NO. 9-B, C, D, E AND F****OTHER BUSINESS:**

- 1) Review of the Service Road Agreement between Target Corporation and Riverdale Borough and possible approval for the Mayor's execution of the agreement. (copy of agreement distributed to Mayor & Council)

Mayor Budesheim stated there was a condition in the agreement that Target wants the ability to close the road on an annual basis to protect their preemptive rights, and also for maintenance or repairs. The Mayor and Council are against this condition and feel the road can only be closed at the Borough's request.

- 2) Request made by the Riverdale Volunteer Fire Department to increase the LOSAP contribution by the state index amount of 3.5%. This increase would mean a \$48.00 increase for a person who has obtained the maximum amount.

Councilman Falkoski set forth the motion, seconded by Councilman Guis, to increase the LOSAP contribution by the state index amount of 3.5%.

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

- 3) Correspondence received from the Department of Transportation and the New York, Susquehanna and Western Railway Corporation stating that the DOT now requires a municipal Resolution of Support for the execution of an approved grant under the State Rail Plan. The New York Susquehanna has received a grant in the amount of \$900,000 for Line Rehabilitation between Hawthorne and Sparta. Riverdale will be one of the municipalities in which the line rehabilitation will be performed. (copy of correspondence and resolution distributed for council's consideration and possible adoption)

Mayor Budesheim stated that he sent a letter to the Railroad requesting the installation of gates at the crossings in Riverdale. He would like to wait for their response before taking action on the above matter.

**OTHER BUSINESS (continued):**

- 4) Charles Quant, Sr. request for gym membership reimbursement for 2007 as permitted to the PBA through their contract. The reimbursement is for \$250.00 but would no longer come out of the police budget due to Mr. Quant's retirement. Council approval required in this matter due to Mr. Quant being included in a regular employment position.

Councilman Falkoski stated that reimbursement for gym membership is part of the PBA contract. Council agreed that Mr. Quant is a regular employee and not entitled to reimbursement for gym membership.

**COMMITTEE REPORTS:**

Councilman Carelli reported that we have \$59,000,000 of additional ratables this year, which is significant.

Councilman Falkoski reported the Municipal Court Report for December 2007.

Councilwoman Wetzel reported that the Recreation Committee wanted to know the status of completing the bottom level of the Community Center so they can plan for the summer program. They have plans for storage bins and shelving to organize their equipment. Councilwoman Wetzel also reported that the Senior Citizens have a new president and board. She and the Mayor attended the Senior meeting and thanked Mary Gambino for her services as president for the past five years and welcomed the new board members. She stated the Community Center has been rented and used to its fullest capacity. She also reported that she would like to implement two projects for 2008. One is a town-wide "Go-Green" campaign in the newsletter and the other is to have a Riverdale store where earth-saving items such as mugs can be purchased. She also reported they will be meeting with concert series promoters on Friday.

Councilman Astarita reminded everyone the Community Development block grant applications must be in by January 25<sup>th</sup>.

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 9:30 p.m.

Respectfully Submitted:

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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:**     **Falkoski, Guis, Wetzal, Carelli**  
                           **Absent:**       **Astarita, Bush**

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, to close the public session.

**ALL IN FAVOR.**

**ORDINANCES:**

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

**ORDINANCE 01-2008**

**AN ORDINANCE AMENDING ORDINANCE NO. 3-2007 ESTABLISHING SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS, NEW JERSEY.**

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

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

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

**ALL IN FAVOR.**

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 01-2008 as read on second reading at this meeting, be adopted and finally passed.

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

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

**BOROUGH ENGINEER REPORT:**

Borough Engineer Darmofalski reported the status of the Mathews Avenue project. The project is getting a little cleanup but they will not be back to finish the work or take care of the paving until March. We received a grant under the state aid applications for the Newark Pompton Turnpike and Arlington Place and are in the process of developing a budget. The Community Development application phase II for the sewer pump station will be presented on March 11<sup>th</sup> in Morristown. We received notification that the NJDOT is accepting applications for pedestrian safety and safe routes to school. There was discussion regarding possible projects. Borough Clerk Talerico asked if there was a time

**BOROUGH ENGINEER REPORT (continued):**

limit for awarding the bid for the sewer extension project that is being negotiated. Borough Attorney Oostdyk will verify.

**BOROUGH ATTORNEY REPORT:**

Borough Attorney Oostdyk reported that we received the survey and descriptions on the sale of the cell tower.

**BOROUGH CLERK REPORT:**

Borough Clerk Talerico asked for clarification of the approval of the towing license for A to Z Towing Services. Borough Attorney Oostdyk stated that the license was approved with the condition that they will not be put on the rotation until they are in compliance with the ordinance requirement for a fenced in area for vehicle storage. Clerk Talerico asked who is handling the booking of the softball fields. Councilwoman Wetzel stated that only the Pompton Lakes/Riverdale Little League requests use of the fields and they submit their schedule. Clerk Talerico reported on correspondence from NJDEP regarding annual report and certification of the stormwater regulation program and the recycling and litter ordinance. Borough Attorney Oostdyk requested a copy of the cover letter. Clerk Talerico stated she had a note to amend the stormwater plan regarding the mitigation plan. There was discussion regarding whether this had been done. She also reminded the Council about the fertilizer application model ordinance. Borough Engineer Darmofalski stated the state has not yet adopted the standards. It was decided to put it on hold until it is mandated. There was discussion regarding the 1<sup>st</sup> quarter sewer payment to PRBRSA. A revised annual charge was received today. Mayor Budesheim stated that there had been a “state-mandate, state-pay” referendum on the statewide ballot a few years ago. He would like to submit the bills the borough has accrued for state-mandated ordinances to the agency that has forced them on us with a request for reimbursement. Borough Attorney Oostdyk will look into the issue.

**MAYOR REPORT:**

Mayor Budesheim reported on information received from Ross Kushner regarding a Highlands meeting and Transfer of Development Rights. Riverdale is in the planning area for the Highlands. The Mayor said it appears they are making Riverdale a dumping ground in the areas we are trying to preserve for open space or minimal impact. Much of it is undeveloped private property and you’re looking at high-density multifamily housing in these areas. The Mayor stated he plans to attend the meeting. There was discussion regarding the matter.

**OTHER BUSINESS:**

- 1) Letter from Sharon Sonne, VSAP Officer of the Pompton Lakes-Riverdale First Aid Squad requesting additional VSAP allowance (clothing) for three individuals that were shorted points on the squad’s original report. Sheryl Chacon – 10 points - \$52.05; Carol Merritt – 18 points - \$90.00 and Cyndy Reardon – 51 points - \$255.00. A request is being made to pay these individuals the funds due them.
- 2) Certificate of Determination and Award for renewal of Bond Anticipation Note #2008-1 in the amount of \$1,325,000 at an interest rate of 2.5% payable at maturity on May 2, 2008, to JP Morgan Chase Bank, Riverdale, NJ. (copy distributed to Mayor & Council with agenda)

**OTHER BUSINESS (continued):**

- 3) Letter of request from DPW Superintendent Walter Mahon asking to appoint Matthew Kronyak as a full time probationary employee effective January 1, 2008. (copy of letter distributed to Mayor and Council with agenda).

Councilwoman Wetzel asked if Matthew was hired as a part time employee. Councilman Guis stated that he was hired as a full time provisional employee with no benefits. Mayor Budesheim stated that his feeling is new hires for the DPW should be provisional employees for a period of time that we don't invest in medical benefits or pension costs. Councilman Guis stated a main attraction of the job is the permanency and the benefits.

**COMMITTEE REPORTS:**

Councilman Falkoski reported that he wished to discuss an item involving litigation in closed session.

Councilman Guis reported that they would like to replace one pickup truck before May and the street sweeper is becoming problematic. He also reported on upcoming capital projects.

Councilwoman Wetzel reported that Sunday, September 14, 2008 has been confirmed for the annual street fair. A proposal was received from LaGuardia and Associates for the summer concert series. There are six performances beginning July 16<sup>th</sup>. The full cost is \$34,750 which is comparable to last year.

Councilman Carelli passed out a budget worksheet prepared by Chief Financial Officer Ken Sesholtz. There was discussion regarding the budget. Councilwoman Wetzel was concerned that the buildings and grounds appropriation is too low as items are needed for the new Senior Community Center building. She also stated that we will need to increase the Recreation Coordinator's hours or hire an additional employee when new programs are added. Councilman Carelli also reported that the Shade Tree Commission will have its second annual Arbor Day celebration in April. They will plant trees on Greenwich Street that will be donated by Home Depot.

**RESOLUTIONS:**

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

- 1) **Resolution #13-2008:** Refund of Taxes.
- 2) Approval of applications for coin operated amusement devices for the following establishments for 2008 – serial numbers to be inspected by police department:
  - a. Dexter's Night Club – 1 – Pool Table and 1 – Video Game.
  - b. Wes' Tavern – 1 Pool Table – 3 – Video Games.
- 3) Addendum to Resolution #10-2008 establishing employee salaries to include the Chief of Police salary of \$118,000.
- 4) Approval of 1<sup>st</sup> quarter sewer payment to PRBRSA in the amount of \$142,063.
- 5) **Resolution #14-2008;** Tax Assessor Settlement for LaHue, Robin A. Trustee.
- 6) **Resolution #15-2008;** Transfer of 2007 Appropriation Reserves.
- 7) Appoint Matthew Kronyak as full time probationary employee for the DPW at a salary of \$12.00 per hour, including health benefits, effective February 1, 2008.

**RESOLUTIONS (continued):**

- 8) Approval of additional VSAP allowance (clothing) for three individuals that were shorted points on the squad's original report. Sheryl Chacon – 10 points - \$52.05; Carol Merritt – 18 points - \$90.00 and Cyndy Reardon – 51 points - \$255.00.

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

**COPY OF RESOLUTIONS IN FULL ON PAGE NO. 14-B, C AND D.****CLOSED SESSION:**

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

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

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 9:00 p.m.

Respectfully Submitted:

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

**CLOSED SESSION:****LITIGATION PERTAINING TO APPEAL OF LIQUOR LICENSE:**

Councilman Falkoski stated that when the liquor licenses were renewed we set conditions to Dexter's license and the owner appealed it. It has not yet been heard by the ABC but the administrative law judge scheduled hearings on the matter. Councilman Falkoski attended a meeting with Mr. Clemack, Mr. Paige and his attorney where the issue of the noise complaints was discussed. Mr. Paige expressed at that time he was eliminating his DJ which he claimed would eliminate the noise problem in the area. It was agreed we would come back in three months to see how that worked out and discuss a settlement. The following Saturday there were numerous noise complaints and they've been coming in ever since. At the request of Mr. Paige's attorney, the meeting scheduled for this past Friday was adjourned. Copies of the complaints were given to Mr. Paige and will be given to his attorney. Another hearing is scheduled for April 28<sup>th</sup>. The liquor licenses will be up for renewal in June. The ABC is having a web conference that will take place on April 13<sup>th</sup> regarding conditions for liquor licenses. Councilman Falkoski will sit in on the conference with Borough Clerk Talerico. He stated the complaints are continuing and there was one incident recently where four police departments were called to the scene for various altercations inside the club. In another incident, keys were taken off the bar and a car was stolen from the parking lot. Councilman Falkoski stated the Paige's were not cooperative in providing copies from surveillance cameras to the police. Mayor Budesheim asked whether it was worth attending the hearing in April with renewal coming up in June. Councilman Falkoski stated it's important to continue the talks. There was discussion regarding the responsibility of the property owner. Borough Attorney Oostdyk stated the ABC hearing is a process to try to resolve the issue and to act in good faith we should continue with that. He stated the only way to enforce the noise ordinance is to measure it and to deal with the ABC regarding the nuisance issue. He said you can try dealing with property owner regarding crowd control and disturbing the peace issues in the parking lot.

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

Mayor Budesheim presiding.

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

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

**APPROVAL OF MINUTES DATED:**

January 21, 2008     - Regular Meeting  
 February 4, 2008    - Workshop Meeting

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

**ROLL CALL:**       **Ayes:**     **Bush, Falkoski, Guis, Wetzel, Carelli**  
                           **Nays:**     **None**  
                           **Abstain:** **Bush (2/04/08 only)**  
                           **(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.

**ALL IN FAVOR.**

**ORDINANCES:**

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

**ORDINANCE 02-2008**

**AN ORDINANCE AMENDING CHAPTER 108 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND IMPLEMENTING MANDATED SOLID WASTE RECYCLING REGULATIONS.**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 16-A**

**RESOLUTIONS:**

Councilman Falkoski stated that the previously approved amount for purchase of two police vehicles needs to be increased by the amount of \$1,585 per car. Councilwoman Wetzel asked for clarification of resolution No. 7. Mayor Budesheim stated the matching funds would be from the Open Space Trust Fund. Borough Clerk Talerico reported that the Borough Engineer has recommended awarding the bid for the sewer extension and pump station to DCM Contracting of Florham Park for the amount of \$470,800.00. This

**RESOLUTIONS (continued):**

bid was being negotiated with the bidders which included Stacey Contracting, Inc. for the amount of \$710,000.00 and Marvec Construction Corp. for the amount of \$749,653.50

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

- 1) Payment of Claims to include the following recreation check approvals:
  - a. Theatre Direct Int. Broadway Show \$ 4200.00 maximum
  - b. NJSEA Ringling Brothers Circus \$ 1500.00 maximum
- 2) Escrow payments to the following:
  - a) Darmofalski Eng. & Assoc. TCR/Horton \$ 130.00
  - b) Darmofalski Eng. & Assoc. RKG Development \$ 130.00
  - c) Darmofalski Eng. & Assoc. Target Corp \$ 910.00
- 3) **Resolution #16-2008**; Emergency Temporary Appropriations.
- 4) **Resolution #17-2008**; Transfer of 2007 Appropriation Reserves.
- 5) Approval of 2007 LOSAP payment in the amount of \$35,283.00. This will leave a balance due of \$6,487.00 for new fire members that qualify but still need to fill out paperwork for Lincoln.
- 6) Additions to Bills list:
  - a. P.S.E. & G. Co. \$ 725.03
  - b. Verizon \$ 13.05
  - c. J.C.P. & L. Co. \$ 4801.45
- 7) Resolution to authorize Mayor Budesheim to endorse a Declaration of Intent to apply for a 2008 Morris County Historic Preservation Trust Fund Grant for a total amount of \$417,058 with Borough matching funds of \$83,411.60 and requesting funds of \$333,646.40 for completion of the barn renovation, stabilization of main house at Glenburn and exterior upgrades per recommendations of HMR Architects.
- 8) Addition to Resolution #17-2008 Transfer - \$4,500 from Group Insurance – transfer to LOSAP Contribution.
- 9) Approval of 2008 Professional Agreements as follows:
  - a. **Resolution #18-2008** – Barbarula & Associates
  - b. **Resolution #19-2008** – Richard Clemack, Esq.
  - c. **Resolution #20-2008** – Darmofalski & Associates
  - d. **Resolution #21-2008** – John L. Kraft, Esq., L.L.C.
  - e. **Resolution #22-2008** – Anderson & Denzler Associates, Inc.
  - f. **Resolution #23-2008** – Burgis Associates, Inc.
  - g. **Resolution #24-2008** – Robert H. Oostdyk, Jr. Esq.
- 10) Authorization of the purchase of a 2008 Pick-up truck for the Water Department to be charged to the Water o/e budget for a price not to exceed \$24,000.
- 11) Amend amount previously authorized for purchase of two Dodge Chargers for the police department from Warnock Fleet to an additional \$1,585 per vehicle.
- 12) Award bid for Paterson Hamburg Turnpike Sewer Extension and Pump Station to DCM Contracting, L.L.C. of Florham Park, NJ for the amount of \$470,800.00.

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

**COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 17-B, C, D, E, F, G, H, I, J AND K**

**CORRESPONDENCE:**

- 1) From the VFW Post 8096 welcoming attendance at their yearly Pancake Breakfast to be held on April 13, 2008 at their facility, 69 Carey Avenue, Butler, NJ, from 7:30 a.m. until noon.

**BOROUGH CLERK REPORT:**

Borough Clerk Talerico reported the Senior Citizens have requested an additional amount of \$425 be appropriated in their budget to provide extra buses for trips due to the increase in membership. Clerk Talerico also reported that she was asked whether the water retention bond for Creskill Hills needed to be renewed. Mayor Budenheim stated that it did. Clerk Talerico reported she received a certificate of insurance from the Patriot's Path Council of the Boy Scouts of America in Florham Park. Councilman Guis stated that it is for use of the camp.

**COMMITTEE REPORTS:**

Councilman Carelli reported the result of changing our health coverage policy whereby the borough will pay up to the cost of NJ Plus. The savings is \$85,000 or 13% in our budget and there are three additional participants this year.

Councilman Falkoski reported on the Fire Department budget meeting. He stated they are satisfied with their budget. He also reported the court report for the month of January. He reported that Junior Fireman Michael Van Ry has attained the age of 18 and has made an application to the state to be full fireman. Councilman Falkoski stated that he reviewed the towing ordinance and feels that it is too restrictive. He suggested it should be relaxed to allow more than two towers and storage facilities outside the town boundaries. Mayor Budenheim stated that we are not having any problems with the existing towers. Councilman Guis stated we have a system that works well and he doesn't see any reason to change it.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, to appoint Michael Van Ry as a Fireman for the Riverdale Fire Department.

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

Councilman Guis reported on the computer equipment drive to be held May 10<sup>th</sup> at the Freedom Park parking lot. Computer components and related items will be accepted for recycling at no charge. Details are on the website and if the event is a success they will return once a month.

Councilwoman Wetzl reported that the Board of Health would like the Mayor and Council to review proposed animal control regulations. She also reported that Recreation Director June Carelli would like to revise the rental agreement for the community center. There are concerns that residents are renting the facility for non-residents.

Councilwoman Bush reported the Municipal Alliance Committee is having its first event in conjunction with the Riverdale School. It is a poster contest for all grade levels relating to a drug, alcohol and crime-free neighborhood and making good choices. There will be an awards ceremony at the Community Center on March 4<sup>th</sup> at 7:00 p.m.

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:20 p.m.

Respectfully Submitted:

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



**COMMITTEE REPORTS (continued):**

Councilman Astarita reported on issues that the Fire Department would like corrected at the firehouse. The problems include a crushed downspout, unsafe railing, front door frame, stucco fascia and kitchen cabinets. They are also considering installing an alarm system.

Councilwoman Wetzel reported that the Recreation Coordinator is working on having window blinds installed at the Community Center with money from a previous donation. The cost will not exceed \$800.

Councilwoman Bush reported the awards ceremony for the Municipal Alliance Committee poster contest will be held tomorrow night at 7:00 p.m. There were 103 entries. Certificates and savings bonds will be awarded to the winner in each group. She also reported that the Morris County Freeholders are making an additional \$2,500 in funding available to all Municipal Alliances for this year but municipalities are required to match the funds 100%. The County Municipal Alliance is offering a free night of skating for families at the Mennen Arena on March 19<sup>th</sup>.

**RESOLUTIONS:**

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

- 1) **Resolution #25-2008:** Tax Court Judgment - \$11,786.00 refunded to Robin LaHue – Block 37 – Lot 14 – I-287.
- 2) **Resolution #26-2008:** 2007 Recycling Tonnage Grant Application.
- 3) Approval of Municipal Alliance expenditure for the Riverdale Poster Contest for various items not to exceed \$500.00
- 4) Approval of window blinds for the Senior Community Center at a cost not to exceed \$800.

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

**COPY OF RESOLUTIONS IN FULL ON PAGE NO. 21-A AND B.****PUBLIC PARTICIPATION NO. 2:**

Mayor Budesheim introduced residents Josh Mathews and Rue Debona who live at the Grande and are here to discuss their interest in animals and in building a shelter in Riverdale. Mr. Mathews stated that he and his wife have been volunteering at the animal shelter in Butler which can only house three dogs at one time. A shelter with a dog run for our residents will fill a growing need as the number of multi-family homes continues to increase. He presented a proposal for a shelter that will house 30 to 40 dogs at a time and have a dog run for the use of residents with dogs. He stated that two dog food companies and three cable networks are interested in making a series or documentary from breaking of ground through grand opening with different celebrities in attendance. The dog food companies would supply the food and a retail store would pay the utilities. He stated that he spoke with developers who are willing and ready to build the facility in Riverdale. The Van Ness site was discussed as a possible location. There was discussion regarding how the facility would be staffed. Mr. Mathews stated it would be run by volunteers like the Butler facility. Councilman Falkoski stated there have been some problems at that facility and we should investigate further before we make any decisions on the matter. Councilwoman Wetzel stated that since this would be a new venture perhaps we should start with something smaller. There was additional discussion

**PUBLIC PARTICIPATION (continued):**

regarding the matter. There were concerns with the initial cost and with keeping volunteers to run the facility.

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:45 p.m.

Respectfully Submitted:

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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 Budesheim presiding.

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

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

**APPROVAL OF MINUTES DATED:**

February 20, 2008 - Regular Meeting  
March 3, 2008 - Workshop Meeting

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

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

**PUBLIC PARTICIPATION NO. 1:**

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

**ALL IN FAVOR.**

**ORDINANCES:**

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

**ORDINANCE 02-2008**

**AN ORDINANCE AMENDING CHAPTER 108 OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF RIVERDALE AND IMPLEMENTING  
MANDATED SOLID WASTE RECYCLING 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 Guis, to close the public session.

**ALL IN FAVOR.**

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 02-2008 as read on second reading at this meeting, be adopted and finally passed.

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 24-A****RESOLUTIONS:**

Councilman Falkoski requested clarification of resolution No. 30-2008. Borough Attorney Oostdyk stated that Target will continue to own the property and we will have cross rights to use it. Mayor Budesheim recommended moving the location of the April 7<sup>th</sup> meeting to the Senior Community Center. This will accommodate a larger audience for the Budget Presentation and discussion of the impact of Governor Corzine's elimination of State Aid to Riverdale.

