

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY APRIL 14, 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, Litigation, 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, Marcalus, Pignatelli, Stagg, Visconti.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER:

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: Deborah Krebs, Deputy Borough Clerk; Richard Kunze, Borough Administrator; James Mangin, CFO; Steven Muhlstock, 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.

MAYOR'S REPORT:

Mayor Szabo stated the President of the United States declared the State of New Jersey a flood disaster area, eligible for federal funding. FEMA will be doing damage assessments on behalf of the residents. There are hot lines and applications that have been made available to those who qualify. The Mayor would like this information posted on the website and on Channel 77. They have had numerous meetings with the NJDEP regarding the flood of March 13th. Their main concerns are the flooding that occurred in the Roosevelt area as well as the scouring of the river, which has posed a very dangerous situation with the properties in that area. DEP is starting to look at what is happening up river and looking at various solutions of what can be done to secure the property and preserve the river.

Councilwoman Marcalus stated that due to the flooding, residents have been given an extension until May 11th to submit their Federal and State Income Tax Returns.

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.

Mary Lou Niccoletti and Teresa Kilday, representatives from the Indian Hills High School "Relay for Life", asked for the approval of the governing body to "Paint the Town Purple" by tying purple ribbons prominently throughout the town. A banner will be hung at the end of Yawpo Avenue. The American Cancer Society's "Relay for Life" is an event to help celebrate cancer survivors and raise money to fight back against the disease and, hopefully, find a cure. They already have 45 teams signed up and have raised \$17,000. They are asking the Mayor to designate the month of May as "Paint the Town Purple Month." They are also asking Wyckoff and Franklin Lakes to promote this event and asking Oakland's town merchants for their support in "becoming purple." The ribbons would be taken down the week of June 14th. Mayor Szabo commented it is a very worthy event and hoped that all town residents would join in this effort. He suggested the event be posted on the website and in the Library, the Borough Hall and all the schools.

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: MARCH 24, 2010

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

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

APPROVAL OF MINUTES: MARCH 31, 2010 BUDGET MEETING

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council budget meeting of March 31, 2010 be approved.

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

APPOINTMENT OF FIRE FIGHTER-DOUGLAS HANSEN

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the appointment of Douglas Hansen as a Firefighter for the Oakland Volunteer Fire Department be approved.

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

Mayor Szabo administered the Oath of Office to Fireman Hansen and thanked him for volunteering his time to his community and accepting this responsibility.

APPOINTMENT OF JUNIOR FIRE FIGHTER-DENNIS O'BRIEN

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the appointment of Dennis O'Brien as a Junior Firefighter for the Oakland Volunteer Fire Department be approved.

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

Mayor Szabo administered the Oath of Office to Jr. Fire Fighter Dennis O'Brien and thanked all the young people for their interest in their community.

APPOINTMENT OF JUNIOR FIRE FIGHTER-CASEY GALLUP

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the appointment of Casey Gallup as a Junior Firefighter for the Oakland Volunteer Fire Department be approved.

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

Mayor Szabo administered the Oath of Office to Jr. Fire Fighter Casey Gallup recognizing Casey as the third generation of the Gallup family to volunteer service to the Oakland Fire Department.

RAFFLE LICENSE RL1051

On motion of Councilwoman Stagg, seconded by Councilman Burns, approval be granted for Raffle License RL1051 for Special Olympics NJ to hold an on-premise 50/50 raffle on May 16, 2010 at 12 pm at Holiday Bowl, 29 Spruce Street.

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

RAFFLE LICENSE RL1052

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, approval be granted for Raffle License RL1052 for PTA Woodside Avenue School to hold a tricky tray on May 14, 2010 from 6 to 10 pm at Indian Hills High School.

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

RECOGNITION OF EAGLE SCOUT-MATTHEW BACZEWSKI

Mayor Szabo presented a recognition plaque to Eagle Scout Matthew Baczewski congratulating him on his achievement. He stated that only a small percentage of Scouts reach the level of Eagle Scout and he can attest that many of them are from Oakland. He tries to attend all the Eagle Scout ceremonies but, unfortunately, he could not make Matthew's ceremony so he asked Matthew and his family to attend the Council Meeting tonight.

