

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY MARCH 24, 2010

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the following resolution be introduced, adopted and duly passed on roll call vote:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, (N.J.S.A. 10:4-12) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, as follows:

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
Negotiations
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

Discussion ensued over negotiations for the Heritage Hills property and contract negotiations.
No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Visconti, seconded by Councilman Pignatelli, the Executive Session be closed.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

MEETING CALLED TO ORDER: By Mayor Szabo at 7:38 pm.

ROLL CALL: Mayor Szabo called the meeting to order and the Clerk called the roll. Present: Mayor Szabo, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti. Absent: Councilman Di Pentima. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney; Borough Engineer Steven Busanic.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Mayor Szabo announced this meeting is being held in accordance with the Open Public Meetings Law duly announced and included in the schedule of regular meetings.

PRESENTATION BY VALLEY MIDDLE SCHOOL FUTURE CITIES TEAM:

Mayor Szabo advised that three Valley Middle School students-Monica Chung, Emily Gore and Matthew Whittle-took second place in the national Future Cities competition. He congratulated the school for making it to the nationals for the ninth year. Councilwoman Marcalus presented the students with certificates for their accomplishment.

APPOINTMENT OF JUNIOR FIREFIGHTER:

On motion of Councilman Pignatelli, seconded by Councilwoman Marcalus, Steven Longa be appointed as Junior Firefighter to the Oakland Volunteer Fire Department.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

CERTIFICATE-25 YEARS ON FIRST AID SQUAD:

Mayor Szabo explained that volunteers are the backbone of our community. The volunteers are always there for the Borough. Councilman Pignatelli presented a certificate to Vikki Castellano for 25 years of service to the Oakland First Aid Squad.

MAYOR'S REPORT:

Mayor Szabo commented on the storm that caused flooding to Oakland and throughout the State of New Jersey. The strong storm combined with the snow melt and saturated ground flooded the Roosevelt area. The Borough suffered road damage in that area. The Borough lost power in the southern part of town. Mayor Szabo commended the OEM, Fire Department, Police Department and First Aid Squad. He commended Roy Bauberger who lost his mother that night but still maintained control as OEM Coordinator. The flood gates operated to protocol and the Colony and Pleasureland areas were not affected by this event. The scouring on the river near Route 287 has gotten much worse. A tree that came from upstream caught the inside of one of the gates at the Pompton dam. Mayor Szabo had a conversation with the DEP about what has to be done on the upper part of the river. The downstream communities are very upset at their flooding. Mayor Szabo attended a discussion today of all downstream communities that flooded. There was no talk of shutting down the gates because Oakland would not allow that to happen. There are concerns about the rate of flow. They are going to investigate other avenues of channelization. There was talk of lowering the lake prior to storms. The complication is that the water also serves as a water supply. They are going to look at desnagging anything that causes an obstruction and those items will be able to be removed without a permit on an emergent basis. Mayor Szabo did speak to the DEP today about the problems the Borough is having upstream.

He is hopeful that they will pursue every avenue to alleviate the flooding upstream. Mayor Szabo advised that a Passaic River flood task force has been created and he will be a part of their discussions because he wants to protect Oakland's interests with the gates. Mayor Szabo was able to make a case to the DEP that what is happening upstream is affecting downstream.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Burns, seconded by Councilman Visconti, this portion of the meeting be opened for public discussion.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

Barbara Sanders, 55 Hirshfield in New Milford, came in support of the Fischetto family and their riding facility. They were given a permit to do the work and then were given a stop order. This caused the family financial hardship. Ms. Sanders does not know how the town could have done this. Mayor Szabo explained that this is part of ongoing litigation. He explained that sometimes permits are issued in error. There was a violation for the height of the building which exceeds code and is also a non-conforming use. The Borough made a decision to issue a stop work order. The Judge said the Borough did not have the power to stop construction. The Borough is now deciding whether to appeal. Ms. Sanders commented that consideration needs to be made to the expenses incurred because of someone's error.