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

- 1) Payment of Claims.
- 2) Escrow payments to the following:
  - a) Darmofalski Eng. & Assoc. TCR/Horton \$ 260.00
  - b) Darmofalski Eng. & Assoc. Target Corp. \$ 650.00
  - c) Anderson & Denzler Assoc. Alexan Riverwalk \$ 140.00
- 3) **Resolution #27-2008;** Accepting and Approving Community Forestry Management Plan for the Borough of Riverdale.
- 4) **Resolution # 28-2008;** Emergency Temporary Appropriations.
- 5) **Resolution #29-2008;** Authorization for Patrick Cleary, Fire Administrator to apply for a grant for purchase of fire fighting equipment in the amount of \$1,200.00
- 6) **Resolution #30-2008;** Authorizing Mayor Budesheim to enter into an agreement with Target at Riverdale and D.R. Horton for an agreement known as "Cross Access Easement Agreement" a non exclusive easement for the passage of vehicles over and across the Permanent Access Area on each owner's tract.
- 7) Authorization of the release of escrow funds to the following:
  - a. Mr. & Mrs. Paul Tanis - \$700.00
  - b. Decker Transport - \$532.50
- 8) Authorization to declare a 1992 Dodge Truck – VIN#1B6MM3650NS672313 as scrap due to the inoperability caused by damages beyond repair. (DPW vehicle).
- 9) Approval of purchase of Triple Guest Chair for Senior Center Lobby from BizChair.com in the amount of \$316.99.
- 10) Approval of an expenditure of not to exceed \$700 for the yearly Easter Egg Hunt.
- 11) Approve Engineering Proposal for the Sewer Pump Station Bid not to exceed 10% of the bid amount.
- 12) **Resolution #31-2008;** Authorizing Mayor Budesheim to execute Historic Perseveration Grant application for Glenburn.
- 13) Authorizing the Borough Clerk to give notice of location change of the April 7, 2008 meeting to the Senior Community Center.

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

**COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 24-B, C, D, E, F AND G**

**MAYOR REPORT:**

Mayor Budesheim reported that the Pompton Lakes/Riverdale Little League parade will be held at 12:00 on Saturday, April 12<sup>th</sup> at Pompton Lakes High School parking lot. The Freeholders will present their budget on March 26<sup>th</sup> and their annual County Government Orientation will be held on April 29<sup>th</sup> at 6:00 p.m. He also reported that we will receive the \$80,000 HUD grant for the sewer pumping station on Hamburg Turnpike.

**BOROUGH CLERK REPORT:**

Borough Clerk Talerico reminded the Council that the quarry is due for their license.

**COMMITTEE REPORTS:**

Councilman Falkoski reported the municipal court report for the month of February.

Councilwoman Wetzel distributed a printout prepared by the Recreation Director detailing the recreation programs for the year along with cost factors and hours required. She also reported the Easter Egg Hunt will be held on Saturday at 11:00 a.m. at the Community Center.

Councilman Astarita reported he will begin obtaining prices for the repairs at the firehouse.

Councilwoman Bush reported the first Municipal Alliance event was held on March 4<sup>th</sup> and was very well received. The next event will be a senior luncheon on April 21<sup>st</sup> and we will sponsor three speakers. The Municipal Alliance has a target date of Memorial Day weekend to have a fun family run. They are also planning to sponsor a puppet show or theater presentation for summer recreation.

Councilman Carelli reported on how we will be affected by the elimination of state aid. There was discussion regarding the matter.

**PUBLIC PARTICIPATION NO. 2:**

Mr. Bertelli thanked the Mayor and Council for looking out for the residents with regard to Governor Corzines's budget proposal.

Mr. Petracca stated that he has documentation to show he has been attacked by the Borough Engineer and harassed by the town. He made various statements regarding Highland Avenue, his property, his property tax assessment, widening of the highway, the pipeline and problems with his neighbors. He stated that he is being taxed on land he does not own, no one listens to him and he is mistreated by the town. Mayor Budesheim told Mr. Petracca that he is not treated differently than anyone else and everyone pays the same tax rate. The Mayor stated that he is not aware of Mr. Petracca ever submitting an application to the Planning Board, Board of Adjustment, Board of Health or Mayor and Council. Mr. Petracca stated there is a discrepancy in the size of his property and the amount of his assessment. Mayor Budesheim explained that he cannot do anything to change that and there are procedures to be followed. Councilman Falkoski stated that it appears Mr. Petracca does not understand the proper procedures that are required and there is nothing we can do to help with his problems at this moment.

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:35 p.m.

Respectfully Submitted:

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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. in the Senior Community Center.

Mayor William Budesheim presiding.

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

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

**PUBLIC PARTICIPATION NO. 1:**

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

**ALL IN FAVOR.**

**MUNICIPAL FINANCE PRESENTATION.**

Mayor Budesheim gave a presentation of the impact of Governor Corzine's Elimination of State Aid to Riverdale and the affect the cuts will have on our tax rate.

Councilman Carelli gave a presentation of the 2008 Municipal Budget.

**ORDINANCES:**

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

**ORDINANCE 03-2008**

**CALENDAR YEAR 2008**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 27-A**

**INTRODUCTION OF 2008 MUNICIPAL BUDGET**

Councilman Carelli set forth the motion, seconded by Councilman Guis, **RESOLVED**, for the introduction of the 2008 Municipal Budget.

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

Public Hearing and Adoption scheduled for May 5, 2008 at 7:30 p.m. To be published in the Suburban Trends Newspaper on Wednesday, April 23, 2008.

**COPY OF 2008 MUNICIPAL BUDGET IN FULL ON PAGE NO. 27-B**

**RESOLUTIONS:**

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

- 1) Approval of the following payments:
  - a) Papermill Playhouse/Hansel & Gretel Show \$ 287.50
  - b) Clearwater Services – Inspections \$ 475.00
- 2) Approval of release of monument bond to Belyea (Mathews Avenue) in the amount of \$6,000. Release has been approved by the Borough Engineer.
- 3) Approval of the purchase of and installation of a Mohawk LMF-12, 12,000 lb. capacity lift for the DPW Department in the amount of \$10,000 from Specialty Automotive Equipment Company, Saddle Brook, NJ.
- 4) Approval to award proposals for the renovation of the Community Center basement for use of recreation purposes to the following lowest bidders:
  - a. Eagle Land Construction – Construction work - \$26,800.00
  - b. Air Zone Systems – ductwork cooling/heating system - \$19,800.00
  - c. Hesc Electric – all electrical work - \$16,035.00
  - d. M.P. Plumbing, Inc. – plumbing work - \$26,400.00
- 5) Approval of the purchase of a sign for A to Z Service from Butler Sign, Butler, NJ in the amount of \$13,890.00 (from Mathews Avenue Capital account).
- 6) Approval of the installation of a banner across the Newark Pompton Turnpike at Post Lane to honor the 113<sup>th</sup> Infantry being deployed on June 25<sup>th</sup>.

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

- 7) Approval to increase the Recreation Director's hours by 10 hours per week for an additional pay of \$5,408.00 per year.

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

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

- 8) Approve appointment of Nicholas Picarello and Nicole Leet as part time Dispatchers for the Riverdale Police Department.

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

**CORRESPONDENCE:**

- 1) From the Pompton Lakes Cardinals 9U Travel Baseball requesting use of Riverdale baseball fields located in Independence Park from April 6<sup>th</sup> thru July, 2008 for their baseball travel program. (council members please advise if you know of any conflict)

Councilwoman Wetzel will advise of dates for the regular Little League.

**COMMITTEE REPORTS:**

Councilman Falkoski reported on the appointment of two part time dispatchers for the Police Department.

Councilman Astarita reported on a problem with the door at the Senior Community Center.

Councilwoman Bush reported the Municipal Alliance Committee will meet on April 21<sup>st</sup>.

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 9:30 p.m.

Respectfully Submitted:

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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 Budesheim presiding.

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

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

**APPROVAL OF MINUTES DATED:**

March 17, 2008 - Regular Meeting  
 April 7, 2008 - Workshop Meeting

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

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

**PUBLIC PARTICIPATION NO. 1:**

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

**ALL IN FAVOR.**

**ORDINANCES:**

1)     Public Hearing and Adoption of an Ordinance entitled:

**ORDINANCE 03-2008**

**CALENDAR YEAR 2008**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

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.

**ALL IN FAVOR.**

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 03-2008 as read on second reading at this meeting, be adopted and finally passed.

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

**ORDINANCES (continued):****COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 31-A**

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

**ORDINANCE 04-2008****ORDINANCE AMENDING CHAPTER 85 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING THE FEE FOR PERMITS UNDER THE UNIFORM CONSTRUCTION CODE**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 31-B****RESOLUTIONS:**

Councilman Falkoski questioned a payment claim to repair a camera for Emergency Management. Mayor Budesheim stated the camera has been repaired. Councilman Astarita stated three price quotations were obtained for replacement of the air conditioning unit at the library. Mayor Budesheim reported on meetings that took place with the school superintendent to discuss fencing and improvements to the school property. Councilman Carelli presented to the Council the idea of replacing the basketball courts, playground and adding a bocce court. The basketball and tennis courts had been eliminated to build the Senior Community Center. The entire community would benefit and funds would be available from the Open Space Trust Fund. There was discussion regarding the matter.

**MAYOR REPORT:**

Mayor Budesheim reported on the General Services Administration website where surplus federal property is available. He also reported that we received excellent press coverage of last week's budget presentation and have received a number of phone calls, e-mails, and letters.

**BOROUGH ATTORNEY REPORT:**

Borough Attorney Oostdyk reported on the remediation work that needs to be done at the Dube property. Dube will be supplying the equipment but our consultant recommends we do the removal work. We need to know where that soil goes and have the proper proof that it was done correctly. There was discussion regarding the matter.

**COMMITTEE REPORTS:**

Councilman Carelli reported the Shade Tree Commission will have its annual Arbor Day celebration on Saturday at 10:30 a.m. at the Community Center. This year's project was planting 18 flowering pear trees on Greenwich Street.

Councilman Falkoski reported the municipal court report for the month of March. He pointed out that so far this year the borough has received \$81,954. The county has received \$41,014 plus \$67,800 from weights and measures. The DMV has received \$54,694 and the State Treasurer has received various amounts. He also reported on the new COAH regulations. The new maps indicate land in the middle of the Route 23 jug

**COMMITTEE REPORTS (continued):**

handle and the median on Route 287 is buildable area. He also had several questions regarding the budget. He stated he would like the court budget restored to the amount requested. He also questioned the increase for parks and playgrounds salary and wage and a new recycling tax. Mayor Budesheim stated that the court did not spend the amount that was budgeted last year. Councilman Falkoski stated his position is that the budget process should involve the Council sitting down to analyze each department's itemized budget.

Councilman Astarita reported on repairs needed at the firehouse.

Councilwoman Bush reported the Municipal Alliance held its senior luncheon today. She was not able to attend but received e-mails stating that it was a big success.

**RESOLUTIONS (continued):**

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

- 1) Payment of Claims.
  - a. New York Yankees Recreation Trip \$1,055.00
  - b. P.K. Environmental Dube Property \$2,345.00
  - c. U.S. Savings Bonds Municipal Alliance \$ 412.50
- 2) **Resolution #32-2008;** Emergency Temporary Appropriations.
- 3) Escrow payments to the following:
  - a) Darmofalski Eng. & Assoc. Target Corp. \$ 520.00
  - b) Darmofalski Eng. & Assoc. Alexan Riverwalk \$ 390.00
  - c) Darmofalski Eng. & Assoc. RKG Development \$ 266.00
  - d) Anderson & Denzler Assoc. Alexan Riverwalk \$ 140.00
  - e) Anderson & Denzler Assoc. Alexan Riverwalk \$ 575.05
  - f) Anderson & Denzler Assoc. Alexan Riverwalk \$ 1,272.00
  - g) Anderson & Denzler Assoc. Target Corp. \$ 560.00
  - h) Anderson & Denzler Assoc. Target Corp. \$ 70.00
  - i) Anderson & Denzler Assoc. D. R. Horton \$ 360.09
- 4) Authorization to release escrow funds to EVS Metal, 1 Kenner Court, Riverdale, in the amount of \$347.00.
- 5) **Resolution #35-2008;** Approval of an agreement with Lapatka Associates, Inc. 12 Route 17 North, Paramus, NJ to complete the as-built for the water & sewer utility located at Rock Creek for a fee of \$6,000 plus any additional services to be billed out at \$230.00 per hour. (this project is being paid for out of Rock Creek Escrow) (copy distributed to Mayor and Council)
- 6) **Resolution #33-2008;** Tax Appeal Settlement – BP America v. Riverdale, Block 32, Lot 5.04 (36 Route 23) as follows 2006 and 2007 assessment appeals have been withdrawn, then from 2008 forward the assessment will be reduced by the sum of \$100,000.00.
- 7) **Resolution #36-2008;** Approval of Proposal for Remedial Activities & Remedial Action Report of the Dube Property – Block 12 Lot 1 (Phase II Glenburn) to PK Environmental, Chatham, NJ with a total cost of the remedial activities is estimated at \$19,705.00. (copy of proposal distributed to Mayor and Council)
- 8) **Resolution #34-2008;** Resolution authorizing the sale of personal property owned by the Borough of Riverdale not needed for public use.
- 9) Approve purchase of replacement air conditioning unit for the library at a maximum cost of \$5,000.
- 10) Approve purchase of fencing for the school playground at a cost not to exceed \$4,000.

**RESOLUTIONS (continued):**

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

**COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 33-C, D, E, F, G AND H**

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:25 p.m.

Respectfully Submitted:

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

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

**PUBLIC PARTICIPATION NO. 1:**

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

**ALL IN FAVOR.**

**ORDINANCES:**

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

**ORDINANCE 04-2008**

**ORDINANCE AMENDING CHAPTER 85 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING THE FEE FOR PERMITS UNDER THE UNIFORM CONSTRUCTION CODE**

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.

**ALL IN FAVOR.**

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 04-2008 as read on second reading at this meeting, be adopted and finally passed.

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 34-A**

- 2) **ORDINANCE 05-2008**

**ORDINANCE AMENDING CHAPTER 168 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING CERTAIN PROVISIONS APPLICABLE TO THE “MF-O MULTIFAMILY OVERLAY DISTRICT”**

Councilman Falkoski stated it appears this ordinance removes the requirement for the age restricted housing and asked if there was a reason. Mayor Budesheim stated that the

**ORDINANCES (continued):**

developer has made an application to the Zoning Board of Adjustment for a use variance for that restriction, and after reading the Planner's report he felt it would be best to remove it in order to move ahead with the project. Councilman Falkoski stated the most critical element of the Planner's report is the COAH impact. Making this development all market value units will increase our obligation by about 85 which will increase the number of school children. Mayor Budesheim stated that the more COAH units we get from this project the better off we will be because we have no way of getting reimbursed for the 96 units from prior commitments. He said the number of school students will not be an issue. Our Planner has stated that there would be one student for every ten units which is a difference of 21 students. The Mayor stated that over 260 units are occupied at the Grande and there are only six students registered for school in September. Last year the Grande paid \$809,000 in school taxes. The latest reports state the average cost per student at Riverdale School is \$13,200. By comparison there are 16 students from the Enclave and we're collecting \$12,200 in school taxes. Mayor Budesheim stated that taxes from the condo developments more than pay for the cost of educating the students. He also said there is no longer a market or financing available for age restricted units. Another issue is the \$1.25 million worth of sewer allocation that the developer was going to donate back to the town and they've also spent about \$200,000 looking for our I & I problems. Additionally, the Mayor stated that he's been told the State is about to mandate consolidation for towns with a population of less than 5,000 and will force us to go to referendum on the issue. He feels this development and the ensuing COAH units may put us over the 5,000 threshold. Councilman Falkoski stated that the developer made his application to the Planning Board based on fifty percent of the units as age restricted and it is not our responsibility for him to make money because there was a market change. Councilwoman Wetzel believed there was a waiting list for age restricted units at Powder Mill. Councilman Astarita stated we should not change our ordinance to suit one developer. Mayor Budesheim stated that this a chance we have to clean up that site and protect ourselves against forced consolidation. There was additional discussion regarding the matter. Councilwoman Bush stated she did not want to make this decision based on hearing that if we don't do this we will be forced to merge; that may or may not ever happen. Borough Attorney Oostdyk stated it would be dangerous to make any decisions based on predicting where CAOAH will go.

Councilwoman Wetzel asked what the advantages would be if this ordinance is passed. Mayor Budesheim stated it would assure the project beginning simultaneously on both sides of Riverdale Road, the developer buying all of the gallonage including the donation back to the town, the continuance of the developer looking for the I & I problem and their professionals and lawyers representing us if necessary. Councilman Guis stated the cons would be the uncertainty of the number of school children that would be generated. Councilman Falkoski stated the cons are all of the unknowns that could affect us greatly. There was additional discussion regarding the capacity of the school and the COAH issues.

Thereupon, Councilman Guis set forth the motion, to introduce the above ordinance and moved its adoption.

The motion failed due to lack of a second.

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 35-B**

**ORDINANCES (continued):**

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

**ORDINANCE 06-2008**

**AN ORDINANCE AMENDING CHAPTER 45 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FOR EMPLOYEE REIMBURSEMENT FOR CERTAIN EXPENSES**

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

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

**RESOLUTIONS:**

There was discussion regarding whether mold remediation should be done at the Glenburn house at this time. If the mold is not removed we will not be able to have contractors enter the building. There was concern the mold could return if the building remains unheated. Mayor Budesheim stated that as a condition of our grant we must apply to the NJ Register of Historic Places for Glenburn. There was discussion regarding the cost for required historic documentation. Mayor Budesheim stated that TCR will put up \$1,000,000 to purchase 40,000 gallons of sewer allocation from Lincoln Park and Riverdale will need to put up \$1,500,000 to purchase 60,000 gallons. Mayor Budesheim stated that NJ Transit is seeking our approval for a bus stop on Route 23 South between Cotluss Road U-Turn ramp and Cotluss Road mid-block. Council is opposed to the bus stop.

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

- 1) Payment approvals for the following.
 

a. Tickets for Wicked	Recreation Trip	\$4,563.25
b. The Funplex	Summer Recreation Deposit	\$ 200.00
c. Steve Max!	Summer Recreation Deposit	\$ 300.00
d. Land of Make Believe	Summer Recreation Deposit	\$ 100.00
e. New York Mets	Recreation Trip	\$ 565.00
- 2) **Resolution No. 37-2008;** Budget Self Examination by Finance Officer and Governing Body.
- 3) **Resolution No. 38-2008;** Refund Widow of Veteran Deductions.
- 4) **Resolution No. 39-2008;** Green Acres Enabling Resolution \$75,000 Dube Property Grant. (this grant already exists-the resolution is a follow up)
- 5) Authorizing Ken Frayer to clean mold at Glenburn at a cost not to exceed \$6,300.
- 6) **Resolution No. 40-2008;** Approval of sewer agreement with the Borough of Lincoln Park and Pequannock River Basin Regional Sewerage Authority.
- 7) Approve payment of \$500 from Municipal Alliance funds for speakers and luncheon for the Eighth Grade Moving Up Day on May 22<sup>nd</sup>.

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

**COPY OF RESOLUTIONS IN FULL ON PAGE NO. 36-D, E, F AND G**

**PUBLIC HEARING AND ADOPTION OF 2008 MUNICIPAL BUDGET**

Mayor Budesheim announced the meeting was open to the public for comments on the budget.

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

**ALL IN FAVOR.**

**ADOPTION OF 2008 MUNICIPAL BUDGET:**

Councilman Carelli set forth the motion, seconded by Councilman Falkoski, for the Adoption of the 2008 Municipal Budget.

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

**COPY OF 2008 MUNICIPAL BUDGET IN FULL ON PAGE NO. 37-G**

**BOROUGH CLERK REPORT:**

Borough Clerk Talerico confirmed that Holy Name Hospital will be renting the Showmobile on June 2<sup>nd</sup>.

**BOROUGH ENGINEER REPORT:**

Borough Engineer Darmofalski reported he evaluated Target's request for a bond reduction. He recommended the Mayor and Council not reduce the bond and the attorneys for Target have responded to his letter. Mr. Darmofalski will write a letter with his recommendations to their response. He also reported that there is a service agreement on the service road between the developers. We've submitted our Stormwater Certification to the State and they have acknowledged receipt. This is an annual certification to be done by the Public Works Department. He also reported that the COAH vacant parcel maps are so unprofessionally done he would like to draft a letter on behalf of Riverdale. He requested approval of a road opening permit and curb cut for 6 Cedar Street. He also reported on the paving and status of Mathews Avenue. Testing on the Paterson Hamburg Turnpike sewer project will begin sometime next week.

**BOROUGH ATTORNEY REPORT:**

Borough Attorney Oostdyk reported that we are getting closer to a closing on the cell tower purchase.

**COMMITTEE REPORTS:**

Councilman Falkoski reported that he has an application to the New Jersey State Firemen's Association. He also reported on two letters of commendation for the police department. One letter commends Sergeants Smith and Bogart, Dispatcher Budesheim, Patrolmen Keil and McDermott for a shoplifting incident at Wal-Mart. The other is from Brendan Magennis commending Sgt. James McIntosh and Officer Travis Roemmele during a medical incident at his home.

**COMMITTEE REPORTS (continued):**

Councilwoman Wetzel reported construction is underway in the lower level of the Community Center. They would like to have a grand opening when the work is complete.

Councilman Astarita reported he is once again on facilities in the County CDBG next year. The library air conditioning unit work has been put on hold.

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

- 8) Approve appointment of Anthony Budesheim as Fireman in the Riverdale Fire Department.
- 9) Approve changing the curb cut location at 6 Cedar Street from one side of the property to the other.

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

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 9:15 p.m.

Respectfully Submitted:

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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 Budesheim presiding.

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

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

**APPROVAL OF MINUTES DATED:**

April 21, 2008 - Regular Meeting

May 5, 2008 - Workshop Meeting

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

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

**PUBLIC PARTICIPATION NO. 1:**

Butler resident Debbie Salomon had safety concerns with the acceleration and deceleration lanes on Route 23 and I-287 at exit 52. Mayor Budesheim stated that he would see if our Borough Engineer had any suggestions.