RESOLUTION 10-85 AUTHORIZE PURCHASE OF VEHICLES

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

WHEREAS, the Borough of Oakland is in need of replacing two (2) civilian vehicles; and

WHEREAS, the Borough of Oakland is a member of the Cranford Police Cooperative Pricing System; and

WHEREAS, Cranford Police Cooperative Pricing System has Contract #09-239 for 2010 Police and Administrative vehicles; and

WHEREAS, the Borough of Oakland wishes to purchase two (2) Ford Focus SE vehicles at a base price of \$ 12,750 each from Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034; and

WHEREAS, the Chief Financial Officer has certified there are funds available in Account #C-04-56-586-103.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorizes the Borough Administrator to issue a Purchase Order to Winner Ford of Cherry Hill, NJ in the amount of \$25,500 for the purchase of two (2) Ford Focus SE civilian vehicles.

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

RESOLUTION 10-88 AUTHORIZE REFUND TAXES BLOCK 804, LOT 19

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

WHEREAS, a Tax Court Judgment as filed on March 19, 2010, in the matter of Rafael Vecchio v. Oakland Borough, Docket No. 017315-2009, reducing the assessment of Block 804, Lot 19, 24 Hunters Run to \$615,000.00; and

WHEREAS, a refund of the 2009 property taxes is now due to Rafael Vecchio, c/o William S. Winters, Esq., in the amount of \$ 1,220.94.

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 Rafael Vecchio, in care of William S. Winters, in the amount of \$1,220.94.

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

RESOLUTION 10-89 AUTHORIZE LEASE OF COPIERS

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

WHEREAS, the Borough's current six (6) copier leases are due to expire on April 25, 2010 (2), May 1, 2010 (2) and May 25, 2010 (2) respectively; and

WHEREAS, the Borough has solicited and reviewed proposals from multiple vendors; and

WHEREAS, Stewart Business Systems of Clifton, NJ has offered the best price and has a State Contract #A51145 for Xerox copiers; and

WHEREAS, the monthly lease for the 48 month lease on six (6) copiers is \$993.57, and the cost per copy for black and white copies is approximately \$.01, and the cost per copy for color copies is approximately \$.02; and

WHEREAS, the CFO has certified that funds are available in account #0-01-20-106-103.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby authorize a 48 month lease of six (6) copiers from Stewart Business Systems at a monthly lease price of \$993.57.

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby authorized to sign the lease agreements for the Borough of Oakland.

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

RESOLUTION 10-90 TEMPORARY BUDGET AMENDMENT

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

WHEREAS, NJS40A: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
0-01-20-100-011	Admin – Perm Full Time	\$ 60,000
0-01-20-106-103	Gen Services – Copier Expense	\$ 10,000
0-01-20-110-011	Mayor & Council – Salaries & Wages	\$ 15,000
0-01-20-130-011	Finance – Perm Full Time	\$ 43,000
0-01-20-140-030	Info & Tech – Software Maintenance	\$ 5,000
0-01-20-145-011	Tax Collector – Perm Full Time	\$ 23,000
0-01-20-150-011	Tax Assessment – Perm Full Time	\$ 23,000
0-01-20-155-027	Legal Services – Legal Retainer	\$ 32,000
0-01-21-180-011	Plan Board – Perm Full Time	\$ 10,000
0-01-21-185-012	Board of Adj – Perm Part Time	\$ 5,000
0-01-22-195-011	Const Code – Perm Full Time	\$ 19,000
0-01-20-195-012	Const Code – Perm Part Time	\$ 35,000
0-01-23-210-001	Insurance – JIF Assessment	\$ 240,000
0-01-25-240-010	Police – Perm Full Time	\$1,100,000
0-01-25-265-029	Fire – Contracted Services	\$ 6,000
0-01-26-290-011	St & Road – Perm Full Time	\$ 115,000
0-01-26-301-011	Stormwater – Perm Full Time	\$ 14,000
0-01-26-305-011	Garbage & Tr – Recycling Coord	\$ 20,000
0-01-26-306-014	Snow Removal – Overtime	\$ 50,000
0-01-26-310-011	Bldgs & Grounds – Perm Full Time	\$ 48,000
0-01-26-310-026	Bldgs & Grounds – Repairs & Maint	\$ 48,000
0-01-26-315-011	Veh Maint – Perm Full Time	\$ 19,000
0-01-26-315-038	Veh Maint – Shop Equipment	\$ 10,000
0-01-27-330-011	Bd of Health – Perm Full Time	\$ 18,000
0-01-28-370-144	Recreation – Baseball	\$ 19,000
0-01-28-371-011	Senior Cit – Perm Full Time	\$ 13,000
0-01-29-390-011	Library – Perm Full Time	\$ 116,000
0-01-31-430-001	Electricity	\$ 40,000
0-01-36-471-000	Public Employees Retirement Sys	\$ 720
0-01-43-490-011	Municipal Court – Perm Full Time	\$ 35,000
0-01-45-935-000	Note Interest	\$ 149,826

