

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 3, 2009 General Election as follows:

| NAME | OFFICE | TERM |
|-----------------|-----------------|-------------|
| Paul M. Carelli | Borough Council | 3 Years |
| Steven Loesner | Borough Council | 3 Years |

OATH OF OFFICE ADMINISTERED TO NEWLY ELECTED OFFICIALS:

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

TRIBUTE TO COUNCILWOMAN DONNA BUSH:

Mayor Budesheim thanked Assemblyman Alex DeCroce, Freeholder Margaret Nordstrom and Freeholder Director Gene Feyl for attending. The Mayor stated that Donna Bush came on the Council 15 years ago and it was a pleasure, honor and privilege to work with her that entire time. We appreciate all you have done and your presence here with your experience will not be easily replaced. Assemblyman DeCroce thanked Councilwoman Bush and her family on behalf of himself, Senator Pennacchio and Assemblyman Jay Weber for her efforts from 1994 to 2009. Freeholder Director Feyl thanked Councilwoman Bush on behalf of the Freeholders and read a proclamation honoring her commitment and service to the Borough. Mayor Budesheim personally thanked Councilwoman Bush and presented her with an anniversary clock from the Council representing her time with them.

COUNCILWOMAN DONNA BUSH:

First of all, I want everyone to know that it was my honor to serve. It really has been for the last fifteen years. I feel like you are the ones who need to be honored. In that service I was given the opportunity to learn so much about so many facets of life and government that there is no way that anyone could possibly imagine the amount you can learn in fifteen years about the way things operate. I've had a chance to reflect these last few months, especially as my term was coming to an end, on what an experience as a Councilwoman is like. The thing that kept coming back to my mind is that I have actually become a part of the history of Riverdale and that, to me, is an overwhelming thought. You can become a part of history in the place where you are living. I looked for more to say or something to quote and that kept coming back to me. To become a part of history in a town is just overwhelming to begin to try to digest and understand. Thank you very much for mentioning the projects that I worked on because all of those are very important to me and I drive past them daily. The very first project that I started on was the redecoration and renovation of this municipal building, which is now outdated. I did tennis courts which have now been knocked down and now we have a Community Center. That was fabulous. Renovations at the Fire Department, the starting of a new public library, which we've never had a public library, and Bill Budesheim, our Mayor, was instrumental in that. It felt so important that we needed to not just be a little satellite garage library station, but we needed to become an independent public library to really

COUNCILWOMAN DONNA BUSH (continued):

serve our community. We've really become one of the beacons in Morris County. For a small town, that is quite an accomplishment. Buildings and Grounds, I'm sorry about all of the problems that the building of the library continues to have. As with renovation those kinds of things happen but you learn how to deal with them. One thing I think I've said over and over again is that the town is not the physical development that's going on in the town. The town is really the people and the people that you work with. I have been so honored to work with the group of people here and those that have gone on before. The people I know as colleagues truly take the heart of Riverdale into account when making any decisions. It's not an easy task, but I know that everyone up here has made decisions and it was not for personal gain and it was not for personal recognition. It was really just for the good of the town. That's such a good feeling, to be leaving saying the decisions that you made right or wrong down the line, things that maybe could have been redone in a different way, were made because of the time and the weighing of the issues were done with the thought of how it will benefit Riverdale. That I'm truly proud of being able to do. I think that's something that happens on a local level. Not to discount the state or county, but I think you're just more and more removed from the people that you meet day to day and those people who will call you for things. That commitment that the Mayor and Council have is amazing. I certainly want to thank all the citizens who re-elected me and had confidence in me to speak for them. I need to thank my family because they certainly allowed me the time that was needed to prepare for meetings, to read the material, to attend meetings and events which were really a lot of fun also. I will miss them. I have to thank my husband who always advised me to do the right thing and was always telling me to think very carefully about my decisions and was probably my toughest critic as a citizen. When I came home from a meeting, it was what happened at the meeting, why did it happen and what was the vote. It wasn't just walking into a place where the meeting is over and just relax. I always knew that there was going to be some accountability to my husband who is also a constituent and someone who is very knowledgeable about everything that goes on in government. It is everyone here who deserves the thanks. I am going to miss the meetings but I'm planning on replacing them with Monday night yoga. Hopefully, that will continue at the Community Center. Graciously, my husband has gotten me water color painting lessons that I'll be taking, a series, and I may exhibit one day at the RAC. Thank you all.

INTRODUCTION OF NEWLY ELECTED OFFICIALS AND REMARKS BY SAME.**COUNCILMAN STEVEN LOESNER:**

I'd also like to thank Donna for her service to the borough. I first met Donna and Randy back when I coached my first baseball team in 1995 when I had their son, Jared, on the team. I've had the pleasure of knowing the both of them and working with Donna so many times on different projects in town. It's been a pleasure. I can't tell you how good I feel to take your spot and I won't let you down. I can guarantee you that. I'd also like to thank Paul, my running mate, who talked me into this back in March. If you had asked me last January if I thought I'd be here tonight I would have said you were nuts. It just goes to show you what can change in a year. I had such a good time, though, going out and meeting everybody in town and I think Paul feels the same way. We talked to so many people. It took us weeks and weeks but it was really an eye opening experience to actually get out and meet people face to face and be able to spend time with them. After the elections, the people that I didn't even know that would come up to me when they'd see me in the street and offer words of encouragement and say we know you're going to do a good job and you won't let us down. It's just humbling for me. I plan on working as hard as I can. I know I've worked with everybody up here already so I'm no stranger. I'm looking forward to a good year.

COUNCILMAN PAUL CARELLI:

I would like to thank the residents of Riverdale who voted for me in the last election. I look forward to the continued opportunity to serve the community. It has been the utmost honor and privilege to be a member of the Governing Body for the last ten years. This year, as we've seen tonight, the reorganization is a little bit bitter sweet. While I welcome the opportunity and look forward to serving with my running mate and new Councilman Steve Loesner, I am also sad to see my former running mate, Donna Bush, leave the Governing Body. Donna has served Riverdale for fifteen years and we are all grateful for her service to Riverdale. She has been an example of class, thoughtfulness, common sense and composure. I've always tried to learn from her example and I will miss her on the council. Thank you, Donna, for your support over the years. For the first time this year I was challenged in the Primary and General Elections. Not taking anything for granted, Steve and I hit the streets to talk to as many residents as we could. This experience was so gratifying. The people we met along the way were knowledgeable and really nice. Riverdale is a great town with great people. It's an honor to serve. Over the last three years we've accomplished a lot. A new Senior Community Center, basketball court, playground, updated Police and Fire Departments, a growing library – just to name a few. As Finance Chairman, I am happy to say that the borough's finances are sound and the future is bright. Our taxes remain the lowest in Morris and Passaic Counties. As times get tough, I promise that I will continue to serve the residents and look out for your best interests. My commitment is to you. I wish everyone a happy and healthy New Year. Thank you.

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

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

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

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

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

RESOLUTIONS:

Councilman Falkoski asked for clarification of resolution No. 3-2010 and No. 6-2010. Borough Clerk Talerico explained Resolution No. 3-2010 and Borough Attorney Oostdyk will check into resolution No. 6-2010.

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

- 1) **Resolution No. 1-2010;** Re: Official Legal Newspaper – Suburban Trends.
- 2) **Resolution No. 2-2010;** Re: Annual meeting schedule – 1st and 3rd Monday of each month at 7:30 p.m.
- 3) **Resolution No. 3-2010;** Re: Bank Signatures and Depositories.
- 4) **Resolution No. 4-2010;** Re: Delinquent Taxes.
- 5) **Resolution No. 5-2010;** Re: Local Public Contracts Law.
- 6) **Resolution No. 6-2010;** Re: Work Periods – Law Enforcement.
- 7) **Resolution No. 7-2010;** Re: Official Holidays – Borough Employees.
- 8) **Resolution No. 8-2010;** Re: Cash Management Plan

RESOLUTIONS (continued):

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

COPY OF RESOLUTIONS IN FULL ON PAGES 4-A, B, C, D, E, F, G AND H

COUNCIL TO SELECT PRESIDENT OF COUNCIL:

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

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

MAYOR BUDESHEIM NAMES COUNCIL COMMITTEES:

Mayor Budesheim stated the 2010 Council Committees:

| | | |
|------------------------|---------------------|--------------------------|
| Councilperson Carelli | Finance | 2 nd Loesner |
| Councilperson Falkoski | Public Safety | 2 nd Wetzel |
| Councilperson Guis | Public Works | 2 nd Astarita |
| Councilperson Wetzel | Community Relations | 2 nd Falkoski |
| Councilperson Astarita | Buildings & Grounds | 2 nd Guis |
| Councilperson Loesner | Personnel | 2 nd Carelli |
| Councilperson Guis | Vehicles | 2 nd Carelli |

COUNCIL TO APPOINT PLANNING BOARD LIASON:

Councilman Astarita offered the name of Joseph Falkoski as Planning Board Liaison, motion seconded by Councilman Carelli.

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

2010 APPOINTMENTS MADE BY MAYOR BUDESHEIM AND CONFIRMATION OF COUNCIL:

Mayor Budesheim stated that the Council had received a copy of the 2010 Appointment List.

Mayor Budesheim requested Council confirmation of the 2010 Appointments.

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Carelli, for Council confirmation of the 2010 Appointments as listed.

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

COPY OF 2010 BOROUGH OF RIVERDALE APPOINTMENT LIST IN FULL PAGE NO. 4-I

REMARKS MADE BY MAYOR WILLIAM BUDESHEIM:

I want to thank everyone for coming here this evening. Freeholder Doug Cabana is here. Thank you for coming. I wish Donna the best and I hope she sticks around and we've got her on committees and I hope she sticks with them. There are going to be changes this year. We have new officers in the Fire Department who are going to be sworn in this evening. There are going to be changes in the Police Department with retirements. The Building Department is going to have changes with workloads decreasing. All of these things will be under review. One thing that is not going to change, as Mr. Carelli stated, is our low tax rate and our budget restraints. That's something I promise you will continue. The biggest challenge we have this year is fulfilling our COAH responsibilities, the Council on Affordable Housing. That's something that has to be done by June 8th and we met with our Planner recently and the requirements and regulations are just absurd. As an aside, one thing that they projected over the next eight years Riverdale should have created 1,500 new jobs. I don't know where. I don't know if they're expecting us to solve the unemployment crisis for this whole country. It's absurd, but we have to provide housing for this projected growth. If anybody's driven along the Hamburg Turnpike they've seen the transformation of the Glenburn Estate. We've done that with the assistance of many grants from the Morris County Historic Preservation Committee – almost \$350,000 in grants. The difference is night and day. We have our work cut out for us. I welcome Steve. I've known you a number of years, worked with you on the Planning Board and I'm sure you'll do a fine job. We appreciate you taking over for Donna. Tonight we'd like to swear in the Fire Department.

SWEARING IN OF OFFICERS OF THE FIRE DEPARTMENT:

Mayor Budesheim introduced Chief Daniel Sturm, Assistant Chief James Regeling, Jr., Captain John Peine, Captain Michael Davis, Captain James Regeling Sr., Lieutenant Jimmy O'Connel, Lieutenant Daniel Burick and Lieutenant George Giordanetti

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

SWEARING IN OF MEMBERS OF THE RECREATION COMMITTEE:

The Oath of Office was administered to the members of the Recreation Committee.

Freeholder Doug Cabana extended his congratulations to Councilwoman Bush for all the service she performed for the borough and the county.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 7:35 p.m.

APPROVED:

Respectfully Submitted:

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 7:35 p.m.

Mayor William Budesheim presiding.

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

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

RESOLUTIONS:

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

- 1) **Resolution No. 9-2010;** Authorizing application for a Community Development Block Grant Application to install an elevator in the Senior Community Center.

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

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

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.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 7:38 p.m.

Respectfully Submitted:

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:** **Falkoski, Guis, Loesner, Wetzel, Carelli**
 Absent: **Astarita (sick)**

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

APPROVAL OF MINUTES DATED:

| | | |
|------------------------|---|-------------------|
| Regular Meeting | - | December 21, 2009 |
| Special Meeting | - | December 29, 2009 |
| Reorganization Meeting | - | January 4, 2010 |
| Workshop Meeting | - | January 4, 2010 |

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

ROLL CALL: **Ayes:** **Falkoski, Guis, Loesner, Wetzel, 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 Guis, that the public portion be closed.

ALL IN FAVOR.

ORDINANCES:

Mayor Budesheim stated that this ordinance would supersede fines set in any municipal ordinances.

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

ORDINANCE 01-2010

**ORDINANCE AMENDING THE REVISED GENERAL
 ORDINANCES OF THE BOROUGH OF RIVERDALE AND
 PROVIDING FOR PENALTIES FOR VIOLATIONS OF
 MUNICIPAL ORDINANCES**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 7-A

RESOLUTIONS:

Mayor Budesheim stated that Resolution No. 14 provides the funding for Resolution No. 12. He also stated that John Scialla will be appointed permanent Construction Code Official with the understanding that when Mr. Montemarano returns, he will resign that position. Mr. Montemarano will be staying on as Building Inspector and Building Sub Code Official.

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

- 1) Payment of Claims, excluding \$346,594.41 for English Paving.
- 2) Payments from Escrow Accounts as follows:
 - a) Darmofalski Engineering Alexan at Riverwalk \$1,840.00
- 3) Approval of payment to New York Susquehanna & Western Railway Corp. in the amount of \$3,300.00 per settlement agreement with the Borough of Riverdale.
- 4) Approval of 2010 Towing License for Malanga's Automotive, Inc. Application fee has been paid.
- 5) **Resolution No. 10-2010** – Professional Services Agreement – Richard Clemack, Esq., Special Council, and Tax Appeals.
- 6) **Resolution No. 11-2010** – Professional Services Agreement – VM Associates, Inc. Auditing Services.
- 7) **Resolution No. 12-2010** – Professional Services Agreement – Darmofalski Engineering Associates, Inc. Engineering Services.
- 8) **Resolution No. 14-2010** – Professional Services Agreement – Johnson, Murphy, Hubner – Robert H. Oostdyk, Esq. Legal Services.
- 9) **Resolution No. 15-2010** – Professional Services Agreement – Planning Services.
- 10) **Resolution No. 16-2010** – Professional Services Agreement – Bond Counsel.
- 11) **Resolution No. 17-2010** – Professional Services Agreement – Barbarula Law Offices – Legal Services.
- 12) Approval of award of Sewer Extension & Pump Station on the Hamburg Turnpike in the amount of \$236,000 for which a portion of the project will be paid by an \$80,000 grant from Community Development. The remaining portion funds will be certified as available by the Finance Officer. Authorization is subject to Mayor's approval of details & terms of contract. (This project is part of the Hamburg Turnpike Sewer Project – a copy of proposal transmitted to Mayor and Council with agenda)
- 13) Mayor to appoint John Scialla as permanent Construction Code Official, Construction Sub Code Official and Building Sub Code Official.
- 14) **Resolution No. 18-2010**; Emergency Temporary Appropriations.

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

COPY OF BILLS LIST AND RESOLUTION IN FULL ON PAGE NO. 8 – B, C, D, E, F, G, H, I AND J**CORRESPONDENCE:**

- 1) From Edward J. Buzak, The Buzak Law Group advising that with regard to their letter dated October 13, 2009 reminding the Borough of Riverdale of the approaching deadline of December 31, 2009 for (i) purchase the additional sewerage capacity of 150,000 gpd from the Borough of Lincoln Park; (ii) alternatively extend the option to acquire said gallonage through December

CORRESPONDENCE (continued):

31, 2010; or (iii) relinquish the right to purchase any additional capacity. Inasmuch as there has been no acquisition of additional gallonage or an extension of the option, this letter shall serve to confirm the termination of rights of the parties under the original Sewerage Capacity Purchase Agreement as the same relates to the purchase of the additional gallonage. (copy of correspondence transmitted to Mayor and Council with agenda).

Mayor Budesheim stated that this letter confirms we are not exercising our option to purchase the additional gallonage from Lincoln Park.

- 2) A request from Sam Dedio, Water/Sewer billing clerk, requesting the purchase of one new Neptune DAP CE 5320B Handheld water meter reading device in the amount of \$6,500 and in addition System Maintenance Package in the amount of \$3,150, which would eliminate the Software Bundle cost of \$3,600 and get the upgrade program and the software would be included plus get the rest of the year's support at no additional charge. Sam advised that the reader that is being used now is antiquated and has caused billing errors.

Councilman Falkoski set forth the motion, seconded by Councilman Guis, to approve the purchase of one new Neptune DAP CE 5320B Handheld water meter reading device in the amount of \$6,500 and in addition System Maintenance Package in the amount of \$3,150.

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

- 3) Deborah Hirt, Regional Manager, Office of Community Relations, DOT, requesting a letter of support for the Route 23/Cotluss Road pre-emption signals. Ms. Hirt expressed that if the letter of support is not received from the towns and organizations the pre-emption signals will most likely be removed. She also noted that in the past the Borough of Riverdale did not respond to this request because the Target interior service road had not been completed. (sample letter transmitted to Mayor and Council with agenda).

Mayor Budesheim stated that we have no problems with this as long as the activation of the internal light isn't dependent on that. Target has sent a resolution stating they are no longer requesting the activation of that internal light.

Councilman Falkoski set forth the motion, seconded by Councilman Guis, to authorize a letter of support for the Route 23/Cotluss Road pre-emption signals, with the condition the activation of the interior road light is not a condition.

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

Councilman Guis added the following correspondence:

- 4) Pop-A-Lock estimate to upgrade the fire alarm panel in the firehouse. (copy of letter distributed to Mayor and Council).

Fire Chief Dan Sturm explained the need for the new fire alarm system. There was discussion regarding having our own central station monitoring in the future. Councilman Guis stated this system is fully compatible with that.

CORRESPONDENCE (continued):

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Falkoski, to approve the purchase of a fire alarm system for the firehouse from Pop-A-Lock for a total cost of \$2,453 subject to the CFO determining the appropriate account for withdrawal, and central station monitoring on a month to month basis for \$30 per month.

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

RESOLUTIONS (continued):

Mayor Budesheim stated that we are paying for a state test to determine if the resurfacing work done by English Paving is within state standards. If it isn't, they will have to correct the problem. The Mayor recommended English Paving's invoice be approved for payment subject to the results of this test. Councilwoman Wetzel asked the cost of the test. Mayor Budesheim stated the cost is approximately \$2,000 and we are responsible for it because we are making the claim. It will be paid with grant money. He said we may have to release some money because remediation would not be the full amount. Borough Attorney Oostdyk stated that we would get a maintenance bond. Mayor Budesheim stated we have to approve this payment within 30 days.

Thereupon, Councilman Carelli set forth the motion, seconded by Councilman Guis, to approve payment to English Paving in the amount of \$346,594.41 subject to the results of the state test to determine if the work is within state standards.

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

OTHER BUSINESS:

- 1) Consideration of disposing of two vehicles from the Building Department; 1) 2000 Pontiac Grand Am and 2) 1999 Chevrolet Tahoe.

Mayor Budesheim stated the vehicles are on the insurance for the remainder of the year and there could still be a use for them.

- 2) Recent survey of computers in the Administrative office it was determined that the Court computer is a ten year old Acer computer that is still operating on Windows 98 which Microsoft considers and unsupported operating system which determines the system to be non upgradable. Therefore a request to purchase a new OptiPlex 360 minitower for a cost of \$768.17.

Council was in agreement to approve the purchase of the computer.

Mayor Budesheim stated that we need new vehicles and Sergeant Bogert has found a company that leases police vehicles to municipalities. They have provided a cost breakdown for leasing three new Chargers and they can be paid for at any time without penalty. If we lease for twelve months it would cost approximately \$1,000 per car per year in interest. Next year there will be more flexibility in the budget. The cost to lease three cars is \$1,250 per month. Our plan is to keep one car in storage. Councilman Carelli asked why we would buy three and not use one. Mayor Budesheim stated that they don't make the Chargers any longer. Councilman Guis commended Sergeant Bogert for coming up with the leasing option and said it is a good solution for our situation. Borough Attorney Oostdyk questioned the length of the lease and asked if the lease

OTHER BUSINESS (continued):

arrangement was part of the State Contract. To be under the bid limit, it would have to be a one year lease and we would have to do it knowing it was for one year. Mayor Budesheim stated the payout for all three vehicles after one year is \$54,000. Sergeant Bogert described the condition of the current cars and equipment. Borough Attorney Oostdyk was concerned with bidding since the pricing is set up as a five year lease. Mayor Budesheim asked Sergeant Bogert to obtain pricing based on a twelve month lease.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Falkoski, to approve leasing three Chargers for the Police Department at a cost of \$1,250 per month, subject to the Borough Attorney and Borough Clerk verifying the lease contract is under the bid threshold.

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

MAYOR REPORT:

Mayor Budesheim reported that January 30th is the First Aid Squad's 75th Anniversary dinner. He informed the Council of joint gift possibilities he had discussed with Pompton Lakes Mayor Cole and asked for input.

Thereupon, Councilman Carelli set forth the motion, seconded by Councilwoman Wetzel, to approve the purchase of a gift for the First Aid Squad's 75th Anniversary in the amount not to exceed \$2,000.

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

COMMITTEE REPORTS:

Councilman Falkoski reported on major repairs being done to a ladder truck that are covered by warranty. He asked the Borough Attorney whether the repairs themselves could be warranted. Borough Attorney Oostdyk stated that we would likely need to purchase an extended warrantee. Fire Chief Sturm will obtain pricing on repairs and an extended warrantee. Councilman Falkoski also reported the court report for the month of December.

Councilwoman Wetzel reported on plans to organize a community project to benefit earthquake victims in Haiti. If anyone has suggestions or contacts, please let her know.

Councilman Loesner reported that he is in the process of interviewing people regarding personnel issues. He will meet with the Court Clerk and Municipal Judge next Thursday. There are apparently discrepancies between the employee handbook and our ordinances which we will work to bring into line with each other.

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: 8:10 p.m.

Respectfully Submitted:

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, Loesner, Carelli**
 Absent: **Wetzel (work)**

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

PUBLIC PARTICIPATION NO. 1:

Pat Salvati, 35 Parkway, spoke regarding the borough ordinance prohibiting parking on snow covered roads. She felt it would be more reasonable if the officer would ring the doorbell to ask that a car be moved instead of writing a ticket. Mayor Budesheim explained the reason the ordinance was adopted and stated that we may try to use reverse 9-1-1 to warn residents in the future.

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

ALL IN FAVOR.

RESOLUTIONS:

Councilman Astarita stated he had obtained a price of \$2,600 to change all of the light bulbs in the library. Abby Sanner is also obtaining a quotation from a local electrician. There was a discussion regarding the work.

