

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY AUGUST 11, 2010

MEETING CALLED TO ORDER:

ROLL CALL: Mayor Szabo called the meeting to order and the Clerk called the roll. Present: Mayor Szabo, Councilmembers Marcalus, Pignatelli, Stagg, Visconti Absent: Councilmembers Burns and Di Pentima. Also Present: Deborah Krebs, Deputy Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

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.

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MAYOR'S REPORT: Mayor Szabo stated they have received a request from the Department of Environmental Protection asking the residents to please conserve water. Based on all the rain they received in the Spring, it is hard to believe there is a water shortage and as far as he knows, Oakland has a very strong groundwater situation. Water is a precious resource and the State is requesting the residents to conserve.

OPENED FOR PUBLIC DISCUSSION:

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

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

Marjorie Angermueller – 24 Lakeview Terrace reported this past weekend the Boy Scouts were able to clear the over growth at the Van Allen House creating additional spots for parking. She estimated there would be enough room for twelve parking spaces. The Fell House in Allendale recently had a large group of visitors so they made arrangements with a local Church to use their parking lot. The Van Allen House has the Catholic Church nearby and there is access from Seminole Avenue. She stated if they were to hold a large event at the Van Allen House, they could request the same arrangements. The Brownies also recently visited.

Lorraine Menonna – 48 Hiawatha Boulevard stated she felt every community wants to honor their history and their historic buildings, but it is difficult to restore them without putting a strain on the economy. George Washington slept at the Van Allen House and sent a letter to the Second Continental Congress from there. She feels the Stream House is an eyesore and the most reasonable course of action is to demolish it. It would also resolve some of the parking issues they have at the Van Allen House, which is a building that is worthy of the town's efforts.

Mayor Szabo explained they received \$80,000 in Grant funds to pay for a study that is required by the State of New Jersey. The State considers the entire property historical as they have been joined. Before they can even consider taking down the Stream House, they have to do this study which will answer a lot of questions. Once the report is done, it will become public and there will be a public hearing. The consultant will be at the meeting to answer questions. He agrees that the Stream House is an eyesore and it would require a lot of expense and work. If the Stream House is determined not to be historic, they may want to restore it through a non-historic standard at a lesser cost. In addition, they need to find out if there is an adaptive reuse to the structure and what its worth would be to the community. This restoration project is taking longer than they wanted it to take but once the study is complete, the results will be presented and the public will have the opportunity to express their opinions. The Suburban newspaper had an article about the site, which has spurred renewed interest. There are residents who are in support of restoring the entire site.

Vincent Menonna- 48 Hiawatha Boulevard questioned where the money would come from and who would pay for the expense. He stated grant monies are not always 100% and there may be a 50% match.

Mayor Szabo stated after the study they would definitely pursue grants, but the grants do not pay 100%. There would be fundraisers, events and as a community they would have to decide what funds the town wants to put towards this. They have not committed any public money towards the restoration as of this date. They want to hear from the public and the public will have their opportunity to speak.

Councilman Visconti explained the \$80,000 in funds to do the study came from grants from both the State and County. Our community pays money to both the County and State Preservation Commissions. This is money we would be getting back. If we don't pursue these grants, they will go to another community. They have to do the study in order to have the plan. There is money available but we have to do the study to request more funds.

Dot Oblak, 52 Grove Street - stated studies have not accomplished any improvements or made any progress. She felt the Stream House could be joined to the Van Allen House to make a museum and then there would be a place for residents to display historical items.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: JULY 28, 2010

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of July 28, 2010 be approved.

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

APPROVAL OF MINUTES: JULY 14, 2010 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council Executive Session of July 14, 2010 be approved.

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

APPROVAL OF MINUTES: JULY 28, 2010 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council Executive Session of July 28, 2010 be approved as amended to include the name of the specific property discussed on Page 2, second to the last paragraph.

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

APPROVE SIGN REQUEST:

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the Council approved the request of the Family Reach Foundation to post a sign at Bush Plaza for their 5K and Family Fun Run to be held on October 24, 2010.