Louis Dyrsten, 74 Roosevelt Blvd., asked if there was any talk about the embankment collapsing into the river. Mayor Szabo responded that there are serious issues. The Borough has included scouring in the FEMA estimates for damage from the storm. The Borough has been trying to address these issues for the past few years. We believe this is a result of 287. The DOT was going to investigate this and then they backed off. Mayor Szabo explained he is working through Congressman Garrett's office and Congressman Pascrell's office to say that the Borough cannot have these conditions. He is hopeful that attention from this flood will bring some action. Unfortunately, we are dealing with a major beauracracry. He commended Roy Bauberger for documenting all the damage for FEMA. Councilman Pignatelli advised that last year, the Borough showed the DEP, DOT, Army Corps and FEMA the damage. We will show them the damage again this year. Mayor Szabo advised that the Borough is going to have to look to the Federal Government for a solution. FEMA has indicated they have funds.

Ken Hayes, 82 Roosevelt Blvd., advised that Congressman Garrett's office said Oakland wouldn't pay for the study so they dropped the matter. Mayor Szabo advised that the reason we went to Congressman Garrett was because Oakland does not have that money. Mr. Hayes advised there is a dangerous tree on his neighbor's property which is in foreclosure. Mayor Szabo responded that the bank is responsible to take down the tree. Councilman Burns commented that the Borough Administrator should contact Shade Tree Commissioner John Schaus. The Borough can possibly take down the tree and put a lien on the property.

Tony Fischetto, 695 Ramapo Valley Road, asked what the Borough's intention is with the appeal. Mayor Szabo responded that he cannot discuss this because it is a part of litigation. The Mayor and Council have not decided whether to appeal. The Borough has 45 days from the date of the judgment. Borough Attorney Chewcaskie advised that there is a resolution on the agenda tonight to authorize the appeal.

Patrice Norell, Ridgewood, is concerned because she has a pony at the equestrian center. There were hundreds of people who signed a petition in favor of the equestrian center. There has to be a compromise. She asked the Mayor and Council to think of the consequences of the appeal.

Sheryl Mader, 53 Iroquois Ave, supports the barn and thinks the Mayor and Council should support the judge's decision.

Vicki Calabrese, 9 Saratoga Drive, is pleased with what they have done to the property. Mayor Szabo commented that there are issues concerning whether the judge ruled on the right issue legally. If the Council adopts the resolution, it is to preserve the right to appeal since there is a timeframe. The Council will decide in Executive Session how far to pursue the appeal. The Mayor and Council are cognizant of the error and the cost and of the petition.

Caitlyn Mader, 53 Iroquois Ave, doesn't understand why the Council would use taxpayer money to appeal the judge's decision. This is an asset to the town.

Megan Campbell, 176 Lincoln Ave of Dumont, asked how this error was not caught earlier. Other people are suffering besides the owner of the property. She told the Mayor and Council to move on since the judge has already ruled.

Patrice Norell, commented that this hurt everyone when the stop work order was issued because there was no where else to ride. If the owners are forced to take the barn down, they will lose everything.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Pignatelli, seconded by Councilman Burns, this portion of the meeting be closed to public discussion.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

APPROVAL OF MINUTES: FEBRUARY 24, 2010

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of February 24, 2010 be approved.

ROLL CALL: Yeas, Councilmembers Burns, Marcalus, Pignatelli, Visconti.
Abstain, Councilwoman Stagg.

