

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY OCTOBER 13, 2010

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, seconded by Councilman Pignatelli, 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, Personnel
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, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

Discussion regarding contract negotiations and personnel matters.

CLOSE EXECUTIVE SESSION

On motion of Councilman Burns, seconded by Councilwoman Stagg, the Executive Session be closed.

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

MEETING CALLED TO ORDER: By Mayor Szabo at 7:37 pm.

ROLL CALL: Mayor Szabo called the meeting to order and the Clerk called the roll. Present: Mayor Szabo, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti. Absent: None. Also Present: Lisa M. Duncan, 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 advised that he has been attending meetings of the downstream communities. Those communities are blaming the installation of the gates on their continued flooding. Mayor Szabo has no problem with sending the letter recommended by the Flood Commission. To date, there has been no scientific evidence that shows that the gates are at fault but it is an emotional issue. Oakland has to be diligent to make sure our interests are protected.

Lew Levy, Chairman of the Flood Commission, would like to see the resolution go out as soon as possible. The resolution asks that Oakland's level of protection remains the same. This project only protects 1 mile of river and Oakland has 3 miles of river. There are portions of Oakland upstream that still flood. The Flood gates are operating as designed. The Governor's Commission is satisfied with the Army Corps report as well as the DEP. There is talk of lowering the level of the lake before a storm. They are also looking at reducing how high the dam opens and the frequency of flow.

Councilwoman Marcalus commented that she had been unsure about the letter that the Flood Commission wanted the Mayor and Council to send. However, she has read the resolution and the resolution reads very well. Mr. Levy responded that the Flood Commission wanted something from Oakland in writing because there is a large number of constituents who are not Oakland residents that want something done. The Governor had wanted the gates shut down and that would be catastrophic to Oakland. The DEP has indicated that if the gates were to be shut down, the Army Corps and Federal Government would not maintain the project. Therefore, the DEP does not believe the gates would be shut down. Mayor Szabo advised that the resolution modeled on the Flood Commission letter.

Mr. Levy advised that due to Oakland's community rating, our residents pay the highest level of flood insurance. The Flood Commission is trying to work with DEP and FEMA to get the rating changed so the rates can be lowered for the residents. The Roosevelt embankment is caving in horribly. The NJDOT cleaned under the 287 bridge six months ago and it looks like it was never done. There are trees along the Ramapo River that are falling in. Mr. Levy advised it is our responsibility to maintain the channel. The Borough needs an ordinance to enforce. Mayor Szabo responded that Roy Bauberger has the responsibility as river keeper. Mr. Bauberger could identify hazards and give it to the Shade Tree Commission to enforce as a hazardous tree. Councilman Burns advised that the tree ordinance may have to be reworded. Mayor Szabo

commented that it depends how you define hazard. Mr. Levy advised that the contract was awarded to repair the weir that fell down in 2007.

**OPENED FOR PUBLIC DISCUSSION:**

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

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

Tony Smid, 110 Hiawatha Blvd, advised that the Shade Tree Commission has been looking for property for a tree farm. They think they have found property to use. There are lots owned by the Borough at the end of Island Terrace that the Shade Tree Commission would like to use for the tree farm. Mayor Szabo responded that the property is in a flood area and we have to make sure we don't do anything to get in trouble with the DEP. Councilman Burns suggested the Shade Tree Commission send a letter with their request to get the process started.

Dot O'Connor, Hemlock Street, advised she has been a member of the Flood Commission since its inception in 1972. She gave a historical background of the flood project. She advised that in 1972, Oakland was designated as part of the Passaic River basin but it was said that Oakland would never receive any flood benefits like the downstream neighbors. It was the height of the former dam that caused the flooding in Oakland. We were allowed to create an interim plan under a bill sponsored by former legislator Bob Roe and that is how money was appropriated in Congress for this. The project was originally designed by the Army Corps to release flood water ahead of the flood. The flood gates were supposed to open prior to a flood event. That changed after former Governor Whitman took office. The North Jersey Water District said they would never allow water to be released and they said they would not open the gates. There was a meeting held in the Governor's office and then the project was able to get back on track with that change. It has been the perception of the downstream communities that Oakland did not want the gates opened prior to an event and that was never the case. Mayor Szabo responded that in 15 minutes, the water builds up. He is afraid that downstream communities will say that they lowered the water and we still flooded so it is the gates. Ms. O'Connor said the Flood Commission became concerned because the downstream communities think that closing the gates will stop their flooding even though that is not the case. Since that has been so much of the focus of the downstream communities, we have become concerned. Mayor Szabo responded that this resolution is a great idea because it states our position diplomatically. Councilwoman Marcalus asked if it is still the rule that they will not let the water run over the dam ahead of the storm. Ms. O'Connor responded that she does not know if that has changed. Mayor Szabo advised that the hydrology is out and conclusions are the same and that is that the impact of the gates is minimal on the flooding.