Water Fund

Account # Appropriation	Description	New
0-05-55-501-011	Water – Perm Full Time	\$ 135,000
0-05-55-502-028	Water – Professional Services	\$ 7,000
0-05-55-502-037	Water – Permits	\$ 15,000
0-05-55-504-000	Water – Utilities	\$ 76,000

Sewer Fund

Account # Appropriation	Description	New
0-07-55-501-011	Sewer – Perm Full Time	\$ 23,000

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

RESOLUTION 10-91 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 and Softball Registration fee in the amount of \$65 and \$65; 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 \$65 to Michael Casaleggio of 602 Sterling Drive, Franklin Lakes, New Jersey, and a refund of \$65 to Sherry Swenson of 16 Lehigh Way, Oakland, New Jersey.

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

INTRODUCTION: ORDINANCE NO. 10-CODE-622

The Clerk was directed to take from table Ordinance No. 10-Code-622 and read by title for its first reading.

The Clerk then read by title Ordinance No. 10-Code-622 entitled: "AN ORDINANCE AMENDING "AN ORDINANCE REPEALING AND REPLACING CHAPTER IV, SECTION 5 OF THE BOROUGH OF OAKLAND CODE ENTITLED "TOWERS AND WRECKERS"

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, "An Ordinance Amending "An Ordinance Repealing And Replacing Chapter IV, Section 5 Of The Borough Of Oakland Code Entitled "Towers And Wreckers", be introduced;

That said Ordinance be considered for final adoption at a meeting on April 28, 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 19, 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-CODE-623

The Clerk was directed to take from table Ordinance No. 10-Code-623 and read by title for its first reading.

The Clerk then read by title Ordinance No. 10-Code-623 entitled: "CALENDAR YEAR 2010 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK"

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

BE IT RESOLVED that an Ordinance entitled, "Calendar Year 2010 Model Ordinance To Exceed The Municipal Budget Appropriations Limits And To Establish A Cap Bank", be introduced;

That said Ordinance be considered for final adoption at a meeting on April 28, 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 19, 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.

CFO J. Mangin explained the benefits of the municipality to be able to exceed the budget appropriation limits and to establish a CAP Bank.

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

RESOLUTION 10-92 CALCULATION FOR THE RESERVE FOR UNCOLLECTED TAXES

WHEREAS, each year as part of the Municipal budget process, the Borough of Oakland calculates a "*Reserve for Uncollected Taxes*" to compensate for delinquent tax accounts during the year; and

WHEREAS, N.J.S.A. 40A:4-4 (c)(1) permits the tax collection rate used to compute the reserve for uncollected taxes to be based on the average of the collection rate for three previous years, following a majority vote of the governing body prior to the introduction of the budget;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and council of the Borough of Oakland hereby authorizes that the "*Reserve for Uncollected Taxes*" be computed using the three-

year average of the tax collection rate for possible inclusion in the 2010 adopted municipal budget; and

BE IT FURTHER RESOLVED, that the Municipal Clerk is directed to include a copy of this Resolution with the approved budget when that document is sent to the Division of Local Government Services.

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

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

RESOLUTION 10-86 - READ BUDGET BY TITLE

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. 40A:408 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget has been posted in the municipal building and copies have been made available by the clerk to persons requiring them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, that the 2010 Municipal Budget of the Borough of Oakland, County of Bergen, shall be read by title only.

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

RESOLUTION 10-87 INTRODUCTION OF BUDGET

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

Municipal Budget of the Borough of Oakland, County of Bergen for Fiscal Year 2010

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Fiscal Year 2010;

BE IT FURTHER RESOLVED, that said Budget be published in "The Record" in the issue of April 21, 2010. The Governing Body of the Borough of Oakland does hereby approve the following as the Budget for the Fiscal Year 2010.

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

FINAL PUBLIC HEARING: ORDINANCE NO.10-619

The Clerk was directed to take from the table Ordinance No.10-619 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 \$50,000 FOR

THE PREPARATION OF A WASTEWATER MASTER PLAN REQUIRED TO CONFORM TO THE PLANNING LAWS OF THE STATE OF NEW JERSEY”

OPENED FOR PUBLIC DISCUSSION:

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

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

No Comments

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, Marcalus, Pignatelli, Stagg, Visconti.