APPROVAL OF MINUTES: MARCH 10, 2010

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of March 10, 2010 be approved.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

APPROVE SIGN REQUEST-MANITO SCHOOL PTO

On motion of Councilman Burns, seconded by Councilman Visconti, approval be granted to Manito School PTO to place a sign at Bush Plaza for their spring fair to be held on May 22, 2010. The sign can be posted for two weeks prior to the event.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-74 INTEREST ARBITRATION REFORM

On motion of Councilman Visconti, seconded by Councilwoman Stagg, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the interest arbitration process was intended to fairly and adequately give all due consideration to the interest and welfare of the taxpaying public and support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities and Police and Fire Department personnel; and

WHEREAS, the New Jersey Employer-Employee Relations Act, adopted in 1968, was amended in 1977 to provide for interest arbitration as the statutorily imposed terminal step in the collective bargaining process for police and fire personnel as defined by the Act; and

WHEREAS, the Police and Fire Interest Arbitration Reform Act (L.1995, c. 425) was signed into law by Governor Christine Todd Whitman and became effective on January 10, 1996; and

WHEREAS, in 2005, the League of Municipalities' Arbitration Reform Committee suggested a number of Legislative reforms to the Interest Arbitration Process among the changes proposed by the Reform Committee were that: (1) the Arbitrator may not award salary increases in excess of the expenditure cap (N.J.S.A. 40A:4-45 et seq.); (2) the Arbitrator's Award may provide for salary increases limited to the budget cap imposed by the State of New Jersey and/or any lawful adjustment adopted by the public employer; and (3) the Arbitrator's award may provide for salary increases limited to the percentage established by the State or the lawful adjustment adopted by the public employer, as may be appropriate, on a department line basis; and

WHEREAS, in 2007 the Police and Fire Interest Arbitration statute was amended to add a new ninth factor of the 4% Tax Levy Cap which resulted in 4 of the 9 statutory factors in Interest Arbitration addresses the employer's fiscal situation; and

WHEREAS, municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy caps and it is the norm rather than the exception for state approved arbitrators to award raises for police salaries at rates that exceed the annual caps; and

WHEREAS, binding arbitration awards in excess of the caps forces municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pension increases, to police and fire personnel, and cost for police and fire services continue to spiral at an unacceptable rate; and

WHEREAS, the state approved interest binding arbitration process is inconsistent with the State cap laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility; and

WHEREAS interest arbitration should be reform to provide that the cost of living and the employer's ability to pay should be given greater weight and the total costs of the arbitrator's award, including steps and cost of living (COLA) increases, should not exceed the cost of living; and

WHEREAS, arbitrators should be required to evaluate and analyze the total cost of the salaries and benefits, including step increases, and must provide a detailed line item analysis and explanation of the costs in the award; and

WHEREAS, arbitrators must also evaluate and analyze the overall compensation received by the bargaining unit, including vacations, longevity, holidays, excused leave, medical and pension benefits; and

WHEREAS, arbitrators should be required to live in New Jersey and the process of selecting the arbitrators and length of time the Arbitration process takes needs to be reviewed;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Oakland in the County of Bergen, State of New Jersey hereby urges the New Jersey State Legislature to pass legislation containing substantial reforms to the binding arbitration process; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senator O'Toole, Assemblymen Russo and Rumana, the New Jersey State League of Municipalities and the Office of the Governor

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-75 AUTHORIZE EXTENDED WORK HOURS-KOREAN CHURCH
Councilwoman Marcalus questioned what time they can start work on other days. Mayor Szabo responded they can start at 7 am. The Mayor and Council are restricting their hours from 9 am to 5 pm on Saturdays. The approval can be rescinded for just cause. Councilman Burns suggested making this effective this Saturday. He suggested making the approval good for 64 or 65 days so it encompasses a full 9 weeks.

On motion of Councilwoman Marcalus, seconded by Councilwoman Stagg, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Korean Presbyterian Church is in the process of constructing improvements at the property located at 222 Ramapo Valley Road; and

WHEREAS, the Church has requested a variance of the hours of operation for construction and site work on the project; and

WHEREAS, Borough Code Chapter 3-3.8 allows variances for good cause shown.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the request of the Korean Presbyterian Church, for a variance from the provisions of the Borough's Noise Ordinance, is conditionally granted, subject to the following terms and conditions: (a) the hours of operations permitted on Saturday shall be 9:00 a.m. to 5:00 p.m. (b) only on-site construction activities are allowed on Saturday. No deliveries or soil movement within or out of the site shall be permitted. (d) the Korean Presbyterian Church or its contractor shall notify the neighbors adjoining the property and provide a copy of this resolution to all such neighbors. (e) the variance approval granted herein is valid for 60 days, commencing April 1, 2010. (f) the variance approval granted herein is revocable at the Council's discretion, based on complaints or site observations that would lead the Council to believe that revocation of the variances is in the best interest of the public.