**COUNCILMAN DI PENTIMA LEFT THE MEETING AT 8:00 PM.**

Tim Jensen, 7 Third Street, advised he is running for Council. He has learned from speaking to residents that there is misinformation among residents about the municipal debt being touted by an opponent. Mr. Jensen has done some research and has come up with some figures. The debt is about 16 million and there is about 7 million of debt for water and sewer. That takes care of itself because the utility is self-liquidating. Mr. Jensen asked if we back out grant money that is received to find out the net debt. Councilman Visconti responded that he does not have exact figures but the Borough has authorized up to \$ 18 million in debt. The existing debt that has been issued with bonds and notes is about \$ 14 million. Out of that \$ 14 million, about \$ 8 million has

been for open space purchases. There have recently been two large open space purchases-\$ 5 million for the NJ Capital property and \$ 2.2 million for the Heritage Hills property. The Borough is getting back about \$ 4.5 million in grants for those properties but we have not received that money yet. Mr. Jensen confirmed that the Borough must finance the entire amount before grant money. Short term financing is done through BAN's which are interest only notes. Mr. Kunze responded that with BAN's you are allowed to pay only interest at first. Mr. Jensen responded that then the town can reamortize the debt into bonds. Mr. Kunze replied there are towns that just use BAN's and never go to bonds. Mr. Jensen asked if the town is taking advantage of the good rates. Mr. Kunze responded that the interest rate for the last BAN sale was below 1%.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

**APPROVAL OF MINUTES: SEPTEMBER 29, 2010**

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the minutes from the Mayor and Council meeting of September 29, 2010 be approved.

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

**APPROVE RAFFLE LICENSES RL1061, RL1062 AND RL 1063 FOR HEIGHTS SCHOOL**

On motion of Councilman Burns, seconded by Councilwoman Marcalus, approval be granted for Raffle Licenses RL1061, RL1062 and RL1063 for Heights School PTO to hold off-premise raffles for merchandise on December 6, 2010 at 12:00 pm at Indian Hills High School, 97 Yawpo Avenue.

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

**APPROVAL RAFFLE LICENSE RL1064 SPECIAL OLYMPICS NJ**

On motion of Councilman Burns, seconded by Councilwoman Stagg, approval be granted for Raffle License RL1064 for Special Olympics NJ to hold an on-premise raffle for merchandise on November 27, 2010 from 1 to 4:30 pm at Knights of Columbus, 7 Courthouse Place.

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

**RESOLUTION 10-180 AUTHORIZE REFUND TAXES BLOCK 701, LOT 16**

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

WHEREAS, a Tax Court Judgment was filed on September 17, 2010 in the matter of Sobhy Yacoub et al, v. Oakland Borough, Docket No. 008625-2009, reducing the assessment of Block 701, Lot 16, 1 Overlook Ridge Ext (Row) to \$1,594,600.00 and

WHEREAS, a refund of the 2009 property taxes is now due to Sobhy Yacoub et al c/o Michael I. Schneck, Esquire, in the amount of \$6,340.68;

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 a check to Sobhy Yacoub et al, in care of Michael I. Schneck, Esquire in the amount of \$6,340.68

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

RESOLUTION 10-181 AUTHORIZE CONTRACT FOR DIESEL FUEL

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 needs to purchase diesel fuel for its vehicles; and

WHEREAS, the Borough of Oakland is a member of the Bergen County Cooperative Pricing System (state ID #11-BeCCP); and

WHEREAS, the Bergen County Cooperative Pricing System has awarded contract #10-98, Diesel Fuel to Rachles/Michele's Oil Co. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended that the Borough of Oakland purchase diesel fuel through the Bergen Morris County Cooperative Pricing Council in an amount not to exceed \$45,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 0-01-31-460-001 and for appropriation in the 2011 current fund budget account# 1-01-31-460-001 and the 2011 Water Operating Fund budget account# 1-05-55-508-000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes the purchase of Diesel Fuel, in an amount not to exceed \$45,000, through the Bergen County Cooperative Pricing System, contract # 10-98, Diesel Fuel awarded to Rachles / Michele's Oil Co., 116 Kuller Road Clifton, NJ