Discussion: Councilman Pignatelli questioned the size of the sign to be displayed. Councilwoman Marcalus stated it is the same sign they have used in the past. He believes the sign has to fit the posts that are in place. Upon discussion, this item will be listed for Work Session discussion for the next meeting.

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

RESOLUTIONS:

CONSENT RESOLUTIONS 10-149 AND 10-153 THROUGH 10-161

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, Resolutions 10-149 and 10-153 through 10-161 be introduced, adopted and duly passed by roll call vote:

Discussion: Councilwoman Marcalus asked for an explanation on Resolution 10-159 for the Change Order for Well #7. Administrator Kunze explained that the Change Order is necessary because the screen liner in the specifications was the wrong size. There are additional costs and we are looking into getting a credit for the new one through our Engineer from Crew. It was not an error by our Engineer but an error in old paperwork.

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

RESOLUTION 10-149 AUTHORIZE TWA APPLICATION-SHOP RITE

WHEREAS, an application has been made to the Borough of Oakland by Jayare Associates, Inc. with respect to the project known as ShopRite for the repair of an existing sewer disposal system to service an existing supermarket; and

WHEREAS, the Water and Sewer Engineer for the Borough, Crew Engineers, has reviewed the application and the drawings submitted in support thereof and by letter dated July 22, 2010, has recommended that the Borough approve the project and provide its consent to the Treatment Works Application to be filed with the New Jersey Department of Environmental Protection subject to review and approval of the Oakland Board of Health; and

WHEREAS, the Oakland Board of Health has reviewed the application materials and recommended to the Borough to approve the project and endorse its consent to the Treatment Works Application.

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

The Mayor is hereby authorized to execute the necessary consent by Governing Body to be attached to the Treatment Works Application to be filed on behalf of Jayare Associates, Inc. for the project known as ShopRite subject to the following:

- A. The construction shall conform to all applicable requirements of the Borough of Oakland and the Board of Health of the Borough of Oakland.
- B. The installation of all sewer lines and appurtenances shall be inspected and approved by the Borough of Oakland and/or the Borough of Oakland Board of Health.
- C. Jayare Associates, Inc. shall pay for all engineering expenses incurred by the Oakland Board of Health and the Borough of Oakland for all inspections and testing of the sewer lines and/or appurtenances.
- D. Jayare Associates, Inc. shall pay for the Borough's application fees, legal fees and other applications, administrative, technical or any other expenses relating to review of the project.
- E. Any manholes constructed or modified by reason of this project be fitted with sewer guards to prevent inflow. All manholes constructed must be installed with all required waterproofing measures, including exterior painting and pipe gasket interlock.
- F. Water conserving plumbing fixtures be installed in all new buildings constructed as part of this project.
- G. Jayare Associates, Inc. shall comply with all conditions imposed by the Oakland Board of Health.
- H. Jayare Associates, Inc. shall comply with all rules and regulations of the Borough of Oakland, the Oakland Board of Health and the New Jersey Department of Environmental Protection.
- I. Jayare Associates, Inc. shall enter into an agreement with the Borough of Oakland that will require Jayare Associates, Inc., its successors and assigns, to abandon the wastewater facilities for the project and to connect to sewers, once sewer service becomes available to the project.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to Jayare Associates, Inc. and the Oakland Board of Health.

RESOLUTION 10-153 - APPOINT ALTERNATE PROSECUTOR AND PUBLIC DEFENDER

WHEREAS, the Municipal Court Judge has recommended the appointment of an alternate Prosecutor and alternate Public Defender in the event the Prosecutor or Public Defender is unable to attend Court; and

WHEREAS, N.J.S.A.2B:25-4 gives the Municipality the authority to appoint an alternate Prosecutor and N.J.S.A. 2B:24-4 gives the Municipality the authority to appoint an alternate Public Defender;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland make the following appointments effective August 11, 2010 except as noted:

Alternate Prosecutor:                    Laura A. Nunnink, Esq.  
November & Nunnink, LLC  
266 Harristown Road  
Glen Rock, NJ 07452

Alternate Public Defender:         Robert J. Kane, Esq.  
Weinberger Law Group, LLC  
2001 Route 46 East  
Parsippany, NJ 07054

Jacqueline Rosa, Esq. (Effective Sept. 1, 2010)  
159 Beverly Hill Road  
Clifton, NJ 07012

RESOLUTION 10-154 - CHAPTER 159 HISTORIC PRESERVATION GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland in the County of Bergen, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$30,000 which is now available from the Bergen County Historic Preservation Advisory Board in the amount of \$30,000.