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

**ALL IN FAVOR.**

**RESOLUTIONS:**

Mayor Budesheim stated he was not in favor of resolution No. 3 and does not feel the courts should have power to order COAH housing. Councilman Falkoski agreed but stated he was in favor of joining with the State League of Municipalities to contest the COAH regulations. Borough Attorney Oostdyk stated that the League is asking for a pledge as a show of commitment and has not announced what position they are going to take. After additional discussion regarding the matter, Council decided to table the resolution. Mayor Budesheim stated he was not in favor of resolution No. 7 which supports a water user fee and asked the Council to reject the resolution. He read a letter he prepared to the Chairman of the Highlands Water Protection and Planning Council in response to the request for support. Councilman Falkoski stated he agreed with the argument against the issue but not with the tone of political sarcasm in the letter. He stated that is not his nature and he does not like being associated with it and have people believe that it his opinion. Mayor Budesheim stated that being nice hasn't worked. His opinion is that it's time we point out the hypocrisy and foolishness in the positions our state has taken. Councilman Guis requested clarification of item 00126 on the bills list.

Councilman Guis set forth the motion, seconded by Councilman Carelli, to **APPROVE** resolutions 1 through 6 and 8 and **REJECT** resolution 7:

- 1) Payment of Claims, except item 00126 to Lawmen Supply in the amount \$2,234.60, pending clarification.

**RESOLUTIONS (continued):**

- a) Mr. Fran Rafferty – Bagpiper-Memorial Parade \$ 300.00  
(Celebration of public events)
- b) Black box Network Services – telephone & labor \$ 1,315.23
- c) Mr. Ian Gallagher – Performers for Memorial Day \$ 400.00
- d) Paul Carelli – Refreshments for Shade Tree \$ 21.52
- e) Paul Carelli – Refreshments \$ 21.60
- e) Donna Bush – Refreshments for Moving Up Day \$ 22.56
- 2) Escrow payments to the following:
  - a) Darmofalski Eng. & Assoc. Target Corp. \$ 780.00
  - b) Darmofalski Eng. & Assoc. TCR/Horton \$ 1,300.00
  - c) Darmofalski Eng. & Assoc. Rock Creek Crossing \$ 260.00
- 3) Tabled (see below)
- 4) Resolution authorizing Mayor Budesheim to execute a new lease agreement with Drew Flockhart for the compost facility at Riverdale Road with the fee being increased by \$7,500.
- 5) Resolution to declare a 1995 Fork Pick-up as scrap because it is no longer useful to Riverdale Borough due to a cracked frame – VIN #2FTHF26H75CA24009.
- 6) Resolution to authorize Mayor Budesheim to execute a “No Further Action Determination Letter and Covenant Not to Sue” for the unrestricted use – soils at former greenhouse – 211 Paterson Hamburg Turnpike – Glenburn House.
- 7) **Resolution #41-2008;** Support to amend Article VIII, Section II of the Constitution of the State of New Jersey to provide that revenue from water consumption and water user fees be dedicated only for the purpose of providing funding for the acquisition and development of lands for recreation and conservation purposes and for the preservation of farmland for agricultural and horticultural use and production.
- 8) **Resolution #42-2008;** Authorizing Holt Morgan Russell Architects, P.A. to make application to nominate Glenburn for historic designation, provided all approvals are received from Morris County. Riverdale will be responsible for 20 percent of the \$6,000 cost and the remainder will be paid by Morris County as approved.

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

The following resolution was **TABLED**:

- 3) Approval of a pledge of \$500 payable to the New Jersey League of Municipalities to challenge the new COAH regulations.

Councilman Astarita set forth the motion, seconded by Councilman Carelli, to approve the letter read by Mayor Budesheim responding to the Chairman of the Highlands Water Protection and Planning Council and his request for support of a water fee.

**ROLL CALL:       Ayes:    Astarita, Bush, Guis, Carelli**  
**Nays:    Falkoski**  
**(4 ayes – 0 nays – motion carried)**

**COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 41-A, B AND C**

**CORRESPONDENCE:**

1) From Luke Diglio, Teacher from the Pequannock Valley Middle School requesting permission to use Appelt Park on June 9<sup>th</sup>, 2008 for a field trip. The trip will include several buses for the students and they will also be releasing fish into the river.

Mayor Budesheim stated that this was done last year. The Borough Clerk will request a certificate of insurance from the school.

**MAYOR REPORT:**

Mayor Budesheim reported that the County must be advised of each step of the project for the Community Development grant for the Community Center. Councilman Astarita will oversee the matter.

**BOROUGH CLERK REPORT:**

Borough Clerk Talerico reported that the Recreation Director has asked for a list of those who will be marching in the Memorial Day parade.

**COMMITTEE REPORTS:**

Councilman Carelli reported the town video has been posted on YouTube.

Councilman Falkoski reported the municipal court report for the month of April.

Councilman Guis reported on the condition of the DPW trucks and recommended a new one be purchased at this time.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Carelli, to approve the purchase of a 2008 Ford F-350 pickup truck from Ditschman/Flemington Ford at a cost of \$23,500. (Morris County Co-Op #15C, item 5C)

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

Councilman Astarita reported the library received another bid in the amount of \$3,040 for the replacement air conditioner, plus an additional \$1,940 if the coil needs to be replaced.

Councilwoman Bush reported the Municipal Alliance is holding the 8<sup>th</sup> grade Moving Up Day event on Thursday from 11:00 – 2:30 at the Community Center.

Mayor Budesheim reported on the expertise of all of our first responders during the Route 23 toxic chemical spill. Fire Chief Mike Norton had Ex-Chief Pat Cleary at his side and over 100 pieces of equipment and 200 people working under his command.

Borough Clerk Talerico reported that Deputy Clerk Linda Forbes passed the state RMC exam.

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:45 p.m.

Respectfully Submitted:

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



**ORDINANCES (continued):**

2)

**ORDINANCE 05-2008****ORDINANCE AMENDING CHAPTER 168 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING CERTAIN PROVISIONS APPLICABLE TO THE “MF-O MULTIFAMILY OVERLAY DISTRICT”**

Mayor Budesheim stated that there was some confusion regarding this ordinance so he obtained additional information. He prepared a chart to explain exactly where we stand with the number of school children. He said the lack of age-restricted housing in the borough was the larger issue. According to our Tax Assessor there were nine units for sale at Powder Mill in March, most had been on the market for six months, and several were listed for less than assessed value. Mayor Budesheim stated there is a pattern of declining sales at Powder Mill and he believes there is not a market for age-restricted housing. The bank will finance the proposed market units on Riverdale Road and will not finance the age-restricted units.

Councilman Falkoski stated that the real estate market fluctuates. He said the applicant went to the Planning Board to seek a variance and it looks as though we are interfering with that process. He said that it appears that we are usurping the authority of that board and it feels a little bit unethical to him. Mayor Budesheim stated that he's had almost unanimous members on that board tell him they do not like TCR and they will vote against them. He also said people on this council have said they don't like the applicant and they voted against him and you have no right to do that. Councilman Astarita stated that it's not that we don't like him; it's that in past dealings with him he's lost credibility; he presents his plan one way and for some reason or another, as things develop, he comes back and wants something different. Councilman Guis stated the only substantial change was The Grande was to be half rental and half condo and it went to all condo. He said there are always site plan issues between preliminary and final. Mayor Budesheim stated we have no right to tell someone you can invest in a project and force him to sell to a market he doesn't want to sell to. He asked how this ordinance would hurt the town. Councilman Falkoski stated removing the age-restriction will generate more school children and increase the COAH requirement. Mayor Budesheim and Councilman Guis did not agree. Councilwoman Bush asked about the procedure if the ordinance is approved and goes to the Planning Board.

Borough Attorney Oostdyk explained the procedure. Specific to this site, the Planning Board right now has an application to treat this as a variance because it does not conform to the zoning ordinance. If the zoning ordinance is changed, there will no longer be a need for a variance, but they will still have make application to the board because they are changing their approved site plan. When the Planning Board is reviewing a variance, they are looking for the proofs the applicant put forward to justify the deviation from the ordinance. That won't be necessary if the Planning Board is just reviewing a modification to the site plan. It will be hard for them to deny an application if the ordinance has been changed. He explained that amending an ordinance should be looked at more broadly relative to the needs of the community and it is not unique to this applicant.

Councilman Guis stated this ordinance is for an overlay zone to encourage redevelopment in that industrial area and it affects just that parcel of land. It has become a problem for the municipality because there are a tremendous number of vacant lots. In order for that area to be a viable ratable for us it has to have a market. He said he believes that the ratable coming in and the redevelopment of the largest eyesore in town will more than compensate for the 21 additional students it would generate.

**ORDINANCES (continued):**

Mayor Budesheim stated that it is the Council's prerogative to change the ordinance. Councilman Falkoski stated that we should not interfere with the process of the Planning Board. If they reject the variance and we still want to change the ordinance we have that option. Mayor Budesheim stated that amending the ordinance was his idea due to feedback from board members and to remove the COAH regulations.

Councilman Carelli stated that he researched the sale of condo units at Powder Mill. Three weeks ago there were 4 units listed for sale and there were 34 at The Grande and 6 at Rock Creek. He said the market is slow and it's not accurate to draw the conclusion that units aren't selling because they are age-restricted. He stated that the applicant has approvals to build and he doesn't dislike the man. He believes it is in the best interest of the residents of Riverdale in the long run to have more age-restricted units. The ordinance is something you create with some vision and not with a time limit. If this applicant doesn't build it, someone else will. Councilman Guis stated that the applicant has all of the DEP permits which will expire in 2010 or 2011 and he won't get them again because there is a 300 foot buffer on the river now. Councilman Falkoski stated that his feeling is that it is not ethical to interfere with the process. Mayor Budesheim stated the Council sets the policy and it is very much appropriate.

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

**ROLL CALL:**       **Ayes:     Bush, Guis**  
                           **Nays:     Astarita, Falkoski, Wetzel, Carelli**  
                           **(2 ayes – 4 nays – motion denied)**

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 45-B**

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

**ORDINANCE 07-2008****ORDINANCE AMENDING CHAPTER 95 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FEES FOR USE OF POLICE SERVICES BY OUTSIDE CONTRACTORS**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 45-C****MAYOR REPORT:**

Mayor Budesheim reported that the Tax Assessor has advised that we will have a \$30,000,000 tax appeal next year. He reported on a problem with the garbage dumpster at The Grande over the holiday weekend. He also reported that rocks are coming down at the Enclave. Borough Engineer Darmofalski reported on the status of the connector road. All plans and bonding are approved. He also said that bond reduction requests have been received by Horton and Target. Councilman Guis reported on a water hammer condition in the water lines at the Horton project that should be considered.

**BOROUGH CLERK'S REPORT:**

Borough Clerk Talerico reported that a resident at 115 Newberry Place complained about puddling in the street in front of his driveway. Borough Engineer Darmofalski will contact him regarding the problem. Clerk Talerico also reported the liquor license renewals will be on the next agenda.

**BOROUGH ENGINEER REPORT:**

Borough Engineer Darmofalski reported on the Mathews Avenue intersection.

**COMMITTEE REPORTS:**

Councilman Falkoski reported that the Fire Chief has made a request to purchase a specialized computer for the Assistant Fire Chief's vehicle at a cost of \$5,100. He will obtain more information.

Councilman Astarita reported he is meeting with Albert Rochetti and the contractors for the youth center tomorrow.

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:40 p.m.

Respectfully Submitted:

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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 Budesheim presiding.

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

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

**APPROVAL OF MINUTES DATED:**

May 19, 2008 - Regular Meeting  
 June 2, 2008 - Workshop Meeting

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

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

**PUBLIC PARTICIPATION NO. 1:**

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

**ALL IN FAVOR.**

**ORDINANCES:**

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

**ORDINANCE 07-2008**

**ORDINANCE AMENDING CHAPTER 95 OF THE REVISED GENERAL  
 ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROVIDING FEES  
 FOR USE OF POLICE SERVICES BY OUTSIDE CONTRACTORS**

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 Astarita, to close the public session.

**ALL IN FAVOR.**

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 07-2008 as read on second reading at this meeting, be adopted and finally passed.

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

**ORDINANCES (continued):****COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 48-A****2) ORDINANCE 05-2008****ORDINANCE AMENDING CHAPTER 168 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING CERTAIN PROVISIONS APPLICABLE TO THE “MF-O MULTIFAMILY OVERLAY DISTRICT”**

**Councilman Astarita:** Mr. Mayor, I just want to say something. After sitting down with you and discussing this project and realizing that the initial project was approved by the Planning Board and it's simply an item of giving relief for the over 55 housing, and looking at the state of events of our economy and realizing that it is a project that would bring in ratables with, maybe minimal impact to the rest of the borough, I called you and told you that I would reconsider my vote on this item. I just wanted the Council to know that.

**Mayor Budesheim:** I appreciate that. I know, Garret, that from day one whether it was a zone change or whatever, you had expressed reservations about it and you were never entirely for this project. But I do appreciate, I know we had a long talk that one day, and I know you felt that the other issues riding on this application, as I said before, the project itself is not all that important. If it happens, it happens, but there are so many other issues that are riding on the coattails of this that I do appreciate your support and your reconsideration because I know how you felt about this project. Thank you.

**Councilman Falkoski:** May I ask a question?

**Mayor Budesheim:** Sure.

**Councilman Falkoski:** Are one of the issues the funding for the concerts?

**Mayor Budesheim:** No.

**Councilman Falkoski:** Pardon me?

**Mayor Budesheim:** No.

**Councilman Falkoski:** So they're not going to fund the concerts?

**Mayor Budesheim:** I have not received anything nor any promise from anyone there.

**Councilman Falkoski:** The concerts aren't funded at this point, correct?

**Mayor Budesheim:** Correct.

**Councilwoman Wetzel:** Well, we do have a plan to fund the concerts. We're just waiting for the paperwork to come through. We had been planning this for a while. We had to form a committee in order to be able to have a raffle and all of the specifics had to be worked out and we had to apply to the state. When I say we, I mean a separate committee of people, not this board and we are waiting any minute to have that number received and we already have paperwork waiting to go out advertising the concert series raffle and that is how we plan to fund it. But, just to clarify, we have received some donations from companies already, some financial donations to support the concert series, and whether or not we get any others is yet to be seen. We won't deny any, but that is not how we plan to fund the concert series this summer.

**ORDINANCES (continued):**

**Councilman Astarita:** And let me just say that that piece did not come into consideration when I was thinking my revote.

**Councilman Falkoski:** I'm not saying it did. It was just something that I wanted to find out.

**Mayor Budesheim:** I don't think I even mentioned it when we sat down...

**Councilman Astarita:** No, we did not.

**Mayor Budesheim:** So far the biggest contributor to the summer concerts this year is Tilcon Quarry. They gave us \$5,000.

**Councilman Falkoski:** We did receive a letter from Drinker, Biddle and Reath requesting this change and are we going to have an opportunity to ask them some questions?

**Mayor Budesheim:** They're here. If you do want to ask them questions I'm sure they're prepared. Todd or Chris, who's going to be...?

**Mr. DeGrazia:** My name is Christopher DeGrazia and I was the author of that letter so if you have any questions on that particular letter. We do have with us this evening, if the Council would like to hear, someone that studies the market conditions and valuations and could provide updated information on the market and why we're making this request. If there's any questions, and basically, my letter I think outlines our position and I'll be glad to clarify any of the statements or if you like, we could have our expert actually testify or give some information on the current market and the statistics that are out there today.

**Councilman Falkoski:** All right, I do have some questions. I'm curious about a few things. You had an application before the Board of Adjustment requesting a variance for this particular purpose, right?

**Mr. DeGrazia:** That is correct.

**Councilman Falkoski:** Could you tell me why it is that you withdrew that application?

**Mr. DeGrazia:** We withdrew the application because we thought it would be better done as a rezoning, that an ordinance changing the requirements of the zone made more sense than bringing a use variance application.

**Councilman Falkoski:** Even though you had already spent monies making the application to the board?

**Mr. DeGrazia:** The cost is really showing up that night because it's not an application that required any additional engineering or architectural...because it's the same product, there wasn't really a great expenditure in preparing the application other than me filling out the application form.

**Councilman Falkoski:** All right, now those statistics that are quoted here with the, as far as the market goes, what particular geographic area does that cover?

**Mr. DeGrazia:** If you... those statistics were based on information we had when we started to do the request that we shift the age restricted to the second phase. Since then we've looked at more information and I have someone with me this evening that could

**ORDINANCES (continued):**

tell you very specific geographic information if you're interested in that. But again, I'm not a statistician. I was just repeating some of the information we had at hand, but if you would like to have some very specific information, we can certainly provide it.

**Councilman Falkoski:** Yeah, I have a couple of questions. I could go through the rest of my questions and perhaps we could have that gentleman come up.

**Mr. DeGrazia:** This is Christopher Otto. He's a senior associate of Otto Valuation Group which is a well respected consulting and evaluation firm. His job is basically to investigate market conditions. His firm provides data to the New York Times, Wall Street Journal, FDIC, BBC. Would you like to ask any questions in terms of his qualifications?

**Councilman Falkoski:** No, I just have some questions that I'd like answers to. What particular geographic area is this based on?

**Mr. Otto:** I prepared a lot of statistics here. Those particular ones were a little outdated. I think they were done as of the last time they were presented.

**Mr. DeGrazia:** Let me just say at the time when I wrote the letter I did not have any of the current information so I was using the information we had from last year so the statistics are a little bit different. If I may, maybe this would be the easiest way. If he gives you about a five minute presentation on the information he has and then you could ask questions on that or compare it if you'd like.

**Councilman Falkoski:** I'm just curious as the letter states that the...first of all you talk about low rise housing. What is low rise? This is not low rise housing. If you look at...

**Mr. DeGrazia:** I think the information we were looking at was multi family housing so low rise may not have described it accurately.

**Councilman Falkoski:** They're referring to low rise housing and the residential site improvement standards define low rise housing as anything that, I believe, is below one or two levels. This would be considered a mid rise, right?

**Mr. DeGrazia:** That might have been a misphrasing on my part and I apologize.

**Councilman Falkoski:** So statistics are based upon something that we're not talking about here.

**Mr. Otto:** I think it may just have been misquoted though. Just to answer your question here, I took a look at a large group of age restricted similar style products which is, as you'd say, mid rise flats over apartment structured parking which is the most expensive product to build and yields the lowest price per square foot in sale price. In taking a look at all the projects in the surrounding area here covering Somerset, Passaic, Morris and Hunterdon County, right now as of this point a lot of projects in the last 90 days here, some are actually experiencing negative contracts to the point where we have approximately 12 years worth of inventory remaining here. At the current sale price ratios, on the contract ratios to the amount of inventory out there. That's our competition out there, so in order to build this product it's going to take forever for it to be absorbed at the lowest possible price per square foot as compared to the market.

**Councilman Falkoski:** All right now answer me a question. You're stating that it was 44% on the multi family housing and the age restricted was down by 211%. Has that changed?

**ORDINANCES (continued):**

**Mr. Otto:** I don't have that statistic and that wasn't me who stated that.

**Councilman Falkoski:** But you're saying the market is going down.

**Mr. Otto:** Yes, the market is going down.

**Councilman Falkoski:** Well it's interesting because I went on Otto Valuation Group website today and it specifies that the March pace market stabilization has begun and contract sales activity has increased.

**Mr. Otto:** Does that specify between market or age restricted?

**Councilman Falkoski:** It doesn't matter what we're talking about here because you specify that market value is down 44% and that age restricted is 211%. So everything is down you're saying in that report.

**Mr. Otto:** Well, we did have a short contract jump in the Spring and a lot of the information that we put out is trying to be positive press information because we are trying to help turn the tide in the real estate market, but the overall truth in the numbers is the truth.

**Councilman Falkoski:** So this is not (indiscernible)?

**Mr. Otto:** A lot of its PR but that doesn't statistically relate to this project here.

**Councilman Falkoski:** And this is not PR what you're specifying to us?

**Mr. Otto:** What I'm looking at here is specific projects that really analyze compared to what the subject property is. Those are general statistics which don't necessarily apply because if you look at overall state numbers, it's not going to specifically be the same as age restricted flats. You know within a certain radius looking at demographic wise the information is going to change.

**Councilman Falkoski:** Certain markets are going to be better than others.

**Mr. Otto:** Of course. (Indiscernible) markets are always going to be better.

**Councilman Falkoski:** That's why I was particularly interested in what geographic area you were using for those statistics.

**Mr. Otto:** I have all the projects here and I have demographics that I ran based upon what our target buyer would be here and basically the active adult buyer is a very flawed buyer for us because all the studies show that their preference is a single family or an attached townhouse. They don't really particularly care for the flat condominium style dwelling. They didn't go for it. So our target buyer, which is the 65 to 74, is the smallest demographic within a, just Riverdale, a 5-10-15 mile radius. The absolute smallest percentage buyer, on top of everything else.

**Councilman Falkoski:** Yet I have a project just up the block from where I am called Cedar Crest. They're not sale units, they're more or less long term lease and yet they're sold out.

**Mr. Otto:** I didn't analyze that project.

**ORDINANCES (continued):**

**Councilman Falkoski:** All right. Has the market changed at all or is the market still going down or is it stable?

**Mr. Otto:** The market is still going down.

**Councilman Falkoski:** So in other words in your website what you're saying is not the truth.

**Mr. Otto:** Well you have to look at things within time periods and pockets, so that information right there, yeah, we're expecting some stabilization but if you look at inventory levels overall you're going to see some decrease just based on supply and demand and by October should we see stabilization, yes, in the residential market flats.

**Councilman Falkoski:** So just like anything, real estate is fickle.

**Mr. Otto:** Right. Except if the product type doesn't match the buyer and there's no market for that buyer, it's a market that can't recover physically. It just can't.

**Councilman Falkoski:** So your opinion is that when the market changes and starts to rise the age restricted are not going to go with it?

**Mr. DeGrazia:** Well we have out migration of New Jersey right now of close to 70,000 people per year and we're only gaining about 20,000 and we're losing in that 65 to 74 which is our target demographic. So going forward 5 and 10 years is only going to get worse. It's not going to get better. We have the highest income tax costs in the nation at this point right now so people in that demographic are not looking to retire in New Jersey with those high costs. We're seeing them move to Florida, Pennsylvania, North Carolina where they can have a much cheaper cost of living. That was a study done by Van Line.