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to maintain a copy of this Resolution for public inspection.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-76 AUTHORIZE TAX REFUNDS

On motion of Councilman Visconti, seconded by Councilwoman Stagg, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough of Oakland has received requests for refunds of 2010 tax overpayments; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon the advice of the Chief Financial Officer and the Tax Collector, do hereby authorize refunds as follows:

BLOCK/LOT	OWNER/MORTGAGE COMPANY	AMOUNT
1201/22	Wortley, Paul & Lara	\$3,088.26
4904/7	Mazzola, Jack	\$3,143.33
3401/25	First American Real Estate Tax Services, Recoveries Dept.(Robinson, Sean & Roseanna)	\$ 2,768.15

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-77 AUTHORIZE APPEAL

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough of Oakland was a defendant in the litigation involving the Winter Haven Equestrian Center entitled Frank Kelly, Janine Kelly, Anthony Fischetto and Kathy Fischetto d/b/a Winter Haven Equestrian Center vs. Borough of Oakland and Borough of Oakland Construction Code Official, Daniel Hagberg, Superior Court of New Jersey, Law Division, Bergen County Docket No. BER-L-9945-09(PW); and

WHEREAS, the matter was tried and a Judgment issued by the Court on February 19, 2010 in favor of the plaintiffs; and

WHEREAS, the Mayor and Council is desirous of appealing this ruling; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Borough Attorney is hereby authorized to commence an appeal of this matter by filing and serving any and all documents required to institute this appeal.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Brian M. Chewcaskie, Borough Attorney.

Councilman Burns explained that the Borough needs to protect its rights and the ability to defend the decision. He hopes that an amicable solution can be reached. It might not be necessary to go to court. He is in favor of protecting the Borough's rights. Councilwoman Stagg would move forward to protect the Borough's interests at this point even if we don't move forward in court.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-78 AUTHORIZE PARTICIPATION IN COOPERATIVE PRICING SYSTEM

On motion of Councilman Visconti, seconded by Councilwoman Stagg, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, N.J.S.A.40A11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Cranford Police, Township of Cranford, as Lead Agency of the Cooperative Pricing System (System Identifier #47-CPCPS) has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, some items may include, but not limited to, civilian vehicles, police vehicles, mobile data equipment, and in-car video systems; and

WHEREAS, the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A.40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey; and

WHEREAS, the Borough of Oakland wishes to become a participating member of the Cranford Police Cooperative Pricing System; and

WHEREAS, each participating municipality in the Cooperative is authorized to enter into contract directly with vendors in their pricing system pursuant to the terms and conditions of the bid(s) by its governing body and in accordance with the applicable laws;

WHEREAS, any purchase made through the Cooperative Pricing System will be made with Council approval and all certifications will be done at that time;

WHEREAS, the availability of cooperative pricing best serves the needs of the Borough and the Borough Administrator recommends utilization of this contract;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, that the Borough of Oakland is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency, Cranford Police Cooperative Pricing System.

Mayor Szabo advised that this resolution authorizes us to participate in the Cranford pricing system. At the next meeting, the Council will pass a resolution to purchase the cars. There is no fee to join the cooperative pricing system and the Borough will save \$750 on the purchase of the vehicles. Councilwoman Stagg is not sure the Borough can afford to buy the cars. Mayor Szabo responded that we need the vehicles.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-79 ESTABLISH PETTY CASH FUND-FIRE DEPT.