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

RESOLUTION 10-182 AUTHORIZE RFQ FOR PROFESSIONAL SERVICES

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

WHEREAS, as of January 1, 2006, N.J.S.A. 19:44A-20.1 et seq., commonly known as the "State Pay to Play" law, enacted by the New Jersey State Legislature became effective; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., a municipality may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the said municipality's political parties or to any candidate's committee of any person serving in an elective public office of the said municipality when such contract was awarded, unless said business entity is awarded a contract under a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, a “fair and open process” constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter the “RFQ”) with ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly open and announce the qualifications when awarded; and

WHEREAS, it has become necessary for the Borough of Oakland (hereinafter the “Borough”) to engage legal, financial and engineering professionals and the Borough desires to appoint such professionals for 2011 by a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Oakland, County of Bergen and State of New Jersey that requests for RFQs for professional services for the following professional services for the Borough and its agencies are hereby authorized:

1. Borough Attorney
2. Labor Attorney
3. Borough Auditor
4. Bond Counsel
5. Borough Engineer
6. Borough Prosecutor
7. Public Defender
8. Planning Board Attorney
9. Board of Adjustment Attorney
10. Borough Risk Manager
11. Borough Planner
12. Water and Sewer Engineer
13. Planning Board Engineer
14. Planning Board Planner
15. Board of Adjustment Engineer
16. Board of Adjustment Planner

BE IT FURTHER RESOLVED, that all of the RFQs for the professional services as set forth hereinabove shall be prepared and published in accordance with N.J.S.A. 19:44A-20.1 et seq. and all such RFQs shall be evaluated on the basis of the most advantageous RFQ, all factors considered, including, but not limited to: (1) experience and reputation in the profession; (2) knowledge of the subject matter to be addressed under contract; (3) availability to accommodate any required meetings of the Borough or Borough Agency; (4) and any other factors if demonstrated to be in the best interest of the Borough or Borough Agency.

Councilman Burns explained this is for 2011 services. He questioned if the Planning Board and the Board of Adjustment should be making the appointments for their professionals. Mayor Szabo responded that we advertise for the RFQ’s and then they are turned over to the individual Boards for review and appointment.

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

RESOLUTION 10-183 AUTHORIZE TAX REFUND BLOCK 5508, LOT 8

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 a refund of a 2010 3<sup>rd</sup> quarter duplicate tax payment; 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 a refund as follows:

BLOCK/LOT	OWNER	AMOUNT
5505/8	Barca, Gregory and Joann	\$ 3,412.91

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

**RESOLUTION 10-184 AUTHORIZE AND ACCEPT EMERGENCY MANAGEMENT GRANT**

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

WHEREAS, the Borough of Oakland, Office of Emergency Management has been awarded State Homeland Security Grant Program Subgrant CFDA #97.042, Award #2010-P110-0242 from the New Jersey State Police Office of Emergency Management. The Subgrant, consisting of a total amount of \$10,000.00, including \$5,000.00 Federal Award and \$5,000.00 Local Matching Funds, is for the purpose of enhancing the Borough of Oakland’s ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award #2010-EP-EO-0047; and

WHEREAS, the Borough of Oakland Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$5,000.00 which the Borough of Oakland Office of Emergency Management adequately satisfies through the 2010 Borough of Oakland approved budget for Division salaries and wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland here with accepts the award of the FFY10 Homeland Security Emergency Management Performance Grant Program Subgrant in the amount of \$5,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management; and

BE IT FURTHER RESOLVED that the Director of the Division of Local Government Services is requested to approve the insertion of an item of revenue in the budget of the year 2010

in the sum of \$5,000.00, which is now available from the New Jersey State Police, Office of Emergency Management in the like amount of \$5,000.00 from the aforementioned grant; and

BE IT FURTHER RESOLVED that the like sum of \$5,000.00 is hereby appropriated under the caption FFY10 Homeland Security Emergency Management Performance Grant; and

BE IT FURTHER RESOLVED that the Borough Administrator, the Chief Financial Officer and the Director of Emergency Management are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services; the Borough Administrator; the Chief Financial Officer; the Office of Emergency Management and.