Mayor Budesheim and Councilman Guis reported on obtaining quotations and interviewing forensic accountants and engineers to identify our sewer problem. This problem has been costing in excess of \$175,000 a year and it is important to get a team of experts.

Mayor Budesheim reported that the Fire Department wants to know if the Council will continue to pay a salary for the Fire Administrator who is doing the grant writing. After a brief discussion, Council agreed to continue the salary for the position.

Mayor Budesheim reported a new street sweeper will cost close to \$200,000. There is a company we can contract with at a cost of \$99 per hour. This would come to \$792 a day or \$18,000 to \$20,000 per year depending on how often we use them. There was a discussion regarding the matter.

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

- 1) **Resolution No. 13-2010;** Authorizing the Award of a Contract for Professional Services for Water & Sewer Engineering to Anderson & Denzler Associates, Inc. (William Ryden, P.E.) at \$148.00 per hour and various other rates as listed in the contract. (copy of contracted forwarded to Mayor and Council with Agenda).
- 2) **Resolution No. 19-2010;** Renewal of 2009/2010 Liquor License for Dexters Inc., 92 Route 23 North which was not renewed by Riverdale Borough due to failure to receive Alcoholic Beverage Retail Licensee Clearance Certificate from the Division of Taxation which has now been received. Dexters Inc. liquor license is now an inactive license.

RESOLUTIONS (continued):

- 3) **Resolution No. 20-2010;** Opposing Bill S-458 which calls for a master plan for the consolidation of the tax assessment and tax collection functions.
- 4) Approval of the release of escrow funds for an application for a variance which was never heard by the Board of Adjustment in the amount of \$400.00 to Maurice DiMaggio, 35 Post Lane.
- 5) Approval of release of cash bond in the amount of \$2,013.15 to Nextel with regard to their connection to the Sprint Tower located at Route 23 North. This escrow has been held by Riverdale since March 2003.
- 6) Approval of a change work order overlooked previously for the Paterson Hamburg Turnpike Sewer Project with DCM Contracting, LLC in the amount of \$27,062.00. This contract has been completed and paid in full in 2009, which payment included this change order.
- 7) Authorize the acceptance of a proposal to Key-Tech in the amount of \$3,310.00 for asphalt core drilling and testing on the paving of the Newark Pompton Turnpike and Paterson Hamburg Turnpike as required by all local aid project grants.
- 8) Approval of Magnetic Key System for the downstairs doors at the Community Center at a cost of \$1,257.42 and not to exceed \$1,400.
- 9) Approval of contract with Labor Attorney Fred Knapp for up to five hours at \$150 per hour.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 14-A, B AND C**CORRESPONDENCE:**

- 1) From Jennifer Pezzuti, Riverdale Student Council President stating that one of their goals is to reach out to Riverdale and surrounding communities to provide a service in some way. Since September my classmates and I have been working hard to show our appreciation for all that is done for us. If there is anything we can do to help your organization or you know of an organization that could use our help, please contact our school principal, Mr. Keith Cortright. Thank you for supporting the children of Riverdale.

There was a brief discussion regarding possible projects.

BOROUGH CLERK REPORT:

Borough Clerk Talerico reported that Sewer Engineer Bill Ryden contacted her regarding work he needs to continue for the infiltration problem. She told him he would need to submit price quotations. She reminded everyone the next meeting will be Wednesday, February 17th due to the holiday and court. She also reported to the Borough Attorney that the Rock Creek escrow accounts consist of a restoration bond in the amount of \$24,619.12 and an escrow account in the amount of \$1,353.37. Borough Attorney Oostdyk stated Rock Creek is requesting the restoration bond money be released directly to the surveyor to pay for the as-builts. Clerk Talerico asked if we were going to address the loitering ordinance that was brought up by the New Jersey Libertarian Party. Mayor Budesheim stated that he would call them. Clerk Talerico reminded the Council that the Cablevision franchise expires in February 2011 and they are due to come in for their renewal. She reported that Chief Soules reviewed and approved the Morris County Mobile Data Terminal System for 2010. She also reported the 2009 LOSAP amount is \$39,914.

ATTORNEY REPORT:

Borough Attorney Oostdyk reported on the railroad case. The Judge signed the order that allows the railroad to start utilizing the property for bricks but sends them back to the Planning Board for some cleanup work. We're still pending in the federal agency on the zoning issue.

COMMITTEE REPORTS:

Councilman Astarita reported he has been removed from the Community Development Facilities Committee due to our pending application. He is now on the Improvements Committee and cannot attend the meetings on March 8 and 9. Councilman Loesner will attend in his place. Councilman Astarita also reported that residents of Newbury Place have asked if they will ever get sewers. Councilman Guis stated it depends on the resolution of the I & I problem.

Councilman Loesner reported that he is still making contact with all departments for background information regarding personnel.

PUBLIC PARTICIPATION NO. 2:

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

CLOSED SESSION:

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

ALL IN FAVOR.

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

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

Mayor Budesheim stated that he recommends a two percent salary increase for the borough employees at this time. When the budget is done we can review and see if money is available for an additional increase. Councilman Carelli will review the salary ordinance and prepare a resolution for the next meeting.

ALL IN FAVOR.**ADJOURNMENT:**

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

ALL IN FAVOR.

Adjourned: 9:15 p.m.

Respectfully Submitted:

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

CLOSED SESSION:**PERSONNEL ISSUES:**

Borough Attorney Oostdyk stated that we need to clarify who has what responsibilities for personnel issues and make some decisions. It is not within the jurisdiction of the Council to deal with individual personnel issues. The Council acts as a body and does not get involved in the day to day running of the government. Speaking strictly of personnel, the Council gets involved in setting policies that are to be enforced by others. The Council does not act as the arbiter of personnel disputes. The role of the Mayor is to implement the policies and rules established by the Council. To some extent, the Mayor has some day to day responsibilities for dealing with personnel issues. In most Boroughs we have professional managers or administrators so it is very clear who's responsibility it is. Here we have a bit of a mixture. The Borough Clerk, who has her own statutory duties, has taken on some of that role as assisting in the management of personnel. She does that at the direction of the Mayor or the Council. The Council can delegate certain personnel duties to the Municipal Clerk or anyone else. The problem here is that it's not clear what personnel issues have been delegated or what the Mayor, Clerk or Council is supposed to be doing for personnel. With that confusion, employees do not understand what the authority is here.

Councilman Astarita stated that the Council delegated that responsibility to the Mayor. We brought his salary up to almost a full time position salary instead of hiring an administrator. Councilman Falkoski stated the position is basically a full time Mayor and he administers in an executive capacity in that role. An administrator is another position and if they're not fulfilling their duties they can be removed. Councilman Astarita stated that the Council had decided long ago that we were not going to hire an administrator and that the Mayor would become full time. Councilman Carelli stated that the Mayor, by default, is responsible for that. The Council may delegate that responsibility to an administrator which we did not chose to do. In my opinion it falls back to the Mayor.

Borough Attorney Oostdyk stated that we have certain ordinances and policies that suggest the Clerk has some of those responsibilities. Borough Clerk Talerico stated that she has done a lot of the administrative and managerial type duties throughout her career and it did continue after this Mayor took office. He did not instruct her any differently. When he became Mayor he told the employees that I was still the boss and they would still answer to me on a daily basis with attendance and certain personnel policies. Recently some issues arose that I discussed with the Mayor because I received complaints from other employees and it was becoming stressful. I told the Mayor I thought the governing body should decide whether this change is going to take place because it's outside of the purview of our personnel policy.

Councilman Astarita asked for clarification. Borough Attorney Oostdyk stated that generally employees work certain hours Monday through Friday. There have been a few instances where employees have gone to the Mayor and asked to vary their hours. My understanding is the Mayor said it was okay and that caused some reverberations from other employees who didn't think exceptions should be granted to the policy. Councilman Astarita asked if there was a specific reason and if it was to benefit the borough or the employee. Mayor Budenheim stated it was both.

Borough Attorney Oostdyk stated the question is who should be making these decisions. Councilmen Falkoski, Astarita and Loesner stated that it should be the Mayor. Councilman Loesner stated that the Council should set the hours for the departments, the department head is responsible the hours are met, and the department head reports directly to the Mayor. The department head's hours are at the discretion of the Mayor and should be for the benefit of the borough. He also stated that it's not the Borough Clerk's job to oversee the other departments except the office personnel who report

CLOSED SESSION (continued):

directly to her. He said he is not clear as to who is the head of the Building Department and the Court. Borough Attorney Oostdyk stated the person in charge of administration is supposed to set up the administrative structure. Councilman Falkoski stated there are many discrepancies between the ordinance and the handbook. There was a discussion regarding the discrepancies.

Borough Clerk Talerico stated she wished to address the governing body regarding her position and why she cannot perform the management duties any longer. The way things have been done is not working anymore. A few employees resent anything that I have put forth recently. I never do anything without first discussing it with the Mayor. I discussed changing some holidays with the Mayor and he instructed me to send a memo to the employees. An employee came into my office with a very hostile attitude and questioned me about whether his sick time was correct and why we are switching holidays. I was later told by the Mayor that this employee had made a vulgar comment in the presence of the front office employees regarding his intentions to confront me. Another employee is not talking to me and will not interface with me at all. This creates a hostile work environment for me that some people have this attitude toward me. I discussed this matter with both the Mayor and Borough Attorney. I'm a dedicated employee and will continue to do my duties as Municipal Clerk, Qualified Purchasing Agent and Registrar but I desire to not have any further involvement with personnel.

Councilman Astarita stated that this employee should be charged with insubordination. Borough Attorney Oostdyk agreed that something should be done but stated the Mayor deals with individual personnel. Councilman Loesner stated the underlying problem with that department is there is no supervisor there. This person should be going to their department head. Borough Attorney Oostdyk stated that one of the first personnel issues that need to be addressed is delegation of authority. There is ambiguity about roles. He emphasized that if you give people responsibilities you must stand behind those people. The Council decided the Mayor will prepare an organizational chart to be discussed with Council before implementing it. The Personnel Committee will review the ordinance and personnel manual and prepare a proposal for changes. Once this is complete there will be a meeting with the employees.

ORDINANCES (continued):

ROLL CALL: **Ayes:** **Loesner, Wetzel, Carelli**
 Nays: **None**
 (3 ayes – 0 nays – motion carried)

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

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

ORDINANCE 02-2010

**ORDINANCE AMENDING CHAPTER 85 OF THE REVISED
 GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE
 AND ESTABLISHING A FEE FOR TEMPORARY
 CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THE
 UNIFORM CONSTRUCTION CODE**

ROLL CALL: **Ayes:** **Loesner, Wetzel, Carelli**
 Nays: **None**
 Abstain: **Guis**
 (3 ayes – 0 nays – 1 Abstain – motion carried)

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 20-B

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

ORDINANCE 03-2010

**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”**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 20-C

- 4) **Approval of Capital Budget** for the year 2010 for the Water/Sewer Utility Capital Fund in the amount of \$300,000 with a planned funding service for current year 2010; Estimated Total Cost - \$300,000.00; Capital Improvement Fund - \$14,500.00; Debt Authorized - \$285,500.00.

Councilman Carelli set forth the motion, seconded by Councilman Guis, **RESOLVED**, for the approval of the 2010 Temporary Capital Budget.

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

COPY OF CAPITAL BUDGET IN FULL ON PAGE NO. 20-D

ORDINANCES (continued):

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

ORDINANCE 04-2010

BOND ORDINANCE OF THE BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING IN ITS ENTIRETY BOND ORDINANCE NO. 11-2004 FINALLY ADOPTED MAY 3, 2004 AND BOND ORDINANCE NO. 2-2006 FINALLY ADOPTED FEBRUARY 6, 2006

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 21-E

Councilwoman Wetzel asked for the purpose of Ordinance 05-2010. Mayor Budesheim stated that the sewer authority has three member towns each with two commissioners. Riverdale currently has the responsibilities of membership without being voting members.

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

ORDINANCE 05-2010

ORDINANCE PROVIDING FOR THE ADMISSION OF THE BOROUGH OF RIVERDALE AS A MEMBER OF THE PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY ENACTED PURSUANT TO N.J.S.A. 40:14A et. Seq.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 21-F

RESOLUTIONS:

There was a discussion regarding the need for a security lock system for the lower level of the Community Center.

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

- 1) Payment of Claims, including the following:
 - a. Boonton Lanes - Recreation Trip - \$ 925.00
 - b. Theater Direct - Jersey Boys Trip - \$5,565.00
- 2) Approval of payment from Escrow to the following:
 - a) Darmofalski Engineering Assoc. Alexan at Riverdale \$2,070.00
- 3) Approval of budget for completion of revised plans and specification for the Sewer Pump Station in the amount of \$6,500 for Darmofalski Engineering Associates.

RESOLUTIONS (continued):

- 4) Approval of budget for Newark Pompton Turnpike Resurfacing Phase I & II alternates for the Hamburg Turnpike Resurfacing and DPW Yard Paving in the amount of \$8,544.00 for Darmofalski Engineering Associates.
- 5) Approval of payment to Darmofalski Engineering Associates, Inc. for engineering of Newark Pompton Turnpike Improvements & Arlington Place in the amount of \$7,164.00.
- 6) Approval of 2010 Morris County Mobile Data Terminal System Agreement at a cost of \$1.00 for the year. Agreement reviewed by Chief Soules and recommended for approval.
- 7) **Resolution No. 21-2010;** Approval of Application to the PARIS Grant Program – for Imaging of Records – Clerk’s Office.
- 8) **Resolution No. 22-2010;** Transfer of 2009 Appropriation Reserves.
- 9) **Resolution No. 23-2010;** Emergency Temporary Appropriations.
- 10) Approval of first month police car lease in the amount of \$1,248.76 to Kansas State Bank.
- 11) **Resolution No. 24-2010;** Authorize Application to Fire Equipment Grant in the amount of \$3,414.45 with a 50% Borough Match.
- 12) Approval of proposal for Surveying of Arlington Place, Haycock Avenue and Mead Avenue to DMC Associates, Inc. 211 Main Street, Butler, NJ in the amount of \$8,820.00. (4 proposals were received for this project)
- 13) Approval of additional \$800 for key system for downstairs doors at the Community Center.

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 22 – G, H, I, J AND K**OTHER BUSINESS:**

- 1) E-mail from Planning Board Attorney recommending an amendment to Chapter 168-3.B Definitions – FLOOR AREA. (E-mail previously sent to governing body on 02/04/10 and resent with this agenda 02/11/10.)

Mayor Budesheim stated that Wal-Mart wants to put in an addition and requested we change our definitions. After a brief discussion Council decided no action will be taken.

MAYOR REPORT:

Mayor Budesheim reported that we had a water main break under the newly paved Newark Pompton Turnpike. There also appears to be a water main break on Mathews Avenue since July.

BOROUGH ATTORNEY REPORT:

Borough Attorney Oostdyk reported that we received a law suit from TCR/Riverdale Road LLC today on the CCO ordinance. He also reported on the garbage issues with the property owners association at the Grande. Compactors are being installed. A municipal services agreement needs to be discussed with their association. Mayor Budesheim stated that we will meet with them next Wednesday at 10:00 a.m.

COMMITTEE REPORTS:

Councilwoman Wetzel reported there is a meeting scheduled for Friday at 10:30 a.m. with LaGuardia Associates to put plans in place for the summer concert series. The fund raiser for Haiti relief is in effect this weekend.

Councilman Loesner reported that he finished his interviews with the departments and will have a list of recommendations for changes to the handbook and ordinances for the workshop meeting.

Fire Chief Dan Sturm reported on continuing problems with the ladder truck. We do preventive maintenance every year and the cost this year was \$5,500. Every year something has happened. This year the generator is down and the cost for repair is \$4,500. There was nothing wrong with it when it left here. Also on the quote is repair of hydraulic levers for another \$630. This should have been caught during preventive maintenance. We do everything required under the standards for maintenance and there is always something going wrong. The stabilizer magnets are going and both headlights are out. I believe there's an electrical issue and they say there is nothing wrong with it. The warrantee cost on the motor repair was between \$30,000 and \$40,000. Our warrantee is up on March 17th because it's five years old. They've replaced cylinders and pistons among other things. They are not offering any extended warrantee on the motor or the work they've done. Pierce is number one rated and we have nothing but problems. Chief Sturm is concerned that there will continue to be problems after the warrantee expires and asked for direction. Borough Attorney Oostdyk stated they are not obligated to provide an extended warrantee but we could send a letter of complaint. Mayor Budesheim suggested finding out if they sell an extended warrantee. Chief Sturm will obtain a price to have the truck evaluated for potential problems and also reach out to other Chiefs to see if there have been any other issues. Borough Attorney Oostdyk will then prepare a letter to Pierce.

ALL IN FAVOR.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:30 p.m.

Respectfully Submitted:

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

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

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.

RESOLUTIONS:

Mayor Budesheim stated that approval of the final Change Order for Tilcon NY is required for final reimbursement from the state. He stated that GovDeals.com is a government surplus auction that has been approved by New Jersey state contract bid law. There is no cost unless something sells and the charge is 7.5% of selling price with minimum of \$5.00. The Mayor also stated the Riverdale School is losing state aid but they were granted their appeal to keep a portion of the aid for capital items.

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

- 1) Approval of payment to The Shade Tree Department LLC for Professional Services rendered to Trammel Crow for the Alexan Riverwalk Project to be paid from TCR's escrow account in the amount of \$360.00.
- 2) Approval of final Change Order for Tilcon NY, Inc. for the Mathews Avenue project in the amount of \$42,121.19. (copy of change order transmitted with agenda to Mayor and Council)
- 3) Authorizing Mayor Budesheim to sign an agreement with GovDeals.com.
- 4) Endorsing the Riverdale Board of Education resolution stating the reasons to keep \$39,357 of their state aid.
- 5) Authorizing Pop-A-Lock to perform additional work on firehouse alarm system at a cost of \$1,940.

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

CORRESPONDENCE:

- 1) From Pop-A-Lock advising that the firehouse alarm rework did not bring the system up to code but simply repaired the alarm system which could then be brought up to code in the future. The fire inspector required that the bathrooms have strobes installed as part of the notification system. This additional work was not included in our original quote and is detailed in our quote for a total of \$1,940.00. (copy of letter transmitted with agenda to Mayor and Council)

CORRESPONDENCE (continued):

Councilman Guis stated that the electrical and fire inspectors require that the system be brought up to code at this time.

MAYOR REPORT:

Mayor Budesheim reported that we will be switching telephone service from Verizon to Cablevision. This will save approximately \$1,000 per month.

COMMITTEE REPORTS:

Councilman Astarita reported the Community Development Block Grant Facilities Committee will meet Monday and Councilman Loesner will attend.

Councilman Loesner distributed a list of recommendations he prepared based on review of current personnel policies. A big problem this year was regarding the holiday schedule and the selection of two floating holidays. He recommended eliminating Lincoln's and Washington's Birthday and observing President's Day and allowing one personal floating holiday for every employee to be taken as a full day only. He stated that Veteran's Day was left off the list in error and should be included. He also recommended that departments should be setting their own hours through the Mayor. After discussion it was agreed the holiday schedule, including floating holidays, will be established by resolution of the Council at the reorganization meeting every year and not be set by ordinance. Councilman Loesner stated the recommended office hours were suggested by the Mayor for public convenience and he is in agreement. He stated that the court clerk was advised that the hours printed on the tickets need to agree with the office hours. After discussion it was agreed the hours are to be set by resolution of the Council and not set by ordinance. Mayor Budesheim asked the Council how it should be handled when employees take a Thursday or Friday off from work. Council agreed that either a Thursday or Friday would count as one full day and the policy needs to be made clear.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Carelli, to approve the municipal office hours be changed to 9:00 a.m. to 4:30 p.m. Monday, Tuesday, Wednesday, 9:00 a.m. to 7:00 p.m. Thursday and 9:00 a.m. to 1:00 p.m. Friday, to be implemented at the discretion of the Mayor.

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

COPY OF RECOMMENDED PERSONNEL CHANGES IN FULL ON PAGE NO. 25-A

Mayor Budesheim reported that he received numerous compliments about our DPW with regard to snow removal.

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 Astarita, to adjourn the meeting.

ALL IN FAVOR.

Adjourned: 8:15 p.m.

Respectfully Submitted:

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

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

APPROVAL OF MINUTES DATED:

Regular Meeting - February 17, 2010
Workshop Meeting - March 1, 2010

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

**ROLL CALL: Ayes: Falkoski, Guis, Loesner, Wetzel, Carelli
Nays: None
Abstain: Astarita (February 17, 2010 only)
(6 ayes – 0 nays – motion carried)**

PUBLIC PARTICIPATION NO. 1:

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

ALL IN FAVOR.

ORDINANCES:

Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 02-2010

**ORDINANCE AMENDING CHAPTER 85 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE
AND ESTABLISHING A FEE FOR TEMPORARY
CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO 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 Astarita, to close the public session.

ALL IN FAVOR

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 02-2010 as read on second reading at this meeting, be adopted and finally passed.

ORDINANCES (continued):

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 28-A

2) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 03-2010

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”

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 Astarita set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 03-2010 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 28-B

3) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 04-2010

BOND ORDINANCE OF THE BOROUGH OF RIVERDALE, IN
THE COUNTY OF MORRIS, NEW JERSEY, AMENDING IN ITS
ENTIRETY BOND ORDINANCE NO. 11-2004 FINALLY
ADOPTED MAY 3, 2004 AND BOND ORDINANCE NO. 2-2006
FINALLY ADOPTED FEBRUARY 6, 2006

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

RESOLUTIONS (continued):

- c. Riverdale Recreation - Easter Egg Event - up to \$ 800.00
- 2) Approval of payment from Escrow to the following:
 - a) Darmofalski Engineering Assoc. Alexan at Riverwalk \$2,070.00
 - b) Anderson & Denzler Assoc. Alexan at Riverwalk \$ 86.40
- 3) **Resolution No. 25-2010;** Adopting a revised Plan 76-PD-Lincoln-120709 for the Employees Deferred Compensation Plan with Lincoln Financial Group.
- 4) **Resolution No. 26-2010;** Emergency Temporary Appropriations.
- 5) **Resolution No. 27-2010;** Tonnage Grant Application.
- 6) **Resolution No. 28-2010;** Refund of Tax Overpayment – Block 37.01, Lot 2 – Affiliated Title of NJ - \$1,459.31, Year 2010 – Duplicate Payment.
- 7) **Resolution No. 29-2010;** Refund of Tax Overpayment – Block 40, Lot 3.2308 – Wells Fargo Home Mortgage - \$1,337.82, Year 2010 – Duplicate Payment.
- 8) **Resolution No. 30-2010;** Authorize Mayor Budesheim to apply for 2010 Morris County Historic Preservation Grant for ADA requirement upgrade to the Glenburn House in the amount of \$275,000 with a \$55,000 match by the Borough of Riverdale.
- 9) Authorization of final payment to Dell-Tech, Inc. for the Rehabilitation of Glenburn Barn & House in the amount of \$21,473.20 as approved by HMR Architects, project managers.
- 10) Approval of award of a “Sewer Infiltration Study” on Cotluss Road, at the quarry, on Mathews Avenue and in Rock Creek Crossing to National Water Main Cleaning Co., in the amount of \$22,684 plus and additional \$2,000 contingency amount. (2 quotations were received)
- 11) Approval of proposal for engineering oversight and inspections for the “Sewer Infiltration Study” in the amount of \$5,000 to William Ryden, P.E., Sewer Engineer.
- 12) Approval of Recycling Bid Award to Blue Diamond Disposal, Inc. for a five year contract at a total amount of \$204,000 for the five years. This breaks down to \$40,800 per year at a monthly charge of \$3,400. Two bids were received of which Blue Diamond was the lowest bidder.
- 13) Authorize preparation of bid specifications for a street sweeper.