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county or municipality by application and resolution; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Oakland, County of Bergen to establish such a fund for the Oakland Volunteer Fire Department in the amount of \$200; and,

WHEREAS, the custodian for this fund is James A. Mangin, CMFO, who is bonded for the amount of \$1,000,000; such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby authorizes such action and that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-80 DEDICATION BY RIDER-ACCUMULATED ABSENCES

On motion of Councilman Visconti, seconded by Councilwoman Stagg, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and,

WHEREAS, N.J.A.C. 5:30-15 permits municipalities to receive amounts for costs incurred for Accumulated Absences; and,

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen as follows:

1. The governing body hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for Accumulated Absences created in accordance with the provisions of N.J.A.C. 5:30-15 as per N.J.S.A. 40A:4-39; and
2. The municipal clerk of the Borough of Oakland is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Mr. Mangin advised that this authorizes the Borough to start a trust fund for accumulated absences for employees. This authorizes the Borough start a trust to build up so that when an employee retires, payouts can be made from the fund.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-81 AMEND TEMPORARY BUDGET

On motion of Councilman Visconti, seconded by Councilwoman Stagg, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, NJSA40A:4-20 of the Local Budget Law provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget, the governing body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the adoption of the budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that, based on the recommendation of the Chief Financial Officer, that the following emergency temporary appropriations be made and that a certified copy of this resolution be filed with the Director of the Division of Local Government Services:

Current Fund

Account # Appropriation	Description	New
0-01-23-210-001	Insurance – JIF Assessment	\$ 25,000
0-01-43-490-036	Municipal Court – Office Supplies	\$ 2,000

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-82 APPOINT SUBSTITUTE CROSSING GUARD

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Police Chief has requested the appointment of a Substitute School Crossing Guard and has completed all necessary background investigations

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby appoint Dawn Allen as a Substitute School Crossing Guard at a salary of \$14.02 per hour effective March 24, 2010.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-83 AUTHORIZE RECREATION REFUND

On motion of Councilman Burns, seconded by Councilwoman Stagg, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough of Oakland has received a request for a refund of a Baseball Registration fee in the amount of \$55; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby authorizes a refund of \$55 to Jill Harrington of 110 Page Drive Oakland, New Jersey.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

INTRODUCTION: ORDINANCE NO. 10-CODE-620

The Clerk was directed to take from table Ordinance No.10-CODE-620 and read by title for its first reading.

The Clerk then read by title Ordinance No. 10-Code-620 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND ENTITLED "TREE REMOVAL AND PROTECTION" TO AMEND THE DEFINITION AND APPLICATION PROCEDURE SECTIONS THEREOF.

On motion of Councilman Burns seconded by Councilwoman Stagg, the following resolution be introduced, adopted and duly passed on roll call vote.

BE IT RESOLVED that an Ordinance entitled, "An Ordinance Amending And Supplementing Chapter XIX Of The Revised General Ordinances Of The Borough Of Oakland Entitled "Tree Removal And Protection" To Amend The Definition And Application Procedure Sections Thereof.", be introduced;

That said Ordinance be considered for final adoption at a meeting on April 14, 2010 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before April 4, 2010 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

INTRODUCTION: ORDINANCE NO. 10-BOND-621

The Clerk was directed to take from table Ordinance No. 10-Bond-621 and read by title for its first reading.

The Clerk then read by title Ordinance No. 10-Bond-621 entitled: "BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$65,500 FOR THE ALLERMAN BROOK FLOOD CONTROL PROJECT IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the following resolution be introduced, adopted and duly passed on roll call vote.