BE IT FURTHER RESOLVED, that the like sum of \$30,000 is hereby appropriated under the caption Historic Preservation Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the Bergen County Historical Preservation Advisory Board in the amount of \$30,000.

RESOLUTION 10-155 - AUTHORIZE EXTENDED HOURS-KOREAN CHURCH PROJECT

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 variance approval granted herein is valid up to and including December 31, 2010. (e) 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.

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

RESOLUTION 10-156 AUTHORIZE AGREEMENT TO PAVE PORTION OF BL 4302, L 9

WHEREAS, the Borough is agreeable to allowing the owner of 181 Franklin Avenue to pave and utilize a portion of Borough property known as Block 4302, Lot 9, subject to certain conditions; and

WHEREAS, the Borough Attorney has prepared an appropriate Agreement for that purpose, which is annexed hereto and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the Mayor is authorized and directed to execute an Agreement allowing the owners of the property at 181 Franklin Avenue to pave a portion of the Borough's property known as Block 4302, Lot 9, for vehicular and pedestrian purpose, subject to conditions.

RESOLVED that the Borough Clerk be and she is hereby authorized and directed to maintain a copy of this Resolution, after the same has been fully executed, for public inspection.

RESOLUTION 10-157 CHAPTER 159 LONG HILL ROAD ADA IMPROVEMENT GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland in the County of Bergen, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2010 in the sum of \$5,000 which is now available from the Bergen County Division of Community Development – ADA Ramps Project in the amount of \$5,000.

BE IT FURTHER RESOLVED, that the like sum of \$5,000 is hereby appropriated under the caption Bergen County CDBG – ADA Ramps; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the Bergen County Division of Community Development – ADA Ramps Project in the amount of \$5,000.

RESOLUTION 10-158 AUTHORIZE NJ DOT GRANT APPLICATION

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland formally approves the grant application for the above-stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Oakland Borough-000266 to the New Jersey Department of Transportation on behalf of the Borough of Oakland,

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Oakland, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

RESOLUTION 10-159 CHANGE ORDER WELL 7

WHEREAS, on August 26, 2009 the Mayor and Council awarded a contract to A.C. Schultes of Woodbury Heights, NJ for the Rehabilitation of Well 7; and

WHEREAS, the Contractor purchased a screen insert and gravel pack (Muni-pak) that does not fit the well and now a smaller diameter Muni-pak must be purchased and installed;

WHEREAS, this Change Order No. 4 will result in an increase in contract cost from \$ 77,800 to \$ 87,107 and requires approval by the Mayor and Council; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-06-56-597-102;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorize Change Order #4 for \$ 9,307; and

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to sign all paperwork related to the Change Order.

RESOLUTION 10-160 AMEND CASH MANAGEMENT PLAN

WHEREAS, N.J.S.A. 40A:5-14.4b provides that each local unit shall annually adopt a Cash Management Plan and that plan may be modified by time to time to reflect the addition of other legal depositories for public monies; and

WHEREAS, the Borough of Oakland adopted said plan as codified in Resolution 10-09 approved in January 2010,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland in the County of Bergen, New Jersey, based upon the recommendation of the Chief Financial Officer, seeks to amend Section IV – Designation of Depositories of the Borough of Oakland Cash Management Plan to include the addition of Millington Savings Bank, with offices located at 1902 Long Hill Road, Millington, New Jersey 07946 as one of several official depositories of public funds.