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, 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 \$50,000 For The Preparation Of A Wastewater Master Plan Required To Conform To The Planning Laws Of The State Of New Jersey”, 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-620

The Clerk was directed to take from the table Ordinance No.10-Code-620 and read by title for its final hearing.

The Clerk then read by title 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”

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Burns, 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

CLOSED FOR PUBLIC DISCUSSION:

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

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

On motion of Councilman Burns, 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 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 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-BOND-621

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

The Clerk then read by title 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"

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Burns, 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

CLOSED FOR PUBLIC DISCUSSION:

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

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

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 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.

RESOLUTION 10-84 AUTHORIZE ENGINEER-ALLERMAN BROOK PROJECT

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

WHEREAS, due to continued erosion of the bank and retaining walls flanking the Allerman Brook, additional work is required for such bank stabilization; and

WHEREAS, Boswell Engineering had provided certain engineering services pursuant to Resolution 07-94, which services did not include construction inspection; and

WHEREAS, Boswell Engineering has submitted a proposal dated March 10, 2010, documenting all of the additional services required at this time, including construction inspection; and

WHEREAS, the cost for the services submitted by Boswell Engineering is in an amount not to exceed \$61,500 (Sixty One Thousand, Five Hundred Dollars);

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that Boswell Engineering be and is hereby engaged to provide engineering services for bank stabilization of Allerman Brook, services not included in the 2007 proposal; and be it further

RESOLVED, that the specific estimated cost breakdown of the engineering services is as follows: preparation of engineering plans and specifications - \$12,000 (Twelve Thousand Dollars); for the bidding phase - \$1,500 (One Thousand, Five Hundred Dollars); for construction support - \$3,000 (Three Thousand Dollars); and for construction inspection, \$45,000 (Forty Five Thousand Dollars), all as set forth in the March 10, 2010 proposal of Boswell Engineering, attached hereto and made a part hereof; and be it further

RESOLVED that the Mayor is hereby authorized and directed to execute an appropriate agreement in a form to be approved by the Borough Attorney; and be it further

RESOLVED that the Chief Financial Officer has or will certify in writing as to the availability of current funds for the aforesaid purpose; and be it further

RESOLVED that the award of this contract is one for professional services, and therefore, exempt from public bidding requirements; and be it further

RESOLVED that the Borough Clerk is authorized and directed to maintain a copy of this Resolution and the agreement with Boswell Engineering in her office, for public inspection.

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

WORK SESSION:

ORDINANCE FOR SNOW REMOVAL-FIRE HYDRANTS:

Mayor Szabo stated the Ordinance was discussed at the last Council Meeting and there were concerns about the distance that would have to be shoveled behind the hydrants. The Fire Department is recommending five feet. Councilman Pignatelli stated he spoke to the Fire Chief about the five feet and feels a reasonable effort should be made to clear the snow. Councilwoman

Stagg stated she has objections and concerns about five feet behind the hydrant having to be cleared but agrees with five feet on each side. Councilman Burns agrees with Councilwoman Stagg as he felt five feet behind the hydrant could encroach on someone's lawn. Mayor Szabo stated issuing a summons would be a discretionary act and considerations could be made. The Ordinance will be listed on the agenda for introduction at the next meeting.

VACATION OF PORTION OF STONE FENCE ROAD:

Attorney Muhlstock stated he has submitted a form of an Ordinance for the Council to review. He is waiting to hear from the Engineer, but both of the adjacent property owners are in favor of this. Each of them will own one half of the paper road and will be assessed for this additional frontage. The Ordinance will be listed on the agenda for introduction at the next meeting.

TAX ASSESSOR 2010 PROFESSIONAL SERVICE CONTRACTS:

Administrator Kunze explained there are three contracts that are approved annually and they will be at the same hourly rate as last year. This will be on for approval at the next meeting.

READOPTON OF PERSONNEL POLICIES:

Administrator Kunze stated that every other year the MELJIF requires the municipality to update the Personnel Policy and conduct harassment and supervisor training. There were technical corrections done and managerial procedures added to the booklet. It will be listed for approval on the next meeting agenda.