BE IT RESOLVED that an Ordinance entitled, Bond Ordinance To Appropriate An Additional Sum Of \$65,500 For The Allerman Brook Flood Control Project In, By And For The Borough Of Oakland, In The County Of Bergen, New Jersey, To Authorize The Issuance Of Bonds To Finance Such Additional Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds”, be introduced;

That said Ordinance be considered for final adoption at a meeting on April 14, 2010 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before April 4, 2010 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

Discussion ensued. Borough Engineer Steven Busanic explained that the extra work is for the additional retaining wall design and additional construction inspection. The 2007 authorization allowed for Boswell to pursue the permits and prepare bid documents. The work includes a 92 foot gabion wall that needs to be rebuilt. Councilman Pignatelli asked why the gabion cage collapsed. Mr. Busanic commented that the original design may not have used galvanized steel cages. Once the brook starts to erode, that could affect the rest of the cages. The replacements will be galvanized steel. Councilwoman Marcalus asked if the job can be done in four weeks. Mr. Busanic responded that he can push his staff. Mayor Szabo commented that the Borough has wanted to move forward for years on this project. Mr. Busanic advised that construction would have to start after August 1st. Councilman Pignatelli questioned if most of the specifications were already prepared. Mr. Busanic responded that the DEP made some comments that need to be addressed in the specs. Councilman Burns asked if the ordinance should state that the additional funding is required because of additional deterioration. Mr. Chewcaskie responded he would not change the language that the bond counsel put in. Councilman Burns commented that the CFO could check with the bond counsel. Mr. Mangin responded that he did speak with bond counsel and the bond counsel understood what the scope of work was. There is very specific language required for a bond ordinance and he would not change the wording.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

FINAL PUBLIC HEARING: ORDINANCE NO.10-CODE-619 CARRIED
Ordinance 10-Code-619 will be rescheduled for final adoption on April 14, 2010.

WORK SESSION:

ORDINANCE FOR SNOW REMOVAL-FIRE HYDRANTS:

Councilman Pignatelli commented that many municipalities have ordinances that require residents to clear fire hydrants of snow. The Fire Department has requested this ordinance. Mayor Szabo would encourage this ordinance. Councilwoman Marcalus questioned how residents would be notified of this ordinance. Mayor Szabo responded it could be put in the Crossroads, on Channel 77 and on the website.

Councilwoman Stagg does not feel that residents should have to clear a 10 foot radius around the fire hydrant. She asked why they couldn't clear 10 feet on the street side or a radius of two feet around. Councilman Burns questioned why the resident would have to clear 10 feet behind the

fire hydrant. That will go onto people's lawns. Mr. Chewcaskie responded that a sidewalk is three feet so he suggested a three foot radius.

Mayor Szabo suggested that Councilman Pignatelli discuss this with the Fire Department to see if they are ok with the changes. Then it could be listed on the next work session. Councilman Visconti commented that the biggest problem is the DPW plowing snow over the hydrant so the resident cannot find the hydrant. Maybe the hydrants can be marked. Councilwoman Stagg commented that residents have 24 hours to clear sidewalks. She asked why they would only have 12 hours to clear the fire hydrant. Councilman Pignatelli will take these suggestions to the Fire Department. Councilman Burns commented that there is an ordinance about throwing snow into the streets and one about clearing sidewalks and both have a penalty involved. This ordinance would be meaningless without a penalty. Mayor Szabo responded that this ordinance is amending a section of code that already has penalties.

AMEND TOWING ORDINANCE:

Mayor Szabo advised that the Police Department recommended a minor change to the ordinance. Councilman Pignatelli advised that this addresses fees. Councilwoman Marcalus commented that it was a typo. This ordinance will be introduced on April 14th.

DPW BUILDING RENOVATIONS:

Councilman Visconti commented that in 2007, the cost estimate for the project was \$ 3 million. The scope of work was revisited and we came up with a scaled down version of the project. The cost estimate is down to \$ 2.4 million. The proposal from Grace Lynch for the architect's fee is \$ 230,000. More discussion will be required after everyone reviews the proposal. This will be scheduled for the April 14th work session.