BE IT FURTHER RESOLVED, that Millington Savings Bank does conform to the requirements established pursuant to section 8 of P.L. 1970, c.236 (C.17-9-44).

#### RESOLUTION 10-161 AUTHORIZE RECREATION REFUNDS

WHEREAS, the Borough of Oakland has received a request for (2) refunds of a Football Registration fee in the amount of \$120; 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 \$120 to John Jordan, 44 Walton Avenue, Oakland, NJ and a refund of \$120 to Anthony Crespo, 3 Cherokee Trail, Oakland, NJ

#### INTRODUCTION: ORDINANCE NO. 10-BOND-630

The Clerk was directed to take from table Ordinance No. 10-Bond-630 and read by title for its first reading.

The Clerk then read by title Ordinance No. 10-Bond-630 entitled: "A CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING A SUPPLEMENT TO ORDINANCE #10-617 FOR THE PURCHASE OF A FIRE RESCUE TRUCK, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$25,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL FUND BALANCE OF THE BOROUGH"

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

BE IT RESOLVED that an Ordinance entitled, A Capital Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey Authorizing A Supplement To Ordinance #10-617 For The Purchase Of A Fire Rescue Truck, By And For The Borough, Appropriating Therefor The Sum Of \$25,000 And Providing That Such Sum So Appropriated Shall Be Raised From The Capital Fund Balance Of The Borough, be introduced;

That said Ordinance be considered for final adoption at a meeting on September 15, 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 September 5, 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: Councilman Visconti stated at the last meeting he questioned what the residual estimate was on the truck that they are replacing. The trade-in value is only \$3,000. Administrator Kunze stated Anthony Marcucilli contacted a scrap dealer and the value was less than the \$3,000. The Borough could try to sell it. Councilman Pignatelli suggested they hold an Auction with a minimum price. It was noted that the DPW would have a use for it. Councilman Visconti felt the parts should be of some value.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 10-CODE-629

The Clerk was directed to take from the table Ordinance No.10-Code-629 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 2, SECTION 6A OF THE BOROUGH OF OAKLAND CODE ENTITLED "EMERGENCY SERVICE VOLUNTEERS LENGTH OF SERVICE AWARDS PROGRAM (LOSAP)", WITH RESPECT TO THE OAKLAND VOLUNTEER FIRE DEPARTMENT'

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, this portion of the meeting be open for public discussion.

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

CLOSED FOR PUBLIC DISCUSSION:

There being no one from the Public who wished to speak, on motion of Councilman Pignatelli, seconded by Councilwoman Stagg, this portion of the meeting be closed to public discussion.

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending Chapter 2, Section 6a Of The Borough Of Oakland Code Entitled "Emergency Service Volunteers Length Of Service Awards Program (Losap)", With Respect To The Oakland Volunteer Fire Department, be adopted;

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published by title in The Record in the manner provided by law.

Discussion: Councilman Pignatelli stated the amendment to the LOSAP will award extra points to correct inequities in the current point structure and the points needed to qualify would increase.

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

NEW BUSINESS

Mayor Szabo announced that the August 25<sup>th</sup> Meeting will be canceled due to vacation schedules. The next meeting will be on September 15<sup>th</sup>. This will be duly advertised in The Record.

COUNCIL LIAISON REPORTS:

Councilwoman Marcalus stated there is a Planning Board Meeting tomorrow night.

Councilman Visconti reminded the residents that there is an extension to August 23<sup>rd</sup> for them to pay their tax bills. If the taxes are not paid as of that date, the interest would be charged back to August 10<sup>th</sup>. He urged everyone to get their payments in.

Councilwoman Stagg – No Report.

Councilman Pignatelli stated the Board of Health does not meet in August and he reported on the Fire Department at the last meeting.

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 Marcalus, Pignatelli, Stagg, Visconti.

MEETING ADJOURNED:

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli the meeting be adjourned at 8:15 P.M.

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

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Deborah N. Krebs, Deputy Borough Clerk

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Mayor John P. Szabo, Jr.

September 15, 2010

Date Approved