McNALLY CONTRACT - AMENDMENT – NJ CAP SURVEY

Mayor Szabo stated the DEP required the Borough to have the survey amended to set the boundary corners of the property. McNally Engineering will be doing this for a considerable discount of \$750. After the survey has been amended, the State has agreed to release the grant funds of \$1.1 million dollars for the NJ Capital Property. A Resolution to approve the \$750 expense will be listed for approval on the next agenda.

DPW RENOVATION:

Councilman Visconti stated he met with Councilman Burns, DPW Superintendent A. Marcucilli and Grace Lynch from L & C Design about the DPW Building Renovation. L & C provided them with a spreadsheet. The cost three years ago was, at that time, \$3.2 million dollars. The building is in disrepair, the roof is leaking, and it is unsafe and has unsanitary conditions. They are not expanding the scope of the building or trying to create a state-of-the-art building. There are three sets of numbers they have looked at. The construction cost is \$2.5 million dollars. The total project cost, including the soft costs is \$2.975 million dollars. If they add leed certification, which would include adding green building practices and materials, such as a minimal amount of solar panels, it would bring the project cost up to \$3.4 million dollars. They also asked for a minimal cost for the project, which is \$2 million dollars. The wash station is required by the State and that cost, alone, was \$169,000. There would be cost savings in installing the 1,200 feet of solar panels. The benefit of the leed certification is that it would be an investment in future savings. Councilman Visconti contacted Solex, a company that does solar panels. The selling point is that the company gets private organizations to put up the capital to put the solar panel equipment on the roof. They would own the equipment but we would have the benefit of using it. By the year 2023, in general, 20% of the electricity or power has to come from renewable sources. The company that provides the solar panels would get certificates for the green

initiative. The longer they hold onto the certificates, the more they are worth but he does not know what the return of investment is.

Councilman Visconti stated they need a firm on board for the design aspect and L & C provided them a detailed spreadsheet at no cost. At this point, he would like to have a commitment to work with them.

Councilman Pignatelli felt the leaking roof is causing the problems and damage. He asked if they have looked at just fixing the deficiencies of the building and what those costs would be. Councilman Visconti stated the roof replacement would be for tens of thousands of square feet added to the cost of structural issues which include an eroded, exposed steel column.

Councilman Pignatelli stated he is uncomfortable with a two million-dollar cost because they do not know what the future Capital Expenditures will be, and he is concerned about spending that amount of money at this time with the present environment.

Councilman Visconti stated you have to look at the costs over time. In looking at their debt schedule, things will be paid off and they have time to plan for this. By planning it this year, it will be at least a year before they begin work. The buildings are fifty years old and are structurally only shell buildings built in the 1950's. In fifty years they may be only using electrical vehicles and the building doesn't have enough power to support this. Last year they looked at an electric mini which was a \$17,000 investment. They would only have been able to support that one vehicle, not a fleet of electrical vehicles.

Councilman Pignatelli would like to see the cost to repair the deficiencies. He would also like to look at the details of the building. Councilman Visconti stated a lot of it is on the spreadsheet, and he would supply the information to Councilman Pignatelli.

Mayor Szabo felt it has lived out its resourceful life. Councilman Burns felt if you take a Band-Aid approach, it will always end up costing more in the long run. There are serious State and health issues that have to be addressed. It is not just about fixing a roof because it is an aging facility and it has mold. Councilwoman Stagg stated the deficiencies are major and the building is not OSHA compliant or Equal Opportunity compliant because there are no facilities for women.

Mayor Szabo asked the Council how they wanted to proceed. Councilman Visconti felt they need an Architect on board for the design. They do not have a contract with L&C but they have done work for us. They did a spreadsheet and updated the cost schedules for the Borough pro bono. The Borough has approximately \$300,000 appropriated and could hire a design team.

Councilwoman Stagg felt L&C has been working for us for several years, pro bono or gratis. She would like to retain them because they have been a reputable firm. They came in with a very fair price with the Library Renovation, and they knew what the problems were. She would like to keep L& C because she likes working with them, and they have already performed services for the Borough. Mayor Szabo stated there was no guarantee listed for the work they have done. Councilwoman Stagg felt they did not do the work under that assumption. Councilman Pignatelli felt it would be prudent to ask for requests for additional proposals. Councilman Visconti felt L&C has done work for them and he is happy with them. He is open to sending it out for proposals but they have to be careful in defining the scope. Mayor Szabo questioned if they

should send for RFQ's. Councilman Visconti said an RFQ is for qualifications and does not qualify the cost.