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 30 – E, F, G, H, I, J AND K

MAYOR REPORT:

Mayor Budesheim reported that we had a long and trying weekend. The Fire Department was out three days. Thirty-Seven homes were scheduled to have basements pumped. The police and DPW department pitched in.

COMMITTEE REPORTS:

Councilman Falkoski reported the Court Report for February 2010.

Councilwoman Wetzels reported that June Carelli sent a letter to Pompton Lakes requesting possible use of their tennis courts for tennis lessons.

Councilman Astarita asked if there was going to be a closed session to further discuss a personnel matter. Borough Attorney Oostdyk stated the individual would need to be sent a RICE notice. Councilman Loesner stated he would like to see the statements made by

COMMITTEE REPORTS (continued):

the other parties before making a recommendation. Councilman Astarita stated that he doesn't want the matter dropped or forgotten. Mayor Budesheim stated the matter was taken care of and no further action is needed.

Councilman Carelli reported that Mayor Budesheim made the presentation for the HUD grant and it went well.

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 Carelli, to adjourn the meeting.

ALL IN FAVOR.

Adjourned: 8:00 p.m.

Respectfully Submitted:

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

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

PUBLIC PARTICIPATION NO. 1:

Joe Osterle, 47 Riverview Terrace, thanked the Fire Department for pumping out during the flood. He also asked if the Glenburn property could be used for a community garden. Mayor Budesheim stated that this has been discussed as a use for the property.

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

ALL IN FAVOR.

RESOLUTIONS:

Mayor Budesheim stated that we have been trying for many years to stabilize the riverbanks on the Pequannock River to help with the flood problems. The Borough Engineer has an application in with the DEP for about 15 years and they will not talk with us. Mr. Padula of Pompton Lakes has been in touch with the Federal Department of Agriculture. We can express our interest in a joint watershed protection project which would be funded 75 percent by the U.S. Department of Agriculture. Pompton Lakes and Riverdale would each contribute 12-1/2 percent and we will also pursue FEMA money. This would stabilize approximately 11,000 feet of riverbank. The Borough Engineer will estimate the cost which could be more than \$1,000,000 and our share would be about \$125,000. Since this is an extension of our park area, we can borrow the money from the Open Space Trust Fund.

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

- 1) **Resolution No. 31-2010;** Recycling Enhancement – Tax Reimbursement Certification.
- 2) Approval of rate of pay for Robert Cellini at an annual salary of \$16,000 effective May 1, 2010.
- 3) **Resolution No. 32-2010;** Emergency Temporary Appropriations.
- 4) Appointing Joe Montemarano as Assistant Construction Code Official.
- 5) Authorizing Mayor Budesheim to send a letter to the State Conservationist supporting a joint riverbank stabilization project and requesting Federal assistance to restore areas damaged by the storm of March 13, 2010.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 33-A AND B

MAYOR REPORT:

Mayor Budesheim reported on the Easter egg hunt held on Saturday. The Recreation Committee did an extraordinary job.

COMMITTEE REPORTS:

Councilman Astarita reported there is a CDRS meeting on April 15th that he will attend.

Mayor Budesheim stated that we got the \$80,000 grant for the elevator at the Community Center.

CLOSED SESSION:

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

ALL IN FAVOR.

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

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

Councilman Guis set forth the motion, seconded by Councilwoman Wetzel, to waive the NJIIF compensatory damage coverage for litigation with Riverdale Road Development.

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:00 p.m.

Respectfully Submitted:

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

CLOSED SESSION:**LITIGATION:**

Borough Attorney Jim Bryce reported on litigation brought against the Borough by Riverdale Road Development related to the Ordinance requiring certain inspection fees. NJIIF submitted a letter to the Borough Clerk indicating they will provide coverage to any compensatory damage aspects, however there is a \$5,000 deductible. They are looking to challenge the ordinance and there's not tremendous damage exposure. It is our recommendation that you not spend \$5,000 towards this at this juncture. The NJIIF only covers damages and the majority of the claims in this particular action are injunctive. After a brief discussion, Council agreed to waive the NJIIF coverage.

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

Mayor Budesheim presiding.

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

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

APPROVAL OF MINUTES DATED:

Regular Meeting - March 15, 2010
 Special Meeting - March 29, 2010
 Workshop Meeting - April 5, 2010

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

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

PUBLIC PARTICIPATION NO. 1:

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

ALL IN FAVOR.

ORDINANCES:

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

ORDINANCE 06-2010

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

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

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

RESOLUTIONS:

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

- 1) Payment of Claims. (including the following payments not on bills list:
 - 1) CareFree Bus Jersey Boys Bus Trip \$ 700.00
 - 2) Holiday Bowl 2010 Winter Bowling Full Balance-Trust
- 2) Approval of payment from Escrow to the following:
 - a) Darmofalski Engineering Assoc. Alexan at Riverwalk \$1,380.00
 - b) Darmofalski Engineering Assoc. TCR/Horton \$1,035.00
- 3) Approval of P.B.A. request for use of park for their annual fishing tournament on 5/8/2010. (copy of request transmitted to governing body with agenda)
- 4) Approval of storage of police vehicle at Riverdale Self Storage, LLC at no expense to the Borough.
- 5) **Resolution No. 33-2010**; Authorizing Shade Tree Grant Application.

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

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

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

COMMITTEE REPORTS:

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

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

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

COMMITTEE REPORTS (continued):

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

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

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

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

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

PUBLIC PARTICIPATION NO. 2:

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

ALL IN FAVOR.

CLOSED SESSION:

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

ALL IN FAVOR.

CLOSED SESSION (continued):

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:53 p.m.

Respectfully Submitted:

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

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

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

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

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

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

CONTRACT NEGOTIATIONS – THE GRANDE:

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

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

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

The special meeting of the Borough of Riverdale Mayor and Council opened on the above date at 8:30 a.m.

Mayor William Budesheim presiding.

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

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

THE PURPOSE OF THIS SPECIAL MEETING IS TO INTRODUCE THE 2010 MUNICIPAL BUDGET AND DISCUSS AND ACT UPON ANY ITEMS DEEMED NECESSARY BY THE MAYOR AND COUNCIL

ORDINANCES:

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

ORDINANCE 07-2010

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

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 42-A

INTRODUCTION OF 2010 MUNICIPAL BUDGET

Councilman Falkoski stated the tax rate increased from 47.8 to 49.9 and asked what the impact would be. Councilman Carelli stated it is two tax points, up about \$70 for the average house, and will most likely decrease. We are introducing the budget earlier than planned to avoid the possibility of getting fined. The budget can be amended if necessary. There was additional discussion regarding the budget and related financial matters.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli, **RESOLVED**, for the introduction of the 2010 Municipal Budget.

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

Public Hearing and Adoption scheduled for June 7, 2010 at 7:30 p.m. To be published in the Suburban Trends Newspaper on Wednesday, May 12, 2010.

COPY OF 2010 MUNICIPAL BUDGET IN FULL ON PAGE NO. 43-B

OTHER BUSINESS:

Mayor Budesheim reported on the Morris County Budget Hearing he attended last week. The Freeholders discussed his suggestions at a special meeting the next day. Freeholder Gene Feyl said they would take the million dollars we asked for and prorate it based on the amount we send. Riverdale sends about 3.8 percent of all the ticket money the county collects in a year. Based on the 2008 numbers they would send us a check for \$38,000.

There was a discussion regarding insurance coverage of the police vehicle being stored at Riverdale Self Storage. Borough Clerk Talerico stated our insurance company requires answers to their questions before they will confirm coverage for the vehicle stored at that location. Council agreed that Mayor Budesheim will provide answers to the questions.

Mayor Budesheim stated we were offered \$9,500 for the Charger that had been a police traffic car. He said he could try selling it on GovDeals.com.

Thereupon, Councilman Carelli set forth the motion, seconded by Councilman Falkoski, to authorize Mayor Budesheim to advertise the Charger on GovDeals.com.

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:57 a.m.

Respectfully Submitted:

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

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

ALL IN FAVOR.

BOROUGH CLERK REPORT:

Borough Clerk Talerico reported on the IRS cafeteria plan. The Finance Officer has recommended we implement a plan in order to withhold health benefit contribution money pre-tax. She is looking for a plan. She also reported that an application for clothing bin placement was received from a private company who owns and operates the bins and donates part of the proceeds to a non-profit organization. Borough Attorney Oostdyk will review the application and determine what is needed from the applicant. Clerk Talerico asked about enforcement of the Clothing Bin Ordinance. Borough Attorney Oostdyk stated that if they don't comply with the ordinance we have the right to have the bins removed. Clerk Talerico also reported that at the last meeting it was decided to waive the NJIFF compensatory damage coverage for litigation with Riverdale Road Development. She received a letter indicating they believe they are working with us on this. Borough Attorney Oostdyk will handle the matter.

BOROUGH ATTORNEY REPORT:

Borough Attorney Oostdyk reported on the garbage disposal problems at the Grande. There is a misunderstanding with the hauler regarding recyclable pick up.

MAYOR REPORT:

Mayor Budesheim reported on several sewer issues. He would like to instruct D. R. Horton to fix their manholes for the sewers. There is also a manhole problem at the Quarry that needs to be remedied. Rock Creek installed a meter that is clogging the sewer system. Borough Attorney Oostdyk will prepare letters regarding these issues.

COMMITTEE REPORTS:

Councilman Guis reported on the flood control project. There is \$96,000 funding available from the Department of Agriculture. The design and permitting needs to be in place.

Councilwoman Wetzel reported that the summer recreation program is in the works.

Mayor Budesheim stated that recreation is getting busy and asked for Council approval to increase the recreation director's hours to 25 per week effective June 1st.

COMMITTEE REPORTS (continued):

Thereupon, Councilwoman Wetzel set forth the motion, seconded by Councilman Guis, to increase the Recreation Director's hours to 25 per week effective June 1st.

ROLL CALL: **Ayes: Guis, Loesner, Wetzel**
 Nays: None
 Abstain: Carelli
 (3 ayes – 0 nays – 1 Abstain - motion carried)

Councilman Loesner suggested looking at the Consumer Price Index to help make a decision regarding this year's salary increase.

Councilwoman Wetzel asked about our donation towards field repairs in Pompton Lakes. Mayor Budesheim stated the quote came in at \$25,000 and the Riverdale/Pompton Lakes Little League Organization is eligible to apply for reimbursement from FEMA.

Thereupon, Councilman Guis set forth the motion, seconded by Councilwoman Wetzel, to award the contract for repair of Joe Grill Field to DMK in the amount not to exceed \$25,000.

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:15 p.m.

Respectfully Submitted:

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, Falkoski, Guis, Loesner, 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:

Regular Meeting - April 19, 2010
 Special Meeting - April 29, 2010
 Workshop Meeting - May 3, 2010

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

ROLL CALL: **Ayes:** **Astarita, Falkoski, Guis, Loesner, Carelli**
 Nays: **None**
 Abstain: **Astarita, Falkoski (May 3, 2010 only)**
 (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 06-2010

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

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

ORDINANCES (continued):

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 06-2010 as read on second reading at this meeting, be adopted and finally passed.

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

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

2) Public Hearing and Adoption of an Ordinance entitled:

ORDINANCE 07-2010**ORDINANCE TO EXCEED THE MUNICIPAL 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 Carelli, to close the public session.

ALL IN FAVOR

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 07-2010 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 46-B**RESOLUTIONS:**

The following Resolutions were tabled:

- 1) Approval of proposals for Stream Bank De-snagging & De-silting to Darmofalski Engineering Associates, Inc. the following amount for engineering \$12,000.
- 2) Approval of proposal for Stream Bank De-snagging & De-silting to DMC Associates, Inc. in the amount of \$13,700.

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

- 1) Payment of Claims. Including the following:
 - a) New York Mets Recreation Trust \$1,400.00
 - b) Funding for Memorial Day Parade - Not to exceed \$ 500.00
 - c) Gloria Carelli Food Pantry Reimbursement \$ 182.97

RESOLUTIONS (continued):

- 2) Approval of payment from Escrow to the following:
 - a) Darmofalski Engineering Assoc. Alexan at Riverwalk \$1,150.00
 - b) Anderson & Denzler Assoc. Alexan at Riverwalk \$ 356.84
 - c) Anderson & Denzler Assoc. Alexan at Riverwalk \$ 158.70
- 3) Resolution to approve the admittance to active membership of Dave L. Regeling as a Riverdale Fireman.
- 4) **Resolution No. 34-2010**; Tax Sale Certificate #09-00001 Redemption in the amount of \$7,403.21 to Dennis Moeller, 118 Long Pond Road, Hewitt, NJ.
- 5) **Resolution No. 35-2010**; Emergency Temporary Appropriations.
- 6) Approval of additional funds for inspections to be performed by Anthony Gallo for the building department. Prior approval funds have now been exhausted.
- 7) Approval of Alarm Monitoring Service Agreement for the Riverdale Fire Department with Security System Solutions, 281 Stonetown Road, Ringwood at a cost of \$30.00 per month.
- 8) Release of \$10,000 Bond to Majestic, subject to the Borough Engineer verifying the survey monuments are in place.
- 9) Approval to purchase a lawn mower for the DPW in the amount of \$9,803.00 from Riverdale Power Mower (2 quotations received).
- 10) Authorization to list police vehicle #160 at minimum bid of \$9,500 and vehicles #150 and #154 for sale on GovDeals.com.
- 11) Authorization for Sewer Engineer Bill Ryden to prepare a TWA application for the central and west districts.

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 47 – C, D AND E

MAYOR REPORT:

Mayor Budesheim reported that we received a letter of support from Parsippany for our efforts in trying to improve the safety conditions of the Route 23 hill. He also reported there has been illegal dumping of dirt in the floodway near the Van Ness Bridge on Riverdale Road. There are conflicting stories as to who brought the dirt in. We are in the process of preparing summonses for the Borough Ordinances. The DEP is also issuing violation notices. We are holding a Candidate’s Night at the Community Center on Wednesday, May 26th, at 8:00 p.m. Eleven Freeholder and two Sheriff Candidates will be participating.

COMMITTEE REPORTS:

Councilman Falkoski reported the Court Report for April 2010.

Councilman Astarita reported that he met with the manager of Home Depot regarding cabinets for the Firehouse.

BOROUGH ENGINEER REPORT:

Borough Engineer Darmofalski reported on the revised cost estimates of applications to the DEP for stream bank stabilization, de-snagging and de-silting of the Pequannock River bank. This is approximately 6,000 lineal feet of river that begins 500 feet upstream of the bridge on Hamburg Turnpike and ends 500 feet downstream below Riverdale

BOROUGH ENGINEER REPORT (continued):

Road. The DEP permit costs exceed the engineering and survey estimates. The grand total is \$80,700 of which \$45,000 is just for application fees to the DEP. He would like to go to the DEP in Trenton for a pre-application meeting and make sure these numbers are correct. We had a meeting with the Pompton Lakes Administrator to go over the scope of this joint project. Two of the sites we had visited with people from the Department of Agriculture met the criteria for emergency funding. I received information that they have approved expenditures up to \$96,000 for those two areas. Riverdale's responsibility, in conjunction with Pompton Lakes, is 25% of that cost. You would need to come up with \$16,800 for soft costs for engineering. Pompton Lakes has been asked to consider whether they can come up with their half of the \$16,800. We need to complete this work by November 11th of this year. Mr. Darmofalski answered questions from the Council regarding breakdown of the permit fees and what results we can expect from the \$72,000 emergency funding. It will improve the flow but will not resolve the problem. The engineering cost for a pre-application meeting is approximately \$800.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Carelli, to authorize Borough Engineer Darmofalski to attend a pre-application meeting with the DEP to discuss the scope of the riverbank stabilization project and confirm the permit fees.

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

Mr. Darmofalski reported on the status of the RER site that is under construction. He also reported on debris being dumped at Overlook Drive.

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.

Fire Chief Dan Sturm spoke regarding a meeting he will be attending with the DOT regarding the pre-emptive signal at Cotluss Road and Route 23.

CLOSED SESSION:

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

ALL IN FAVOR.

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:33 p.m.

Respectfully Submitted:

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

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

Mayor Budesheim stated that the rock face going up to Overlook Drive has had continuous rockslides and boulders going into the road. We issued a summons to Majestic that was thrown out of court and we issued one to Beazer but we couldn't find them. Clouding this issue is the property owner and a maintenance easement granted to the Homeowners Association. The homeowners haven't taken over yet because it has not been turned over in a safe condition. We were served with a tort claim notice which means they are preparing for a lawsuit. Majestic sold to Beazer and ultimately it will come down to the property owner. They will bring in Majestic and the homeowners and it will be a very long and drawn out affair. Majestic spent \$200,000 on inspections and it had all of the approvals at the time. Mayor Budesheim reported on a meeting he had with Buzzy Shull who is a principal in Rock Creek and the owner of this property. Rock Creek was going to give the property to an engineer who was owed money but he could not get his subdivision approvals due to our steep slope ordinance. The pricing obtained for blasting to make the rock wall secure and safe is up to \$200,000. In an attempt to find a way to get this done in a timely manner, Mayor Budesheim proposed Mr. Shull give us the property. We could get the work done to the wall, subdivide the 11 acres into two lots and put them up for auction. We feel we could recoup the costs of securing the rock wall and pay the engineer. Mr. Shull said he would discuss the concept with his principals and get us a timely reply.

Borough Attorney Oostdyk explained there is a risk that if Riverdale repairs the wall it becomes our responsibility going forward if rocks start falling again. It's also possible it could be a much bigger job to repair the wall. He suggested we wait for Mr. Shull's response and see what they're willing to do. Another way to solve the problem is encourage them to come back to the Planning Board with a reasonable application that includes fixing the problem with the wall.

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

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

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.

PUBLIC HEARING AND ADOPTION OF 2010 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 Councilman Carelli, to close the public session.

ALL IN FAVOR.

Councilman Falkoski asked if there would be discussion on salaries prior to adopting a salary ordinance. Mayor Budesheim stated that there would.

Thereupon, Councilman Carelli set forth the motion, seconded by Councilman Astarita, for the Adoption of the 2010 Municipal Budget.

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

COPY OF 2010 MUNICIPAL BUDGET IN FULL ON PAGE NO. 51-A

RESOLUTIONS:

Councilwoman Wetzel commented on Resolution No. 4. JC Promotions has been doing our street fair and inquired about renting the showmobile at a reduced rate for use at other street fairs. She confirmed that JC Promotions would use the showmobile for entertainment they provide at their events and it would not be re-rented to a third party. There was a discussion regarding the rates.

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

- 1) **Resolution No. 36-2010;** Endorsement of the Housing Element and Fair Share Plan as Adopted by the Riverdale Borough Planning Board and Petitioning the New Jersey Council on Affordable Housing for Substantive Certification.

RESOLUTIONS (continued):

- 2) **Resolution No. 37-2010;** Resolution stating that the Governing Body has, based upon the Chief Financial Officer's Certificate, found the 2010 budget has met the requirements as listed; and that the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
- 3) Approval of the purchase of a rack system for the court office from JC Computer Solutions in the amount of \$1,532.40 to be paid out of Court Budget.
- 4) Approval of reduced rate of no less than \$2,000 for up to 8 shows for JC Promotions, plus \$480 minimum fee per show for the set up charges payable to borough DPW employees. One damage deposit of \$500 will be taken upfront in case of damages to the showmobile. Any third party rental voids agreement.
- 5) Approval of Payment of the following invoices:

| | | |
|---|------------------------------|------------|
| a. R.E.R. Supply, LLC | Joe Grille Field Restoration | \$6,405.00 |
| b. DMK Services | Joe Grille Field Restoration | \$7,500.00 |
| c. Windsor Soil Company | Joe Grille Field Restoration | \$8,730.00 |
| d. Wayne Wholesale Fertilizer | Joe Grille Field Restoration | \$2,850.00 |
| e. Bradley Clinton - Reimbursement for snow plow damage | | \$ 595.00 |

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 52-B AND C**BOROUGH CLERK REPORT:**

Deputy Clerk Forbes reported that due to anticipated budget restraints, the Borough Clerk would like to know if room reservations should be made for the League of Municipalities Convention. Mayor Budenheim advised reservations should be made since we have until November 4th to cancel. She also reported that we received an alert from the Government Records Council that beginning July 1st we must charge requestors actual cost for photocopies under OPRA rather than the state fee schedule. Borough Attorney Oostdyk stated he believes the legislature is in the process of addressing this now and will come up with a new fee schedule that will be statewide. He recommended we wait rather than change our ordinance at this time.

COMMITTEE REPORTS:

Councilman Loesner reported he has completed his calculations and is prepared to discuss the salary ordinance. He also reported that we will have several young men deployed this year and next year on overseas duty. He suggested we open a troop support wing of the food pantry. Council was in favor of this idea.

PUBLIC PARTICIPATION NO. 2:

Pete Totta, President of Rock Creek Association, and Maria Totta spoke regarding a parcel of land at Rock Creek with the tax map showing owner as "unknown". Borough Attorney Oostdyk stated that a title company can search it out for them.

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

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 legal matter, of which minutes will be kept and released upon completion of this matter.

ALL IN FAVOR.

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

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

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

Resolution No. 38-2010; Resolution clarifying the intent of the Governing Body with regard to the Agreement between Police Captains Richard Roemmele and John Peine and the Borough of Riverdale.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 53-D

Councilman Carelli stated we need to draft the salary resolution and ordinance.