**Councilman Falkoski:** That may be all the questions I have regarding that, but they also state in the letter that you have the environmental and costs associated with securing additional sewer capacity from another municipality is considerable. You're more or less saying that's prohibitive right now. Now did you not anticipate the environmental and sewer capacity costs when you initially planned the project?

**Mr. DeGrazia:** That's true but the market conditions were a lot different then so the sales that we were projecting based on what we thought was a good product which is the for 55 and older or age restricted housing. The market changed and statistics show that that product is not going to get better and how many years of backlog is there in that area?

**Mr. Otto:** 12 years compared to 3.3 years for general market.

**Mr. DeGrazia:** So you're looking at a backlog where you're looking at general market of 3 years whereas the age restricted for the same type of housing has a 12 year period. So it's something that we didn't expect the market to drop out.

**Councilman Falkoski:** Well that's interesting because looking at what you're giving us here and what I see on your website the conflict there is just a little bit too much. Could I ask you if you own any of these properties or do you just have options on some of these properties? Did you actually purchase them?

**Mr. DeGrazia:** I don't know.

**Mr. Todd Murphy:** We have contracts to purchase all of the properties.

**ORDINANCES (continued):**

**Councilman Falkoski:** Is it conditioned upon the approvals that...?

**Mr. DeGrazia:** Typically they are.

**Councilman Falkoski:** So you don't have any money at this point invested in the properties themselves, right?

**Mr. Todd Murphy:** We have over 3.5 million dollars invested in the project.

**Councilman Falkoski:** But it's conditioned upon certain things right?

**Mr. Todd Murphy:** We don't get the money back if the project doesn't get built.

**Councilman Falkoski:** With all this money you have invested in the project, you're telling us you're willing to abandon this and just walk away?

**Mr. Todd Murphy:** If your asking if the project (indiscernible).

**Councilman Falkoski:** I know. But the way the letter is written here you give the impression that if this is not granted it's not worth going forward with this project and you're just going to walk away.

**Mr. DeGrazia:** It's in jeopardy and there comes a point where you say if you build it and you know people aren't going to occupy it, it's going to be a loss so you'd rather have a 3 million dollar loss than a multiple, you know, much more than that.

**Mr. Otto:** There's multiple age restricted flat projects like this that right now have zero contracts and are completely dead in the water and I think that's the overall fear here as I've visited those projects a lot and they are sitting there with zero contracts, some of them getting negative contracts and big hits for price reductions and (indiscernible).

**Councilman Falkoski:** These are basically business decisions. I mean these are decisions you make every day. You take a risk when you do this and you're asking us as a Governing Body who represents the taxpayers to come in and more or less bail you out in my opinion, but that's neither here nor there. I have another question.

**Mr. Otto:** I thought you might be interested in tax ratable (indiscernible).

**Councilman Falkoski:** I don't think that's viable. In February 2007 you were before the Planning Board seeking final site plan approval and you argued at that time that because of market conditions you were requesting a variance to be permitted to build the market units first before the age restricted units, which was granted.

**Mr. Otto:** That's right.

**Councilman Falkoski:** If you were willing to build the project one half at a time and wait for that cycle of market demand to change, what's different now? Because the variance for the final site plan was granted March 2007. Then it came to the Mayor and Council who approved the change in the ordinance in October of 2007. That's only a few months ago and yet you were willing at that time to start building half the project with the idea that maybe the age restricted would pick up. What has changed in your mind now that makes it so imperative that everything be market value at this time?

**Mr. Otto:** Basically the age restricted (indiscernible) has weakened at a very...

**ORDINANCES (continued):**

**Councilman Falkoski:** In a few months?

**Mr. Otto:** It has weakened, yes, and we've seen just in the past 90 days we've seen projects actually lose contracts and it's going in a very negative direction. In digging into it and doing more research on it, which we do for them, and taking a look at who the actual buyer is, where they're coming from, how much money they have to spend and where the future of that demographic is. It's flawed in every way in order for it to be a successful project. There are countless projects across New Jersey right now that are going into (indiscernible) because of that.

**Councilman Falkoski:** Well one of the conditions that makes the age restricted weak, and you've pointed out here in your letter too, the fact that because the market prices on real estate houses now has dropped and that the elderly people that were hoping to sell their houses at the maximum price are now going to wait a little bit to see if the market goes up again. So if the market goes up again it stands to reason that these people again are going to start being interested in selling their houses and buying something in an age restricted. Now, if I recall, many, many months ago in talking about this project when it was still a germ of an idea someone mentioned the fact that these age restricted houses were going to be priced in the \$600,000 range. Is that something that could be true?

**Multiple:** I think that's high. Really high.

**Mr. DeGrazia:** I don't recall that particular number.

**Councilman Falkoski:** I know that's very high. That's why I'm saying if you're going to price them at that level...

**Mr. Otto:** Traditionally age restricted is 21%. Right now it's running about 21% under market is typically what they're running, is the average for all the projects that we looked at.

**Mayor Budesheim:** I just think that, Joe, the question you asked, they were in in October of 2007 and you wanted to know if the market has gone down that much in that time and it's interesting but recalling the figures that I got from our zoning officer, the first 9 months of last year a total of 12 units sold at Powder Mill, the age restricted. From October on up until at least the beginning of this month, not one single unit has sold.

**Councilman Falkoski:** I know the market is soft right now, but what I'm saying is everything is cyclical and it's going to change.

**Mayor Budesheim:** But I think it correlates the position that they took that it's (indiscernible)...

**Mr. Otto:** Moving forward, that older buyer who was going to trade down, which everyone thought was going to trade down, was a flawed idea. That's not their target demographic. It's not what they want to purchase and not only that, if we go 2-3-4 years out, we're losing that target buyer more and more every year. 70,000 people a year are out migrating from New Jersey and most of them are all the retiring (indiscernible).

**Councilman Falkoski:** There's still a great deal of elderly people and they're growing.

**Mr. Otto:** Right, but they don't want active adult. The demographic that would be able to afford this wouldn't be looking for active adult they'd be looking for more of a retiree project.

**ORDINANCES (continued):**

**Mr. DeGrazia:** And it's also the product itself. When you see the market changing we expect the active adult single family home and the town home style that look like single family homes what they're used to, grew up with, and what they're trading down from to recover substantially more than a multi family building like what's proposed here. So it's not just the active adult itself, it's the product that we're searching which is what his research has shown us.

**Councilwoman Bush:** So even if the market was not recovering, let's say the market was still strong, that there would still be a drop in this particular buyer's philosophy. And you're saying that part of that demographic study is based on the philosophy of the buyer. Is that that group that you're saying is exiting New Jersey?

**Mr. Otto:** Correct, and what they actually buy in New Jersey. What product type they want, their lifestyle, they're active adult, they didn't want the flat over parking. It was too small of a unit for them. It didn't have the (indiscernible). That style was more oriented towards an older demographic which is even a smaller buying pool.

**Councilwoman Bush:** So what is the buyer for both of those styles?

**Mr. Otto:** For the market buyer the target based upon income and the prices of the units is 25 to 34, divorcées, widows and first time buyers and usually young starter homes. So we're looking at very minimal, if at all, any children associated in those projects, it's too small. In that demographic, it's the second largest demographic within Riverdale 5, 10 and 20 miles out. It's the second largest buying pool. Not only that but they're getting 21% more which is still significantly less than where the market was at.

**Mayor Budesheim:** Just as an example, Donna, the Grande has been occupied for less than 2 years. Generally when the tax assessor does the initial assessment it's about 90% of the original selling price. Those units are now selling from the figures he gave me from \$60,000 to \$100,000 less than their assessment in just the past year. That's how much they've lowered the sale price on these units.

**Councilman Falkoski:** That revaluation was done, too, when the market was high. Isn't that how they established the assessment?

**Mayor Budesheim:** Joe, these are new units. These were sold a year and a half ago.

**Councilman Falkoski:** Let me ask another question. If you were to start building this right now and say you started the way you originally planned, you were going to build half of them first, and you started to build that half, how long would it take to complete that?

**Mr. Todd Murphy:** 18 to 24 months.

**Councilwoman Wetzel:** And if this project gets changed with this approval will you be doing both sides at the same time, or are you still planning on starting one side?

**Mr. Todd Murphy:** There would be too many units to have on the marketplace at one time so we would save this. There are 4 buildings total and we would build one at a time.

**Councilman Guis:** Correct me if I'm wrong, would it not be...I think in previous meetings we've discussed though were you to get this you would probably start the cleanup because you anticipate a long...

**Various:** Yes. Of course. Sure.

**ORDINANCES (continued):**

**Councilman Guis:** So demolition and cleanup of the north side would start?

**Mr. Todd Murphy:** Yes, (indiscernible).

**Councilman Astarita:** I'd also like to hear, you were going to start talking about ratables. I wanted to get that from you.

**Councilman Falkoski:** I have a few more questions. Let me finish what I have here because I think they all go together here. Primary site plan approvals state the applicant should provide all necessary COAH requirements. How do you plan to do that?

**Mr. DeGrazia:** How do we plan on meeting the COAH requirements? We'll comply with the ordinances.

**Councilman Falkoski:** How are you going to do it? Are you going to build the units? What are you going to do?

**Mr. Todd Murphy:** We haven't come to any conclusions yet because the COAH rules are in a bit of a flux.

**Councilman Falkoski:** Well they've just been approved as of June 2<sup>nd</sup> so...

**Mr. Todd Murphy:** I don't know if I'd call that approval, they've been released.

**Councilman Falkoski:** They've been released. As far as it goes right now they're the firmest figures that we have.

**Mr. Todd Murphy:** The firmest figures that we have (indiscernible) numerous lawsuits (indiscernible).

**Councilman Falkoski:** One just went through right now to remove the regional contribution part of it.

**Mr. Todd Murphy:** I don't think any of us knows what the COAH ruling will be.

**Mr. DeGrazia:** The bottom line is we'll comply with it whether it's building it there, building it somewhere else, paying money, whatever it is it will comply.

**Councilman Falkoski:** I just want to state for the record the impact of what this would be in the low and moderate income housing and the potential for school children. I distributed everything, or asked Carol to distribute it to everyone today, a demographic study that was done for the school system and they predict a 30 student increase projected over the next 5 years. If 50% of the market units at Riverwalk are built there'd be an obligation, they'd probably be generating about 19 students according to the statistics. If it was 100% market units that would generate 38 students. Now our COAH requirements right now are for 145 or 146 units. Now the total potential additional school students, the demographics predict 30 students over the next 5 years. 38 students would be from Riverwalk, in other words, 19 students are being generated simply by changing the age restricted requirement and that comes to, the obligations for the COAH that we have would probably generate about 13 students. That's a total of about 81 potential students that we'd be generating through both our COAH requirements and the Riverwalk project and the projected number that the school demographic study has projected. That's quite a bit of students. So this 50% change to market units alone generates 19 students according to the statistics.

**ORDINANCES (continued):**

**Mr. Todd Murphy:** I would respectfully disagree with that.

**Councilman Falkoski:** Well that's the numbers that he used. The potential is there for 19 students.

**Mr. Todd Murphy:** Who used those numbers?

**Councilman Falkoski:** The demographic study that was done for the school system.

**Mr. Otto:** Did they analyze who the potential buyer was?

**Councilman Falkoski:** I'm not talking about buyers; I'm talking about potential students for the school system. What the school system would need and require in their system. That's what they do. They do that study based upon that.

**Mayor Budesheim:** This is a guy that works out of his house in his bathrobe. I had a long talk with Superintendent Wyks on this and just to show you the absurdity of demographics, because while they're predicting....I'd rather deal with reality than demographic projections. Like I said, demographics, the whole concept is to plan for worst case scenarios. That's why the sewer allocation they have to buy more than double what they eventually use according to DEP regulations. That's why parking lots are usually half empty, because you've got this asphalt jungle out there because demographics say that you're going to have to have these many parking spaces. School kids, they do the same thing. It's one student for every 10 units. However, we have reality right now. We have the Grande which has 280 units occupied and there are only 6 kids. According to the demographics, they predicted when that project was before the Planning Board, 56 students would be coming from there. So right now it's 1/3, they should have had 28 kids. If you listen to this guy who works out of his house, if you listen to him, and he doesn't even have a degree, Joe. I looked him up. He's got a doctorate, he's an MD, he's a biologist. He has no degree in demographics. I looked him up on the internet. He lives in Kinnelon on Fayson Lakes Road, works at his house and he's got a biology degree and that's why he predicts so many more kids coming to the school when you've got reality there.

**Mr. Todd Murphy:** What I would tell you is my experience building over 40,000 units like this across the country, is the size of the units is just not practical for a family, number one and number two in a project of this size, about 400 units ultimately, if we got 12 school age children out of this development we'd be probably about on average, maybe a little high. The other thing is I would direct you to Rutgers University, the Bloustein School, someone named (indiscernible) prepared a comprehensive report on the subject. He would tell you similarly to what I just said that a project like this might have somewhere in the range of 10 to 15 students. I would encourage you to take a look at that report. It's very well respected (indiscernible).

**Councilman Falkoski:** Well, to make a decision such as this I'm going to give my personal feelings here. This is when the ordinance was generated; the only statistics we were able to review and count on were coming from the people who had the interest in the project which was the developers at this time. And right now that's the only numbers in the statistics that are being put forth to us right now. I would like to see our Planners give us some numbers or we have somebody give us demographics so we know whether or not what we're looking at is realistic or not. If I can look at a letter here that tells me the market is going down so much and then when I look at the website of the same people it tells me something different, I have a little bit of...

**ORDINANCES (continued):**

**Mr. Otto:** Can I ask you what you're referring to? Is that possible? Because you refer to it so often that I just want to take a look at it.

**Councilman Falkoski:** I can read it to you.

**Mr. Otto:** I'd like to take a look though.

**Councilman Falkoski:** Sure, here. It didn't print out properly but you can take a look at what did print out. But the idea is that I think when we make decisions of this importance we should depend upon our own experts for professional input and advice.

**Mr. Otto:** I'm not sure if you saw the chart here, which I wrote this chart here. I'm not sure if you see the directions of the downward and the new line is this year. I'm not sure if you can see where the new line falls much far below any of the previous years so regardless of how you want to interpret paragraph information if you're looking for the specifics it's here, straightforward exactly where it falls.

**Mayor Budesheim:** During the Planning Board hearing on this whole application we did have our planner there and our engineers and none of them disagreed with the demographic projection of one student for every 10. If our planner had a disagreement with that he would have said it at that time.

**Councilman Falkoski:** Well, that's about what that number comes out to, about one student for every 10, if you calculate it out, the numbers I generated come out to sometimes a little less than that. But that's all I have.

**Councilman Astarita:** I just wanted to hear the ratable number that that gentleman was going to say.

**Mr. Todd Murphy:** I wasn't going to say a specific number. I mean certainly we can compare. We know what we have out there right now (indiscernible) four are warehouse buildings and (indiscernible) that they're paying \$60,000 in taxes per year (indiscernible).

**Mayor Budesheim:** Well, if the average sale price is \$300,000 and a tax rate of \$1.45 you're looking at almost about \$145,000,000 in ratables.

**Mr. Otto:** And \$300,000 is probably conservative for the average sale price. You're probably looking more like \$350,000.

**Mayor Budesheim:** So if you have \$140,000,000 in ratables and you have a school tax rate of about 70 cents, that's \$980,000 in school taxes.

**Councilman Guis:** And if we use the 1 in 10, I mean the one thing to remember with this change, we've already approved this project. We've already approved 424 units. We've already said we want this project built, so the only thing we're changing by switching from age restriction to open market using the conservative, I say very conservative number, would be 21 additional school children. That would be the, as I'm looking at the numbers, the worst possible impact and at \$980,000 in additional school taxes versus 21 extra kids, I just don't see it. Also, I don't think we're bending over backwards for market conditions. I think this developer has come forward with a good plan and what they're asking for now is very consistent with the trend the market is taking. I mean, originally they agreed to build the age restricted first. They thought they had a market for it and they were going to build it. The market was taking a downturn, they came, they made convincing arguments that in order to make this work we're going to have to go with the open market first. Okay. The market as the graph shows on the

**ORDINANCES (continued):**

sheet Joe has, the market is continuing to decline and I think the numbers to me are very convincing that the age restricted isn't viable. I don't think we want to lose half this project, never mind all of it.

**Mayor Budesheim:** Any other questions?

**Councilwoman Wetzel:** I just think that having heard a few other things brought, like tonight, that maybe were not addressed before has been a very good thing and I appreciate the fact that you have come and brought some experts in. I think we have been looking at numbers and dwelling on numbers and I do agree that the potential to bring in the maximum of 24 school children I think bothers all of us because we were not looking at that number originally. This is a small town, we deal in small numbers and 24 children doesn't seem like a big impact out there in the big world. 24 kids here makes an impact on us, but if that is the worst case scenario I don't know that that's the end of the world for us and I do agree that the tax dollars certainly seem to soften the blow of those 24 children if that is what the maximum turns out to be.

**Councilman Guis:** 21.

**Councilwoman Wetzel:** 21. Two things that were brought up tonight and I happen to have just gone through this exact scenario and I didn't bring it up for discussion before because it didn't seem relevant at the time, but I have just gone through a downsizing or a moving of my in-laws who are seniors, both in their 80's, who gave up a private home and wanted to stay in this area to be close to friends and family. The first thing they said was we do not want to move to one of those hotel-like living down the long hallway kind of a thing; we want our own place. Again, that's what they've always had. We were trying to tell them that that really is what's out there, that's mostly what's out there, unless you want to go very far to south Jersey where you have a detached ranch or the perfect setting for an elderly couple and then finally they agreed to a slightly modified version where just 4 units are attached. They have moved to the Hovnanian in Clifton, Four Seasons in Clifton. It was difficult for them to be attached on both sides but it appears to be their own home as opposed to parking underneath, taking the elevator up, walking down that long hallway and going to that door after door. I happen to be a visiting nurse and I go to a lot of senior residences in Wayne and Cedar Crest and it does have that feel you know, when you get off the elevator it's like you're getting off in Atlantic City and kind of going down those hallways looking for your room number. That isn't what they wanted and I think that that really is an issue for a lot of older people so I think putting up units like that could be a deterrent and again, from personal experience, I agree with that now whereas before I would have thought you're downsizing, moving out of a big house, what do you want a house for? But I know it is a mindset and we just went through this personally so it's not exactly what they wanted but it certainly is closer to their own home than it is a long hallway unit so I do think that is something that is maybe not as marketable. I'm thinking that looking on both sides of the list here it probably is doable as far as what we need in town and I for one was concerned about the school age children but I think is now, we've heard it enough times, that even at the biggest impact it's not going to be that great and I agree with the numbers the Mayor gave us. The reality is that we don't get those numbers anyway. The worst case scenario probably is doable and I don't think that we're going to reach that potential anyway.

**Mayor Budesheim:** Further crunching those numbers, the 21 kids over 13 grades is like 1-1/2 kids per grade. The high school, they're not even in town, so...just to further refine this. Are there any further questions?

**ORDINANCES (continued):**

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Astarita, to introduce **Ordinance 08-2008** and moved its adoption.

**ROLL CALL:**       **Ayes:**    **Astarita, Bush, Guis, Wetzel**  
                           **Nays:**     **Falkoski**  
                           **(4 ayes – 1 nay – motion carried)**

Mayor Budesheim stated the Planning Board will review this ordinance within 35 days.

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 60-B**

Councilman Falkoski asked if Ordinance was 08-2008 was required by the state. Borough Attorney Oostdyk stated that it is required by the DEP in order to obtain our permit for water.

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

**ORDINANCE 08-2008****ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF RIVERDALE AND ESTABLISHING NEW CHAPTER 96  
ENTITLED "FERTILIZER" AND REGULATING THE APPLICATION OF  
FERTILIZER WITHIN THE BOROUGH OF RIVERDALE**

**ROLL CALL:**       **Ayes:**    **Astarita, Bush, Falkoski, Wetzel**  
                           **Nays:**     **Guis**  
                           **(4 ayes – 1 nay – motion carried)**

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 60-C****RESOLUTIONS:**

Councilman Guis asked for clarification of resolution No. 3. Borough Clerk Talerico explained the proposal is for work done on Mathews Avenue above the original \$20,000 proposal. Councilman Guis asked if resolution #46-2008 requires matching funds. He stated he does not believe we should apply if there is a matching fund requirement until we have a clear picture of where we are with the open space fund. After brief discussion it was decided to approve the application with the condition the matching fund shall not exceed 20%. Councilman Guis stated the Boy Scout troop is selling a trailer for \$2,000 that would accommodate our emergency barricades. Councilman Falkoski stated the Fire Department would like approval to purchase a laptop for the Assistant Chief vehicle at a cost of \$5,272.48. After discussion, it was decided not to approve the purchase at this time. Councilman Falkoski then stated the Police Department would like approval to purchase the equipment to outfit the new vehicles. There was discussion regarding the installation of the equipment. Borough Clerk Talerico stated she has not received the tax clearance certificate for two of the liquor licenses and ABC rules state we cannot approve the license. She mailed both licensees a letter and application for an ad-interim permit. Borough Attorney Oostdyk stated we should do a resolution to approve them subject to receiving the tax clearance certificates. Councilman Falkoski stated the same conditions as last year should be included with Dexter's renewal.