ZONE CHANGE REQUEST:

Mayor Szabo explained that there is a recommendation from the Planning Board to change the zone for Block 4202, Lots 1, 2 and 3 from CO to RA2. There is also a recommendation to change Block 3703, Lot 38 from CO to RA3. Councilman Pignatelli commented that unless he hears compelling reasons to change, he is not in favor. A zone change to residential would require the Borough to expand municipal services. The Borough would not receive the benefit. Councilman Burns commented that he strongly feels the same way. This project is talking about 21 single-family lots and affordable housing units. He commented that he thought the DEP would only allow the Borough 12 more septic so he questioned how we could allow so many units. This will put an additional burden on the Borough and the schools. He sees no reason to change and is not in favor. Councilwoman Stagg wants to see a site map and get a better feel for the property before moving forward. Councilwoman Marcalus commented that she was against the idea at first. But during testimony, it became clear that this would be the best use for the land. An industrial use would be difficult. Councilman Pignatelli commented that it costs between \$ 13,000 and \$ 18,000 to educate a child in the school system. The Borough will not realize those taxes from each home. The Borough does not need the additional expense at this time.

Mayor Szabo agreed with Councilwoman Marcalus. This may be a desirable alternative to a Corporate Office use. He suggested this discussion be carried to April 14th. Mayor Szabo will ask the Planning Board secretary to provide specific reports to the Council: the planning report, the fiscal impact report, the memo from Burgis dated February 5, 2010 and the traffic report. Councilwoman Stagg asked if a map is included. Mayor Szabo responded it is part of the planning report. Councilman Burns asked if the planning report included a traffic study. Mayor Szabo responded that it did and the rezoning would lead to less traffic. This discussion will be scheduled for the April 14th work session.

NEW BUSINESS:

Mayor Szabo advised that the Council needs to set up some dates for budget meetings. Mr. Mangin advised that the budget needs to be introduced by April 14th. We anticipated a 10% reduction in State Aid but the Borough was hit with a 20% reduction. Meeting dates were set for Wednesday March 31st and Wednesday April 7th at 7 pm at the Council Chambers.

COUNCIL REPORTS:

Councilman Pignatelli: Last week the First Aid Squad held a CPR recertification course. Police and Fire attended.

Councilman Burns: The Shade Tree Commission will plant trees for Arbor Day which is April 30th. If any resident is interested in planting a tree in the Borough's 10 foot right-of-way, please call the Shade Tree Commission. The Shade Tree Commission is in need of a new member. Recreation Summer camp signups have begun. Open camp has been expanded to include incoming 9th graders. There is sport signup information on the recreation website. Congratulations to the Roller Hockey Midget Team which made it to the championships and were league runners-up. Congratulations to the FLOW youth ice hockey team, the Bergen Edge, which is made up of 90% Oakland players. They won the fall/winter championships at three levels. The Bruce Springsteen cover band, the B-Street Band, will play on April 30th at the Knights of Columbus. Proceeds will help the Travel Baseball Cooperstown team.

Councilwoman Stagg: No report.

Councilman Visconti: No report.

Councilwoman Marcalus: The schools were cut 100% of the State Aid. Both districts are working to absorb the cuts as much as possible. She urged voters to attend the budget hearings. The Ramapo-Indian Hills budget hearing will be held on March 31st and the K-8 budget hearing will be held on April 1st. The school election will be held on April 20th from 2 pm to 9 pm. She congratulated Indian Hills IT University Program Seniors Steven Szabo, James Yuzawa, Eric Bichan and Jonathan Constance who placed third in the NJIT High School Web Design Competition for their Category 1 website. Also, the IT Juniors Ross Lazerowitz, Stephen Maggio and Ryan Abranovic placed fourth in the Category 2.

BILLS TO BE PAID:

On motion of Councilman Visconti, seconded by Councilwoman Stagg, the following bills be submitted for payment:

(see following pages)

BE IT RESOLVED that the foregoing bills be paid and charged to their respective accounts when the funds are available.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

MEETING ADJOURNED:

On motion of Councilman Visconti, seconded by Councilwoman Stagg, the meeting be adjourned at 9:50 pm.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

Lisa M. Duncan, Borough Clerk
April 14, 2010

Mayor John P. Szabo, Jr.

Date Approved