Councilman Loesner stated that he did research on the U.S. Department of Labor Statistics website. His opinion is that a 2% increase is more than reasonable based on these statistics. The question is how to distribute it. He suggested either an across the board 2% increase or a flat rate of an equal amount to all the employees. Based on the figures provided, the flat rate would be \$1,075 per employee for the 19 full-time employees. Part-time employees would get a 2% increase. There was Council discussion regarding the proposed method of distribution. Councilman Carelli asked that any additional comments or input be forwarded in the next two weeks.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:15 p.m.

Respectfully Submitted:

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

CLOSED SESSION:

LEGAL MATTER PERTAINING TO AGREEMENT WITH POLICE CAPTAINS

Police Chief Soules is present.

Mayor Budesheim stated the pension board has some misconceptions about the promotions of Captains Roemmele and Peine. The agreement was in writing and it was made very clear to this Governing Body and the Captains that there is no legal way that we could ever force anybody to retire. Both were at retirement age at the time they signed the agreement and there was nothing to bar them from retiring at any time. It was not the intent to pad anybody's pension. It was filling a position that had been vacant. Resolution No. 38-2010 is a clarification of intent.

Councilman Falkoski stated the resolution is in agreement with the original agreement. The intent was to promote two gentlemen who deserved a promotion and the increased salary that went with it.

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

Mayor Budesheim presiding.

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

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

APPROVAL OF MINUTES DATED:

Regular Meeting - May 17, 2010
 Workshop Meeting - June 7, 2010

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

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

PUBLIC PARTICIPATION NO. 1:

Pam Sylvestri spoke regarding the collection of donations for the troops overseas. Councilman Loesner stated that there will be collection centers located at the food pantry and Circle Auto Parts.

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:

The following resolution was tabled for discussion at the workshop meeting:

- 6) Authorizing the Borough Clerk to go to bid for a street sweeper for the DPW Department.

Borough Clerk Talerico stated that tax clearance certificates were received for all liquor license holders. Borough Attorney Oostdyk stated that resolution No. 10 is at the discretion of the Governing Body and explained the legislation regarding the 1.5% contribution of base salary for health benefits. Councilman Carelli and Councilwoman Wetzel asked for clarification of several items on the bills list.

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

- 1) Payment of Claims. Including the following:
 - a) Division of Motor Vehicles Registrations \$ 200.00 Max.
 - b) Dynamite Falls Recreation Trip \$ 640.00
 - c) Land of Make Believe Recreation Trip \$1,300.00 Max.
 - d) Magician Entertainment Recreation Program \$ 500.00 Max.
 - e) Jordan Transportation 2 Wks. Transp. Rec. \$2,740.00
 - f) Various Vendors Movie Night \$ 700.00 Max.

RESOLUTIONS (continued):

- 2) **Resolution #39-2010** – Refund of Tax Overpayments.
- 3) Approval of payment from Escrow to the following:
 - a) Darmofalski Engineering Assoc. Alexan at Riverwalk \$1,328.00
 - b) Darmofalski Engineering Assoc. Riverdale Square \$2,280.00
 - c) Darmofalski Engineering Assoc. Genesis USA, LLC \$ 115.00
- 4) Approval of additional funding for building inspections to be paid to Anthony Gallo; the \$2,000 funding approved as of September 1, 2009 has been exhausted.
- 5) Approval of a service agreement with Spectrotel a telephone service provider for local and long distance services and appoints Spectrotel to as the carrier for local dial tone for the Borough of Riverdale and authorize Mayor Budesheim to execute such agreement.
- 6) Tabled.
- 7) **Resolution #40-2010**; Authorization of Piazza & Associates, Inc. as the firm to administer the affordable housing units located at the Alexan at Riverwalk Project. Mr. Frank Piazza has been certified by the Council on Affordable Housing as an authorized Agent.
- 8) **Resolution #41-2010**; Approval of renewal of Liquor Licenses within the Borough of Riverdale for the 2010/2011 license term.
- 9) Approval of scheduling of a public hearing on August 16, 2010 at 7:30 p.m. of the Cablevision of Oakland, LLC franchise renewal which is due to expire on February 2, 2011. This public hearing date is to take place no sooner than 60 days, or later than 90 days of the filing date of June 7, 2010, filed with the Mayor with a copy to the Municipal Clerk.
- 10) Approval of delay of taking 1.5% of base salary for Chief Soules because of his alignment with the PBA 335 Contract as permitted by recent legislation.

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 56-A, B, C, AND D**COMMITTEE REPORTS:**

Councilman Falkoski reported the Court Report for May 2010.

Councilman Falkoski set forth the motion, seconded by Councilman Carelli, to appoint Sam Vivino as part-time Dispatcher for the Riverdale Police Department.

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

Councilwoman Wetzel reported she will have a full report on summer recreation when registration is completed.

Councilman Loesner reported he will have the payroll resolution ready for next month's meeting.

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 Councilwoman Wetzell, to adjourn the meeting.

ALL IN FAVOR.

Adjourned: 8:01 p.m.

Respectfully Submitted:

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

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

PRESENTATION OF AFLAC SECTION 125 CAFETERIA PLAN:

Aflac representative Scott Vozza explained the purpose of the Section 125 Cafeteria Plan. There is no cost to the municipality to set up the plan or for him to come in and explain the plan to the employees. It is being established so the 1.5% employee contribution toward health benefits can be deducted on a pre-tax basis. There are other products such as Dependent Care and Flexible Spending Accounts that can be added in the future.

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.

MAYOR REPORT:

Mayor Budesheim reported on the fire that destroyed a house on Hillside Avenue yesterday morning. There was a seven minute lag waiting for pumpers to bring water to the site. Many residents have contacted him concerned that there is no water in that neighborhood. He spoke with a resident as well as the Fire Chief and Water/Sewer Engineer Bill Ryden about an idea of putting in cisterns below ground. The idea will be discussed further.

ORDINANCES:

Councilman Guis stated that there are other issues that need to be addressed in this ordinance. There was a discussion about recent problems with building of fires, alcohol and litter left at Appelt Park.

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

ORDINANCE 08-2010

**ORDINANCE AMENDING CHAPTER 23 OF THE REVISED
 GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE
 ESTABLISHING PUBLIC PARK HOURS AND PROHIBITING
 THE STARTING OR BUILDING OF FIRES WITHIN PUBLIC
 PARKS**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 58-A

RESOLUTIONS:

Councilman Falkoski asked for clarification of resolution No. 5. Councilman Guis stated that this repair will not correct the entire problem. Mayor Budesheim suggested we establish a Snow Removal Trust Fund. The Mayor also reported that we received a grant over \$202,000 from Morris County Historic Preservation for Glenburn. Part of this grant will be used to add a bathroom at Glenburn. Councilman Carelli asked for clarification of Resolution No. 2 and No. 8. There was a discussion regarding Resolution No. 2 and it was decided to vote on approval of the agreement only for DEP Permitting Engineering and Bid Documents Engineering.

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

- 1) Resolution of governing body to adjust Riverdale Borough bid threshold and quotation threshold as permitted by N.J.S.A. 40A:11-3(a) with a Qualified Purchasing Agent to the new adjusted amount of \$36,000 for bidding purposes and \$5,400 for quotation purposes.
- 2) Resolution of governing body to approve a professional agreement with Anderson & Denzler Associates, Inc. for the Arlington/Haycock/Mead Sewer Project for the following items and amounts: DEP Permitting Engineering - \$6,200; Bid Documents Engineering - \$4,500 for a total of \$10,700.
- 3) Approval of payment to R. Febbi Contractor in the amount of \$1,800 for emergency services performed with regard to tree removal during April's heavy rainstorms.
- 4) **Resolution No. 47-2010;** Resolution of governing body to approve a professional agreement with Certified Valuations, Inc. 447 Route 10, Randolph, NJ for professional real estate appraisal and assessing services with regard to Riverdale Tax Appeals at an hourly rate of \$145.00 per hour.
- 5) Resolution of governing body to approve sewer repair work on the infiltration entering the sewer system with an estimated 20,000 to 30,000 gallons per day as discovered through the recently completed video sewer inspections and award the proposal to Oswald Enterprises, 161 East Road, Belford, NJ in the amount of \$12,536. (2 quotations were received on this project)
- 6) Resolution of governing body to approve proposal from Anderson & Denzler Associates, Inc. for engineering oversight of sewer repair work in the amount \$2,000.
- 7) **Resolution No. 42-2010;** Supporting the Over the Limit Under Arrest – 2010 Statewide Crackdown.
- 8) Resolution of governing body to approve proposal from Darmofalski Engineering Associates, Inc. for the Arlington/Haycock/Mead Project for the following items: Design plans & specifications, bid review & evaluation, contract administration and NJDOT submissions - \$40,000; Inspection of project based on 40 days - \$22,000.
- 9) **Resolution No. 43-2010;** Chapter 159 – 2010 Clean Communities Program in the amount of \$4,421.13.
- 10) **Resolution No. 44-2010;** Chapter 159 – Over the Limit Under Arrest 2010 in the amount of \$4,400.00.
- 11) **Resolution No. 45-2010;** Chapter 159 – 2010 Recycling Tonnage Grant in the amount of \$7,717.76.
- 12) **Resolution No. 46-2010;** Authorizing Morris County Historic Perseveration Trust Fund Grant Agreement for Glenburn.
- 13) Approval to establish a Section 125 Cafeteria Plan with Aflac.
- 14) Authorization to request approval from Trenton to establish a Snow Removal Trust Fund in the amount of \$28,000.

RESOLUTIONS (continued):

- 15) Authorization for the addition of a bathroom at Glenburn at a cost not to exceed \$36,000. (Two quotations required).
- 16) Authorization for site preparation to be done by the DPW to install sewer pipe and water line at Glenburn at a cost not to exceed \$10,000.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 60-B, C, D, E, F AND G**CORRESPONDENCE:**

- 1) From Bicycle Touring Club of North Jersey Ramapo Rally advising of their bicycling event through multiple municipalities scheduled to take place on August 15, 2010 including approximately 800 participants between the hours of 7 AM and 5:30 PM. Certificate of Insurance will be forwarded to the Borough for the upcoming event. (Information will be supplied to the Chief of Police and DPW Superintendent by the Borough Clerk)

Mayor Budesheim asked if we assume any liability since they are providing a certificate of insurance. Borough Attorney Oostdyk stated that some towns may be requiring the certificate and it doesn't affect anything.

- 2) From Camfil Farr requesting permission to use the field adjacent to their parking lot to conduct games during their annual company picnic which is scheduled for September 24, 2010 from 12:00 noon to 5:00 PM. A Certificate of Insurance will be forwarded to the Borough for the upcoming event.

Mayor Budesheim asked for a voice vote to give permission to Camfil Farr to use the field.

ALL IN FAVOR.**UNFINISHED BUSINESS:**

- 1) The governing body tabled the authorization of going out to bid for a street sweeper at the June 21, 2010 Mayor & Council meeting to be discussed at the July 7, 2010 Workshop meeting.

Mayor Budesheim stated the Finance Officer has advised the money won't be available to purchase a street sweeper until after the first of the year. Councilman Guis stated that if we use the contractor for the rest of the year and order it when money is available we should have it in time for spring cleanups. He also reported the estimate for repair of the main pump on the Jet-Vac is \$10,000. The water tanks are rusting out and we will get estimates to replace them with poly tanks. A new Jet-Vac is over \$200,000 and we paid \$14,000 for this one used.

BOROUGH CLERK REPORT:

Borough Clerk Talerico reported on an OPRA request received by all of the Morris County Clerks asking for various records and their cost. There is current legislation not yet signed by the Governor that changes the fees we are able to charge. Borough Attorney Oostdyk made recommendations for responding to the request and the Council was made aware of the time and cost involved in responding to certain OPRA requests.

BOROUGH CLERK REPORT (continued):

It was decided to charge the fees set in the pending legislation until it is finalized. Clerk Talerico also reported on a claim from a man whose mother was involved in a motor vehicle accident with one of our police cars. Borough Attorney Oostdyk stated the claim must be submitted to our insurance company. Clerk Talerico reported that she received a request from the Census Bureau for her to confirm the realignment of boundaries between Butler and Riverdale. The Borough Engineer checked with the Borough of Butler and no one is aware of any boundary disputes or changes. She also reported she has the audit for the library if anyone wishes to see it.

COMMITTEE REPORTS:

Councilman Carelli reported on the salary resolution. He asked the Council to review the draft so it can be voted on at the next meeting.

Councilman Falkoski reported the Lukoil Station on Route 23 is having a problem with drivers cutting through his station rather than waiting for the traffic light to change. They would like to put up a sign. Borough Attorney Oostdyk stated the only thing that would prohibit that would be if it wasn't on their site plan.

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: 8:50 p.m.

Respectfully Submitted:

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

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

MAYOR BUDESHEIM ADDRESSES RESIDENTS ON CISTERNS AND SEWERS:

Mayor Budesheim addressed the residents who were in attendance for the purpose of discussing the possible installation of cisterns for added fire protection in the Stoneleigh and Hartung sections of town. The recent house fire has brought this issue to the forefront. The cisterns are underground water tanks holding 20,000 gallons of water with a stand pipe much like a fire hydrant. Two would be put in the Stoneleigh section and one in Hartung. We are working with our engineer and some property owners to find the most ideal location. He explained the associated costs of \$1,500 connection and \$80 per year maintenance which would be the same as water connection costs. Mayor Budesheim asked the residents for their input and whether they would want to do this. Comments and questions from residents were addressed. By a show of hands a majority of the residents present were interested in pursuing something of this nature when asked by Councilman Falkoski. There were additional questions regarding the options and the cost. Mayor Budesheim stated this would not be forced on the residents. It is an option being offered and 51% of the residents affected would have to agree. He invited representatives from each neighborhood to participate in future discussions.

Mayor Budesheim addressed the residents who were in attendance for the purpose of discussing possible sewer installation on Mead Avenue, Arlington Place and Haycock Avenue prior to paving. We were requested to install sewers on Mead Avenue a number of years ago and received a NJDOT grant to re-pave these roads. We try to repair infrastructure and install new infrastructure that may be needed prior to paving. Once paved it will be at least five years before digging up those roads for non-emergency reasons. This is an opportunity for the residents to tell us whether they want sewers on their streets. If the majority of homeowners request sewers then all three streets would have to be sewerred. Our engineer has estimated the cost to be approximately \$480,000 to \$500,000. Mayor Budesheim explained the added assessment would be approximately \$10,000 per residence over a 10 year period. Connection charges are \$4,000 plus plumbing, excavating and abandoning of septic systems estimated at \$20,000 total cost. At this time we do not have allocation available. Once the inflow and infiltration problems are resolved we should have allocation. Once connected the annual sewer fee is \$424. This is being brought to your attention now because we have to pave these roads by next year. Questions and comments from residents were addressed. Mayor Budesheim stated that a letter would be sent to the residents asking them to respond whether they do or do want sewers.

APPROVAL OF MINUTES DATED:

Regular Meeting - June 21, 2010
 Workshop Meeting - July 7, 2010

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

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

PUBLIC PARTICIPATION NO. 1:

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

ALL IN FAVOR.

ORDINANCES:

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

ORDINANCE 08-2010

**ORDINANCE AMENDING CHAPTER 23 OF THE REVISED
 GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE
 ESTABLISHING PUBLIC PARK HOURS AND PROHIBITING
 THE STARTING OR BUILDING OF FIRES WITHIN PUBLIC
 PARKS**

Mayor Budesheim 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. 08-2010 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 63-A

RESOLUTIONS:

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

- 1) Payment of Claims. Including the following:

| | | |
|-------------------------|------------------|------------|
| a) New York Yankees | Recreation Trust | \$8,260.00 |
| b) Treasurer, St. of NJ | Sewer o/e | \$5,842.00 |
- 2) Approval of payment from Escrow to the following:

| | | |
|-----------------------------------|---------------------|------------|
| a) Darmofalski Engineering Assoc. | Alexan at Riverwalk | \$ 690.00 |
| b) Darmofalski Engineering Assoc. | Riverdale Square | \$3,190.00 |
| c) Darmofalski Engineering Assoc. | Genesis USA, LLC | \$ 345.00 |
- 3) **Resolution No. 48-2010; Dedication by Ryder – Snow Removal Reserve.**

RESOLUTIONS (continued):

- 4) **Resolution No. 49-2010;** Chapter 159 – Special Item of Revenue and Appropriation – Arlington Place, Mead Avenue & Haycock Avenue DOT Grants - \$475,000.00.
- 5) **Resolution No. 50-2010;** Authorization of Mayor's endorsement to WQM-300 form and submittal to the PRBRSA for endorsement and submittal to the DEP for a TWA Permit.
- 6) **Resolution No. 51-2010;** Authorization of Mayor's endorsement to WQM-300 form and submittal to PRBRSA for endorsement and submittal to the DEP for a TWA Permit for William Street Sewer Project to be completed by Trammel Crow as required by the Planning Board approval.

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

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

- 7) **Resolution No. 52-2010;** Approval of agreement between the Borough of Riverdale and PBA Local 335.

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 64-B, C, D, E, F AND G**COMMITTEE REPORTS:**

Councilman Falkoski reported the Court Report for June 2010. He also stated that he is concerned with resolving the issue of a replacement vehicle for the Fire Department. Fire Chief Dan Sturm and Pat Cleary reported on the condition of the Tahoe and what they feel is needed in a new vehicle. There was a discussion regarding the matter and consensus of the Council is that two command vehicles for the Fire Department are needed.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, to approve the purchase of a four-wheel drive SUV for the Fire Department using state contract pricing and dependent on availability of funds.

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

Councilwoman Wetzel reported that we will have two concerts this week due to the rain last week.

Councilman Loesner reported that the salary resolution is ready. There will be a two percent increase and the 9 lowest salaried employees will get a flat rate of \$1,075. Councilwoman Wetzel and Councilman Falkoski asked for clarification. Councilmen Loesner and Carelli explained how the figures were obtained. Sam Dedio asked why it was being made so complicated and why some council people have not given up their health benefits. Councilman Astarita stated he is no longer on the health benefit plan.

COMMITTEE REPORTS (continued):

Councilman Loesner reiterated how the figures were obtained based on the Department of Labor Statistics website and stated that it is more than fair.

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

8) **Resolution No. 53-2010;** Establishing Municipal Employee Salaries 2010

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 65-H**MAYOR REPORT:**

Mayor Budesheim advised the Council that due to scheduling conflicts, Camfil Farr has requested to change the date they wish to use the park for their annual picnic from the previously approved date of September 24, 2010 to September 17, 2010. Mayor Budesheim offered the name of Russ Hatzel, 45 Hillside Avenue, to be Deputy OEM Coordinator.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Carelli to approve the appointment of Russ Hatzel as a Deputy OEM Coordinator for the Borough of Riverdale.

ALL IN FAVOR**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: 9:54 p.m.

Respectfully Submitted:

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, Falkoski, Guis, Loesner, Wetzal, 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:

Mayor Budesheim asked if there were any questions or comments regarding the installation of cisterns in the Stoneleigh and Hartung sections of Riverdale. The following residents were heard:

| | |
|-----------------|-------------------|
| Wayne Turner | Charles Dampman |
| Henry Vitz | Paul Papadopoulos |
| Craig Silberman | Janet Pulmone |
| Melissa Harsley | James Westervelt |
| Russ Hatzel | Tom Batelli |
| Damon Hahn | Mike Moratto |

Wayne Turner stated he is for the cisterns but feels it is wrong that only the property owners in that section of town have to pay the expense rather than the whole community sharing the expense. Several residents had questions regarding cost and fees. Charles Dampman was concerned with the effect on well water. Another resident was concerned with blasting. Paul Papadopoulos suggested investigating the option of fire hydrants in the Hartung section. Mayor Budesheim stated that Councilman Guis will look into the dry pipe system and we will try to get any additional information needed to make a decision. Fire Chief Dan Sturm also answered questions from the residents. Mike Moratto inquired about mandatory sprinkler systems for single family residences. Mayor Budesheim said he would send another letter to the residents when he has more information.

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

ALL IN FAVOR.

PROCLAMATION – Mayor Budesheim to declare the month of September as Ovarian Cancer Awareness month in support of the Turn the Towns Teal Awareness Campaign.

COPY OF PROCLAMATION IN FULL ON PAGE NO. 66-A

RESOLUTIONS:

Councilman Falkoski commented on the resolution to approve E-Ticketing. The Court Administrator told him the system would assist her with records storage however the police officers have concerns that they will be harassed into becoming money-making machines. Lincoln Park is using the system but had to purchase new computers to use the software. Since the Police Chief is on vacation he recommended we wait until the next meeting to take action on this item. Mayor Budesheim stated this is not an enticement to have the officers write more tickets. The purpose is to make it easier and add to efficiency. Councilman Falkoski also had questions on the cost. The proposal he

RESOLUTIONS (continued):

received did not agree with the figures obtained over the phone by Mayor Budesheim. It was decided to table the following resolution:

Approval of a contract for E-Ticketing with Info-Cop. (to be explained by Mayor Budesheim)

Mayor Budesheim stated that he obtained price quotations for a pavilion for Glenburn. A 30 x 40 foot pavilion is approximately \$5,500 installed. Funds are available in the Open Space Trust Fund.

Councilmen Loesner and Astarita asked for clarification of Resolution No. 6. Mayor Budesheim stated that the DPW positions include two promotions. The DPW foreman received his license for Certified Public Works Management. A discussion regarding the issue ensued. Councilman Loesner stated that we end up top heavy with a Superintendent, Assistant Superintendent and a Foreman and he doesn't see the benefit. Mayor Budesheim stated that employees who get certification get rewarded and neighboring towns pay higher salaries to DPW workers. Councilman Astarita stated that we don't need an assistant and at this point in time I don't think we can justify the position or the raise. We've done our salary ordinance and I don't think we should change things. Councilman Loesner stated that with such a small department we don't need this many levels of redundant supervision. Mayor Budesheim stated that he should visit the DPW garage and see what the employees are actually doing. Councilman Guis stated the two percent across the board for cost of living was one discussion and these individuals have gone above and beyond and gotten certification and excelled in doing their job.

Thereupon, Councilman Astarita set forth the motion that the previously approved salary resolution not be changed. The motion was not seconded.

Councilman Carelli stated that five of the salaries listed are corrections and we need to separate them.

Councilman Loesner recommended tabling the resolution and getting a list of each position's exact responsibilities so the Council can make an informed decision.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Falkoski, to approve the following resolution as submitted to the Council:

- 6) **Resolution No. 56-2010;** Salary Amendments (including promotions and salary increases for DPW Assistant Superintendent, DPW Foreman and DPW Senior Utility Person).

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 67-B

Thereupon, Councilman Carelli set forth the motion, seconded by Councilman Falkoski, to approve the following resolution, excluding three DPW promotions:

Resolution No. 56-2010; Salary Amendments (excluding promotions and salary increases for DPW Assistant Superintendent, DPW Foreman and DPW Senior Utility Person).