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

**RESOLUTIONS (continued):**

- 1) Payment of Claims, including the following payments:
  - a) Kenneth Freyer – Mold removal at Glenburn,  
subject to approval by Joe Montemarano \$ 3,200.00  
Summer Recreation -
  - b) Carefree Bus Tours – NY Mets Trip June 24<sup>th</sup> \$ 700.00
  - c) Amazing Amusements – June 25<sup>th</sup> \$ 650.00
  - d) Clearview Cinemas- June 26<sup>th</sup> Movies (Per child) \$ 8.50
  - e) Land of Make Believe – June 27<sup>th</sup> (Not to exceed) \$ 2,100.00
  - f) Amazing Amusements – June 30<sup>th</sup> (Not to exceed) \$ 1,300.00
  - g) Oriental Trading – Craft Supplies (Not to exceed) \$ 300.00
  - h) Oriental Trading – Craft Supplies (Not to exceed) \$ 300.00
- 2) Escrow payments to the following:
  - a) Darmofalski Eng. & Assoc. Target Corp. \$ 1,560.00
  - b) Darmofalski Eng. & Assoc. TCR/Horton \$ 1,300.00
  - c) Anderson & Denzler Assoc. Alexan/Horton \$ 78.00
- 3) Approval of proposal for Anderson & Denzler Associates, Inc.-William Ryden, P.E. Water/Sewer engineer for the ensuing work and continued work on the Mathews Avenue Project for a total of \$54,657.
- 4) Approval of proposal for Anderson & Denzler Associates, Inc.-William Ryden, P.E. Water/Sewer engineer for ensuing work and continued work on the Central District Sewer Project for a total of \$39,000.
- 5) Approval of additional funds due for the 2007 LOSAP program for the Riverdale Fire Department in the amount of \$6,487.00.
- 6) **Resolution #43-2008;** Renewal of 2008/2009 Liquor Licenses, subject to receipt of tax clearance certificates.
- 7) **Resolution #44-2008;** Chapter 159 – Special Item of Revenue – 2008 Clean Communities Program in the amount of \$4,000.
- 8) **Resolution #45-2008;** Chapter 159 – Special Item of Revenue – Municipal Court Alcohol Education, Rehabilitation, and Enforcement Fund in the amount of \$3,641.10.
- 9) **Resolution #46-2008;** Authorization for Mayor Budesheim to apply for a grant to the Garden State Historic Preservation Trust Fund – Capital Preservation Grants Level II for 2008, provided any matching fund requirement shall not exceed 20%.
- 10) Approval of bond reductions for The Grande at Riverdale project as follows: Phase 1 Bond Number 8714367 to be reduced to \$2,329,816.40 plus \$20,000 for water system repairs and Phase 2 Bond Number 8757457 to be reduced to \$1,372,804.20. (this release will not be permitted until the service road is under construction – as recommended by Borough Engineer Paul Darmofalski’s letter dated June 10, 2008)
- 11) Approval of bond release/reduction for Target Corporation for the Borough to hold \$46,295.00 cash which includes 10% of \$362,950.00 Service Road Bond and \$18,475.00 cash for inspection escrow for the Borough Engineer. (contingent upon the service road being under construction – as recommended by Borough Engineer Paul Darmofalski’s letter dated May 7, 2008)
- 12) Appoint Neil DeBonte as DWP summer employee at a salary of \$13.50 per hour. Half of the salary will be from the Open Space Trust Fund for work to be performed at the school field.
- 13) Approve purchase of a 12 foot enclosed trailer from the Boy Scout Troop for emergency barricades at a cost of \$2,000.
- 14) Approve purchase of equipment to outfit two new police vehicles at a cost of \$15,181.88 per state contract.

**RESOLUTIONS (continued):**

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

**COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 62-D, E, F, G AND H****MAYOR REPORT:**

Mayor Budesheim reported that beginning July 10<sup>th</sup> we are going to try an experiment for the months of July and August. We will keep the municipal offices open until 7:00 p.m. for the convenience of the residents and will close at 1:00 p.m. on Fridays. Employees will work the same number of hours per week. The Mayor also reported that FEMA is revising their flood maps and almost the entire town of Pequannock will be in a flood zone. Houses that have never flooded will now have to purchase flood insurance and it is part of FEMA's plan to bail out due of Katrina. He said it is really and injustice and he will get the latest map and advise our residents if there is any change.

**BOROUGH CLERK REPORT:**

Borough Clerk Talerico reported the Riverdale School has asked who will be making the presentation at graduation this year. Councilwoman Wetzel stated Councilman Carelli would attend. Clerk Talerico reported on amendments to the borough ordinance for recreation. She also reported that we will need to do an ordinance determining positions eligible for the defined contribution retirement program. She also reported that the individual who knocked down a pole was not covered by insurance on the date of the accident. Borough Attorney Oostdyk stated she will have to pay it. Clerk Talerico will send notification to the driver and our insurance company.

**BOROUGH ATTORNEY REPORT:**

Borough Attorney Oostdyk gave an update on the Dube property acquisition. There is additional cleanup work taking place and additional testing needs to be done.

**COMMITTEE REPORTS:**

Councilman Falkoski reported the municipal court report for the month of May. He also reported that a young woman from Pompton is interested in joining the Fire Department as a junior. The ordinance specifies you have to live or work in the borough. She is a referee for the Pompton/Riverdale soccer association and he asked if she would qualify. Borough Attorney Oostdyk stated he would prefer to clarify the ordinance if it's something the Fire Department would like to do.

Councilman Guis reported on the cleanup at the school and plans for the basketball court. He also reported that he received a letter regarding the riverbank stabilization project

Councilwoman Wetzel reported on the summer recreation schedule and credits the recreation director and staff for a wonderful job. She clarified the delay with the summer concert series. The amount of donations has slowed and the amounts have decreased and there has not been enough to pay for the entire series. She reported that an independent committee has been formed and has applied for licenses to fundraise for the concert series by holding a super 50/50 raffle. Borough Clerk Talerico explained the application process for a raffle license. Councilwoman Wetzel 59-63 reviewed the concert schedule and there are not fireworks scheduled this year.

**COMMITTEE REPORTS (continued):**

Councilwoman Bush reported the Morris County Partners in Substance Abuse Prevention is holding a family picnic event at Craigmere on July 5<sup>th</sup>.

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 9:17 p.m.

Respectfully Submitted:

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

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

**PUBLIC PARTICIPATION NO. 1:**

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

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

**ALL IN FAVOR.**

**RESOLUTIONS:**

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

**RESOLUTIONS (continued):**

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

- 1) Payment of Claims.
 

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

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

**RESOLUTIONS (continued):**

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

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

**COPY OF RESOLUTIONS IN FULL ON PAGE NO. 66-A, B, C, D, E AND F****OTHER BUSINESS:**

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

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

**BOROUGH CLERK’S REPORT:**

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

**BOROUGH ENGINEER REPORT:**

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

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

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

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

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

**BOROUGH ENGINEER REPORT (continued):**

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

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

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

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

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

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

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

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

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

**Borough Engineer Darmofalski:** If Target did bond for it and Horton in their request for relief, I took out the service road part of their project and I recommend they release everything except for the service road part of it. You do have the money in your pocket. It's just a matter of, if we're going to play the legal game and the bonding game, we'll be

here in Christmas or Thanksgiving of 2010 still debating the point. I'd rather see, we're talking 300 foot of roadway.

**BOROUGH ENGINEER REPORT (continued):**

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

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

**Councilman Falkoski:** They're not people friendly.

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

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

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

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

**MAYOR REPORT:**

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

**COMMITTEE REPORTS:**

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

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

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

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

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 9:25 p.m.

Respectfully Submitted:

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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 Budesheim presiding.

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

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

**APPROVAL OF MINUTES DATED:**

June 16, 2008 - Regular Meeting

July 7, 2008 - Workshop Meeting

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

**ROLL CALL:**       **Ayes:**     **Astarita, Bush, Falkoski, Carelli**  
                           **Nays:**    **None**  
                           **Abstain:** **Carelli (6/16/08 only), Astarita (7/7/08 only)**  
                           **(3 ayes – 0 nays – motion carried)**

**PUBLIC PARTICIPATION NO. 1:**

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

**ALL IN FAVOR.**

**PROCLAMATION: MAYOR BUDESHEIM AND COUNCIL TO PROCLAIM THE MONTH OF SEPTEMBER AS “OVARIAN CANCER AWARENESS MONTH”.**

Mayor Budesheim declared support for the Kaleidoscope of Hope Foundation walkathon and proclaimed September as “Ovarian Cancer Awareness Month”.

**COPY OF PROCLAMATION IN FULL ON PAGE NO. 70-A**

**ORDINANCES:**

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

**ORDINANCE 05-2008**

**ORDINANCE AMENDING CHAPTER 168 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING CERTAIN PROVISIONS APPLICABLE TO THE “MF-O MULTIFAMILY OVERLAY DISTRICT”**

Mayor Budesheim announced that due to not having full membership of the Council in attendance we will proceed with the public hearing and postpone the vote until the next meeting.

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.

Pat Reese, 5 William Street, stated she wished to ask different council members questions and would prefer the Mayor not answer for the Council. Borough Attorney Oostdyk stated it is appropriate to direct questions to the Chair. Mrs. Reese said she wants to be confident that the council members who are responsible for a vote are completely informed as to the negotiations regarding the sewer gallonage for the project. She said there may be underlying reasons why this project is so important and she feels that sewers are one of them. She would like to know what was steering the Council and their individual votes and what changed everybody's mind. She said the Mayor states the sewers are an issue when he talks about this project so she wants to hear from the Council why that has anything to do with the 55 and older. Councilman Astarita responded that he was against the project from the beginning but as things progressed he thought about the positive aspects such as ratables. He reviewed the reports on number of school children, considered the economic conditions and gave the issues a lot of thought. He said he changed his vote because we need the ratables now and he feels the over 55 portion would not have a dramatic impact. It had nothing to do with sewers. Mrs. Reese said she's heard a lot about this project being important because it's an opportunity to bring sewer allocation into town that we might not otherwise receive. She asked how much we were looking for, how much the developer needs, and how much is left for us. She asked how much each Councilperson has really looked into and thought about this issue. Mayor Budesheim stated that if we buy 250,000 gallons there will be 160,000 gallons for non-TCR projects. That would be enough to sewer the lower part of town, not the other side of Route 23. He said the price would be prohibitive if we had to purchase it on our own and that we would also save about \$3,500 per home on connection charges alone. Mrs. Reese asked if that was the driving force for this project. Mayor Budesheim said it is one of them along with ratables. Mrs. Reese said she feels if we go forward with this change proposed tonight, you will see an immediate return but eventually you'll start to see that go down. She said she doesn't see the urgency to do this tonight and hopes each council member has given this tremendous thought.

Scott Berkowitz, owner of EVS Metal and 1 Kenner Court, is opposed to the ordinance. He feels that the new residents of this development won't want manufacturers across the street from them. He would prefer to see the area developed back into I zone to attract other manufacturers and bring ratables without school children and provide jobs. Mayor Budesheim stated the time to express opposition to the project was 2 years ago at the Planning Board; this hearing is for age restriction. Mr. Berkowitz stated he is here now because he was notified about eliminating the age restriction. He is opposed because lifting the age restriction will result in increased traffic and more school children. He also expressed concern in the event of a flood or other emergency. He hopes that without this change TCR won't go forward.

Janet Culmone, Cotliss Road, asked if we had a good study for the number of additional school children. Mayor Budesheim stated that the school study states there will be 30 additional children from all projects in town not including this one. They expect 19 additional from this project with age restriction and 19 more without age restriction. Ms. Culmone asked Councilman Astarita to clarify changing his vote because he went home and thought about it, while at a previous meeting he stated he had a long conversation with the Mayor. Councilman Astartia stated he had the conversation with the Mayor after thinking about it. He said this project went through all the processes it was supposed to and it passed and he did go home and think about the ratables.

Jim Talerico, 104 Newbury Place, asked how many members need to be present to vote on this ordinance. Mayor Budesheim stated he would prefer at least 5 of the 6 council members be present. Borough Attorney Oostdyk stated there are enough members

**ORDINANCES (continued):**

present but it is a courtesy to the members not present to postpone the vote. Councilman Falkoski stated that if the motion is made to postpone the vote he would ensure the public has the right to come back to continue the public hearing prior to the vote. Mr. Talerico said he would save most of his comments for the next meeting. He said he was disappointed that not one councilperson attended the last Planning Board meeting to hear what those board members had to say on this ordinance. He said the applicant should still be in front of the Board of Adjustment. He asked why the council hasn't considered the 3 questions our Planner asked the Planning Board in his letter and said it would be helpful if our Planner was to attend a council meeting to provide answers. He stated that when he was Chairman of the Planning Board he made it very clear that we never had a true planning report on that site and tonight you still don't have a planner's report so I don't understand how you can vote on this project.

Pompton Lakes Mayor Katie Cole stated she has concerns and residents had attended her meeting with concerns. She feels lifting the age restriction will affect the traffic and the schools in both communities and asked the council to keep the age restriction.

Steven Loesner, Chairman of Riverdale Planning Board, 61 Cottage Place, read the following statement: What is planning? The planning and zoning manual prepared by Rutgers University puts it simply as the effort to infuse action with foresight. It assumes that one undertakes planning with the intent that action is to follow. A plan is something that someone intends to carry out or implement over time. If there is no intention to carry out a plan, then it is merely a utopian scheme. It also assumes that those undertaking the planning attempt to understand the consequences of specific actions. Riverdale's recently adopted master plan defines our housing objective as the following. It is the borough's goal to meet its housing obligations and provide housing opportunities for people of all ages, lifestyles, and income levels. Our housing goals include maintaining and encouraging diverse, attractive and affordable housing choices and opportunities that can be utilized by all residents and that promote neighborhood stability and property values. Several years ago a plan was drafted that in the opinion of the planning board would accomplish several goals. One was to attempt to stabilize the tax base by rezoning. An overlay of a few lots in the industrial area was prepared to seek a residential use. Second, that this overlay would seek to rehabilitate a site which lay in the flood plain and remediate this site in the public interest. Trammel Crowe Residential development was interested in this plan so it was decided to draft an ordinance which would accomplish these goals with the input from TCR so as to meet some of their needs. TRC naturally wanted as many units as possible. It was felt that with half the units dedicated to adult housing that 16 units per acre could be accepted as this is the built out density of the Powder Mill adult development. It would also lessen the impact to the school population by balancing the project between the two phases. Furthermore, it was decided that the restricted units would be constructed first to further reduce the impact to the school. On February 21, 2007 a hearing was held by the Planning Board on an application by TCR to change the construction schedule to allow the building of the non-restricted housing first. TCR presented an expert in real estate appraising, Mr. Jeffery Otteau. In surmising his testimony, Mr. Otteau stated the following "I expect that the recovery in the age restricted housing market will likely begin somewhere between 2008 and 2009". Still feeling this would not totally undermine the project it was decided to allow the change in the construction schedule. The following is a statement taken from the transcripts of that meeting by Mr. Chuchra the representative of TCR. "Our plea to the board is to let us see some fruit for the labor right now. Let us proceed so we get all the permits, start in 2008 after the winter. Start - March, start building the market rate - market comes back, we build on the north side, the seniors." As we all know, no such construction has begun. It is my belief that no further changes are warranted in the Multifamily Overlay district. Our planner, Donna Holmqvist of Burgis Associates prepared a memorandum for the planning board which made the following conclusion. School, traffic and fiscal impacts

**ORDINANCES (continued):**

should be considered by the board. The MF-O district was recently established and the density of 16 dwelling units per acre may generate different impacts by virtue of constructing an additional 212 units of non-age restricted housing on the site. The only reason given for this drastic change has been the temporary economic hardship of TCR. Consideration should be given to current residents of Riverdale and the potential and permanent impacts for them.

Mayor Budesheim stated that the reason there has been no construction is we are still waiting for the Pequannock River Basin Regional Sewage Authority to approve the TWA application.

There being no further comments, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, to close the public session and to continue the public hearing and adoption of Ordinance 05-2008 at the next Mayor and Council meeting to be held on August 4, 2008 at 7:30 p.m.

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 73-B**

2)        Public Hearing and Adoption of an Ordinance entitled:

**ORDINANCE 08-2008****ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF RIVERDALE AND ESTABLISHING NEW CHAPTER 96  
ENTITLED "FERTILIZER" AND REGULATING THE APPLICATION OF  
FERTILIZER WITHIN 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 Astarita, to close the public session.

**ALL IN FAVOR.**

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 08-2008 as read on second reading at this meeting, be adopted and finally passed.

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 73-C**

**ORDINANCES (continued):**

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

**ORDINANCE 09-2008****ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND ESTABLISHING REGULATIONS FOR SECONDHAND PRECIOUS METALS, GEMS AND JEWELRY DEALERS**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 74-D**

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

**ORDINANCE 10-2008****ORDINANCE DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 74-E****RESOLUTIONS:**

Councilwoman Bush stated that the borough would be responsible for a 25 percent match of funds in the amount of \$1,620 for Resolution 54-2008.

- 1) Payment of Claims per bills list to include the following:
 

a. Jordan Transportation	Recreation Trips	\$ 7,980.00
b. 123 Tumble Bus	Kinder Kamp	\$ 700.00
c. Happy Times Theatre	Municipal Alliance	\$ 410.00
d. PartiRents	Movie Night	\$ 144.25
e. Jbws-Juli Harpell Elam	Municipal Alliance	\$ 200.00
f. D.T.M. Productions	Recreation	\$ 495.00
g. E-Government.com	Municipal Website	\$ 3,100.00
- 2) Escrow payments to the following:
 

a) Darmofalski Eng. & Assoc.	Target Corp.	\$ 2,080.00
b) Darmofalski Eng. & Assoc.	TCR/Horton	\$ 1,820.00
c) Anderson & Denzler Assoc.	Alexan Riverwalk	\$ 385.00
d) Anderson & Denzler Assoc.	Alexan Riverwalk	\$ 280.00
e) Richard J. Clemack	Alexan Riverwalk	\$ 2,415.59
- 3) **Resolution #53-2008;** Authorization of governing body to increase the fixed assets accounting for moveable assets to include all individual items with a cost in excess of five thousand dollars (\$5,000).
- 4) **Resolution #54-2008;** Authorize submission of an application for the Riverdale Municipal Alliance grant for the calendar year 2009, in the amount of \$6,443.00.

**RESOLUTIONS (continued):**

- 5) Mayor to appoint Amanda Gavrun as a Junior Fireman to the Riverdale Volunteer Fire Department with consent of governing body.
- 6) **Resolution #55-2008;** Support for the “Over the Limit Under Arrest 2008 Statewide Crackdown” from August 15 through September 1, 2008.
- 7) Authorize work at Sky Ball’s property by R Febbi Contractors in the amount of \$7,000. (2 quotations were received)

Councilman Astarita set forth the motion, seconded by Councilman Carelli to approve the above resolutions.

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

**COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 75-F, G, H AND I****BOROUGH ATTORNEY REPORT:**

Borough Attorney Oostdyk reported on the matter of rocks falling into the road at the Beazer/Majestic development. A meeting was held and the Zoning Officer and Borough Engineer are of the opinion the developers are not going to do anything about the problem which has been ongoing for several years without resolution. The recommendation is to pursue litigation in Superior Court and make an attempt to get a solution to the problem and protect the safety of the public.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Bush, to authorize the Borough Attorney to pursue litigation in Superior Court for legal action pertaining to the matter of rocks falling into the road at the Beazer/Majestic development.

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

**MAYOR REPORT:**

Mayor Budesheim reported that during a meeting with the Auditor they discussed combining our water and sewer utilities. This would result in less duplication and simplify billing. Borough Attorney Oostdyk will discuss the matter with the Auditor. Mayor Budesheim also reported on cutting expenses. The Police Chief feels that having two Special Officers is more than we need and is willing to sacrifice one position.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to eliminate the position of a second Special Police Officer to be effective in two weeks.

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

**COMMITTEE REPORTS:**

Councilman Falkoski reported the municipal court report for the month of June.

Councilwoman Bush asked Mayor Budesheim to submit pictures to Morris Tomorrow so Riverdale will be represented.

**PUBLIC PARTICIPATION NO. 2:**

Scott Berkowitz reported on a problem with the sensor at the traffic light at the Hamburg Turnpike and Newark Pompton Turnpike intersection. At certain times the sensor does not detect a vehicle waiting on Newark Pompton Turnpike and the light does not change to green. He asked if something could be done.

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:40 p.m.

Respectfully Submitted:

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

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

**PUBLIC PARTICIPATION NO. 1:**

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

**ALL IN FAVOR.**

**ORDINANCES:**

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

**ORDINANCE 05-2008**

**ORDINANCE AMENDING CHAPTER 168 OF THE REVISED GENERAL  
 ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING  
 CERTAIN PROVISIONS APPLICABLE TO THE “MF-O MULTIFAMILY  
 OVERLAY DISTRICT”**

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

Pat Reese, 5 William Street, stated that if the entire project is open market it will cause a greater and quicker diminishing of ratables as it increases demands for more services and facilities. She feels the developer is trying to customize this project for himself and that the council is afraid he won't do anything if he doesn't get what he wants. She doesn't see the urgency to change the ordinance now.

Pompton Lakes Councilman Ellis Marples stated his concern is that this project has the potential to seriously impact the residents of Pompton Lakes. He said there have been a series of misrepresentations and this project is not going in the right direction.

Glenn Venza, 14 Macopin Avenue, Riverdale Planning Board member. Mr. Venza asked for the Planning Board Review of this ordinance to be read into the record. Councilman Falkoski read a transcript of the motion that was set forth by Chairman Steven Loesner recommending the Planning Board advise the Council that the MF-O Zone should not be changed for the following reasons:

1. Resulting density of the negative impact with regard to congestion of the sixteen units per acre of non-age restriction should be further studied.
2. The ordinance becomes inconsistent with the Master Plan goal to provide housing opportunities for people of all ages, lifestyles and income levels.
3. Attach Donna Holmqvist's letter dated April 24, 2008 to the motion.

Jim Talerico, 104 Newbury Place, stated that he doesn't feel the Council is well enough informed on this site to vote on this ordinance tonight. He said the letter from our Planner has still not been addressed. He is bothered by the way projects are being pursued in town and said they should be allowed to follow their own path. He asked why

**ORDINANCES (continued):**

the Council is talking about ratables when they crushed ratables that had been approved by the Planning Board for other sections of town. For example a strip mall that is now Glenburn, and the Dube site over which the Council sued the Planning Board. He said it is wrong that the Council didn't initially hear about this ordinance until they received the agenda three nights prior to the meeting. He asked what the benefit is because the ratables don't change whether its market value or age restricted. The other two issues are school children and traffic and I can't understand why this Council is not asking for those figures.

Ray Maloney, 57 Cottage Place, stated he is concerned with traffic from Riverdale Road. We will need a traffic light which will increase traffic problems at the route 23 light. He is concerned that Pompton Lakes High School will not be able to accommodate the increase in students.