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

INTRODUCTION: ORDINANCE NO. 10-CODE-632

The Clerk was directed to take from table Ordinance No.10-Code-632 and read by title for its first reading.

The Clerk then read by title Ordinance No. 10-Code-632 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59-63 OF THE BOROUGH OF OAKLAND CODE ENTITLED "SIGNS" TO PROVIDE FOR TEMPORARY SIGNS FOR PUBLIC AND CHARITABLE PURPOSES"

On motion of Councilwoman Marcalus, 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 59-63 Of The Borough Of Oakland Code Entitled "Signs" To Provide For Temporary Signs For Public And Charitable Purposes", be introduced;

That said Ordinance be considered for final adoption at a meeting on November 23, 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 November 13, 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. Mayor Szabo spoke of the size of the sign. Normally, the Borough limits the size of signs to 16 square feet. He advised that a 16 square foot sign is not that big of a sign to advertise an event. He asked if the Council would consider 32 square feet as a maximum. Councilwoman Marcalus asked how we came up with the 16 square foot. Mr. Kunze responded that we keyed in on the Borough's temporary sign ordinance. Councilman Pignatelli responded that there is no language on the number of signs on the property. Mayor Szabo responded that it would be up to the Council because they have to approve the sign anyway. Councilman Burns asked if this must be sent to the Planning Board. Mayor Szabo responded that the Council can introduce the ordinance and then the Planning Board has 35 days to comment. Councilman

Burns questioned the length and if it would be an obstruction. Councilman Visconti commented that we might want to talk to the Police Department to see if it will be an obstruction. Mr. Chewcaskie advised that usually square footage is put in the ordinance. This would have to come to the Mayor and Council for approval so the ordinance does not need specific lengths or widths. Mr. Kunze advised if it is the intent of the Council to limit these signs to Bush Plaza, that language could be added to the ordinance.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 10-CODE-631

The Clerk was directed to take from the table Ordinance No.10-Code-631 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 2, SECTION XI OF THE BOROUGH OF OAKLAND CODE ENTITLED "FEES FOR MUNICIPAL AND PUBLIC RECORD"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

On motion of Councilwoman Marcalus, 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 Xi Of The Borough Of Oakland Code Entitled "Fees For Municipal And Public Record, 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.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 10-CODE-633

The Clerk was directed to take from the table Ordinance No.10-Code-633 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION OF \$108,000 TO

CONDUCT A TOWN-WIDE REASSESSMENT PROGRAM TO UPDATE THE PREVIOUS REVALUATION”

OPENED FOR PUBLIC DISCUSSION:

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

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

Tim Jensen, 7 Third Street, asked if this will be a drive-by appraisal. Mr. Kunze responded that this will include inspections.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey Providing For A Special Emergency Appropriation Of \$108,000 To Conduct A Town-Wide Reassessment Program To Update The Previous Revaluation, 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.

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

WORK SESSION:

FLOOD RESOLUTION:

Councilman Burns commented that he would like to adopt the resolution tonight. Councilman Burns offered some minor wording changes. Most of the changes were accepted by Council and incorporated into the resolution. Councilwoman Stagg would like to have the resolution sent to Congressman Garrett as well as the other legislators.

RESOLUTION 10-185 FLOOD RESOLUTION:

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

WHEREAS, the Mayor and Council of the Borough of Oakland is aware of the ongoing public focus regarding the operation of the floodgates at the Pompton Dam installed as part of the Ramapo River Flood Damage Resolution Project (the “Project”) and the contention that the gates are in some manner causing or increasing flooding, and that changes in the operation of those gates might reduce flooding downstream; and

WHEREAS, the Borough of Oakland is concerned that the gates installed on the Pompton Dam continue to be operated as designed and in accordance with the protocols established by the Army Corps of Engineers (ACOE) in their Operations and Maintenance Manual for this project; and

WHEREAS, the Mayor and Council of the Borough of Oakland consider the Borough to be a good neighbor which stands ready to work with upstream and downstream communities, in order to effect meaningful flood control throughout the Passaic River Basin. However, that cannot and must not be achieved by any measure that would negatively impact those residents living within the 3.3 mile Ramapo River Flood Damage Reduction Project area; and

WHEREAS, certain modifications to gate operations are being considered including changing the target elevation and modifications to the operating curve, which would have the following effect:

1. That as a result of prior modifications (the raising of the “target elevation” or the starting point of gate operations), the floodwater topping point over the gates by raising the target elevation any further could easily create a scenario whereby the gates would be topped and therefore, unable to be opened; and
2. That there have been some modifications to gate operations in terms of timing of openings and amount of openings that further modifications should not in any manner impugn the integrity of the project as designed, and paid for in part by the Borough of Oakland; and

WHEREAS, while some 350 homes within the scope of this project are not expected to receive floodwater up to a magnitude 40-year event per the project design, more severe storms will result in flooding of these structures and, in addition, flooding is still a major problem during all heavy rainfall upstream along the Ramapo River in Mahwah as well as in the northern section of Oakland, beyond the scope of the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Borough applauds the enthusiastic efforts of the Passaic River Flood Advisory Commission and the member of both the Long-Term Flood Mitigation Solutions Sub-committee, chaired by DEP Commissioner Bob Martin, and the Short-Term Flood Mitigation Solutions Sub-committee, chaired by Assemblyman Scott Rumana; and be it

FURTHER RESOLVED, that it is specifically due to such diligence that Oakland, through its partnership with the NJDEP and U.S. Army Corps of Engineers, has been able to achieve a measure of flood control for a portion of its residents; and be it

FURTHER RESOLVED that the Borough looks forward to continuing to work at the local, state and federal level, as well as with downstream communities to alleviate the devastating effects of flooding throughout north Jersey and to provide input to address the concerns set forth in this resolution; and be it

FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized and directed to maintain a copy of this Resolution and to provide a copy to Governor Chris Christie; U.S. Army Corps of Engineers Colonel John Boule; New Jersey State Department of Environmental Protection Acting Commissioner Bob Martin and John Moyle at the New Jersey Department of Environmental Protection; New Jersey State Senator Kevin O’Toole; New Jersey

State Assemblyman Scott Rumana, New Jersey State Assemblyman David Russo; Congressman Scott Garrett; Oakland Flood Control Superintendent, Roy Bauberger; and Flood Control Commission Chairman Lew Levy.

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

**NEW BUSINESS:**

Councilman Visconti commented that he would like the Council to get back to the goal setting meetings they had begun this year. Councilman Pignatelli thought it was a good idea and advised the Council should move forward. Councilman Burns responded he did not know if this was a good time to do because of the upcoming election and the fact that there may be new Councilmembers. Councilman Visconti advised that the process is to plan a path for the Borough. He thought that now is a good time for those meetings because it is not budget time. He would like the Council to consider this. Mayor Szabo asked everyone to provide their availability to Mr. Kunze and this will be discussed at the next meeting.

**COUNCIL REPORTS:**

Councilman Pignatelli: The Police responded to 1309 calls in August and that included 313 motor vehicle stops. Councilman Pignatelli advised that there was a new anti-skid surface installed on Long Hill Road last Saturday by the County. This will cut down on accidents and be a benefit to the Borough. He gave kudos to Traffic Officer Pianettini for arranging this with the County.

Councilman Burns: The Shade Tree Commission members are going for additional training. The Commission still needs a new member. The Commission will plant a new Crimson King maple tree by Valley Middle School. The Commission is continuing to do an inventory of dead trees in the Borough right-of-way. The Commission will order new trees to plant which will be paid for out of the trust fund. The Municipal Alliance will sponsor the program called Rachel's Challenge to be held on October 28, 2010 at 7:30 pm at Indian Hills. Rachel Scott was the first student killed at Columbine. The lecture is to illustrate the need for compassion and kindness. Councilman Burns suggested doing a reverse 911 to notify residents about the program. Councilman Burns advised that P.S.E. & G. will be paving Ramapo Valley Road sometime in November after the fill settles.

Councilwoman Stagg: No report.

Councilman Visconti: He advised that the library will be holding a book sale on Saturday.

Councilwoman Marcalus: The Planning Board meets on October 14, 2010 at 7 pm at the Senior Center. There will be a continued public hearing for Burger King and an application for Pizza Hut at 388 Ramapo Valley Road.

**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 Councilwoman Marcalus, seconded by Councilman Pignatelli, the meeting be adjourned at 9:00 pm.

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

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Lisa M. Duncan, Borough Clerk  
October 27, 2010

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Mayor John P. Szabo, Jr.

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Date Approved