RESOLUTIONS (continued):

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

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

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

- 1) **Resolution No. 54-2010;** Chapter 159 – Drunk Driving Enforcement Fund - \$12,796.11 – State of New Jersey – Division of Highway Traffic Safety.
- 2) **Resolution No. 55-2010;** Annual Audit Review of Comments & Recommendations by Governing Body to be evidenced by group affidavit form of governing body.
- 3) Approval of the placement of 4 coin operated amusement devices at Wes' Tavern, PSA Golf Game, United Bowler Game, Juke Box, and a Pool Table. Fees have been paid and the machines have been verified by the Police Department.
- 4) Approval to purchase a pavilion for Glenburn at a cost not to exceed \$6,000 (2 price quotes have been received per Mayor Budesheim).
- 5) Authorization of Municipal Clerk to issued a check in the amount of \$500 from the Food Pantry Trust Fund to be utilized for a debit card to be used by Gloria Carelli to make purchases for the food pantry. (this procedure has been approved by the Borough Auditor as a form of purchasing in lieu of refunding already paid expenses)

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 68-D AND E**BOROUGH CLERK REPORT:**

Borough Clerk Talerico reported that the Morris County Clerks are requesting their governing bodies pass a resolution to ask the GRC to try to eliminate some of the frivolous OPRA requests. Some requests take hours and we cannot charge for our time. Borough Attorney Oostdyk stated that OPRA abuse is becoming a major problem and he would work with her on a resolution. It will take a state legislative act to correct the problem and pressure needs to be brought to bear on the state.

MAYOR REPORT:

Mayor Budesheim reported that the Finance Officer told him we have a number of requests for payment without purchase orders. He asked everyone to make sure their departments are following state law.

COMMITTEE REPORTS:

Councilman Guis reported that we got our FEMA applications in from the flood. They totaled just under \$32,000 and we should get 75% of that back.

Councilman Loesner reported the response of donations for the troops has been phenomenal.

PUBLIC PARTICIPATION NO. 2:

Tom Batelli of Canella Way asked the Council to please not give any escrow money back to Canella as there are still unresolved DEP issues.

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: 8:42 p.m.

Respectfully Submitted:

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

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

APPROVAL OF MINUTES DATED:

Regular Meeting - July 19, 2010
 Workshop Meeting - August 2, 2010

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

ALL IN FAVOR.

PUBLIC PARTICIPATION NO. 1:

Mayor Budesheim stated that many members of the public are here as a result of an article that appeared in the newspaper yesterday regarding the possible merging of the Riverdale and Butler Police Departments. He stated that no decision at all has been made. All over the country and state there are articles about sharing services, consolidations and mergers. There is a commission to study these things and we've been told there's a report coming out which labels Riverdale as not meeting the FBI standards to have its own police department. We are unique and probably quintuple our population during the day. However, we were approached by Butler and are looking to see if this is something that would work for Riverdale. With the permission of the Council I would like to see this on the ballot in November as a non-binding referendum to see whether we should pursue this. This is not something we want to do and we do not yet have all of the information we need. What we are looking at now is whether there is likelihood down the road the state will mandate us to merge with another police department. The proposal we are looking at would disband both police departments and form a new one. Being the smallest town around, we are trying to avoid being absorbed by the larger towns with any of these mergers. If this should happen we would want to try to make the best deal. We met with our policemen last week and they have a lot of valid concerns. Our Chief met with the Butler Chief to make sure the proposed organization chart works. We are at the agreement level to start looking into it and I'm going to ask the Council for their permission to continue to study this. Right now we're looking at possibly \$600,000 to \$700,000 in savings and that is not something we can walk away from without looking into it. Our due diligence is to first of all make sure you get the right police protection. Mayor Budesheim then opened the meeting for public comments and questions. The following audience members were heard:

| | | | |
|------------------|----------------|----------------|---------------|
| Paul Purcell | Frank LoPorto | Kelly Delia | Officer Kevin |
| Scott Trowse | Caroline | (Mike's Feed | Smith |
| Marty Singer | Polhemus | Farm) | Captain John |
| Dave Desai | John Nolan | Angela Torrez | Peine |
| Donna Feduccia | Steve Schaub | Vinnie Salvati | Leonard (?) |
| Marybeth Miller | Chris Polhemus | Officer Pat | |
| Sam Dedio | Dan Sciarra | Harden (PBA | |
| Michael Kheypets | Sherry Fritsch | President) | |
| Pat Salvati | | | |

PUBLIC PARTICIPATION NO. 1 (continued):

Residents who spoke were opposed to a merger or to a merge with Butler. Their concerns included reduced police presence and protection in Riverdale and that would not be worth any potential cost savings. There were a lot of questions and Mayor Budesheim stated that we don't have answers to all of the questions yet. He emphasized that the only reason we are looking into this is the possibility that the decision to merge with another town may be forced on us by the state and we would have no control. We can try a joint meeting with Butler where we can preserve as many jobs as possible with equal representation and have a management committee. If our police department can show us that this will not work it stops right there.

Riverdale Officer and PBA President Pat Harden stated they are very opposed to this and safety is in jeopardy if this happens. He stated that all of the events they do in town are on their own time and you're not going to get that from Butler. Sergeant Kevin Smith read the concerns of the PBA and a copy of the letter was presented to the Mayor and Council.

COPY OF LETTER PRESENTED TO COUNCIL IN FULL ON PAGE NO. 71-A

Officer Harden asked why we would continue talking about this with Butler if the police department is willing to take the risk and the residents don't want this. Mayor Budesheim stated that the responsible thing is to continue getting information so we can present it to the people as a referendum so they can make an informed decision. The purpose of tonight's meeting was for the PBA and Governing Body to go over the issues so we can present our concerns to Butler. We don't have all the answers yet. He said that when he met with our police officers he told them "I hope you prove that this doesn't work". "Didn't I?" he asked Officer Harden. Officer Harden agreed that he had said that but he also told them it was their job to find out why it won't work. Mayor Budesheim said that was correct because they are the ones who are on the road. I hope you can prove that this doesn't work and I still stand by that.

Councilwoman Wetzel stated that we need a lot more information and doesn't think the Council should be asked to make a yes or no decision based on what we know now. We would be negligent if we did not explore this. It's our responsibility to do what's best for every resident in the town and not just the department. If it is put on a referendum it gives us a much better idea of the right way to make a decision.

Councilman Astarita stated the Mayor is being proactive to look at possibilities in case something should occur. In my opinion, Plan A is keeping our police department. However, reality is there is the possibility that the state will at some point force this. Our job is to protect the residents and protect our police. We are not looking to disband our police department to save money. I don't have any information on the Butler plan so I can't make a decision on that today. I can say I support the police department and don't want to see it disbanded, but we have to explore other options if something like a state mandate should occur.

Councilman Falkoski stated this he is Chairman of the Public Safety Committee and was asked to attend a meeting two weeks ago to discuss this. The Mayor has some points that may be valid. The state has been pushing for mergers and consolidations. Two weeks ago I knew nothing so I gathered information so I could study it. LUARCC was formed in 2007 to study consolidations and mergers and recommend legislation. There's no existing legislation to do it but legislation was passed in 2007 to make it easier. There are 3 or 4 different versions within that legislation. Butler approached this with the idea as a joint meeting. They are civil service and we are not. You have to form a separate autonomous committee to manage this department. The towns would have a joint contract as to how they are going to fund this. Each town would be eligible to elect one

PUBLIC PARTICIPATION NO. 1 (continued):

person to this committee and they would decide who the third person would be. If it doesn't work out, the only way you can disband it is for both towns to agree. If one town is benefiting more than the other that will never happen. When I first got into this I was open minded but I have some concerns. There seems to be an urgency to do something because the state is going to force us to merge with another department. That would not happen overnight. Legislation would have to be formed and that takes time. If we move forward at this point and we're the first town to send a plan to the state, we could become the poster child for this. That's what I'm a little upset and nervous about. Believe me; I know this is a great police department.

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

ALL IN FAVOR.

Thereupon, Mayor Budesheim asked the Council whether discussions should be ended tonight or whether we should gather more information.

Councilman Astarita stated that after hearing of Councilman Falkoski's research, he would vote at this point to end it until we get a mandate or further information from the state.

Councilwoman Wetzel stated that if we have to a made decision tonight, we should vote to end it but on our own time we should still gather information that we may need in the future.

Councilman Carelli stated he agreed with Councilwoman Wetzel.

Councilman Falkoski stated he agrees.

Councilman Loesner said to kill it.

Councilman Guis agreed with Councilwoman Wetzel.

Consensus of the Council was to end discussions with Butler regarding the possible merger of police departments.

Mayor Budesheim announced a 5 minute recess at 9:20 p.m.

BACK TO ORDER AT 9:30 P.M.

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

PUBLIC HEARING – CABLEVISION OF OAKLAND, LLC'S APPLICATION FOR MUNICIPAL CONSENT FOR THE RENEWAL OF THE CABLE TELEVISIONS FRANCHISE IN THE BOROUGH OF RIVERDALE.

Don Viapree, Director of Government Affairs for Cablevision was present.

Mayor Budesheim opened the meeting to the public.

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

PUBLIC HEARING – CABLEVISION (continued):**ALL IN FAVOR.**

Mayor Budesheim stated that we used to get free television service at our firehouse. After weeks of working to get telephone service we were told Cablevision didn't want to do it because of our Police Department. The reason was if our phones go down people may sue because they can't get through. They did switch the Fire Department phones and then took away our free television service. Mr. Viapree stated we should still get free cable TV and he will have a discussion with Gary Shaw. Mayor Budesheim asked what benefits we would get for granting this franchise. Mr. Viapree stated someone appointed by the borough will start negotiating with Gary Shaw. Councilman Falkoski stated that as of September 2nd, Cablevision is no longer providing ABC or ESPN. Mr. Viapree stated that is not true; it is Time Warner. Councilman Falkoski stated he and his neighbors have problems with picture and sound on regular network stations on a regular basis. He also asked about a new station that he was not able to access. Mr. Viapree stated that someone would check the signal levels in that area.

RESOLUTIONS:

Mayor Budesheim stated that we will save between \$3,300 and \$4,000 over JCP&L rates using AvatarSuez Energy.

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

- 1) Payment of Claims. Including the following:
 - a) Picatinny Arsenal Recreation Trip \$ 200.00
- 2) Approval of payment from Escrow to the following:
 - a) Darmofalski Engineering Assoc. Alexan at Riverwalk \$ 115.00
 - b) Darmofalski Engineering Assoc. Rock Creek Crossing \$ 115.00
 - c) Anderson & Denzler Associates Alexan Riverwalk \$ 740.00
- 3) **Resolution No. 57-2010**; Approval of Bid threshold increase - \$36,000.
- 4) **Resolution No. 58-2010**; Approval to submit a grant application and execute a grant agreement with the NJDOT for the Mathews Avenue Improvements.
- 5) Approval of award of bid for the ADA bathroom construction in the Glenburn Barn to Dell-Tech, Inc. 930 New York Avenue, Trenton, NJ 08638 in the amount of \$34,000. (2 requests for proposals were sent out – Dell-Tech responded and Schtiller & Plevy, 693-95 South 12th Street, Newark, NJ declined submittal of bid)
- 6) Approval of the release of escrow fund balance to Bryon Coursen – Cotluss Development LLC as approved by Paul Darmofalski, Borough Engineer.
- 7) Approval of contract with Avatar Energy Center – Suez Energy for electric service.

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 72-B, C, AND D

COMMITTEE REPORTS:

Councilman Falkoski reported the Court Report for July 2010. He also reported on a letter of commendation from Detective Captain Rich Roemmele for Patrolmen Pat Harden and Joe McDermott for their response and actions during a shoplifting incident.

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: 9:48 p.m.

Respectfully Submitted:

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

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

Mayor William Budesheim presiding.

ROLL CALL: Present: Falkoski, Guis, Loesner, Wetzel, Carelli
Absent: Astarita

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 AS FOLLOWS AND ANY OTHER BUSINESS DEEMED NECESSARY BY THE GOVERNING BODY:

- 1) Police Merger Study.
- 2) One Day Liquor License for Fund Raising Event at the Glenburn – September 14, 2010.
- 3) Sewer Agreement with PRBRSA.

1) Police Merger Study:

CLOSED SESSION:

Councilman Falkoski set forth the motion, seconded by Councilman Guis, RESOLVED that the Council go into closed session to discuss contractual matters with the PBA representatives.

ALL IN FAVOR.

At this time Mayor Budesheim announced that he would excuse himself from the closed session meeting and remain with the public to answer questions. He stated that he has heard the issues the PBA wishes to bring before the Council in closed session.

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

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

Councilman Falkoski stated that some contractual issues were discussed in closed session related to the previous decision this Council made regarding whether to study this plan issued to us by Butler.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, to stand by the decision made at the last meeting and not review this matter any further.

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

Councilman Falkoski stated that he did not think it was necessary to put a referendum on the ballot to decide whether to further discuss or study the feasibility of a possible merger. If we feel there's a problem with the police or having to consolidate in some manner for financial reasons or anything of that nature, this Council is able to address that issue along with input from the Police Department.

Police Merger Study (continued):

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilwoman Wetzel, that the Council not discuss further whether to put a referendum on the ballot regarding the feasibility of further studies of a possible merger of the Police Department.

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

PUBLIC PARTICIPATION NO. 1:

Henry Vitz asked about the cisterns. Mayor Budesheim stated that there are 59 houses in the Stoneleigh section so we would need to have 30 wanting to put them in. At last count there were 15 in favor and 14 against. Councilman Guis stated that we are still looking into other options. Mr. Vitz also stated that motorcycle noise on the highway was unbearable over the weekend and asked if there is a state law regulating motorcycle noise. Mayor Budesheim stated that our traffic officers would look into it.

Doug (?) from Mead Avenue asked about the sewers. Mayor Budesheim stated that they were voted down.

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

ALL IN FAVOR.**2) One Day Liquor License for Fund Raising Event at the Glenburn – September 14, 2010.**

Councilman Carelli set forth the motion, seconded by Councilwoman Wetzel, to approve a One Day Liquor License for Fund Raising Event at the Glenburn – September 14, 2010.

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

3) Sewer Agreement with PRBRSA

Mayor Budesheim stated that he emailed a letter from the Sewer Authority to the Council and we have until Wednesday to give them an answer. The letter is regarding a proposal to expand the plant at the Two Bridges Sewer Authority where our waste is treated. It would be done over the next 5 to 6 years and will cost us \$8.98 per gallon. A 200,000 gallon expansion for the Borough of Riverdale is \$1.8 million. Our sewer survey master plan was done based on current uses and if we needed to sewer the rest of the lower end of town we would need about 175,000 gallons. We feel we would be able to pick up 75,000 from here and there so we would need 100,000 gallons. We're looking at about \$900,000 a year. Residential user rates would go up to about \$800 versus the \$424 we're paying now. The cost of putting in a new septic system at \$20,000 is going to be cheaper in the long run. The other thing to consider is the future redevelopment of the quarry. If anything is done there, that is where we would need the gallonage. Once we close the door on this there will be no more opportunities. I would recommend we say we're interested in the 100,000 gallons at the \$8.98 price. This doesn't become a commitment until they decide that they are going ahead with this expansion. Councilman Guis stated that the PRBRSA is looking to find out if there is enough interest in added capacity from the municipalities they service. Audience member Scott Trout asked if the price of \$8.98

Sewer Agreement with PRBRSA (continued):

per gallon could go up. Mayor Budesheim stated he would want to express our interest based on that dollar amount in case it goes up.

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Guis, to authorize Mayor Budesheim to send a letter to the PRBRSA stating the Borough of Riverdale's interest in 100,000 gallons at the price of \$8.98 per gallon.

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

PUBLIC PARTICIPATION NO. 2:

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

ALL IN FAVOR.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:22 p.m.

Respectfully Submitted:

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

CLOSED SESSION:

Present: Councilpersons Carelli, Guis, Falkoski, Loesner, Wetzel, Borough Attorney Robert Oostdyk, Police Chief Thomas Soules, Sergeant Bogert, Sergeant Smith, and Patrolman Harden.

CONTRACTUAL MATTERS:

Patrolman Pat Harden addressed the Council stating that the police officers would like to give insight as to why the merging of the Riverdale and Butler police departments is not a good idea.

Sergeant Bogert stated he is not comfortable with all of the issues with Butler and that the information passed on by the Mayor does not all exist. The administrator in Butler was asked for the list of the towns that are slated for possible merging in the future and he advised that the list does not exist. The administrator was also asked for the calculations and figures on what the savings would be if the departments were merged and he advised that they were not in writing they were just estimated and rounded. Chief Card has not called anyone regarding the work load issues. Sergeant Bogert expressed that the trust regarding the matter is out the window. The impression is that Butler wants to do this in order to get out of their Civil Service status. Also, none of Butler has ever worked with our guys.

Councilman Loesner stated that he had been reading about this all week in the newspapers.

Borough Attorney Oostdyk stated that there was not a specific proposal.

Councilman Loesner stated that he was under the impression that if the towns merged the civil service act took precedence.

Borough Attorney Oostdyk stated that if there was an agreement between Butler and Riverdale civil service would end but both towns would have to vote to eliminate the civil service.

Chief Soules stated that he asked Butler Administrator Lampmann for a copy of the report regarding the amount of police officers needed for a police force according to the size of the town and he told him that there is none.

Councilman Falkoski stated that even if there was a valid report, Riverdale may be able to maintain the numbers with the retirements that are taking place.

Councilman Carelli stated that Riverdale will be reaping the benefits of the retirement next year and that this Council has worked hard to have this work. There is a possibility there will be no control over spending by Riverdale.

Patrolman Harden also stated that the Chief of Police is in charge of the Police Department, and if we merge with another town you will never be able to go back to having you own police department again.

Chief Soules stated that the Riverdale Police Department will be down to 16 guys and will do everything to make it work for Riverdale.

Councilwoman Wetzel stated she did not feel that the Council had enough information in order to make an intelligent decision in the first place.

CLOSED SESSION (continued):

Sergeant Bogert stated that this whole thing was handled improperly from the beginning and it is creating a poison throughout the department. This would force our guys to have to interview for their own jobs in order to keep their employment.

Chief Soules stated that from what he understood this was not even going to be a study, it was just going to go into effect next summer.

Councilman Guis stated that he must admit that the concept certainly sounded interesting.

Chief Soules also stated that it originally sounded good because we were told that Riverdale is on the LUARCC list and now we find out that there is no list.

Sergeant Bogert submitted a copy of a "Municipal Courts – Reports on Demand Case Flow Summary" to the Governing Body.

COPY OF LIST IN FULL ON PAGE NO. 78-A

Councilman Falkoski stated that when the Council went back into open session he would make a motion to reaffirm the decision that was already made by the Governing Body opposing a referendum for the merging of the police department.

Councilwoman Wetzel stated that she thinks the Council should have more information regarding all of this and not rush into anything and assured the police that nothing was being done behind their backs.

Councilman Carelli stated that the Council is going to have to look into ways to save money.

Sergeant Bogert stated that they are also looking to save money but this may be able to be done through attrition.

Patrolman Harden stated that the morale of the guys is down and some of them are getting physically sick over this.

Councilwoman Wetzel stated that there are other people out there with other opinions and possibly it should be addressed publicly. The Governing Body does not just represent one group. The Council has a responsibility to the whole town not just one group and the Council has to look at this from all sides of the community.

Sergeant Bogert stated that he figured out the proposed savings and it would only amount to \$282 per resident per year if this were to go through.

Councilman Carelli stated that the taxes are not going to go up with the 2% cap and we do not want to be in a situation where we have to lay someone off.

Councilman Falkoski stated that we do not want to do this right now but if we have to, it would not be done like this.

Patrolman Harden stated that if we did ever have to do this merger we definitely do not want to go with Butler – maybe somewhere else.

Statements were made that they felt that Butler went too far with their comments in the newspaper articles.

CLOSED SESSION (continued):

Borough Attorney Oostdyk stated this should be wrapped up and the decision is to stay with the original vote made at the last Council meeting. Mr. Oostdyk stated he did not feel another motion and vote was necessary, but to just address that no changes were going to be made to the original decision.

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

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.

MAYOR REPORT:

Mayor Budesheim reported that there was another fireworks incident at a residence over the weekend. The police were called four or five times and issued a few summonses. Mayor Budesheim stated he is particularly concerned as this occurred at a fireman's house at an unofficial fire department party. This is in violation of state statute and he asked Councilman Falkoski to find out what the policy of the Fire Department is regarding fireworks.

Mayor Budesheim stated he has received requests from PTA members to make Oak Street one way for an hour each morning and afternoon when school is in session. He had suggested this to the police a few years ago and they were opposed. Borough Attorney Oostdyk stated that in order to enforce a traffic regulation there needs to be an ordinance. Councilwoman Wetzel stated that having police officers there to enforce this may not be economical. She asked if the police will be writing tickets to the parents and whether any tickets have been written to enforce the no parking ordinance on that street. If that is not being enforced why would we put another ordinance in the books that won't be enforced? This happens every year when school starts and it calms down later in the school year. Mayor Budesheim stated he is waiting for input from the Police Department.

Mayor Budesheim reported that MCUrgent is a Morris County OEM Program using social networks to get emergency information out to the public. They are asking towns to volunteer to work with them on it and he and Councilman Guis would like to do so.

Mayor Budesheim reported on information we received from PEOSH, the Public Employees Occupational Safety and Health program that he and Councilman Guis have reviewed. We have a notice of violation and order to comply. All of our DPW workers have been trained and certified to work in confined spaces but now there is a new regulation that says you must have a rescue squad available. If you don't have one you have to outsource this and we're also liable if a contractor doesn't have a rescue squad. Councilman Guis stated that PEOSH is the government OSHA unit and if we hire a contractor I think he would be under OSHA. Borough Attorney Oostdyk stated that he will look further into it. It will probably impact our neighboring communities and we'll figure out a solution to it.

COMMITTEE REPORTS:

Councilman Falkoski reported a report of summonses issued this year compared to last year. He also reported that there was an opinion column in the Trends on Sunday by Frank Hannon who is a legislative aid to Assemblyman Jay Webber. The article was spouting a lot of misinformation and analysis of the decision we made regarding not merging the police departments. Councilman Falkoski wrote a letter in response and asked Leslie Scott of the Trends to make sure he pays attention to it.