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

**ALL IN FAVOR.**

**Comments by Councilman Falkoski:** It seems that some decisions were made based upon the fact that we were looking for the ratables. The point was made here and it's very true, changing this ordinance does not affect the valuation of the ratable that exists on this project at the moment. In the builder's own words, they stated that the age restricted preference is for single family or attached town homes, not the type of mid-rise construction that exists in the project at present. If the age restricted were to be constructed on the south side of Riverdale Road, they could be constructed in the style which is preferred by the market, i.e. townhomes or multifamily homes. I realize you can't do that on the north side because of some of the restrictions that are imposed by the DEP. I think the best thing that could happen at this point, and I suggest this to the Council, is that this ordinance not be passed in its present form and that the builder proceed with the present scenario; build the market units first but on the north side of Riverdale Road. Then analyze the market for the age restricted in the preferred styles, and at that time if it's still soft, request a change then to all market units. Thank you.

**Comments by Councilman Carelli:** I've been listening to these arguments for the better part of two years with regard to age restricted. When this project was first introduced to me, I wasn't that crazy about it. I was a little concerned about the number of units down on Riverdale Road, but after looking at it and looking at the other benefits we could get as far as ratables and things like that, it became a better scenario when it was proposed that half of it be age restricted. Quite frankly, that's the only reason I went along with it from the start. I felt that having an age restricted was good for the town and we all know it doesn't add kids to the school and it creates a good balance in town. When you look at the type of residential dwellings that we have; single family homes, some town homes, age restricted condos and now we have open market condos. I did a breakdown and was curious as to what that breakdown is today. Currently 41% of the residential dwellings in Riverdale are open market condos, 38% are single family homes, 4% are town homes and 17% are age restricted condos. By eliminating the age restriction here, the open market condos go up to 51% which is more than everything else combined. I just don't think that creates a good balance. I heard a lot of the different reasons and rationales why we should or shouldn't do it – between the sewers, the traffic, the ratables – I agree with everything that was said as far as ratables. It's the same ratables and the only way that argument is valid in my mind is if you think that this developer is going to pick up and move out of town if we vote no. I don't subscribe to that. I think he will do it regardless. As far as the school children, there have been some statements back and forth and I'd rather just be accurate. Certainly ratables help the tax

**ORDINANCES (continued):**

rate – there's no doubt we would benefit from that. The school rate and municipal rate would go down. The thing that needs to be considered, and that I did consider, were the number of kids and we've heard all different scenarios. The general rule of thumb is one child for every 10 units. If you look at that now, the Grande has 558 units so you can expect 56 children and that's the number we've been using for the last two or three years. This TCR development, as it is approved today, would add another 21 children in a worse case scenario because there are 212. By changing this, we can then assume there will be another 21 children. And we have to look at the COAH requirements. I've heard we may to build anywhere from 100 to 140 because of that, and that could add another 15 or so children. When you add that up, currently in the Grande the number is somewhere around 300 units sold and we have 10 children. So we haven't even felt the impact of all the children that will be in the school. When you look at the projections, we still have another 100 children to account for. If we say we're not going to get 100 and maybe it's less than that, we're trending right now about 40% of what we thought, so that might be 40 extra kids we're going to get. We could sit here all night and argue about how many extra children there are going to be and whether or not that impact makes you decide not do it is up to each individual councilperson. The thing I want to be clear on is that this ratable may bring in \$900,000 toward the school but the school can't spend that money. They have a hard cap of 4%. Their levy last year was around \$5,000,000 which means next year they're going to have an extra \$200,000 to spend and can't spend any more. If you have 5 kids or 100 kids, it's \$200,000, so it does impact the school. You talk about that the school put an addition and they have adequate space for the children and I don't think anyone would dispute that. They have nice amenities in the school so housing the students is not a problem. Where I get concerned is that we have to educate them, too. That's something to be concerned about. They're going to need money to do that, so I've taken that into consideration. As far as the traffic, we've heard stories. I have no idea what it's going to do to traffic; I haven't seen a study. To nonchalantly say it shouldn't matter – I'm not ready to say something like that. I just don't know. The other thing is the Board of Adjustment voted 7 to 2. I trust the decisions the Board of Adjustment makes. We have to as a Council and I'm not ready to go against their vote. They know more about it than we do. They've been looking at it for last three years. Finally, all I'd have to say is TCR, these are big boys. They're a big outfit, they know what they're doing, this is a high-risk high-reward game that they're in. I feel they knew what they were getting into, they're approved today for all 424 units and I'm of the opinion they should build what they're approved for. I don't think because the market may have changed or there are some hard financial times that we should be bailing them out, and that's what I feel like we're doing. I'm just not comfortable supporting this at this point.

**Comments by Councilwoman Bush:** I spent some time this week trying to get information on comparing open market to age restricted. I think that you can go either way with facts and data. You can find studies to support the fact that open market will be a better return for you and you can find statistics that say the age restricted is. The one thing that I did note was in the last year according to a few sites that I found, in all of the housing markets, 50% of all housing that's been built in New Jersey in the last year has been age restricted. There were different reasons for it. One reason is because that's what's being approved today. Builders know that when they go to a Planning Board, if they're going to get projects approved, they're going to have a component of age restriction because it seems to be moving in that direction. On the other hand, there were comments as to where is New Jersey heading if 50% of our housing is going to a market that doesn't seem to be picking up and actually buying those units. The units are being built but staying vacant. So there's a contrast there of what it is that the builder is trying to do for the town and please everyone that's involved in this whole process. You're looking at your citizenry, your school districts, the services that are being brought into the town. To me, when I was looking at this issue, I was looking at personal family members and how I would feel. To me, age restricted is not as attractive for me to buy into

**ORDINANCES (continued):**

something of that nature and I have family members that are not interested in doing that. In looking at Riverdale, is Riverdale the type of a community that I would want to look at or does it have a market for retirement? I'm not so sure. Usually you're looking at shore towns or areas that might be even closer to some of the larger cities. Is it cutting out housing for younger families that are coming in? That was also an issue. And there are also positives when a building project comes in that are attached to the project, so it's not just a cut and dry issue of should it be age restricted or not. My biggest concern, and it was mentioned before, is that as a Council and a Mayor and Council, we have names put forth to serve on different boards and then those people make decisions because of their expertise or because of their dedication to the boards that they're serving on. I think that every board needs to have confidence in the other board members and their decisions. I am at this point leaning to side with the Planning Board in that they have put the time and effort into really delving into the issue more so than what we have. I know the issue of a white paper has come up – a letter from a planner stating, with a revision, what are the real true impacts going to be. That was one thing on my agenda that I had hoped to get done before this meeting and it didn't. I have had meetings, spoken to other members and I have spoken to the Mayor and I've tried to get facts. The main issue still remains for me; do I make a decision against a board that I have confidence in?

**Comments by Councilwoman Wetzel:** When this was first brought up, it was presented in the two phases; 55 and older and general population. I too was in favor of that. In the beginning I thought that was going to be beneficial to the town. I do agree that there was concern about how many children would be coming into the school as well as traffic and all of things that everybody brought up tonight. I do think that someone mentioned we haven't given this enough time. We really have discussed this for a very long time and we've gone back and forth, had pros and cons, and had presentations from the developer with everything and his intention as to why he feels it's a better idea to switch his plans. I was hesitant in the beginning about him changing his plans. I felt that after he was approved he came in and asked for a change and I felt he should stick with the original plan. After hearing different things presented to us, I did change my mind and did agree that the project should be developed. I know that everyone has very strong opinions and they're all good, they're all viable. I do really believe that the Planning Board has made wonderful decisions that have benefited all of us in this town. A comment was made quite a few meetings ago that I just cannot get out of my system. When we asked why the Planning Board was going to deny this project, a comment was made that, well they all just said that they're going to deny it because they don't like him, meaning the developer. Well, I was appalled by that. It hasn't been denied, it hasn't been disputed and I'm not saying that it's true or false. I would like to think that has nothing to do with the decision of the Planning Board. But the Planning Board hasn't made one comment or another with regard to that situation and I would like to think that it's not personal. I have no reason to think it is and I have no reason to think it isn't, but I have not been given any reason other than that letter, which I feel was very general, as to why the Planning Board disapproved the project. If there are more specifics, I don't know of them. It just bothers me to think that anyone would think that we feel empowered or we feel we can change the rules because we can or because we feel it's beneficial as opposed to what we feel is best for the town. But it also bothers me to think that any board may feel they don't want to approve or disapprove something because personally they disagree with somebody or like or dislike somebody, and I hope that that isn't a factor. So for the same reasons I appreciate the board and everything they've done and respect the things they've done in the past, I just have a problem with the fact that this project was denied, denied, denied and I don't really think we've been given enough reason as to why they're not even considering it.

**ORDINANCES (continued):**

**Comments by Councilman Falkoski:** As you know I am the Council representative on the Planning Board and served on the Planning Board before being appointed to the Council. Any decision that board has ever made is based on facts and law. People may have personal opinions about certain people, but any individual on that board has never made a decision based upon his personal feelings. It's always been based upon the law.

**Comments by Mayor Budesheim:** Going all the way back to the hearings on this before the Planning Board, there have been a lot of comments made. It was eluded to even this evening that we bend over backwards for this developer, we give him everything he wants. Such comments are almost bordering on being irresponsible because they project an image of our Planning Board and our Governing Body that just is not true. By way of example, this developer was looking to develop 105 acres on the other side of Route 23, totally undeveloped land. The residents up there were against it and this Governing Body was against it. While that was going on, our Tax Assessor approached me and said why don't they come down here to Riverdale Road where we have vacant buildings. Middle Atlantic was about to move out. They occupied all or part of seven buildings. The property owners down there had been filing tax appeal after tax appeal year after year, and you had an environmental disaster down there. So I asked the developer to come down here and redevelop it rather than destroying the little open space we have left. They did come down here and they did approach some of the property owners, but nothing much happened and they continued to pursue the open space area. One day I got a call from Councilman Falkoski and he is with Assemblyman Alex DeCroce and they're in the parking lot at one of the buildings there. Mr. DeCroce is in real estate, and Mr. Falkoski was explaining to him what we were trying to do, and he was very interested. I went down there and at that time we met with one of the owners of the Medallion building and he was interested in selling. Within a week or two later, Mr. DeCroce and I met with the owners of one of the vacant building across the street and he had a developer from Washington D.C. who was looking to come up here to develop that site. With all the environmental constraints and buying up businesses, it was prohibitive for most developers. Finally TCR gave up trying to take our open space and agreed to come down here and pursue it. Under our ordinance, it is the responsibility of the applicant to request a zone change and give his reasons. He complied with our ordinance and did just that. He came up with something that he thought we'd be comfortable with. There were many, many changes. None of those changes were initiated by the developer for obvious reasons. He was doing everything we asked of him. To say that we've given him everything he's asked for, just the opposite is true. So they get the change. He proposed the age restriction – at the time I guess the market was fair for something like that – and there was always the concern about the school. Because of the change in the market, it was no longer feasible to build the age restriction. I have a list of 21 towns in New Jersey that have lifted age restriction, a couple right here in Morris County. Some have been built and are vacant. Hamburg has the most desirable type of age restriction; single family detached buildings. Some of them are built and they can't sell them. What he's asking for is nothing different than what's happening all across the state. As far as the number of people, our planner at the hearing stated the increase in population for open market and age restriction would be very similar and she did not think the age restriction would generate less of a population so the number of people is going to be the same. As far as the traffic light, whether you have age restriction or not, that traffic light is part of the site plan approval. It is agreed that we'll hold up on that until we see what the traffic conditions are. If there is going to be a problem it's going to be the fact that it does get built. As far as Planning Board decisions, I'm glad to see there's a renewed faith in our Planning Board because this Council two years ago voted, as Mr. Talerico said, to sue them because we didn't feel comfortable with that Dube application which I considered an abomination. I'm glad that this Council did challenge it and didn't have blind faith in our Planning Board in whom I have the most respect. Chairman Loesner and I have been working together the past two or three years and I think he's done an

**ORDINANCES (continued):**

admirable job. I would not do anything to undermine him but sometimes they don't agree with every decision we make either. As far as the Van Ness house, I think that was a positive. Thank goodness we did do that. That's the most heavily traveled county owned road in all of Morris. We've had a four vendor farmers market there 4-1/2 hours a week and you would not believe the traffic nightmare. We have to have a cop out there, there've been two accidents already with just four vendors. Can you imagine if we had a 45,000 square foot, 200 parking space strip center there? It would be a nightmare. So that was to the benefit of Riverdale and to all the taxpayers. The primary reason for age restriction is because of the school. I was told by the Superintendent that we have eight kids signed up for school from the Grande with 300 units. The projections would have given us 30 students so we're only 33% of the way to what they're projecting. The school has had two additions put on since the 70's – one just a few years ago. In 1973 K-6 in that school building held 323 kids, 99 went to Kinnelon Middle School and 223 went to Kinnelon High School – 645 kids. Last year we had 286 in the school and this is after two additions were put on. Five years ago the school board put a \$5.5 million referendum and part of the selling point for that was because of the development in town. Nobody could remember how many students were anticipated because of the increased development and what that facility was supposed to accommodate. I called Mario Cardinale, who was the Superintendent who put together that whole project. He said definitely it was anticipated to increase the school population by 70 students. He said he even met with the developer at the Grande outlining school bus stops. At the time there were 277 kids in the school so part of what we paid \$5.5 million for is to bring that school population up comfortably to 344 kids. It's true with the law change the school does not get the increase of ratables like they used to every year and I think that's a good thing. However, when needed they can dip into that well and they did that last year. They went for a second question that got approved by a 3 to 1 margin; a second question of \$450,000. With the increase in the regular budget, and that was a \$650,000 increase in their levy last year, it didn't cost the residents any additional taxes because the added ratables covered that entire cost. And to me that's a good thing. That's what the ratables are for. So we were able to meet the educational needs of our students. These aren't for future students; these are students who are in the school today. We are able to give them the opportunities and the programs that they want today because of the development. If it ever comes again that they need to add on or they need the increased programs, the money would be there for them. As far as Pompton Lakes High School, I'm not sure what breaking point means. I've heard that over the past few meetings. According to the latest statistics on the Department of Education score card, there were 668 students in Pompton Lakes High School this past school year with Riverdale. 114 of those students were from Riverdale. In 1968 when it was just Pompton Lakes they had 752 students so that's 84 less today than there were in 1968. I don't think the building got any smaller and I think it can accommodate more students. As far as the traffic, the traffic studies have shown that intersection at peak hour has about 300 to 400 cars coming there. They're not coming from Riverdale. They're coming over the Van Ness Bridge from Pompton Lakes and Wayne. That traffic is generated over there and I don't believe that the people living there are going to be driving into Pompton Lakes unless they have business in Pompton Lakes or visiting people. They're going to be using the same roads that the people in Pompton Lakes and Wayne are using and that's to get to the highways. The traffic studies have shown that and experience has shown that so I don't think that's going to be a problem. It comes down to what we think is best for the town. I resent the fact that backdoor politics was mentioned here. The Council found out about the zone change ordinance the same way they find out about every other single ordinance and that's on the agenda. That was done no differently than any other ordinance change and it was up for discussion. We have taken care of the school with the added ratables, we've got a great working relationship with the Board of Ed and the Administration over there which is something we're very proud of. Through shared services we save a lot of money and we're going to continue doing that. We've taken care of all the infrastructure

**ORDINANCES (continued):**

and the equipment here in town, the fire and police equipment. Now we're to the point where it's just the maintenance level that we're trying to keep so we've used these ratables to improve the situation in town. Now with the increase in tax appeals coming up, we've already seen it start, there's one other group I'm looking to take care of and that's the taxpayers. It would be nice if the school tax went down. It's always been known that the school accounts for about 2/3 of your local tax rate; 60% to 65%. With this new law in place, it's coming down. Right now it's 48% and it's getting close to the municipal share so it is working. We'll continue working with them and it would be nice if these added ratables could be used for tax relief so that retired people who want to maintain their houses and don't want to give up something that's owned free and clear can afford to continue to live here. One last thing regarding the letter that we got from the Planning Board stating it's not in conformity with our Master Plan. The reason I didn't ask the planner here is because a number of times, if you read the transcript you see, questions were asked of her and she stated I wasn't involved in writing the Master Plan so I couldn't answer that. So I called the man who did write the Master Plan and I asked him very honestly what was his opinion of age restricted housing and if we removed that from our ordinance would it be in conflict with our Master Plan. He told me he deliberately didn't put it in the Master Plan because he doesn't believe in it for an area such as this or a town such as Riverdale because we are not a target area. As somebody said before, people don't retire to Riverdale, they don't downsize to Riverdale, they're not moving into here. Our own statistics for Powder Mill have shown that.

The Mayor instructed the Borough Clerk to read the letter from Walter Kalina of Clough Harbor and Associates who wrote our Master Plan.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 05-2008 as read on second reading, be adopted and finally passed.

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 83-A****RESOLUTIONS:**

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

- 1)     Payment of Claims.
  - a.    Postage Meter Reserve Account       A&E                               \$ 1,500.00
- 2)     **Resolution #56-2008** – Review of 2007 Annual Audit.
- 3)     **Resolution #57-2008** – Chapter 159 - \$5,000 – Over the Limit Under Arrest 2008 Grant.
- 4)     **Resolution #58-2008** – Chapter 159 - \$72,574.00 – Glenburn House Historic Preservation Trust Fund 2008 Grant.
- 5)     **Resolution #59-2008** – Approval of proposals for emergency work to be performed to stem on-going deterioration and/or damage to the existing historic fabric. The proposals are to be performed by the following with costs as noted:
  - a.    Kenneth Frayer            Ventilate Main House               \$ 1,400.00
  - b.    Kenneth Frayer            Install 20' beam                     \$ 1,920.00
  - c.    Kenneth Frayer            Secure envelope-6mil/roof         \$ 800.00



**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:46 p.m.

Respectfully Submitted:

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



**ORDINANCES (continued):**

**ROLL CALL:**       **Ayes:**    **Bush, Falkoski, Wetzels, Carelli**  
                           **Nays:**     **Guis**  
                           **(4 ayes – 1 nay – motion carried)**

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 87-A**

2)     Public Hearing and Adoption of an Ordinance entitled:

**ORDINANCE 10-2008****ORDINANCE DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM**

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.

**ALL IN FAVOR.**

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, **RESOLVED** that Ordinance No. 10-2008 as read on second reading at this meeting, be adopted and finally passed.

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 87-B****RESOLUTIONS:**

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

- 1)     Payment of Claims, including the following payments:
  - a) Apollo Flag Company           - Memorial Day Items           \$234.00
  - b) The Grande Hotel, Cape May – Tax Assessor Conference   \$468.00
- 2)     **Resolution No. 61-2008;** Corrective Action Plan required for any findings and recommendations contained in Annual Audit.
- 3)     Escrow payments to the following:
  - a) Darmofalski Eng. & Assoc.   Alexan Riverwalk       \$ 130.00
  - b) Darmofalski Eng. & Assoc.   Majestic/Beazer       \$ 390.00
  - c) Darmofalski Eng. & Assoc.   RKG Development       \$ 130.00
  - d) Burgis Associates            Alexan Riverwalk       \$ 1,460.00
  - e) Anderson & Denzler Assoc.   D.R. Horton            \$ 295.48
- 4)     Appoint Eric Hollenstein as permanent police officer due to completion of probationary period, retroactive to June 9, 2008..
- 5)     Approve payment to Charles Quant, Sr. for unused sick days due to him upon his retirement.

**RESOLUTIONS (continued):**

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

**COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 88-C AND D****CORRESPONDENCE:**

- 1)     Imad Saleh of 55 Newark Pompton Turnpike requesting to create a new entrance to their driveway on Federal Place. The new curb opening will be 16 feet wide. (copy of letter distributed to Governing Body)

Borough Clerk Talerico stated that we have not received the Borough Engineer's recommendation on this matter and should have it for the next meeting.

**MAYOR REPORT:**

Mayor Budesheim reported the DEP has sent a letter regarding contamination at the Powder Mill Condominium site. He also reported on a letter received from Target. They are tying other conditions into building the connector road that have no relationship to the road.

**BOROUGH CLERK REPORT:**

Borough Clerk Talerico reported that Camfil Farr has requested permission to use Freedom Park on Friday, September 5, 2008 for their company picnic. They have provided a certificate of insurance. Council approved the request. She also reported that we were notified of several zoning change ordinances from Bloomingdale. The public hearing will be held on September 23<sup>rd</sup>. Copies will be forwarded to the Mayor and Council and Planner.

**COMMITTEE REPORTS:**

Councilman Falkoski reported the municipal court report for the month of July.

Councilwoman Wetzels reported that raffle ticket sales are going well for Friends of the Riverdale Concert Series.

Mayor Budesheim reported the highest offer received for the 2001 Crown Victoria which had been declared as surplus was \$1,250.00

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Falkoski, to accept the offer of \$1,250.00 for the 2001 Crown Victoria.

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

**PUBLIC PARTICIPATION NO. 2:**

Sky Ball asked about paying taxes on his property that was transferred to the town. Borough Attorney Oostdyk stated it would be reflected in his assessment. The date of transfer will be verified with the tax assessor.

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:10 p.m.

Respectfully Submitted:

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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: Astarita, Bush, Falkoski, Guis, Wetzal, Carelli**  
**Absent: None**

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

**MAYOR BUDESHEIM PROCLAIMS SEPTEMBER 20, 2008 AS “KIDS DAY AMERICA/INTERNATIONAL” IN RIVERDALE**

**COPY OF PROCLAMATION IN FULL ON PAGE NO. 90-A**

**RESOLUTIONS:**

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

- 1) Approval of payment to Caldwell-West Caldwell Continuing Education Center in the amount of \$656.00 to enroll Alan Kelly to 2-Advanced Water Courses.

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

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

- 2) Approval of payment to Riverdale Volunteer Fire Department for Firemen's Convention in the amount of \$1,500.00
- 3) Approval of payment for Fire Department VFIS Insurance in the amount of \$1,394.00.
- 4) Approval of Water Department Emergency - Water Main Break. Invoice from L. Becker and Son in the amount of \$4,831.75.
- 5) Reimburse Fire Department for food supplies for Route 287 tanker spill in the amount of \$877.19.
- 6) Authorization to issue a check to LaGuardia Associates in the amount available from the Concert Trust Fund.