Councilwoman Marcalus questioned if what they are looking at was the original large-scale design which has now been pared down. They are going for a smaller design and may have to go out for new proposals. It is her understanding that Anthony Marcucilli is comfortable with the new design from L&C. Councilman Visconti stated L&C has a good concept of the project. If they go out for cost proposals, they would have to get it based on the larger-scaled design.

Mayor Szabo stated he feels the consensus he is hearing is that they are comfortable with L&C, they do not want to delay the project any further and are ready for the next step. Councilwoman Stagg would like to see the Borough go with the leed initiatives, she is leed certified, and felt it should be an option. Councilman Pignatelli would like to look at the plans so he can match them with the figures. Administrator Kunze offered to prepare a draft scope of the contract and bring it to the next workshop. Mayor Szabo felt they should do a draft and discuss it at the next workshop meeting.

NEW BUSINESS:

Administer Kunze stated the new copy machine contract will save 30% in lease costs. The copiers will be more capable and they will be networked.

COUNCIL COMMITTEEE REPORTS:

Councilwoman Marcalus stated the Planning Board met on Thursday, April 8th. They had a public hearing to review the Highlands Master Plan and the discussion will continue in early May. The Superintendent of Schools K-8 sent a letter to the Recreation Director asking that sport activities do not go beyond 7:00 P.M. during the school testing days. She reminded all residents to vote on April 20th. Polls are open from 2:00 to 9:00. She stated she disagrees with Governor Christie about voting against the budgets. Residents should vote and know that they are in negotiations with the teachers. She also reported and spoke to the new students at the Japanese School.

Councilman Visconti stated that through the budget meetings, they have reduced the budget by \$164,000. They are still looking for more savings. They had to increase the Revenue for Uncollected Taxes to \$210,000. The Library has found a very good candidate for Director and hopes to share this announcement at the next meeting.

Councilman Burns reported there would be a free baseball clinic held tomorrow at the Indian Hills High School baseball field - T-Ball through 8th grade. The website for the recreation programs is www.oaklandrec.com. Summer camp sign ups are continuing. The annual baseball parade will be held on Saturday, April 24th, boys and girls will line up at the Library at 8:45 and will be walking down to Field #8 at 9:00 A.M. The Mayor will be throwing out the first ball. After the Opening Ceremonies, they will have festivities until noon. He has advised the Mayor and Administrator that the Recreation Program is having problems with the WOLF Purchasing Program for sports equipment, especially with out-of-state vendors.

The Shade Tree Commission awarded the bid for the Community Forest Plan. Work has begun and the plan should be completed in 90 days. Resident Larry Levine has volunteered to pay and plant trees around the Borough. He credited Mr. Levine with his generosity to the Senior Center and the community at large. April 23rd is Arbor Day and he encouraged everyone to plant a tree. They were planning to have a tree farm behind the Firehouse at the Industrial Park, but the land is

being used by the Fire Department for training. The Shade Tree Commission will be planting a tree at the Valley Middle Grade School on May 28th. The Commission needs volunteers during the day to do inspections, and training will be provided. The Commission does not use money from the expense budget to plant trees, only for the removal of trees. New trees to be planted are paid for from the Trust Fund. Ed Clark has developed some plans for the Raymond Property, which he will be giving to Councilwoman Stagg.

Councilman Burns reported on the programs that have been funded and approved by the Administrator. The programs include Heroes and Cool Kids and the Fifteen Minutes Child Break Program. Both have received positive feedback.

Councilman Pignatelli stated Councilman DiPentima is out of town on business but asked for him to give his report on what is occurring at the Senior Center. The Senior Center has a new exercise program called the Zumba which is held on Wednesdays. Sheriff McGuire will be visiting the Center on April 29th at 1:00 P.M. to discuss Safety Issues. The May Calendar of scheduled events for the seniors has been printed and is available at the Senior Center.

Councilman Pignatelli stated he attended the Board of Health Meeting last Monday and they spent most of the meeting looking for cuts and revisions in their Budget.

Councilwoman Stagg left at this point in the meeting.

BILLS TO BE PAID:

On motion of Councilman Visconti, seconded by Councilwoman Marcalus, 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, Visconti.

MEETING ADJOURNED:

On motion of Councilman Burns, seconded by Councilman Pignatelli, the meeting be adjourned at 9:25 P.M.

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

Deborah Krebs, Deputy Borough Clerk

Mayor John P. Szabo, Jr.

May 12, 2010
Date Approved