Councilman Guis reported that he looked into Henry Vitz's suggestion of possibly putting a dry line under Route 23 for fire service. There are three options but the Borough Engineer's recommendation is a hydrant by the Cedar Crest guard house that would cost \$600,000. That would then be part of our water system and we would be able to extend from there in the future. Option two is to tie into Cedar Crest's water system and run a wet line to the same location for firefighting only and that would cost \$380,000. The estimate for a dry line to go under the DOT culvert is \$406,000. From the Fire Department's opinion, this is the least desirable option and we see major hurdles. Councilman Guis stated that with these estimates he doesn't see that any of these options are viable at this point.

Councilwoman Wetzel reported on the Street Fair. The weather was wonderful, the vendors were good and turnout was great. Labor Day Monday seems to be a good day for this event and JC Promotions does a great job.

RESOLUTIONS:

Councilwoman Wetzel questioned the payment to Cablevision. Mayor Budesheim stated that it needs to be paid or they will shut off the service. Since we've begun paying for their phone service we are no longer getting television service at no cost.

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

- 1) **Resolution No. 59-2010;** Chapter 159 – County of Morris – Historic Preservation Trust fund – Glenburn House Project - \$202,453.
- 2) Approval of two alternates the Glenburn barn/house that were not included on the last agenda for the work approved for Dell-Tech, Inc. – 1) slab removal \$1,000 and; 2) painting \$900.
- 3) Payment of the following:

| | | | |
|----|-----------------|------------------------|-------------|
| 1) | Dell-Tech, Inc. | Glenburn Barn Lavatory | \$35,000.00 |
| 2) | Cablevision | Senior Center Cable | \$ 349.17 |
- 4) **Resolution No. 60-2010;** Approval of a 2% increase for Bernadette Scarr that was not included on the Salary Resolution #53-2010; from \$18.00 per hour to \$18.36 per hour.
- 5) Supporting MCUrgent – Morris County OEM Program.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 82-A AND B**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 Councilman Astarita, to adjourn the meeting.

ALL IN FAVOR.

Adjourned: 8:05 p.m.

Respectfully Submitted:

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

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

APPROVAL OF MINUTES DATED:

Regular Meeting - August 16, 2010
 Special Meeting - August 30, 2010
 Workshop Meeting - September 8, 2010

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

ALL IN FAVOR.

PRESENTATION TO THE FOLLOWING RIVERDALE LIBRARY VOLUNTEERS

| | | |
|---------------|----------------|-------------------|
| Andrea Cruz | Caroline King | Chelsea Philip |
| Lindsey Flynn | Frank Magyar | Leticia Rodriquez |
| Yash Ghandhi | Hannah Nicklas | Kristen Rosenboom |
| Yuti Ghandhi | Richa Patel | Cassidy Tibbetts |
| | | Deanna Walker |

Mayor Budesheim announced that this is the seventh year in a row that we've done a presentation to the library volunteers. We like to acknowledge the young people who have served in the library during the summer and to thank them. Library Director Carol Heinz explained the volunteer program and Councilwoman Wetzel presented the volunteers with certificates.

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:

Councilman Loesner asked what was amended. Borough Attorney Oostdyk stated that the fee for copies was changed by state law. Municipalities with population under 5,000 are permitted by law to limit the hours they accept requests and this ordinance provides for this. Requests will be accepted in person or by mail.

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

ORDINANCES (continued):**ORDINANCE 09-2010****ORDINANCE AMENDING THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RIVERDALE AND
ESTABLISHING POLICIES AND FEES FOR OPEN PUBLIC
RECORDS ACT REQUESTS**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 85-A**RESOLUTIONS:**

Councilman Falkoski commented on salary resolution No. 63-2010. He stated that we passed a salary resolution and afterward realized that it didn't cover every employee and we've since had two or three revisions. I don't feel comfortable voting for these things in piece meal. Depending upon responsibilities there seems to be a lot of inequities in the hourly wages of the employees. I'd like the Council to analyze the whole employee roster and the responsibilities with the idea of adjusting them in a realistic and fair manner. Mayor Budesheim explained that the \$23.72 per hour salary is for on-call Saturday and Sunday to clean the Community Center after an event. Councilwoman Wetzel stated that the first salary is offset by the fee we charge the renters. Councilman Loesner stated that his research indicated the second salary is not out of line and he didn't have a problem if the first one is specifically for on-call night and weekend work at the Community Center.

Several items on the bills list were questioned. Mayor Budesheim questioned a charge for guns, Councilman Carelli questioned a charge for tree removal and Councilman Loesner questioned charges from Black Box Services for telephones.

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

- 1) Payment of Claims. Including the following:
 - a) Madison Square Garden Recreation (if funds available) \$3,270.00
 - b) Gloria Carelli Food Pantry Purchases \$ 500.00
 - c) Picatinny Golf Club Golf Outing 9/23/10 \$3,400.00
- 2) Approval of payment from Escrow to the following:
 - a) Darmofalski Engineering Assoc. Riverdale Square \$ 544.00
 - b) Darmofalski Engineering Assoc. Riverdale Square \$ 115.00
 - c) Anderson & Denzler Associates Alexan Riverwalk \$ 59.16
 - d) Anderson & Denzler Associates DR Horton-Grande \$ 903.22
 - e) Robert Michaels & Associates Alexan Riverwalk \$ 281.25
- 3) **Resolution No. 61-2010; Refund of Tax Overpayments:**
 - a) Riverdale Investors B140, L2.5103 – County Judgment \$1,173.14
 - b) McKirdy & Riskin B140, L3.2313 – County Judgment \$ 552.29
 - c) Frederick & Mary Armond B140, L2.8408 – Judgment \$ 471.53
 - d) Riverdale One B29, L23 – Overpayment \$16,629.00
 - e) Michael Vespasiano B1 40, L3.2213 – Judgment \$ 451.35
 - f) Michael Vespasiano B140, L3.2410 – Judgment \$ 252.35
 - g) Boris Friedman B140, L2.7409 – Judgment \$ 524.89

RESOLUTIONS (continued):

- 4) **Resolution No. 62-2010;** Resolution of governing body to accept the Cafeteria 125 Plan with Aflac titled a "Flexible Benefits Plan" to enable pretax payroll deduction on health benefits deductions and insurance deductions as presented to the governing body by Scott Vozza of Aflac.
- 5) **Resolution No. 63-2010;** to amend original salary Resolution for 2 part time employees – Janet Pellett \$23.72 and Barbara Schad \$16.32 for the 2% increase.

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 86-B, C, D AND E**MAYOR REPORT:**

Mayor Budesheim reported that the newsletter will be printed a new way beginning with the October issue. He found someone who will print it in color for less per copy than it costs using our copy machine and they will mail them directly to the residents for the same rate we pay. They have to be paid for before printing. The cost is about 23 cents per copy to print here. The price for printing is 17 or 18 cents per copy and the mailing and delivery charge will make it about 20 cents total. We would not do this if the price per issue is more. The entire cost of the newsletter is offset by advertising.

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

- 6) Authorizing a check to be issued for pre-payment of the monthly newsletters at a cost not to exceed \$.23 per copy.

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

Mayor Budesheim stated that we need authorization for Borough Engineer Darmofalski to work with Water Engineer Bill Ryden to prepare bid specifications for water issues that need to be addressed on Mead, Arlington and Haycock prior to paving. Councilman Guis explained the work required and why we should break the work into two parts. One bid will be to replace just the valves for approximately \$15,000. If the Water Engineer determines after looking at the pipes they are in need of replacement the second bid will take effect for about \$400,000. Mayor Budesheim stated the engineers would like this in before winter so the road can settle before we do the pavement.

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

- 7) Authorizing Borough Engineer Paul Darmofalski to work with Water Engineer Bill Ryden to prepare dual bid specifications for water issues to replace valves and water pipes on Mead Avenue, Arlington Place and Haycock Avenue.

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

BOROUGH CLERK REPORT:

Borough Clerk Talerico reported the side door on the municipal building has been left unlocked a few times in the evenings and weekends. She asked everyone to make sure outside doors are relocked with the key after opening.

ATTORNEY REPORT:

Borough Attorney Oostdyk reported that the Rock Creek Crossing Condominium Association is asking about picking up a tax sale certificate on Block 11, Lot 11. This is a small piece of property adjacent to the Rock Creek Crossing common element and had been listed on our Tax Assessor's records as an unknown owner following the development of Rock Creek. The Tax Assessor removed the item as a line item in 2007 but taxes had accrued between 2000 and 2007 and \$15,500 is due on the tax sale certificate. The association would like to purchase the tax sale certificate for something less than the amount due. He explained that to sell it for less we would have to offer it at auction to see if we could get the full amount. After a brief discussion it was decided the Borough Attorney would respond to the association and prepare a resolution authorizing the sale of the tax sale certificate to them at full price.

COMMITTEE REPORTS:

Councilman Falkoski reported the Court Report for August 2010.

Councilman Astarita reported that the food and art festival held at the Glenburn was a success and brought attention to the Riverdale Land Conservancy, Glenburn and the RAC who partnered to bring us that festival.

Councilman Loesner reported that he wanted to resolve the issue of the personnel ordinance and employee handbook.

CLOSED SESSION:

Councilwoman Wetzel set forth the motion, seconded by Councilman Astarita, RESOLVED that the Council go into closed session to discuss a matter of attorney-client privilege and a personnel matter.

ALL IN FAVOR.

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

ALL IN FAVOR.**ADJOURNMENT:**

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

ALL IN FAVOR.

Adjourned: 9:40 p.m.

Respectfully Submitted:

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

CLOSED SESSION:**ATTORNEY-CLIENT PRIVILEGE:**

Borough Attorney Oostdyk stated that Borough Clerk Talerico had asked for advice concerning how to handle accounting for comp time for a retirement in the Police Department. The concern was there had not been Council approval for paying comp time to the individuals and no record of the time was provided. Mr. Oostdyk stated that he agreed this is cause for concern. One major concern is that a record should be kept of overtime, comp time, and employee time in general and there should be a policy in place.

Mayor Budesheim stated that federal law doesn't allow carrying comp time from one pay period to another. Our police contract states that at the end of the year any unused comp time will be paid as straight time. At the end of last year he received letters from the Captains who are retiring and one said that if he took his comp time, vacation time and some of his sick time he would be eligible to leave on September 1st. When he inquired about the comp time the Police Chief provided copies of hand written sheets recording comp time for both employees beginning in the year 2000 with a carry forward balance. He said this is how it has been done since before he was Chief. We put a stop to it immediately but we have these employees who've been assured this is what they're entitled to. Councilwoman Wetzel asked who the authority that assured them was. Mayor Budesheim stated that he did not know.

Borough Attorney Oostdyk stated that we should be following the union contract and they should be submitting claims for their comp time. He asked why this was not being done.

Mayor Budesheim stated he did have the answers. The comp time for this employee is 328.75 hours and goes back to May 7, 2000 with a balance from before that. He had 42 vacation, holiday and personal days, 41 comp days and 330 sick days. Clerk Talerico stated that their contract only allows them to accumulate 300 sick days.

Borough Attorney Oostdyk stated the contract that needs to be abided by going forward. Mayor Budesheim stated that he had explained the federal law to them in June and it was agreed there should be no more accumulations. Mr. Oostdyk stated that it is a bad practice to have separate police records and there should be one central location where records are kept. Administration does not even know this has been going on.

There was a discussion regarding how to compensate the employee who is already gone. Councilwoman Wetzel asked if we should anticipate the same thing for the next Captain who is retiring. Mayor Budesheim stated that we have a sheet for him too.

Borough Attorney Oostdyk stated that it was important that the Borough Clerk brought this to the attention of the Council. I want to be sure that in the future everything is understood and the department head understands that this is not the way to do this. Mayor Budesheim stated that the practice was stopped at of January 1st of this year and he would put it in writing.

Council continued to discuss compensation for the employee who is already gone. Mayor Budesheim stated his official retirement date is February 1, 2011 because the pension board would not allow the Captains to retire on January 1st as they had requested. Because of this they will also be entitled to 2011 vacation time. He stated that we would need to authorize the Borough Clerk to pay this employee through the end of the year. He wants to use 23 of his sick days. In his letter he says he has 330 accumulated sick days and the contract only allows up to 300. If he uses 23 he would have 277 left so he would get \$690 less.

CLOSED SESSION (continued):

Councilman Falkoski stated that these gentlemen haven't retired yet. The pension board hasn't made a decision whether they will approve retirement based on what their salary is right now. There's nothing to say that if they don't get approved for this retirement that they don't retire. Whatever we can do to discourage them from going forward with the plans they have now would be both to their and our advantage rather than bicker about a few dollars that may change the complexion of the whole process.

Mayor Budesheim stated that the contract is very specific regarding sick days. He needed to use 23 sick days so he could leave September 1st and get paid through December 31st. This is an accommodation we're giving him because he's not sick. Councilwoman Wetzel stated the conflict is that he based his calculations on 330 days and we're basing ours on 300 days. Councilman Astarita asked about the other retiring employee. Mayor Budesheim stated he hasn't done that yet but he's said his last day of work will be October 15th.

It was decided that Borough Attorney Oostdyk will prepare a letter to the Police Chief covering both of these issues.

PERSONNEL:

Mayor Budesheim stated the Personnel Committee had met with Borough Clerk Talerico. Almost a year ago she had presented a request for a retirement package and the committee discussed some ideas. She had been appointed Municipal Housing Liaison and if she could receive a stipend for that it would help her over the next three years so she would be able to retire. This would also help the town by reducing the cost of the office of the Borough Clerk. He said that Councilman Falkoski also wished to bring up some salary issues regarding the DPW. We want to pass a resolution for salaries to clear this up for the end of the year.

Councilman Falkoski and Councilwoman Wetzel asked for clarification of what was being proposed. Clerk Talerico stated that she was appointed Municipal Housing Liaison three years ago and the ordinance was adopted last year because the state now requires an employee be appointed. Prior to that the Borough Engineer had the position and charged his hourly rate which is \$115 per hour. She stated that her original impression in preparation for retirement was that if we continued to get four percent raises it would be affordable for her to retire in three years. It was decided the other employees are only getting two percent so it wouldn't be right. Municipal Housing Liaison is a job she is doing and it has become a bit more cumbersome and involved and requires her to take classes. Compensation for this position might be an avenue for her to be able to retire. Councilwoman Wetzel asked how many hours are dedicated to this position. Clerk Talerico stated that she didn't count hours. She said she has worked along with Planner Bob Michaels, met with TCR several times after hours regarding their COAH units and met with people who administrate COAH at the Grande. She has also been trying to get COAH units at Rock Creek straightened out for quite a while.

Councilman Carelli stated that Clerk Talerico had approached the Mayor a year ago to ask about doing something in planning for her retirement. She had made some statements in her letter with regard to some things that were done in the past for some employees as far as a retirement package. I think her retirement date was March of 2014 so I prepared a booklet for her with an estimate based on the pension plan and on certain criteria. I also presented her with information about the logic that was used for some of the other retirement incentives. Some of them predated me so I could not comment. One was a public works employee who wanted to retire at 62-1/2 instead of 65. We agreed to pay \$1,000 toward his medical benefits for those 30 months. That was \$30,000 but I pointed out that it was a benefit to the Borough because for those last 30 months we

CLOSED SESSION (continued):

would have paid his medical and we essentially saved his salary for 2-1/2 years. When we looked at the other issues as far as police and giving people incentives there was always savings. I tried to work up a scenario to do something so she would retire earlier but I couldn't find a scenario that would be beneficial to her and also to us. She's trying to base her retirement on a 4 percent raise each year and unfortunately we're not giving 4 percent. We had another meeting and one of the ideas was to pay her a stipend for the Municipal Housing Liaison position. She said the position is involving more work and considerably more responsibility. The Mayor had commented earlier that this would afford her to leave earlier but I think the retirement date would still be 2014. I was asked to calculate what the stipend would have to be to be equivalent to getting a 4 percent raise each year and I also did it based on a 3 percent raise. To be the equivalent of a 4 percent raise for the next 4 years the stipend would have to be \$7,000 with a 2 percent raise until 2014.

Councilwoman Wetzel asked why she took the position without asking for a stipend knowing somebody else had been getting paid for it. Clerk Talerico replied that she's done it before – she's done many jobs over the years and hasn't asked for any stipend to save the town money. Councilwoman Wetzel asked if we know what other people are getting paid for this position instead of basing it on a salary that she would like.

Mayor Budesheim stated that he wanted to clarify that point. Clerk Talerico submitted this back in September or October of last year. The previous three, four, five years everybody was getting 4 percent so she was projecting this based on 4 percent continuing. This year when we voted to give 2 percent raises that threw her plan off.

Councilwoman Wetzel stated that she wants to know how much the salary for this job should be. I agree she should be compensated but we don't have enough information to decide how much.

Mayor Budesheim stated that we just gave the Captains \$29,000.

Clerk Talerico stated that as a long time employee she is looking for something towards her retirement and to enjoy some of what other people have earned here after their years of employment – and to do the job and not just ask for something. There will definitely be a savings to this Borough when I leave because I don't think you're going to pay the new person what you're paying me. I may not be able to leave in 2014 because I need a certain amount of money in order to retire and this is what I was basing my retirement on.

Councilwoman Wetzel stated that she understands the explanation and doesn't disagree but we don't know what this job entails and how much somebody gets paid to do it.

Mayor Budesheim explained that this is a vehicle to give a 4 percent raise and pay an employee for an additional job she is doing. We don't know for sure if it's overpaid or underpaid but in four years it's over.

Councilman Carelli stated that in four years it will cost over \$30,000.

Councilman Loesner stated that we never discussed an amount so he agrees with Councilwoman Wetzel. He said he doesn't know what the amount should be and doesn't agree with the methodology being used right now.

Councilwoman Wetzel stated she can't believe Clerk Talerico did this job up until now without being paid for it. She asked if we could find out the salary of another person doing this job so we know what we're paying for.

CLOSED SESSION (continued):

Clerk Talerico stated that a lot of other employees have gotten a lot of things over the years for doing nothing. I've been here for 24 years and thought I had established a reputable position here and may be deserving of some of the same that others have received.

Councilman Falkoski stated that the argument that you don't know what the salary should be is not a legitimate reason not to take any action in this case because this is being done for a particular purpose. What we're doing is paying for something extra that required training and education to be able to handle. A few meetings ago we came up with something similar for three gentlemen who work for the DPW that would go into effect October 1st for this year. The total amount for those three gentlemen for this year was only about \$2,500 and everybody knocked that down. The reason that was being suggested was the extra training they had taken and the qualifications that gave them. One of them is a Certified Public Works Manager, a licensed Pump Station T-2 and Certified Recycling Coordinator. The other gentleman is also licensed T-1 for Pump Station and is I-Cop certified. We had in the past made it a custom that if someone had taken training to put them in the position where they could benefit the town we were willing to give them a stipend for that. I think in all fairness if we're going to do one we should do everything. Otherwise the unrest it will cause will not be manageable and may also cause us to lose some valuable people once the economy starts to get better. I could support something like this if along with it we support the resolution we had a few months ago for these three gentlemen.

Councilman Carelli asked if he would support a \$7,000 increase for Clerk Talerico if we already had someone doing that job. Someone got a certification that two other people already have so there's no value to us.

Councilman Loesner stated that the difference is we've established the position of Municipal Housing Liaison. We don't have a position of Assistant Public Works Superintendent.

Councilman Astarita stated that we didn't want to create the position.

Councilwoman Wetzel stated that if the employee obtained a certification he should be compensated with a stipend. We were looking to create a new position for him then bumping three people up into new positions. That's what I voted against because we didn't need all those positions in that department. He should be given a stipend for his certificate and Clerk Talerico should be compensated for her position. We have to determine the amounts and it's our responsibility to know what this job is and what people get paid to do the job. I'm sorry Clerk Talerico was disappointed in a 2 percent raise but that was agreed for everyone. To backpedal and make it up so she somehow manages to get 4 percent because that's what she would like is not the right thing to do. As far as the DPW, we can't have a seven man department and five people with titles. Let's determine a stipend for the certificate. We're losing control of what we're doing here to make everybody happy.

Mayor Budesheim stated that they are doing those jobs now. Rather than give them more money the idea was to give them a promotion and pay them for the additional work just like we're trying to do with Clerk Talerico. I thought it would go through more smoothly. Not one person said that night to just give them the raise.

Councilwoman Wetzel stated that she said to give him a stipend. She also stated that just because we did something before doesn't make it right. I think we're all starting to see the cumulative effects that all of those decisions have brought us to. We're in a crunch here.

CLOSED SESSION (continued):

Mayor Budesheim explained that by law we will need to have a Recycling Coordinator and Steve did not want to take the course. We forced it on him. Alan went on his own time and his own money and got certified to change the cameras and calibrate them in the police cars. That saves us money. Rob is acting as a supervisor and doing the job. You should see what other towns are paying their DPW workers. This is to try and get the salaries up. When you have someone making \$32,000 a year and Governor Christie's proposal is 30 percent of the cost of his health benefits will come out of his pay that's \$4,500.

Councilman Carelli stated that he gets frustrated because there is no planning and no vision. I give a salary resolution and people sit on it for a month. We come to a meeting where nobody says a word, then we adopt it, then there's a mistake and all of a sudden we've got five promotions in September. I ask the question like I do every year and these things come up last minute. I'm not opposed to giving them an increase and if they did something and earned it we should budget it, plan it and they should get the promotion. Now we're in closed session saying let's add three more while we're here. I just don't like doing this.

Mayor Budesheim stated this is part of the plan. The plan has always been if you go to school and get certification we'll pay you for it.

Councilman Carelli and Councilwoman Wetzel stated they agree with that. Councilman Carelli stated he would like an analysis of how much the camera certification is saving us. Mayor Budesheim suggested he do the analysis and let us know.

Councilman Guis stated that it came up as an add-on because in his mind performance or incentive raises have to be separate discussions from cost of living increases. This is one reason I didn't bring up those particular items until after we resolved the across the board cost of living. One of the DPW employees went to school for his water license and it took 2-1/2 years on his own time and he got trained to do work on the police cars. He's doing work above and beyond what would have been asked of him and he's saving us money every day. I'm saying this because I'm down there and I see it.

Councilman Loesner stated that he had asked for the cost a few months ago when it came up but it died right there. I don't have a problem paying him to work on the cars. I just want to know how much and how often. The same thing with the Assistant Superintendent – maybe we need one and maybe we don't. We need a job description and pay scale.

Councilwoman Wetzel stated she has no problem giving him a stipend for his certificate if it's benefiting us. If it's self-serving and we paid for the course and he went on our time then we paid enough. We have no guarantee he's going to stay here.

Mayor Budesheim stated that Steve told him he would reimburse us for the course and then he owns the certification. When we need a Recycling Coordinator we'll have to bid for his services.

Councilman Loesner stated that somebody offered them the wages they're making now and they agreed to work here for those wages. If they can't work for those wages anymore, so be it. We hire somebody else.