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

**OTHER BUSINESS:**

- 1) Request for road opening permit and permission to change curb cut for property owned by Imad Saleh, 55 Newark Pompton Turnpike. (to be addressed by Borough Engineer).

Borough Clerk Talerico stated that the Borough Engineer does not recommend approval of this request for safety reasons. Councilman Guis concurred.

**BOROUGH CLERK'S REPORT:**

Borough Clerk Talerico reported that the two police cars that were advertised for bids have not sold as of today. There was discussion regarding the bids for the vehicles. It was decided to advertise for new bids with a minimum bid of \$4,000 per vehicle.

**MAYOR REPORT:**

Mayor Budesheim reported the Youth Center at the Community Center will be done this weekend.

**COMMITTEE REPORTS:**

Councilman Carelli reported the playground was delivered to the school. There was discussion regarding the project.

Councilman Falkoski reported on clarifying the enforcement of smoking on municipal and school property. The borough attorney will prepare an ordinance.

Councilwoman Wetzel reported the street fair will take place on September 14<sup>th</sup> from 10:00 am. to 6:00 p.m.

Councilwoman Bush reported on the issue of an ordinance to address underage drinking on private property. Borough Attorney Oostdyk explained the state statutes and the ordinance. There was discussion regarding the matter.

There was Council discussion regarding whether there could be a three month waiting period before new employees receive health benefits.

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:35 p.m.

Respectfully Submitted:

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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 Budesheim presiding.

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

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

**APPROVAL OF MINUTES DATED:**

August 18, 2008 - Regular Meeting  
 September 3, 2008 - Workshop Meeting

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

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

**MAYOR BUDESHEIM TO PRESENT LIBRARY TEEN VOLUNTEER AWARDS**

Mayor Budesheim expressed appreciation to the teen volunteers who assisted with various library duties during the year. Councilwoman Wetzel presented certificates of appreciation to each of this year's volunteers.

**PUBLIC PARTICIPATION NO. 1:**

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

**ALL IN FAVOR.**

**ORDINANCES:**

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

**ORDINANCE 11-2008**

**ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE  
 BOROUGH OF RIVERDALE AND PROHIBITING SMOKING IN MUNICIPAL  
 BUILDINGS, GROUNDS, PARKS OR RECREATION FACILITIES**

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

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

**RESOLUTIONS:**

Borough Engineer Darmofalski recommended approval of a new curb cut at 60 Newbury Place.

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

- 1) Approval of new curb cut to be extended from 11 feet to 20 feet, property located at 60 Newbury Place, homeowner Patrick and Betty Brady. (Application and print have been reviewed by the Borough Engineer and he recommends approval by the governing body)

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

**MAYOR REPORT:**

Mayor Budesheim reported there is a county meeting at 2:30 p.m. this Wednesday in Montville on Animal Control Sheltering and Cruelty Services.

**RESOLUTIONS (continued):**

Borough Engineer Darmofalski provided clarification of the inspection fees in resolution No. 7. The project is running longer than originally anticipated due to unknown utilities at Morris Avenue and the bulk of the contract time has been spent getting underneath the railroad. The estimate is for an additional four weeks at 35 hours per week for the project and recommends an inspector be on the site. There was Council discussion regarding the matter.

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

- 2) Payment of Claims, including the following payments:
  - a. Valero Marketing                               -     \$8,961.60
  - b. MCMUA   -     \$7,509.90
- 3) Payment to contractors for the completion of the Lower Level of the Community Center.
  - a. Eagle Land Construction LLC               -     \$26,800.00
  - b. Hesc Electric                                   -     \$16,035.00
  - c. M.P. Plumbing Inc.                           -     \$26,400.00
  - d. M.P. Plumbing Inc. (Change Order)       -     \$ 2,480.00
  - e. Air Zone Systems, Inc.                       -     \$19,800.00
- 4) Approval of award of additional work to the lower lever of the Community Center for the following work and Contractors:
  - a. T&M Glass & Mirror Co., Inc.               -     \$8,900
    - i. Contingent on additional quotation and submittal of paperwork.
  - b. Caz Floors Corporation                       -     \$22,460.00
    - i. Contingent on additional quotation and submittal of paperwork.
- 5) Payment of bills from Escrow Funds for the following:
  - a. Darmofalski Engineering               -     Target Corp.       \$ 780.00
  - b. Richard J. Clemack, Esq.               -     TCR-Riverwalk     \$2,498.84
- 6) Refund of Tax Overpayments:
  - a. **Resolution No. 62-2008;** Block 11 – Lot 5.3212 – Nick Hatzoglu - \$896.53 – 2008 Duplicate Pay

**RESOLUTIONS (continued):**

- b. **Resolution No. 64-2008;** Block 40 – Lot 2.7405 – Gary Pantin - \$352.36 – 2008 Duplicate Pay
- 7) Approval of additional proposal for the Borough Engineer for the completion of the Paterson Hamburg Turnpike Sewer Improvements Inspection Budget in the amount of \$31,200.00.
- 8) Approval of payment to Theatre Direct for tickets for Christmas Spectacular with a maximum amount of \$4,798.50 when funds become available through the recreations department.

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

**COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 94-B, C AND D****BOROUGH CLERK REPORT:**

Borough Clerk Talerico reported on a request from the Zoning Official that the Mayor and Council prohibit parking for approximately 50 feet along the right side of Morris Avenue across from Curtis Street and for 50 feet on both sides of Curtis Street by the intersection. Fire Chief Mike Norton and Sgt. Greg Bogert brought to her attention that due to parking of vehicles on those streets a fire truck cannot make a turn onto Curtis Street. Fire Chief Norton stated they have difficulty on several other narrower streets. It was decided to review the other areas. Clerk Talerico also reported that we have received a copy of the Highlands Regional Master Plan on CD.

**BOROUGH ENGINEER REPORT:**

Borough Engineer Darmofalski reported on the Mathews Avenue project. Target has contacted us to arrange for a preconstruction meeting on the service road. Mr. Darmofalski will ask the Quarry representatives to attend the October 6<sup>th</sup> meeting to discuss the reclamation plan.

**COMMITTEE REPORTS:**

Councilman Falkoski reported that our alarm ordinance is vague in specifying enforcement. Borough Attorney Oostdyk stated that the Fire Official mails the violation notice and if the fine is not paid a summons can be issued through the court by anyone. Councilman Falkoski reported that our fees for our land use development applications need to be reviewed and updated. He also reported the court report for the month of August.

Councilwoman Wetzel reported on the street fair and expressed appreciation to those that helped.

Mayor Budesheim reported that the Youth Center is complete and a tentative date of November 22<sup>nd</sup> has been set for a dedication and open house.

Councilwoman Bush reported she will attend a county wide Municipal Alliance meeting this week. She and June Carelli are planning five teen movie nights.

**PUBLIC PARTICIPATION NO. 2:**

Mr. Brady, 60 Newbury Place, stated there is a tree in front of his house with a large crack down the center. Councilman Carelli stated that the Shade Tree Commission secretary would check into it.

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:50 p.m.

Respectfully Submitted:

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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:**     **Astarita, Bush, Falkoski, Guis, Wetzels, Carelli**  
                           **Absent:**       **None**

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

**INITIAL MEETING WITH THE RIVERDALE QUARRY TO DISCUSS THE LICENSE RENEWAL ITEMS INCLUDING TIMING, RECLAMATION AND COMPLAINTS.**

Mayor Budesheim stated the owners of the quarry property want to revise the reclamation plan. They expect about seven more years of quarrying activity and we hope the last two years will be used towards site preparation for future use. Borough Engineer Darmofalski stated the quarry would give a brief presentation about the changes. Most of the developers the owners have talked to preferred a 1% slope away from Hamburg Turnpike.

Brian Montag, Counsel for the Tilcon quarry, introduced the Area Manager and Chief Engineer. They explained the revised reclamation plan and how it would change the slope from 3% with a mound in the middle of the property to a 1% slope from the front to the back of the property. They answered questions from the council regarding the plan. The public hearing for license renewal will be held at the regular meeting in January. Councilman Guis requested the emergency exit off of the Wal-Mart site be improved so emergency vehicles can get through. Borough Engineer Darmofalski stated that there have not been many complaints.

**PUBLIC PARTICIPATION NO. 1:**

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

**ALL IN FAVOR.**

**ORDINANCES:**

There was discussion regarding Ordinance 12-2008. Borough Attorney Oostdyk stated the commercial component is mandatory and the residential component and amount are optional.

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

**ORDINANCE 12-2008**

**AN ORDINANCE TO AMEND CHAPTER 149, ENTITLED  
 “SUBDIVISION OF LAND AND SITE PLAN REVIEW” OF THE  
 CODE OF THE BOROUGH OF RIVERDALE, AND PROVIDING  
 FOR MANDATORY DEVELOPMENT FEES FOR THE  
 AFFORDABLE HOUSING PROGRAM OF THE BOROUGH OF  
 RIVERDALE**

**ORDINANCES (continued):**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 97-A**

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

**ORDINANCE 13-2008****AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND CONSOLIDATING THE WATER AND SEWER UTILITIES**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 97-B****RESOLUTIONS:**

Borough Engineer Darmofalski commented on resolutions 6 and 7. A preconstruction meeting for the service road was attended by Target, the contractor R and R, and the Grande. D. R. Horton is scheduled to start on October 20<sup>th</sup>. Mr. Darmofalski recommended release/reduction of the performance bonds once activity has begun. After discussion it was decided to table the resolutions until the next meeting. Councilman Falkoski asked for clarification of resolution 3.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, to approve the following resolutions, with the exception of 6 and 7 which are tabled until the next meeting:

- 1) **Resolution #63-2008;** Chapter 159 – 2008 Recycling Tonnage Grant - \$4,439.05.
- 2) Payment of the following professional invoices:
 

a. Darmofalski Engineering	-	Sewer Project	\$7,604.50
b. Darmofalski Engineering	-	Sewer Project	\$7,650.00
c. Richard J. Clemack, Esq.	-	TCR Sewer Escrow	\$2,274.76
- 3) Authorization of Mayor Budesheim to execute a “Conditional No Further Action letter and Covenant Not to Sue” with the DEP regarding the completion of a Remedial Action pursuant to the Technical Requirement for Site Remedial (N.J.A.C. 7:26E) for soils at a former greenhouse and no other areas. (copy of letter distributed to Mayor and Council)
- 4) Mayor Budesheim to appoint two new members to the Riverdale Board of Health to fill unexpired terms as follows:
  - a. Thomas Batelli appointed to replace Ellyn Ward – Term 12/31/2008
  - b. Jason Cullen appointed to replace Joseph Destito – Term 12/31/2009
- 5) Approval of \$1.00 per hour increase for Neil DeBonte as of 10/01/08 for obtaining his CDL, Commercial Drivers License.
- 6) Reconsideration of the Target performance bond release/reduction and acceptance of maintenance bond based on the original conditional approval made on June 16, 2008.

**RESOLUTIONS (continued):**

- 7) Reconsideration of the D.R. Horton bond release/reduction based on the original conditional approval made on June 16, 2008.
- 8) Approval of payment to DCM Contracting – Paterson Hamburg Turnpike Sewer Project as recommended by Paul Darmofalski, Borough Engineer as follows:
  - a. Payment #3 for August, 2008           \$99,490.09
  - b. Payment #4 for September, 2008   \$64,909.57
- 9) Approval the following for recreation:
  - a. Use full balance in recreation trust account toward payment for Yoga Instructor and Dance Instructor.
  - b. Payment for bus trip to NYC for play to see Wicked - \$650.00.

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

**COPY OF RESOLUTIONS IN FULL ON PAGE NO. 98-C****OTHER BUSINESS:**

- 1) Claim regarding damage caused to a private citizen's vehicle while Officer was helping citizen move the distressed vehicle. Mary Nordlander has submitted two quotes for repairs to her vehicle due to this incident. The quotations are 1) Paul Miller BMW - \$954.71 and 2) Riel Auto Body Inc. for \$801.01. (information distributed to Mayor and Council for review with input from the Borough Attorney of how to handle the matter)

Borough Clerk Talerico stated the claimant refused to submit the claim to her own insurance carrier. There was discussion and it was determined that was the correct way to proceed.

**MAYOR REPORT:**

Mayor Budesheim reported the open house and dedication at the Community Center will be held Saturday, November 22 at 11:00 a.m. He reported that there is an ongoing problem with our records storage. The roof was leaking and there is mold. He and Borough Clerk Talerico have discussed the situation and propose partial shut down of the front office for two or three days in December to give everyone the opportunity to review their records and get them back in order. We will use the old OEM office for records storage. The Mayor also reported that bills have been coming in without purchase orders. He emphasized that the encumbrance system must be used. The budget will be extremely tight next year. The gasoline appropriation this year was \$77,500 and we're going to be short. We've paid through August, there's only \$11,000 left.

**BOROUGH CLERK REPORT:**

Borough Clerk Talerico reported on the new email system. She also reported that the Recreation Director asked if \$4,000 would be available for Fright Night this year. Council agreed to reduce the amount to \$2,000. She reported that we received a request for reimbursement to NYS&W for Engineering Costs for an Entry Permit. Borough Engineer Darmofalski requested a copy. An invoice was received for \$8,892.40 for the 9-1-1 Dispatch Interlocal Services Agreement for next year. This is a 7 percent increase.

**BOROUGH ENGINEER REPORT:**

Borough Engineer Darmofalski reported that requirements for the community rating system have been submitted. This is the program through FEMA for a discount on flood insurance. The Mathews Avenue/Hamburg Turnpike improvements have been completed. He will be making a request to possibly change some of the no parking regulations on Mathews Avenue with the recommendations of the Police Department. There is one more day on the sewer project to finish the main line and then we're going to laterals which the contractor tells us will be approximately a week.

**COMMITTEE REPORTS:**

Councilman Carelli reported that the budget for next year will be tight. He proposed we review each line item of one of the O/E budgets at each meeting to see where cuts can be made.

Councilman Falkoski reported a legislative alert to bills that would raise money through court fees to be utilized to pay for increased security in courts.

Councilman Guis discussed the status of the request for reimbursement for snow plowing and electricity at the Grande.

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

Mayor Budesheim suggested that gas for borough vehicles that are used for a combination of business and personal use be limited. Councilwoman Wetzel stated that we have a responsibility to the residents and need to take some type of action. Council agreed and a memo will be issued to that regard.

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:55 p.m.

Respectfully Submitted:

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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 Budesheim presiding.

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

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

**APPROVAL OF MINUTES DATED:**

September 16, 2008 - Regular Meeting  
 October 6, 2008 - Workshop Meeting

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

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

**PUBLIC PARTICIPATION NO. 1:**

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

**ALL IN FAVOR.**

**PROCLAMATION DECLARING THE WEEK OF OCTOBER 19<sup>TH</sup> THROUGH THE 25<sup>TH</sup> AS NEW JERSEY STATE FEDERATION OF WOMEN’S CLUBS MEMBERSHIP WEEK IN RECOGNITION OF MANY HOURS OF SERVICE MEMBERS OF THE GFWC WOMAN’S CLUB OF RIVERDALE HAVE PROVIDED TO THIS COMMUNITY AND OTHERS.**

**ORDINANCES:**

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

**ORDINANCE 11-2008**

**ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND PROHIBITING SMOKING IN MUNICIPAL BUILDINGS, GROUNDS, PARKS OR RECREATION FACILITIES**

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.

**ALL IN FAVOR.**

**ORDINANCES (continued):**

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 11-2008 as read on second reading at this meeting, be adopted and finally passed.

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 101-A**

Mayor Budesheim stated that the water and sewer rates have not been raised in over four years.

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

**ORDINANCE 14-2008****ORDINANCE AMENDING CHAPTERS 136 AND 164 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING WATER AND SEWER RATES**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 101-B**

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

**ORDINANCE 15-2008****AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF RIVERDALE, THE BOROUGH OF LINCOLN PARK AND THE PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 101-C****MAYOR REPORT:**

Mayor Budesheim asked for input on the issue of a vehicle use policy for employees driving borough owned vehicles. After discussion it was decided that borough owned vehicles may be driven only within the borough unless on official borough business. The matter can be revisited at the end of the year. Councilman Carelli stated he is working on an in depth analysis of the cost of borough vehicles.

**OTHER BUSINESS:**

- 1) Resignation of Larry Feld from Board of Health.

Councilman Guis set forth the motion, seconded by Councilman Astarita, to accept with regret the resignation of Larry Feld from the Board of Health.

**ALL IN FAVOR.**

- 2) Letter from Bloomingdale Resident Pamela Pearce registering a complaint to the governing body for the Mathews Avenue Intersection at Hamburg Turnpike. (copy of letter distributed to Mayor & Council with agenda)

**BOROUGH CLERK REPORT:**

Borough Clerk Talerico reported on increasing the liquor license fees. She asked for clarification of the lighting and snow removal reimbursement for the Grande. She reported that no bids were received for the two Impalas. Mrs. Canella has inquired whether Powder Mill’s letter of credit needs to be continued. They have a cash bond for \$75,658.81 and the letter of credit is about \$90,000. Borough Attorney Oostdyk stated they should either give us a replacement letter of credit or submit an application to the engineer for release by proving they’ve done everything that needs to be done. There was discussion regarding pump and ladder certification of the fire trucks.

**COMMITTEE REPORTS:**

Councilman Falkoski reported the court report for the month of September.

Councilman Guis reported on installation of basketball hoops at the school playground.

Councilman Carelli reported on progress of work at the school playground.

Councilman Astarita reported the first meeting for the Morris County Community Development Block Grants is December 5<sup>th</sup>. The library building committee has a list of items that need to be repaired.

Mayor Budesheim reported that Samsung donated a 52” plasma television for the youth center and D. R. Horton sent workers to build a closet for it.

Councilwoman Bush reported the Riverdale Municipal Alliance is working on four dates to use the youth center for movie nights.

**RESOLUTIONS**

There was discussion regarding the expenditure limit for Fright Night.

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

- 1) Payment of Claims.
  - a. Theatre Direct - Christmas Spectacular Trip \$2,395.25
  - b. Mike Chiuchiolo - DJ – Fright Night \$ 200.00
  - c. Fun Time Entertnmt. - Inflatable Amusement \$ 550.00
- 2) Payment of bills from Escrow Funds for the following:
  - a. Darmofalski Engineering - Target Corp. \$ 520.00
  - b. Anderson & Denzler - Alexan (Riverwalk) \$ 210.00
  - c. Anderson & Denzler - D.R. Horton (Grande) \$1,304.84

**RESOLUTIONS (continued):**

- 3) Approval of purchase of Steel Playground Basketball System from Ben Shaffer & Associates from the following two choices, State Contract A59054:
  - a. 2 – 5-9/16” Mega Duty Steel 42” x 72” \$3,318.40 or
  - b. 2 – 5-9/16” Mega Duty Steel 42” x 60” \$2,788.00
- 4) Approval to issue a memo regulating use of borough owned vehicles; restricting use to within the borough unless on official borough business.
- 5) Approval of total expenditures for school playground not to exceed \$80,000.
- 6) Approval of expenditure in the amount of \$1,585.00, encumbered to Improvement to Buildings and Grounds capital budget, for dedication plaque for the Community Center.
- 7) Approval of expenditures for Fright Night not to exceed \$2,000 plus any donations.

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

**COPY OF BILLS LIST IN FULL ON PAGE NO. 103-D****PUBLIC PARTICIPATION NO. 2:**

John Presioso, Rock Creek Crossing, had concerns with the new intersection at Hamburg Turnpike and Mathews Avenue and questioned parking on both sides of Mathews Avenue. Mayor Budesheim stated the police and engineer will be looking into the matter.

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:30 p.m.

Respectfully Submitted:

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

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.

**ALL IN FAVOR.**

**ORDINANCES:**

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

**ORDINANCE 12-2008**

**AN ORDINANCE TO AMEND CHAPTER 149, ENTITLED  
 “SUBDIVISION OF LAND AND SITE PLAN REVIEW” OF THE  
 CODE OF THE BOROUGH OF RIVERDALE, AND PROVIDING  
 FOR MANDATORY DEVELOPMENT FEES FOR THE  
 AFFORDABLE HOUSING PROGRAM 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 Councilwoman Wetzel, to close the public session.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 12-2008 as read on second reading at this meeting, be adopted and finally passed.

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 104-A**

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

- 2)     **Resolution No. 65-2008;** Requesting the Approval of the Council on Affordable Housing of Riverdale’s Development Fee Ordinance.

**ORDINANCES (continued):**

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

**COPY OF RESOLUTION IN FULL ON PAGE NO. 105-B**

3)     Public Hearing and Adoption of an Ordinance entitled:

**ORDINANCE 13-2008**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND CONSOLIDATING THE WATER AND SEWER UTILITIES**

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 Astarita, to close the public session.

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

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 13-2008 as read on second reading at this meeting, be adopted and finally passed.

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 105-C**

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

**ORDINANCE 18-2008**

**ORDINANCE OF THE BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE EXECUTION AND DELIVERY OF THE 2008 AMENDMENT TO THE 1987 SERVICE CONTRACT BETWEEN THE AUTHORITY AND THE BOROUGH OF RIVERDALE**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 105-D**

**OTHER BUSINESS:**

- 1) Certificate of Determination and Award – Renewal of Bond Anticipation Note in the amount of \$4,900,000 at an interest rate of 2.98% payable at maturity on October 30, 2009 with Bank of America, Boston, Massachusetts.
- 2) Resignation of Jeffrey Strauss from the Riverdale Board of Health effective immediately.

Mayor Budesheim stated that Jeffrey Strauss is being transferred to Pennsylvania and his resignation is accepted with regret.

**BOROUGH CLERK REPORT:**

Deputy Clerk Forbes reported that approval is requested for preventive maintenance on the Firehouse Ladder Truck at a cost of \$5,510. Mayor Budesheim stated this is part of the requirement under the warrantee and certification required for insurance purposes. Deputy Clerk Forbes asked if there are any plans to take action on the Highlands Regional Master Plan. Borough Attorney Oostdyk stated we would only act if we desire to be included within the Highlands Master Plan and we can act at any time. It was decided not to act at this time.

**BOROUGH ATTORNEY REPORT:**

Borough Attorney Oostdyk reported on the traffic light issues at Target. Their desire is to have the traffic light activated for a period of time so a determination can be made as to whether it is an effective traffic control device. The state has not reviewed the Title 39 application and Target has requested an alternate procedure. This would require the council to adopt a resolution finding the borough has an emergent condition. After discussion council agreed there was no emergent condition and Title 39 approval is required to activate the traffic light.

**COMMITTEE REPORTS:**

Councilman Falkoski reported the court has requested some of the conditions of the alarm ordinance be revised. The Borough Attorney will review the ordinance.

Councilwoman Wetzel reported on the upcoming Teen Canteen dedication.

Councilwoman Bush reported that next year's Municipal Alliance Funding will be \$6,443 and all of our programs were approved.

**MAYOR REPORT:**

Mayor Budesheim reported the open house and dedication at the Community Center will be held Saturday, November 22 at 11:00 a.m. There will be a meeting with TCR on Thursday, November 6 at 11:00 a.m. to discuss COAH. Mayor Budesheim reported on the last Freeholder meeting. He brought up the issue of additional fees for 9-1-1 dispatch services and the amount of court revenue that we pay to the county in addition to county tax. The Mayor also stated that Tilcon agreed to donate the asphalt for the basketball court.

**RESOLUTIONS:**

Mayor Budesheim stated that the payments to the NYS&W Railway should either be approved subject to cleaning their property or excluded from approval. After brief discussion it was decided to exclude the payments from approval.

**RESOLUTIONS (continued):**

Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to approve the following resolutions, with the exception of 1) d. and e. which are tabled until the next meeting:

- 1) Approval of payment for the following items:
  - a. Mountain Creek - Ski Program Passes \$5,000 max.
  - b. NJSEA - Disney on Ice \$1,322.50
  - c. Ricoh Business Sys. - Copier Lease \$ 167.26
- 2) **Resolution #66-2008;** Authorizing the Execution of an Escrow Agreement between the Council on Affordable Housing (COAH), the Borough of Riverdale and Bank of America.
- 3) **Resolution #67-2008;** Authorizing Mayor Budesheim to execute an agreement between the Borough of Riverdale, Lincoln Park, and the Pequannock River Basin Regional Sewer Authority.
- 4) Approve the release of portions of Target Corporation Bonds and Cash guarantees as recommended by Borough Engineer.
- 5) Authorizing hotel and expense checks to be issued for the League of Municipalities Convention.
- 6) Approval of Preventive Maintenance for Firehouse Ladder Truck 31 per proposal from Fire and Safety Services, Ltd. in the total amount of \$5,510.

**TABLED:**

- 1) d. NYS&W Railway - Eng. Costs Entry Permit \$ 343.01
- e. NYS&W Railway - Eng. Costs Entry Permit \$3,346.33
  - i. (NYS&W should be paid per Borough Engineer per Agreement)

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

**COPY OF RESOLUTIONS IN FULL ON PAGE NO. 107-E AND F****PUBLIC PARTICIPATION NO. 2:**

Pat Cleary commented on the budget procedure for the Fire Department.

John O'Conner commented on reducing spending and avoiding a tax increase.

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:25 p.m.

Respectfully Submitted:

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





**ORDINANCES (continued):****COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 111-D**

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

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

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 111-E****RESOLUTIONS**

Mayor Budesheim stated that resolution No. 74-2008 was ordered by the State Department of Alcoholic Beverage Control. Councilman Carelli asked for clarification of resolution No. 72-2008. Borough Attorney Oostdyk explained resolution No. 68-2008 and 69-2008.

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

- 1) Payment of Claims.
  - a. HMR Architects - Glenburn Barn Stabilization - \$18,606.80
- 2) Payment of bills from Escrow Funds for the following:
 

a. Darmofalski Engineering	-	Target Corp.	\$1,300.00
b. Darmofalski Engineering	-	Target Corp.	\$1,560.00
c. Darmofalski Engineering	-	D.R. Horton (Grande)	\$1,560.00
d. Darmofalski Engineering	-	Alexan (Riverwalk)	\$1,040.00
e. Anderson & Denzler	-	Alexan (Riverwalk)	\$ 608.00
f. Anderson & Denzler	-	D.R. Horton (Grande)	\$1,359.26
g. Anderson & Denzler	-	Target Corp.	\$ 280.00
h. Richard Clemack, Esq.	-	Alexan (Riverwalk)	\$1,436.68
- 3) **Resolution No. 68-2008;** Seeking an Extension of Deadline to Petition for Substantive Certification Pursuant to Executive Order 114 and the Memorandum of Understanding between the Highlands Council and the Council on Affordable Housing.
- 4) **Resolution No. 69-2008;** Notice of Intent to Petition the Highlands Council for Plan Conformance (Non-Binding)
- 5) **Resolution No. 70-2008;** Transfer of Appropriations.
- 6) **Resolution No. 71-2008;** Emergency Appropriation – Water Utility – Appropriating \$50,000 in the Water Utility Appropriations Operating Expenses.
- 7) **Resolution No. 72-2008;** Emergency Appropriation – Current Fund – Appropriating \$36,174 in the BPP Adjustment for School Purposes.
- 8) **Resolution No. 73-2008;** Refund of Tax Overpayments – Block 40, Lot 2.8119 – Judith Accardi, Esq. for Anna Karolak for year 2008 - \$919.10 – Duplicate Payment.

- 9) **Resolution #74-2008;** To suspend Wes' Tavern Liquor License #1433-33-007-001 for the year 2008/2009 due to improper filing of the renewal term and until the applicant received a Special Ruling from the Division of Alcohol and Beverage Control, Department of Law and Public Safety.
- 10) Additional Payment of Claims not on bills list:
- |                   |   |                        |                    |
|-------------------|---|------------------------|--------------------|
| a. Livia Deak     | - | Children's Dance Class | Balance in Account |
| b. Ildiko Bellini | - | Tot's Music Class      | Balance in Account |
| c. Sandy LaCorte  |   | Exercise Class         | \$290.00           |
| d. Glacial Energy |   | Electric Bills         | \$5,092.31         |
| e. Mountain Creek |   | Ski Program            | \$3,000.00 maximum |

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

**COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 112-F, G, H, I, J, K, L AND M**

**OTHER BUSINESS:**

- 1) TCR/Alexan Riverwalk Developers Agreement.

Borough Attorney Oostdyk stated the major issue is with COAH obligations. The COAH issues are still in a state of flux making it difficult to finalize the Developers Agreement. The developer needs this document to secure financing. There was Council discussion regarding the possibility of group homes to meet COAH obligations. Todd Murphy, attorney for TCR, spoke regarding the issues the developer is facing. This agreement will apply only to Phase One of the development.

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

**Resolution #75-2008;** Authorizing execution of a developer's agreement with TCR/Riverdale Road Development, LLC and the Borough of Riverdale.

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

**COPY OF RESOLUTION IN FULL ON PAGE NO. 112-N**

- 2) VSAP Program Award money allocation for the eligible members of the Pompton Lakes/Riverdale First Aid Squad. The total amount payable per Sharon Sonne, VSAP Officer/PLFAS is \$17,177.70.

Councilman Carelli set forth the motion, seconded by Councilman Astarita, to authorize issuance of checks to the eligible members of the Pompton Lakes/Riverdale First Aid Squad for the VSAP Program Award in the total amount of \$17,177.70.

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

- 3) Final Decision on the release of the Target Bonds – Paul Darmofalski to give a report.

**OTHER BUSINESS (continued):**

Borough Engineer Darmofalski stated that Horton and Target had stopped construction on the service road. As of today, Horton has advised construction will resume and they will try to convince Target to do the same. Council previously voted to approve the reduction of the Horton bond and return of the Target bond pending the service road being under construction. Borough Attorney Oostdyk stated this has nothing to do with the road. We have guarantees in place by both Target and Horton to complete the service road. Mayor Budesheim stated that under the advice of our attorney we do have to return the Target money and the Borough Clerk can notify them the check will be issued. The Borough Clerk will also send Horton a letter stating the reduction has been approved so they can submit a revised bond.

- 4) Letter from Elaine Peacock – 237 Cannella Way – requesting that an additional street light be placed on Cotluss Road because she states that she has to walk that street every morning and evening to take the New York bus and the vehicles traveling down Cotluss do not mind the speed limits and cannot see her walking due to the poor lighting. (copy of letter was transmitted to governing body upon receipt prior to the workshop meeting)

Mayor Budesheim stated that he and Everton Scott of JCP&L had selected poles for lights and a light had been ordered. Mr. Scott's replacement is going to review their files so we can address this issue. Borough Engineer Darmofalski stated that Mr. Walker was supposed to install the sidewalks by 2008.

**MAYOR REPORT:**

Mayor Budesheim stated that we received a bill for the fence damaged by a snow plow at 64 Post Lane. The owner did the repair work. The owner was told that the fence is in the borough right of way and if he chose to make the repair it is at his own risk. The Borough Attorney will prepare an agreement to that effect.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Falkoski, to approve payment of \$1,187.80 for repair of damaged fence at 64 Post Lane.

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

There was council discussion regarding bills of \$120 per month for Verizon wireless internet service for the two computers in the fire command vehicles. Council agreed that unless the service is required for the software in the vehicles it will be terminated.

Mayor Budesheim reported that Gloria Carelli contacted him regarding a food pantry. It would be strictly donations and volunteers and there is space in the basement of the Community Center. She anticipates a start date of January 1, 2009.

**BOROUGH ENGINEER REPORT:**

Borough Engineer Darmofalski reported on the status of the sewer project. We continue to encounter utilities in the road that were not known and a recommendation for change orders for the contractor is being prepared. As of right now the amount is \$42,000 and we continue to count. Councilwoman Wetzel stated that the utilities should be asked to take some financial responsibility. There was discussion regarding road paving plans.

**BOROUGH ATTORNEY REPORT:**

Borough Attorney Oostdyk reported that we closed on the Dube property purchase on Friday.

**COMMITTEE REPORTS:**

Councilman Falkoski reported the court report for the month of October.

Councilman Astarita reported he will be meeting with the library committee to discuss their needs. He will be attending the County Community Development meeting on December 4<sup>th</sup>.

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:55 p.m.

Respectfully Submitted:

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

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

**PUBLIC PARTICIPATION NO. 1:**

Jean Revis, President of Riverdale Women's Club, thanked the Mayor and Council for their support and Proclamation declaring Women's Club Week in October.

Joseph Petracca spoke regarding a letter he gave to Mayor Budesheim in 2004 regarding rezoning one of his properties. He asked how someone obtained a copy without there being a record of it. He also spoke about neighbors building things on his land and his tax assessment on property he claims he does not own. He was advised by the Mayor and Borough Attorney Oostdyk of the proper procedures to address his concerns.

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

**ALL IN FAVOR.**

**ORDINANCES:**

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

**ORDINANCE 18-2008**

**ORDINANCE OF THE BOROUGH OF RIVERDALE, IN THE  
 COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE  
 EXECUTION AND DELIVERY OF THE 2008 AMENDMENT TO  
 THE 1987 SERVICE CONTRACT BETWEEN THE AUTHORITY  
 AND 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 Astarita set forth the motion, seconded by Councilwoman Wetzel, to close the public session.

**ALL IN FAVOR**

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 18-2008 as read on second reading at this meeting, be adopted and finally passed.

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 115-A**

**ORDINANCES (continued):**

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

**ORDINANCE 14-2008****ORDINANCE AMENDING CHAPTERS 136 AND 164 OF THE  
REVISED GENERAL ORDINANCES OF THE BOROUGH OF  
RIVERDALE AND AMENDING WATER AND SEWER RATES**

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 Astarita set forth the motion, seconded by Councilwoman Wetzel, to close the public session.

**ALL IN FAVOR**

Thereupon, Councilman Astarita set forth the motion, seconded by Councilwoman Wetzel, **RESOLVED** that Ordinance No. 14-2008 as read on second reading at this meeting, be adopted and finally passed.

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 116-B****BOROUGH CLERK REPORT:**

Deputy Clerk Forbes reported that the Council has not yet made a decision on an ordinance for issuing clothing bin permits. Borough Attorney Oostdyk stated we need to decide the process we want to put in place and whether to charge a \$25.00 fee for a permit. Council discussed the issue and the Borough Attorney will draft an ordinance. Ms. Forbes reminded the Council that two payments to the NYS&W Railway had been tabled until they cleaned up their property. Mayor Budesheim stated the Railway has not responded. Council decided not to vote to approve these payments at this time. Ms. Forbes reported the Council has not yet approved the 2009 E-9-1-1 Dispatch Services Agreement. Mayor Budesheim stated the Freeholders have not yet responded to the questions he asked at their October meeting. He asked the Borough Clerk to send a letter advising that we will wait for a response before signing the contract. Ms. Forbes reported the borough needs to set up an IRS Section 125 Cafeteria Plan in order to avoid taxable wages on the State Health Benefits Plan. Health benefits become taxable when an employer allows employees to waive health benefits in return for cash unless the entity has a Cafeteria Plan. Mayor Budesheim stated there is only one employee who has waived benefits and he stated that he will handle the matter. Ms. Forbes reported the Morris County Freeholders will have their reorganization meeting on January 5<sup>th</sup> at 6:00 p.m.

**OTHER BUSINESS:**

- 1) Request from June Carelli, Recreation Director, to request approval from the council to utilize the available funds in the Celebration of Public Events Budget for the Holiday Gathering that will be held on December 8<sup>th</sup> in combination with the Riverdale School Tree Lighting Ceremony and the RBA.

After brief discussion, Council agreed to limit the amount to \$300.

- 2) Paul Darmofalski to address the council regarding the Change Orders for the Hamburg Turnpike Sewer Extension Project.

Borough Engineer Darmofalski distributed an itemized list of change orders for the project. He stated that the contractor bid approximately \$200,000 less than anyone else in the negotiation and explained the reasons for the change orders. There were numerous delays due to underground utilities that no one was aware of. The total amount of the change orders is \$42,177.67 which is the result of him and Councilman Guis negotiating with the developer. He recommended approval of the change orders subject to the availability of funds. Mr. Darmofalski answered questions from the Mayor and Council. Mayor Budesheim stated he is against approval of the extra payment. He said the contractor is a professional who should have expected to find unknown pipes under a 300 year old road and some of the costs were generated by his own working practices. He said any change work orders are supposed to be approved before the work is done. Councilman Guis stated the charges are legitimate and is in favor of approving payment. Mayor Budesheim stated that he should have been in the negotiations. Council discussed the matter and decided to schedule an additional meeting with the developer.

Thereupon, Councilman Astarita set forth the motion, seconded by Councilwoman Wetzel, to table approval of the change orders for the Hamburg Turnpike Sewer Extension Project, pending a meeting with Mayor Budesheim and the developer to continue negotiations.

**ROLL CALL:**        **Ayes:     Astarita, Bush, Wetzel, Carelli**  
                              **Nays:     Guis**  
                              **(4 ayes – 1 nay – motion carried)**

Mr. Darmofalski reported there will be meeting with the Railroad, the County and the DOT on Wednesday to assess the Mathews Avenue and Hamburg Turnpike crossings. They will make recommendations to the DOT as to what can and should be done. He also reported we have a pre-application meeting with DEP next week regarding a riverbank stabilization project.

**COMMITTEE REPORTS:**

Councilman Carelli reported the statutory library appropriation has grown larger than their operating budget. He also stated we need to consider salary increases for next year. There was discussion regarding police overtime for traffic control.

Councilwoman Wetzel reported on a synthetic ice system that can be used for year-round skating. She also reported that the dedication of the Community Center was a huge success and she is very proud of the facility.

**COMMITTEE REPORTS (continued):**

Councilman Astarita reported he will be attending the Community Development meeting on Thursday and asked for ideas for the grant application. There was discussion regarding a pavilion or patio at the Community center.

Councilwoman Bush reported on events that the Riverdale Municipal Alliance held at the teen center in conjunction with the Recreation Department.

**RESOLUTIONS:**

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

- 1) **Resolution #76-2008;** Mayor Budesheim to re-confirm the appointment of Judge John Paparazzo for a three year term effective January 1, 2008 through December 31, 2010, with confirmation of governing body.
- 2) Appoint Amanda J. Gavrun as an active member of the Riverdale Volunteer Fire Department. (submitted by Pat Cleary, Secretary – Relief Association).
- 3) Approval to pay \$180 to Riverdale Post Office to renew bulk mailing permit #25.
- 4) Resolution to set a meeting date for end of year business to take place at 9:00 a.m. on Tuesday, December 30<sup>th</sup>.
- 5) Amendment to **Resolution #42-2008** – Approving an agreement with HMR Architects applying to nominate The Glenburn for historic designation and amending amount to \$5,000 fixed fee instead of \$6,000.
- 6) Approval of payment to DCM Contracting - Paterson Hamburg Turnpike Sewer Project, as recommended by Paul Darmofalski, Borough Engineer.
  - a. Payment #5 for October, 2008 - \$58,546.79
- 7) Approval for Recreation Director to utilize available funds, not to exceed \$300, in the Celebration of Public Events Budget for the Holiday Gathering to be held on December 8<sup>th</sup> in Combination with the Riverdale School Tree Lighting Ceremony and the RBA.

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

**COPY OF RESOLUTIONS IN FULL ON PAGE NO. 118-C AND D****PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 9:10 p.m.

Respectfully Submitted:

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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 Budesheim presiding.

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

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

**APPROVAL OF MINUTES DATED:**

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

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

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

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

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

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

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

**ORDINANCES:**

1)     Public Hearing and Adoption of an Ordinance entitled:

**ORDINANCE 16-2008**

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

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

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

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

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

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

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 121-A**

2)     Public Hearing and Adoption of an Ordinance entitled:

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

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

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

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

**ALL IN FAVOR**

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

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 121-B**

3)     Public Hearing and Adoption of an Ordinance entitled:

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

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

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

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

**ORDINANCES (continued):**

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

**ALL IN FAVOR**

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

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 122-C**

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

**ORDINANCE 20-2008**

**ORDINANCE AMENDING THE REVISED GENERAL  
 ORDINANCES OF THE BOROUGH OF RIVERDALE AND  
 PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE  
 PLACEMENT OF CLOTHING BINS WITHIN THE BOROUGH**

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

**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 122-D****RESOLUTIONS**

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

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

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

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

**RESOLUTIONS (continued):**

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

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

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

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

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

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

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

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

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

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

**OTHER BUSINESS (continued):**

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

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

**BOROUGH CLERK REPORT:**

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

**MAYOR REPORT:**

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

**COMMITTEE REPORTS:**

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

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

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

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

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

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

**PUBLIC PARTICIPATION NO. 2:**

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

**ALL IN FAVOR.**

**CLOSED SESSION:**

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

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

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

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

**ADJOURNMENT:**

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

**ALL IN FAVOR.**

Adjourned: 8:45 p.m.

Respectfully Submitted:

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

**CLOSED SESSION:****LITIGATION PERTAINING TO APPEAL OF LIQUOR LICENSE:**

Councilman Falkoski gave an update on the litigation of Dexter's liquor license. He stated that our case still has not been heard by the Administrative Court in Newark. Mr. Paige did not appear at court in October and did not respond to Mr. Clemack's request to attend a meeting with the attorneys and principals involved on December 4<sup>th</sup>. His position regarding our noise ordinance is that he is within the allowable decibel count when he measures it with decibel meters, and therefore there is no case. Councilman Falkoski stated his opinion is Mr. Paige has an attitude and will not cooperate with us on this issue. Beyond that, the police reports from Dexter's now include violence on a regular basis and one incident involved an officer being assaulted. This is happening both within the nightclub and out in the parking lot and it appears that the police do not get cooperation from the security people within Dexter's. The police have recommended other ordinances we could put into effect. One involves a user charge for excessive consumption of police services. The next court date is this Friday in Newark and we don't know if Mr. Paige will attend. There was a discussion regarding whether Dexter's security personnel are legally permitted to go beyond the boundaries of the establishment into the parking lot. Police Chief Soules stated that Mr. Paige should be required to hire someone for parking lot security when they expect a large crowd. Councilwoman Wetzel stated that if Dexter's security people don't go beyond the sidewalk then somebody has to be held accountable for providing security in the parking lot. She asked if that should be the land owner. Borough Attorney Oostdyk stated it should be the liquor license holder and the issue should be raised when their license comes up for renewal. The police report should include the fact that security in the parking lot is lacking and request it be addressed as part of the liquor license renewal process. Councilman Falkoski stated he would also like to consider the excessive use of services ordinance and get an entertainment license ordinance passed.

The Special Meeting of the Borough of Riverdale Mayor and Council opened on the above date at 9:00 a.m.

Mayor William Budesheim presiding.

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

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 ACT ON ANY FINANCIAL MATTERS OR OTHER MATTERS DEEMED NECESSARY BY THE GOVERNING BODY FOR THE CLOSING OF THE YEAR 2008:**

**RESOLUTIONS:**

Councilman Falkoski asked for clarification of Resolution 83-2008. He also requested the Council receive a copy of all of the budgeted items for all departments, what is expended and what they spend on a monthly basis. Borough Clerk Talerico stated that we can e-mail a monthly budget printout with the bills list. Clerk Talerico stated that Malanga's was the only bidder for the Gasoline Bid. She stated the Borough Attorney noted a surety bond was not included but advised the bid could be accepted. There was discussion regarding the Tax Collector and Utility Clerk recommendations for cancellation of debits and credits. It was decided not to approve the cancellations.

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

- 1) **Resolution #83-2008** – Cancellation of 2008 Current Fund Appropriations.
- 2) **Resolution #84-2008** – Refund of Tax Overpayments.
- 3) Authorize the award of Gasoline Bid to Malanga's Automotive with a bid price of – Posted Pump Cash Price Less any Tax Credit Due.
- 4) Approval of payment for the following:
 

a. Valero Marketing	Gasoline	\$4,344.47
b. Ann Marie Nadiroglu	Pop Corn Machine (Rec)	\$ 269.99
- 5) Approve Transfer of Funds in the amount of \$5,500 for the purchase of rock salt for the DPW subject to the Finance Officer's decision of line item

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

**COPY OF RESOLUTIONS IN FULL ON PAGE NO. 127-A AND B**

**ADJOURNMENT:**

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

**ALL IN FAVOR**

Adjourned: 9:24 a.m.

**APPROVED:**

Respectfully Submitted:

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