Councilman Falkoski stated that we weren't getting anywhere.

Councilwoman Wetzel stated that we should table the salary issues and get more information based on what was brought up tonight.

CLOSED SESSION (continued):

Mayor Budesheim stated that maybe we ought to revisit this Captain's issues because that's costing the town \$29,000 times two. If we're not going to compensate people who are working for it and we're going to give people who put in 15 hours because they went to a parade, then maybe we should revisit everything. Right now we're in a state of flux where we don't know what we want and we have no plan. Let's put everything out on the table and let the Personnel and Finance Committee do the research.

Councilman Astarita stated that in order to pay for performance you have to have metrics. There has to be something measurable that we can evaluate from.

Mayor Budesheim stated that in businesses people are able to go out on strike. Public workers don't have that bargaining power. I move we go back into open session.

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

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

PUBLIC PARTICIPATION NO. 1:

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

ALL IN FAVOR.

MAYOR REPORT:

Mayor Budesheim reported that we had been providing dispatch service to Kinnelon for 30 years and they switched to Butler. The contract called for 180 days notice and he asked Borough Attorney Oostdyk to follow up. He also reported on the Best Practices checklist. He reported that Rock Creek is interested in the tax sale certificate for Block 11, Lot 11 at full value. He also reported that Marie Pra who has been working with the Tax Assessor will be retiring and we need to find someone to replace her.

Mayor Budesheim stated that we need to give Borough Clerk Talerico direction regarding authorizing payroll checks for the Police Captains. This matter was discussed at the last meeting. Mayor Budesheim then distributed spread sheets and reported on the accumulated vacation, sick days and comp time for the Captains. The total cost of that is \$180,000 between now and when they retire. We also have to address the policy of saving all of your vacation days until just before retirement. We are without key personnel in the department for the next five or six months. Borough Attorney Oostdyk stated that we need to look at the contract. Mayor Budesheim stated another issue is the accumulated comp time for the other officers. Police Chief Soules stated that he and the Mayor have discussed the comp time and we can make sure it is used quicker or have a policy. He said there are competent people in the department. There will be a meeting regarding job assignments and I think we'll do the job. Mayor Budesheim stated that the 12 hour shifts cost us almost \$100,000 and his recommendation is to go back to 8 hours shifts. There was a discussion regarding shift schedules. Councilman Loesner will research whether it would benefit the town.

BOROUGH CLERK REPORT:

Borough Clerk Talerico asked the Governing Body whether they want to attend the conference in Atlantic City and whether she should send a deposit. Several members said they would attend. She also asked whether the Council would like the Borough Engineer to complete the grant agreement for the ADA elevator. Mayor Budesheim and Councilman Carelli stated they would fill it out.

COMMITTEE REPORTS:

Councilwoman Wetzel reported that Recreation has a proposal for Fright Night with a request to spend not more than \$2,000. Last year the event cost much less. It was decided the cost should not exceed \$500.

COMMITTEE REPORTS (continued):

Councilman Loesner reported on date selection for the 2011 holiday schedule. He also reported on the state requirements for a certified Recycling Coordinator. We are required to have someone in this position by January 15, 2012. He recommended we create the position next year, determine the salary and put it in the budget. He is still researching wages for mechanics and DPW employees.

RESOLUTIONS:

Councilman Guis clarified resolution No. 8. The Water Engineer recommended full replacement of vales and water pipes.

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

- 1) Approval of payment for the following:

| | | |
|----------------|-------------------------------|------------|
| a) Izod Center | Disney on Ice Trip – 11/24/10 | \$ 885.00 |
| b) DEP | Water Project DEP Permit | \$2,500.00 |
- 2) Approval of release of Maintenance Bond to Target Corporation in the amount of \$1,385,145 which has reached the end of its two year duration period and has been approved for release by the Borough Engineer.
- 3) Approval of release of escrow funds to Erickson Living in the amount of \$741.31 which has been approved for release by the Borough Engineer.
- 4) **Resolution No. 64-2010;** Supporting the Morris County Municipal Clerks and Urging the State Legislature to Reform the Open Public Records (OPRA) Law.
- 5) **Resolution No. 65-2010;** Refund of Tax Overpayments to Virginia B. Puder, Esq. for Timothy Jones & Kendra Rowan, Block 11, Lot 1.26 in the amount of \$664.75 for 2009 decided by County Board Appeal.
- 6) Acceptance of letter of resignation as Construction Official & Building Sub-Code Official from John Scialla.
- 7) Appointing and reinstatement of Joseph Montemarano as Construction Official & Building Sub-Code Official.
- 8) Approval of proposal for engineering services in connection with the Arlington/Haycock/Mead Water Project for William Ryden, P.E. (copy of proposal submitted to Governing Body)
- 9) Approval of expenditure for Halloween Festival in amount not to exceed \$500 and \$100 deposit to Coconut Joe's DJ for the event.
- 10) Authorizing payroll checks to be issued to Police Captains Peine and Roemmele through December 31, 2010.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 96-A AND B**CLOSED SESSION:**

Councilwoman Wetzal set forth the motion, seconded by Councilman Astarita, RESOLVED that the Council go into closed session to discuss a personnel matter.

ALL IN FAVOR.

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

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

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:05 p.m.

Respectfully Submitted:

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

CLOSED SESSION:

ROLL CALL:

Present: Astarita, Guis, Loesner, Wetzel, Carelli
Absent: Falkoski

Mayor Budesheim advised that the closed session was to revisit the previous closed session regarding a request for pay for the position of Affordable Housing Liaison.

Clerk Talerico addressed the council stating that she had done a survey with all of the Affordable Housing Liaisons in Morris County and received answers of Lincoln Park \$4,125, Washington Township \$5,000 Morris Township \$6,000 and Pequannock Township \$12,100, and other towns responded that the pay has been included in their salaries and gave no specific amount that may have been considered as part of that salary.

Councilwoman Wetzel stated that she had called Paul Darmofalski regarding the work he had performed as the affordable housing liaison when he had been appointed. She stated that Paul had told her that it was not a time consuming job and that he had probably put in approximately 10 to 15 hours per year at \$115 per hour.

Clerk Talerico stated that may be so but she knew that the only input Paul had ever had as the liaison was to do the yearly monitoring reports and at that time there were only a small number of affordable housing units at the Rock Creek Crossing site. He also did not have to field any telephone calls regarding the affordable housing nor did he have to take care of any of the correspondence that came into the Clerk's office from COAH. This was all handled in the Clerk's office. Affordable Housing has become a much more involved job as of late and we also did not have an ordinance at that time that literally spelled out what the responsibilities were for this position. You would not only be paying for the hours spent to do this job but the responsibility that is involved. Clerk Talerico also mentioned that you are not creating this position for me, it already exists and has existed, and I am just the one performing the work.

Mayor Budesheim stated that the council could vote on this when the council goes back into open session and he would recommend the salary at \$7,000.

The council also revisited the increases for the borough DPW men for the certifications that they have obtained such as Recycling Coordinator, Water License – Councilwoman Wetzel stated she still did not see why an employee should be given an increase for a certification unless they are the ones doing the job.

Mayor Budesheim stated that the Recycling Coordinator position was going to be required as of January 2012 and a pay increase was going to have to be given and felt that there was no reason this should not be extended at this time. Also he stated how a mechanic earns much more money than our mechanic does and felt that if we did not satisfy this differential we may lose a good mechanic. Mayor Budesheim also stated how much more income is earned in other municipalities in their DPW departments and did not feel ours should be any different.

Councilman Loesner stated that he was planning on getting some salary information through OPRA requests and also salary information regarding housing liaison through OPRA requests. Clerk Talerico stated that she had already done that and did not think he would get any different information than she did, and showed Councilman Loesner the copies of the e-mails depicting the salaries she had mentioned in the beginning of the meeting. Councilman Loesner looked at the information and stated he still did not know

CLOSED SESSION (continued):

where the salary should fall between the numbers obtained and would like to put this off until our next meeting.

Councilman Astarita asked if these items were going to be voted on separately because he had to abstain from one of them.

Councilwoman Wetzel suggested that being it is so late in the year maybe the council should address these issues after the first of the year along with next years budget.

Mayor Budesheim stated that he felt that this should definitely be concluded at the next council meeting because this has already been going on for the past 2 meetings and even a longer period of time for Carol.

Closed Session adjourned and council returns to open session.

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

Mayor Budesheim presiding.

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

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

APPROVAL OF MINUTES DATED:

Regular Meeting - September 20, 2010
 Workshop Meeting - October 4, 2010

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

ROLL CALL: **Ayes:** **Astarita, Falkoski, Guis, Loesner, Wetzel, Carelli**
 Nays: **None**
 Abstain: **Falkoski (October 4, 2010 only)**
 (6 ayes – 0 nays – motion carried)

PUBLIC PARTICIPATION NO. 1:

Dan Sciara of Munn Avenue spoke regarding recent blasting. Mayor Budesheim stated that residents should phone the Police Department when they feel any effects of blasting. They keep a log for the Borough Engineer.

There being no further 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 09-2010

**ORDINANCE AMENDING THE REVISED GENERAL
 ORDINANCES OF THE BOROUGH OF RIVERDALE AND
 ESTABLISHING POLICIES AND FEES FOR OPEN PUBLIC
 RECORDS ACT REQUESTS**

Mayor Budesheim 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

ORDINANCES (continued):

Thereupon, Councilman Falkoski set forth the motion, seconded by Councilman Astarita, **RESOLVED** that Ordinance No. 09-2010 as read on second reading at this meeting, be adopted and finally passed.

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

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

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

ORDINANCE 10-2010

**ORDINANCE AMENDING CHAPTER 136 OF THE REVISED
 GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE
 AND AMENDING CERTAIN SEWER RATES**

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

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

RESOLUTIONS:

Mayor Budesheim reported that a company has approached us and wants to place clothing bins on borough property. They will pay us \$3,000 per year to place two bins in front of Mario’s. He passed around pictures of the bins and stated that if they are not maintained as promised they will be removed.

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

- 1) Payment of Claims. Including the following:

| | | |
|---------------------------|---------------------------------|--------------|
| a) Firefighter One | Annual Jaws Maintenance | \$ 645.00 |
| b) Advanced Fleet Service | Firetruck #31 Service | \$ 267.39 |
| c) Fire Inspector | Prevention Materials | \$ 300.00 |
| d) Spectrum Comm. | Radio Repairs | \$ 202.50 |
| e) Riverdale Library | 4 th Quarter Payment | \$5,000.00 |
| f) Animal Control Svcs. | 4 th Quarter Payment | \$1,499.75 |
| g) PRBRSA | 4 th Quarter Payment | \$177,080.00 |
- 2) Approval of payment from Escrow to the following:

| | | |
|-----------------------------------|------------------|-----------|
| a) Darmofalski Engineering Assoc. | Alexan/TCR | \$ 575.00 |
| b) Johnson, Murphy, Hubner | Alexan/TCR | \$ 56.00 |
| c) Darmofalski Engineering Assoc. | Alexan/TCR | \$ 281.72 |
| d) Anderson & Denzler Assoc. | DR Horton/Grande | \$ 124.90 |
- 3) **Resolution No. 66-2010; Refund of Tax Overpayments:**
 - a) Bl 29 – L 9.317 – Josephine Forino - \$250.00 – 2010 – Deduction Overpaid
- 4) Authorizing Carecycle, Inc. to place two clothing bins on borough property in front of Mario’s in exchange for paying an annual sum of \$3,000 to the borough.

RESOLUTIONS (continued):

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 102-C AND D**COMMITTEE REPORTS:**

Councilman Falkoski reported the Court Report for September 2010.

Councilman Astarita reported that he will be attending the Community Development Block Grant meeting on November 4th.

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.

CLOSED SESSION:

Councilwoman Wetzel set forth the motion, seconded by Councilman Astarita, RESOLVED that the Council go into closed session to discuss a contractual matter and personnel matters.

ALL IN FAVOR.

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

ALL IN FAVOR.

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

Councilman Falkoski set forth the motion, seconded by Councilman Guis, to approve a salary increases for the DPW employees as set forth in the chart distributed by Mayor Budesheim.

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

COPY OF PROPOSED SALARY CHART IN FULL ON PAGE NO. 102-E

Councilman Falkoski set forth the motion, seconded by Councilman Guis, to approve sending a letter to advise the PBA that the Council is looking at ways to reduce the accumulated comp time and possibly going to an 8 hour shift next year, and that we would like to discuss this matter with their representatives.

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

Mayor Budesheim asked if there was a motion to approve providing for a stipend or salary for the COAH Administrator.

No motion was made.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:58 p.m.

Respectfully Submitted:

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

CLOSED SESSION:**PERSONNEL:**

Mayor Budesheim stated that one of our DPW employees resigned. He accepted a job with the Pequannock DPW where the starting salary is \$2.20 per hour more than he is making here and they also have 4% raises each year over the next three years per contract. He distributed a chart of comparable DPW salaries from Butler and Morris County prevailing wages with proposed increases for our DPW employees. He recommended we pay our employees what the job is worth. Councilman Astarita asked if a comparison was made to the private sector. Mayor Budesheim stated that Morris County prevailing is private sector.

Councilman Falkoski stated that this is a small town and the people working for us are very dedicated. It took us a while to get people that were competent. When you look at the comparison there is a great imbalance. Some of these people do over and above a good job. They have families and they don't even make a living wage. I think we want to reward these people and retain the same caliber of service for the community as we're getting now. Do we want to fall down to a level where we couldn't find anybody who was competent to hold the job? I think this is something we have to seriously consider and protect the quality of the work that we have for the citizens.

Councilman Astarita stated that we also have to think of our citizens on Social Security who are not getting any raise whatsoever.

Councilman Falkoski stated that this money is already built into our budget. We're not adding anything and are not going to raise taxes by doing it. Councilman Carelli stated the increases were not built into the budget. Mayor Budesheim stated that 4% was built in. Councilman Falkoski stated that starting next year we are limited to a 2% cap on our tax rate.

Councilman Astarita stated that we always get into these situations where we look at other towns and say our people are underpaid but we have to look at our town. Mayor Budesheim stated that at the last meeting we decided to find out what other towns are paying. Councilman Astarita stated that we have to find a town that's comparable to ours. People coming into certain jobs don't get paid well. He stated that these employees are laborers. Councilman Guis stated that two are laborers but the others have special skills with tools and mechanics. Mayor Budesheim stated that one is leaving and two are looking for other jobs and I know some of you say to let them leave. It took us 7 years to get this crew together where it's working they way it is now. If you want to think about the taxpayers think about what it will cost us if it totally breaks down and we have to start over again. Councilman Astarita stated that there are a lot of people looking for jobs these days.

Councilwoman Wetzel stated when you look at the numbers on paper, \$14.46 per hour for an unskilled person working in the DPW and getting a full time benefit package doesn't seem so bad. It's double the minimum wage. I agree these guys are great but anyone can get a better offer anywhere, any day and it should not be a determining factor for us. I am opposed to doing anything effective this year.

Councilman Falkoski stated the money is not being offered to keep people from leaving the job. The proposal originally was to reward people for doing a good job and for education. Councilwoman Wetzel stated they're being rewarded with a salary.

Councilman Guis stated that one of the problems with the DPW department is there is no mechanism to increase people from the entry level salary as they become more skilled and experienced. The department is small and there aren't going to be promotions so

CLOSED SESSION (continued):

they will go out looking. We've been through six different people trying to fill these spots and at the entry level salary it is difficult. In terms of private sector, laborers working for contractors that I know and what I've paid are minimum \$18 to \$20 per hour and mechanics are \$25 to \$35 and up.

Councilman Astarita agreed that the utility position salaries are low but he would like some type of grading system. He also stated that we shouldn't do anything this year. Doing a good job is expected and working overtime is not going above and beyond. There's no place to move up so in order to move up you have to leave.

Councilman Guis stated that people become more experienced and efficient while they're here and we don't want to do the whole training process again. We've done away with the built in steps that used to be in place.

There continued to be disagreement among the Council regarding the method to increase the DPW salaries. Mayor Budesheim reminded the Council that every employee gave 1.5% of their salary back for health benefits.

Councilman Loesner stated that there's nothing wrong with a salary structure when you're hired at a low rate and given six month increments to a top salary. Creating a new position is not the way to do it. We agreed at the last meeting the mechanic is underpaid and he is. Nobody else is. I researched the Northeast Area building and mechanical trade salaries on the Bureau of Labor statistics.

Councilwoman Wetzel stated the mechanic and utility positions should be the only ones increased and not until next year.

Councilman Guis stated that we should have a procedure and we can get some guidelines.

CONTRACTUAL MATTER:

Mayor Budesheim stated that we reviewed the accrued police comp time at the last meeting. We have 132 twelve-hour shifts that we have to pay for.

Councilman Loesner stated that he researched the comp time issue. According to the Pitman Schedule every day of leave reduces the comp hours by four. Mayor Budesheim agreed but said it is not being done here. They get the comp time in the beginning of the year and there's no accounting for those hours. On January 1st they all get 108 hours and never take it. They look at this as a retirement package. Councilman Loesner stated the contract states comp time has to be used within the year. He said he read the Comp Law and did not understand it. Borough Attorney Oostdyk stated that the problem is not that we can't insist on them taking the time – the problem is that we haven't insisted on them taking the time in choosing to pay instead. The Chief is saying that it's necessary for the efficient operation of the department. Mayor Budesheim stated that he would like, at least for a year, to go back to 8 hour shifts until this comp time matter is done. It's going to take some of these guys a whole year to work off their hours already accumulated. I would like to give them 60 days notice and if we can work something out in the meantime we can stay with the 12 hour shifts. Councilman Loesner stated he didn't want to antagonize them. I'd like to meet with them and see if we can work something out. Each officer should accrue the time as they work and work those hours off so at the end of the year it's zero. Mayor Budesheim stated that was supposed to have been done the beginning of this year but there's 1,600 hours on the sheet. Councilman Loesner stated that we're not obligated to have them carry comp hours. We can pay them for it. Mayor Budesheim stated some of this time accumulated ten years ago when they were making 1/3 of what they're making now. Borough Attorney Oostdyk stated it is entirely at our

CLOSED SESSION (continued):

discretion to pay whatever is left at the end of the year. Councilman Loesner stated we should make sure we track the comp hours and make sure they're used up. There was a discussion regarding getting comp time for firearm qualification. Mayor Budenheim stated that this is a problem that's grown every year. If we step back for a year and clean it up we can start the following year at zero. Councilman Guis stated that comp time was always viewed as a favorable alternative to paying overtime but it has gotten out of hand. Borough Attorney Oostdyk suggested we notify the PBA that the way it's being handled right now is not tolerable and ask them to partner with us to figure out how this is going to be corrected next year.

PERSONNEL:

Mayor Budenheim stated that the Council spoke about the COAH Administrator at the last meeting and was given comps from other towns. He asked if there was any further discussion. There was none.

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, Loesner, Wetzel, Carelli**
 Absent: **Astarita (business trip)**

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

PUBLIC PARTICIPATION NO. 1:

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

ALL IN FAVOR.

RESOLUTIONS:

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

- 1) **Resolution #67-2010;** Transfer of Appropriations.
- 2) **Resolution #68-2010;** Chapter 159 – Special Item of Revenue – U.S. Forest Service – Volunteer Fire Assistance Program - \$1,000.
- 3) Resolution authorizing Kenneth Sesholtz, Finance Officer as a signature of accounts for the Borough of Riverdale’s deposit accounts.

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

COPY OF RESOLUTIONS IN FULL ON PAGE NO. 107-A AND B

CORRESPONDENCE:

- 1) From Claudia Jablonski, Student Council President, Riverdale Public School advising the Mayor and Council that the Riverdale School will hold its annual Veterans’ Day Assembly on Thursday, November 11, 2010 at 9:45 a.m. in the school gymnasium. The Mayor and council are invited to attend the program, and to please contact Mrs. Mary Lou Kammen at 973-839-1300 X4 to RSVP. Thank you in advance for your participation.

Councilmen Carelli, Loesner and Falkoski stated they would attend.

OTHER BUSINESS:

- 1) For information purposes only. Certificate of Determination and Award for \$3,500,000 in notes dated October 28, 2010 to mature on October 28, 2011 at a 1.75% rate payable upon maturity. (copy of certificate e-mailed to council with agenda).

MAYOR REPORT:

Mayor Budesheim reported that the Building Department has only taken in about \$80,000 in construction fees through October 31st and we anticipated \$375,000. We may have to cut back on staff to make sure the fees cover the cost of operating.

Mayor Budesheim also reported that we found there are more trees across the river and this apparently will be a continuous problem. We sent a letter to Pompton Lakes asking them to cooperate with us. There was a discussion regarding permits and methods of removing the trees. Councilman Guis suggested we approach the affected residents to organize a day to cut the trees and remove them by hand eliminating the need for permits.

COMMITTEE REPORTS:

Councilwoman Wetzel reported that Fright Night was one of the best the Recreation Department has ever had. They did a great job with very little money.

Councilman Loesner reported that he started working on a DPW remedy. He hopes to have it ready by the end of the year and more specifics will follow.

Mayor Budesheim reported that he wrote the letter to the PBA requesting a meeting and it has not been acknowledged. Councilman Falkoski stated that they responded to him that they would like to wait for the Police Chief to return from vacation. Mayor Budesheim recommended we give them 60 days notice as required by the contract of changing to 8 hour shifts. We don't have to carry it through if something is worked out but it will be in place to be effective January 1st. There was a discussion regarding how comp time is accrued and calculated using the Pitman Schedule.

Thereupon, Councilman Carelli set forth the motion, seconded by Councilman Guis, to direct the Mayor to provide notice to the Police Department that they will begin working 8 hour shifts effective January 1, 2011 unless another agreement is reached.

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

Borough Attorney Oostdyk clarified that this vote is only to provide notice. Another vote by Council is required to implement the change to 8 hour shifts.

Fire Chief Dan Sturm and Pat Cleary asked if we had received any money back from FEMA. They still need preventive maintenance work done and a new member needs to be outfitted with gear. There are two sirens down in town and there was a discussion about their purpose as backup notification and whether to replace them. Mayor Budesheim will look into the matter.

PROCLAMATION: Mayor Budesheim proclaimed the Month of November 2010 as "Pancreatic Cancer Awareness Month" in the Borough of Riverdale.

COPY OF PROCLAMATION IN FULL ON PAGE NO. 108-C

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

ALL IN FAVOR.

Adjourned: 8:10 p.m.

Respectfully Submitted:

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

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

APPROVAL OF MINUTES DATED:

Regular Meeting - October 18, 2010
 Workshop Meeting - November 1, 2010

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

ROLL CALL: **Ayes:** **Astarita, Falkoski, Guis, Loesner, Wetzel, Carelli**
 Nays: **None**
 Abstain: **Astarita (November 1, 2010 only)**
 (6 ayes – 0 nays – motion carried)

PUBLIC PARTICIPATION NO. 1:

NEW BUSINESS:

- 1) Walmart, Riverdale is requesting a hearing at this meeting to request a waiver in accordance with borough chapter 110-3 of the code of the Borough of Riverdale to operate the store between the hours of 12 am and 6 am on November 26, 2010 better known as “Black Friday” to accommodate the shopping expectations of the local communities for the beginning of the holiday shopping season. (copy of letter of request distributed to governing body with agenda) Walmart will be represented by store management.

Rebecca Timko appeared to represent Walmart. Borough Attorney Oostdyk stated that normally corporations have to be represented by an attorney at a public hearing. This is a land use related application and Walmart was advised to have an attorney represent them. Ms. Timko stated that her company said it was not necessary. Borough Attorney Oostdyk stated that this is not a Planning Board application and it is the Council’s decision. After a brief discussion, Council decided to hear the request.

Ms. Timko stated that last year Walmart did stay open and were fined for doing so. She stated that being open between 12 am and 6 am works a lot smoother security wise than having the 4 am rush inside the store.

Councilman Falkoski stated that there’s a lot of advantage in granting this if we can do it in a manner that is legal. Borough Attorney Oostdyk stated it is legal if the Council chooses to approve it. Mayor Budesheim stated that we have these restrictions because we are a small community and 24 hour operations tax our resources. It is a burden on our police, fire and first aid departments. He asked how this would benefit the town. Ms. Timko stated it is better crowd control than to have a crowd waiting outside the store. Mayor Budesheim stated that is an internal matter. Ms. Timko explained their plan to utilize off duty patrolmen in addition to an outside event service company. They have already paid \$7,500 toward the \$8,165 bill and are willing to pay additional costs for services they use. Mayor Budesheim said he did not understand their need for nine

PUBLIC PARTICIPATION NO. 1 (continued):

Riverdale policemen. He stated that our police are not here to accommodate Walmart's sales and they should hire their own security people. I don't mind one or two being there in case of emergency, but 7 and 9 plus 2 on the road out of 15 is ridiculous. Sergeant Bogert stated that we have done this five years in a row and there will be hundreds of people coming whether we are there or not. We wouldn't do it if we didn't have the manpower.

Borough Attorney Oostdyk stated that we have to separate the issue of an application to stay open from the issue of outside police details.

Councilman Astarita stated that in addressing the opening it is much safer to have the store open so crowds aren't waiting outside to rush through three doors. Councilman Loesner stated he agreed with the Mayor that 9 and 7 of our patrolmen is excessive. What if Home Depot and Target come in next week and want to be open all night too? Ms. Timco stated that is why she has been working with the Police Department for over a month and we came up with this total number together. We wanted to be well prepared ahead of time.

Sergeant Bogert stated that when you have a show of force you have less chance of something happening. I'm telling you from experience that the soft opening works better and is safer.

Borough Attorney Oostdyk stated that if we have issues with the number of officers at one event we need to look at our policies for off duty. Walmart is responsible for their own security and we're not going to advise them of what their needs are. They came to us with a request and they're paying a lot of money to do that.

Thereupon, Councilman Astarita set forth the motion, seconded by Councilman Falkoski to allow Walmart to remain open between the hours 12 am and 6 am on November 26, 2010 better known as "Black Friday".

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

Mayor Budesheim asked if we are going to address the security issue. Borough Attorney Oostdyk stated that if there is concern about assignments like this leaving the force under rested that could be the subject of a separate discussion in another forum.

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

ALL IN FAVOR.

ORDINANCES:

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

ORDINANCE 10-2010

ORDINANCE AMENDING CHAPTER 136 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE
AND AMENDING CERTAIN SEWER RATES

Mayor Budesheim read the notice for the second reading and final adoption.

ORDINANCES (continued):

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. 10-2010 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 112-A

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

ORDINANCE 11-2010**ORDINANCE AMENDING CHAPTER 164 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE
AND AMENDING CERTAIN WATER RATES**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 112-B

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

ORDINANCE 12-2010**ORDINANCE AMENDING CHAPTER 45 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 112-C

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

ORDINANCE 13-2010**ORDINANCE AMENDING THE ZONING MAP OF THE
BOROUGH OF RIVERDALE AND PLACING BLOCK 26, LOT
21.03 IN THE PO-1 ZONE IN ITS ENTIRETY**

ORDINANCES (continued):

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 113-C**RESOLUTIONS:**

Councilwoman Wetzel asked for clarification of resolution No. 7. Mayor Budesheim stated this was part of the property acquisition when we did the sewers on Mathews Avenue and will close out our obligation.

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

- 1) Payment of Claims. (including the following)
 - a) NJSEA - Disney on Ice \$1,235.00
 - b) St. Columcille Gaelic Bagpipe – Memorial Day \$ 300.00
- 2) Approval of payment from Escrow to the following:
 - a) Darmofalski Engineering Assoc. Alexan/Riverwalk \$ 460.00
 - b) Anderson & Denzler Alexan/Riverwalk \$ 734.90
- 3) **Resolution No. 69-2010;** Providing for the Assignment of a Tax Sale Certificate at Private Sale.
- 4) **Resolution No. 70-2010;** Chapter 159 – Special Item of Revenue & Appropriation – Community Development Block Grant – Senior Center – ADA Elevator \$80,000.
- 5) **Resolution No. 71-2010;** Transfer Resolution.
- 6) **Resolution No. 72-2010;** Refund of Tax Overpayments.
- 7) Approval of proposal for installation of driveway pavers at 5 Mathews Avenue (Sky Ball) to Panoramic Landscape Service in the amount of \$10,150. (3 quotations were received of which Panoramic is the lowest bid)
- 8) Approval of funds for 2010 Holiday Gathering – Celebration of Public Events, in the amount of \$200.00. Funds of supplies.

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 113-D, E, F, G AND H**MAYOR REPORT:**

Mayor Budesheim reported that the budget from the Pequannock Health Department for next year went down \$174. He also reported that we've had a lot of complaints about the quarry. We had problems with a sulfur odor, blasting issues and an exceptional amount of dust in the area.

COMMITTEE REPORTS:

Councilman Carelli distributed a new salary ordinance for review. He would like it to be introduced at the next meeting.

Councilman Falkoski reported the Court Report for October 2010.

COMMITTEE REPORTS (continued):

Councilman Guis reported that we will need a new street sweeper in 2011. The DPW tested a demo model and we were impressed with it. The price is \$160,500.

Councilman Astarita reported that he attended the Community Development Block Grant meeting. The maximum and deadline will be the same as last year. He also reported on another leak at the library that we had repaired.

Councilman Loesner reported that he would be glad to answer any questions about the DPW salary structure.

Thereupon, Councilman Guis set forth the motion, seconded by Councilman Carelli, to have bid specifications prepared for a street sweeper.

ROLL CALL: Ayes: Astarita, Falkoski, Guis, Loesner, 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 Councilman Astarita, that the public portion be closed.

ALL IN FAVOR.

Mayor Budesheim reported that Kinnelon Mayor Glenn Sisco's retirement party is Sunday. Council agreed to purchase a gift valued up to \$200.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:27 p.m.

Respectfully Submitted:

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: Falkoski, Guis, Loesner, Wetzel, Carelli
Absent: Astarita (business trip)

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

PUBLIC PARTICIPATION NO. 1:

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

ALL IN FAVOR.

RESOLUTIONS:

Mayor Budesheim stated that the conditions set forth in the Borough Engineer's letter and email as distributed to the Council are part of resolution No. 2.

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

- 1) **Resolution #72-2010A;** Transfer of Appropriations.
- 2) **Resolution #76-2010;** Approval of partial release of Riverdale Road Development (TCR) Performance Surety Bond/Site Improvement Bond as approved with conditions by Borough Engineer, **with the condition that William Street be paved from curb to curb.** (copy of Engineer's letter and email distributed to Council with Agenda)
- 3) Scheduling of 2011 Reorganization Meeting to be held at 7:30 p.m. on Monday, January 3, 2011.
- 4) Approval of payments for 2009/2010 snow removal to the following: a) Rock Creek Crossing - \$4,191.04, b) Powder Mill - \$2,095.52, c) The Grande - \$5,762.68.
- 5) Approval of 2011 Towing Licenses that have approved by Chief Thomas Soules; 1) Malanga's Automotive, 2) A to Z Towing. Fees have been paid and all vehicles were inspected by the Police Department.
- 6) Scheduling of 2010 year end meeting to finalize any matters deemed necessary by the Governing Body to be held at 9:00 a.m. on Wednesday, December 29, 2010.
- 7) Approval of revised OPRA Request Form for the Borough of Riverdale adapted from the model provided by the Government Records Council which contains new OPRA fees.
- 8) Mayor to appoint Logan Dean as a DPW Laborer at \$13.50 per hour with a starting date of either 12/16/2010 or 01/01/2011, with consent of governing body.
- 9) Tax Sale Certificate Redemptions:
Resolution #75-2010; Certificate #09-00003 – Block 11 Lot 5.1203 \$497.36
Resolution #73-2010; Certificate #09-00004 – Block 11 Lot 5.3303 \$265.29
Resolution #74-2010; Certificate #09-00005 – Block 11 Lot 5.3317 \$575.09

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

RESOLUTIONS (continued):**COPY OF RESOLUTIONS IN FULL ON PAGE NO. 116-A, B, C, D AND E****ORDINANCES:**

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

ORDINANCE 14-2010**AN ORDINANCE ESTABLISHING SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS**

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 116-F**COMMITTEE REPORTS:**

Councilwoman Wetzel reminded everyone they are invited to attend the tree lighting ceremony tomorrow beginning at the school at 6:30 p.m. and to continue at the Community Center. Thursday, December 9th from 7 to 9 at the Community Center there will be an evening of Christmas music.

BOROUGH CLERK REPORT:

Borough Clerk Talerico distributed a report from Food Pantry Director Gloria Carelli. She reported that we received another request from the New Jersey Libertarian Party to abolish our loitering ordinance. Mayor Budesheim stated that he would respond.

ATTORNEY REPORT:

Borough Attorney Oostdyk stated that tonight we would take any additional bids on an assignment of a tax sale certificate adjacent to the Rock Creek property. The only bid received was from the Rock Creek Crossing Condominium Association and the check was handed to the Borough Clerk tonight. Pursuant to the resolution, we'll be proceeding to assign that tax sale certificate to them. He also reported on an issue concerning new proposed COAH legislation. We received a letter from the municipal attorney of Wall Township who has identified us as another municipality that has the same issue with the way in which RCA's are proposed to be credited. The proposed method would be unfair to us and other municipalities that did these RCA's early on in the process. I concur with Wall Township's request that we also adopt a resolution bringing to the legislature and our representative's attention that this could be problematic for us.

FIRE CHIEF JACK NORTON IS RECOGNIZED FOR 50 YEARS OF SERVICE IN THE RIVERDALE FIRE DEPARTMENT:

Mayor Budesheim stated that tonight we are here to honor one of our firemen, Chief Jack Norton, who joined the Riverdale Volunteer Fire Department 50 years ago this evening. Chief Norton, a retired Chief, is there every time there is a call driving the truck and I don't know what we'd do without people as dedicated as that. Chief Norton was presented with a proclamation signed by Congressman Rodney Frelinghuysen and recognized by a resolution of the State Firemen's Association as well as by the Riverdale

PRESENTATION TO FIRE CHIEF JACK NORTON (continued):

Fire Department. Mayor Budesheim announced that one of our decorative lamp posts would be dedicated to Chief Norton for his exceptional service to the community. He was presented with a Certificate of Dedication. Installation of the lamp post plaque will take place on Memorial Day.

MAYOR REPORT:

Mayor Budesheim reported that there is a Park Maintenance Board defined in the Borough Code. He also stated that Verizon claims they don't owe tangible personal property tax. Councilman Loesner excused himself from the discussion and stepped down from the dais as he is employed by Verizon. Mayor Budesheim stated that a form must be filed by September 1st giving the value of their assets as close to \$7,000,000 so we're losing approximately \$103,000 in taxes. I've been in contact with officials from Verizon asking for documentation that they went below the 51% and they claim they don't have to provide it and won't submit the form to us. I've been in touch with the Rate Council and Public Advocate's office and they weren't quite sure what to do about it. I've also been in touch with League of Municipalities and I sent letter to our Assemblymen and Senator. We have until December 13th when our Tax Assessor has to file the final preliminary tax certification of assessments. Mayor Budesheim asked the Borough Attorney if we could file an order to show cause forcing them to file the PT-10 form and they can file an appeal if they disagree with their assessment.

Borough Attorney Oostdyk stated he has a few concerns. They appear to be accountable to no one and it seems unreasonable and irresponsible that a law is passed that exempts them from taxation yet holds nobody accountable to check into whether the information they're providing is correct. It would appear that when this is looked at somebody is going to say there has to be a mechanism to hold them accountable. I am somewhat skeptical whether a court is willing to do it in an expedited process. We can put the assessment on the books but while we're suspicious of the numbers there's a good chance that we'll ultimately owe a tax refund. There was discussion regarding the matter. Mr. Oostdyk stated we are trying to find other alternatives but he wants the Council to be aware that he and the Mayor will make decisions as we go in conjunction with the Tax Assessor. There were no objections from the Council.

Mayor Budesheim reported on a meeting with Councilmen Loesner and Falkoski, Police Chief Soules, Sergeant Bogert and PBA President Harden. We came away with an understanding of accumulation of the comp time hours. The agreement was that they could not expend all those hours this year and asked for an extension through the end of next year. In return we wouldn't bring up the issue of the 8 hour work shift through the end of their PBA contract which ends in 2012. We also asked that the Lieutenant position be removed from the contract and have a superior officer's agreement as in the past. When we left the meeting everyone agreed subject to approval of the PBA and this Council. We then had a follow up meeting and they said they need up to 3 years to use the accumulated comp time and they can't give us an answer on the Lieutenant's position. Councilman Loesner gave us the definition of the Pitman Schedule which reflects our contract with them and they're arguing that. The PBA President told me they're in touch with their lawyer and they don't agree that's how the Pitman Schedule should work because of past practices.

Councilman Loesner stated that at the meeting we made it clear we would not appoint a Lieutenant until we had this situation resolved. We have to come to an agreement going into next year of how this Pitman Schedule is supposed to work. Past practice aside, I'd like to see it go at least for a year as spelled out under the standing agreement to get the 12 hour shifts. We could revisit it every six months to see if the comp time is going down.

MAYOR REPORT (continued):

Councilwoman Wetzel asked how we can stop doing things because of past practices and learn from our mistakes. Just because things were done that way doesn't seem like a good course of argument.

Councilman Carelli asked Councilman Loesner to explain the difference between his interpretation of the Pitman Schedule and theirs. Councilman Loesner read paragraph 3 on page 16 of the PBA agreement dated January 1, 2008 through December 31, 2012. He stated that it is specific that 12 hour blocks will be utilized for leave days with 8 hours credited as worked and the remaining 4 hours debited from comp time. He said he does not really know their interpretation. Mayor Budesheim stated they are not utilizing 4 comp hours for every vacation or sick day. Council discussed the matter and agreed that there is confusion and we need to decide on a method that everyone agrees with.

Councilwoman Wetzel excuses herself for a personal matter and leaves the meeting at 8:30 p.m..

Borough Attorney Oostdyk stated that what we've concluded is there is some concern with the fairness of the way the comp time is being calculated. We need to keep talking and work it out.

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:

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

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

APPROVAL OF MINUTES DATED:

Regular Meeting - November 15, 2010
 Workshop Meeting - December 6, 2010

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

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

PUBLIC PARTICIPATION NO. 1:

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

ALL IN FAVOR.

ORDINANCES:

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

ORDINANCE 11-2010

**ORDINANCE AMENDING CHAPTER 164 OF THE REVISED
 GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE
 AND AMENDING CERTAIN WATER RATES**

Mayor Budesheim 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. 11-2010 as read on second reading at this meeting, be adopted and finally passed.

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

ORDINANCES (continued):**COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 120-A**

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

ORDINANCE 12-2010**ORDINANCE AMENDING CHAPTER 45 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE**

Mayor Budesheim 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 Councilwoman Wetzel, **RESOLVED** that Ordinance No. 12-2010 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 120-B

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

ORDINANCE 13-2010**ORDINANCE AMENDING THE ZONING MAP OF THE BOROUGH OF RIVERDALE AND PLACING BLOCK 26, LOT 21.03 IN THE PO-1 ZONE IN ITS ENTIRETY**

Mayor Budesheim 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 Councilwoman Wetzel, **RESOLVED** that Ordinance No. 13-2010 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 120-C

ORDINANCES (continued):

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

ORDINANCE 14-2010**AN ORDINANCE ESTABLISHING SALARIES OR WAGES OF OFFICIALS AND EMPLOYEES OF THE BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS**

Mayor Budesheim 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 Guis set forth the motion, seconded by Councilman Carelli, **RESOLVED** that Ordinance No. 14-2010 as read on second reading at this meeting, be adopted and finally passed.

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

COPY OF ORDINANCE AND RESOLUTION IN FULL ON PAGE NO. 121-D**RESOLUTIONS:**

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

- 1) Payment of Claims. (including the following)
 - A) Language Line Services – court o/e - \$91.80
 - B) L&S Office Supplies – various dept’s - \$169.92
 - C) Gloria Carelli – Food Pantry - \$500
- 2) **Resolution No. 77-2010;** Refund of Tax Overpayments Block 40, Lot 2.8103 – Mary Korsai - \$847.90 – 2009 County Board Judgment.
- 3) **Resolution No. 78-2010;** Refund of Tax Overpayments Block 40, Lot 2.8303 – Richard Vogel - \$467.21 – 2009 County Board Judgment.
- 4) **Resolution No. 79-2010;** Authorizing the Execution of a Developer’s Agreement between the Borough of Riverdale and Robin LaHue, as Trustee of Anthony Pio Costa Sub-trust B, and Anton Company.
- 5) **Resolution No. 80-2010;** Resolution Urging Legislators to Revise Assembly Bill No. 3447 to Enable the Sending Municipality to Secure the Right to Count the Affordable Units it Funded Against the Number of “Qualifying Units” in the Municipality.
- 6) Approval of the professional invoices to be paid from escrow account: a) Johnson, Murphy Hubner, TCR/Alexan, \$56.00. b) Anderson & Denzler, TCR Alex \$885.50.
- 7) **Resolution No. 81-2010;** Tax Sale Certificate Redemption - #09-00003 – Block 11, Lot 5.1203 – Paul/Stephanie Do - \$15.38.

RESOLUTIONS (continued):

- 8) **Resolution No. 82-2010;** Cancellations inclusive of the following: 1) Cancellation of Prior year Outstanding Checks, 2) Cancellation of Various Balances, and 3) Cancellation of Improvement Authorizations.
- 9) **Resolution No. 83-2010;** Transfer of Appropriations.
- 10) **Resolution No. 84-2010;** 2011 Temporary Appropriations.
- 11) **Resolution No. 85-2010;** 2011 Professional Agreement – Anderson & Denzler Associates (William Ryden, P.E.).
- 12) **Resolution No. 86-2010;** 2011 Professional Agreement – Darmofalski Engineering Associates (Paul Darmofalski, P.E.).
- 13) **Resolution No. 87-2010;** 2011 Professional Agreement – Lomurro, Davison, Eastman, & Munoz (John L. Kraft, Esq. Bond Counsel).
- 14) **Resolution No. 88-2010;** 2011 Professional Agreement – Johnson, Murphy, Hubner, McKeon, Wubbenhorst & Appelt (Robert H. Oostdyk, Jr., Esq.) Borough Attorney.
- 15) **Resolution No. 89-2010;** 2011 Professional Agreement – Richard Clemack, Esq. Special Counsel.
- 16) Approval of application for an “Energy Efficiency and Conservation Block Grant” and authorizing Mayor Budesheim to make application and endorse with his signature.

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

COPY OF BILLS LIST AND RESOLUTIONS IN FULL ON PAGE NO. 122- E, F, G, H, I, J, K, L, M, N, O, P, Q AND R**COMMITTEE REPORTS:**

Councilman Falkoski reported the Court Report for November 2010.

Mayor Budesheim reported on a meeting he had with the Court Administrator. We spend about \$3,000 per year on merchant fees for credit cards for the court system. The court takes in about \$125,000 through the credit cards and about two thirds of that goes to the state and county. We decided to install a computer across from the payment window that will allow direct credit card payments to the OAC for a \$3 service charge and this will save us the merchant fees.

Councilman Guis asked if any further action is needed to go out to bid for the street sweeper. Borough Attorney Oostdyk stated the specs are completed.

Thereupon, Councilman Guis set forth the motion, seconded by Councilwoman Wetzel, to authorize the Borough Clerk to advertise for bids for a new or demo model street sweeper to be received on January 31, 2011 and to verify that funds are available.

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

Councilman Astarita reported that the Community Development Block Grant deadline is January 7th.

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: 7:45 p.m.

Respectfully Submitted:

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

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, Falkoski, Guis, Wetzel**
 Absent: **Loesner, 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 MATTERS DEEMED NECESSARY BY THE GOVERNING BODY TO FINALIZE 2010 YEAR END.

RESOLUTIONS:

Mayor Budesheim explained that the tax maps need to be redone before a re-val and DMC Associates was recommended by the Borough Engineer.

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

- 1) **Resolution #90-2010;** Transfer of Appropriations.

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

COPY OF RESOLUTION IN FULL ON PAGE NO. 124-A

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

- 2) Approval of Professional Land Surveying Services proposal with DMC Associates, Inc. for the preparation of tax maps in the amount of \$45,500 in anticipation of Revaluation.

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

MAYOR REPORT:

Mayor Budesheim stated that we are not reactivating the Municipal Alliance Committee because the State and County regulations have become too burdensome. He also stated that the Police Chief has requested the Police Secretary's hours be increased by 5 hours which is an additional \$5,000. It was decided to keep her at 25 hours at least until we do the budget. There was a discussion regarding the minimum number of hours an employee must work to be considered full time and eligible for health benefits. Mayor Budesheim reported on outside contractors paying for traffic duty, our actual cost and how it affects the budget and the cap. Several companies still owe us money from 2007 – 2009 and they are supposed to be paying in advance. There was a discussion regarding why this is happening and how to enforce the policy. It was agreed the matter needs to be addressed.

ADJOURNMENT:

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

ALL IN FAVOR

Adjourned: 9:20 a.m.

APPROVED:

Respectfully Submitted:

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