

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY – AUGUST 27, 2008

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Visconti, 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, Councilmember Burns, Marcalus, Pignatelli, Visconti.

No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER:

ROLL CALL: Council President Pignatelli called the meeting to order and the Borough Clerk called the roll. Present: Councilmembers Burns, Marcalus, Pignatelli, and Visconti. Absent: Mayor Szabo, Councilmen DiPentima and Councilwoman Stagg.. Also Present: Deborah Krebs, Deputy Borough Clerk; Richard Kunze, Borough Administrator, Brian Chewcaskie, Borough Attorney; Kevin Tichacek, Borough Engineer.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Council President Pignatelli 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:

Council President Pignatelli stated Mayor Szabo was unable to attend this evening so there will not be a Mayor's Report.

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, Councilmember Burns, Marcalus, Pignatelli, and Visconti.

Mr. Frank Monaco, 60 Thackeray questioned where the sign went regarding the School System being rated as one of the top schools in the country to raise children. Council President Pignatelli stated they would find out from Asst. Superintendent of Public Works Marcucilli. Mr. Monaco questioned the letter sent to the residents about the water and sewer increases. The first paragraph upset residents and some residents should not have received it. Council President Pignatelli stated they would be putting something on Channel 77 with more detail. Mr. Monaco commented on the article in the paper about the Library and the two Clerks of the Works who were from the Borough who oversaw the project. He will save his questions for the Mayor. He asked if there was a conclusion regarding the clerk who misappropriated Borough funds. Council President Pignatelli stated both items are in litigation and can not be discussed.

Mr. Alex Kofel, 120 Andrew Avenue requested the Borough look into putting sidewalks in front of the water tower on Andrew Avenue, which is the Borough's

property. He is a single parent who has two young children who want to visit their grandparents who live at 102 Andrew Avenue. In addition, the bus stop is at the same end of the road. Presently there is overgrown brush in front of this property, which does not allow any walking area. He is concerned about his children's safety. Council President Pignatelli stated Asst. Public Works Superintendent will see what can be done immediately in cutting back the brush and they will get his recommendation about installing the sidewalk. The Borough just completed their sidewalk project and they have to look into what funding is left. It may be done next year.

Mr. Charles McCormack, 161 Manito Avenue felt there are other areas without sidewalks and overgrown brush that should be cut. He was hoping the Mayor would be present tonight, as he wanted to continue the discussion on the outdoor dining and the Mayor's statement that regarding zoning regulations, if something is not specifically permitted, it is prohibited. He supports small business and felt that they could have benefited from the outdoor dining but there has been an inconsistency on how and when laws are passed. He felt the new food businesses in town are the catalyst in getting outdoor dining. Council President Pignatelli stated the town inspectors must follow the zoning regulations that are presently in place. Two years ago in the downtown improvement plan done by Burgis Associates, it was suggested that businesses be allowed to have outdoor sitting - once the sanitary sewer system is done.

Mr. McCormack felt that camera surveillance should be put in the Library to help prevent incidents of child pornography. He reported a Shoppers' Bazaar would take place this Saturday at the Crystal Lake Beach Club from 11:00 to 3:00. Rain date Sunday.

Councilman Burns stated if there is a problem with a line of sight, residents should contact the Borough and it will be looked into.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmember Burns, Marcalus, Pignatelli, and Visconti.

RESOLUTIONS:

RESOLUTION NO. 08-159 – AUTHORIZE ENGINEER SPECIFICATIONS FOR ROAD PROGRAM

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 wishes to proceed with the 2008 Road Program; and

WHEREAS, the Borough of Oakland is in need of Engineering Services for the design and construction phases of the projects; and

WHEREAS, Boswell McClave Engineering has submitted a proposal dated August 11, 2008 and the fee for the design phase is not to exceed \$6,000 and the fee for the construction phase is not to exceed \$15,000; and

WHEREAS, the Chief Financial Officer has certified that are funds available in Account #C-04-55-915-001 for design (\$6,000) and C-04-55-915-004 for construction (\$15,000).

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Boswell McClave Engineering to perform the engineering services as outlined in their August 11, 2008 proposal at a fee not to exceed \$ 6,000 for the design phase and not to exceed \$15,000 for the construction phase.

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

RESOLUTION 08-160 – AUTHORIZE TAX PAYMENT REFUND

On motion of Councilman Visconti, seconded by Councilman Burns, 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 tax over-payment; and

WHEREAS, NJSA40A: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 Tax Collector, does hereby authorize a refund of \$2,377.70 for a tax over-payment to George J. and Marilyn Rita Vallone of 12 Cree Court.

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

RESOLUTION 08-161 – APPROVE CO-LOCATION AGREEMENT

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

WHEREAS, a lease agreement was entered into with Sprint Spectrum, L.P. on September 24, 2002 for the construction of a wireless telecommunications facility at the Thornton Road Water Tank Site; and

WHEREAS, Paragraph 3 of the lease agreement provides for the collocation on the wireless telecommunications facility; and

WHEREAS, pursuant to the terms of the lease agreement, fifty (50%) percent of any rent received by Sprint for such collocation is to be paid to the Borough; and

WHEREAS, Sprint has negotiated an agreement with New York SMSA Limited Partnership d/b/a Verizon Wireless; and

WHEREAS, such agreement provides for the payment of \$2,520.00 per month to Sprint with a three (3%) percent increase; and

WHEREAS, Sprint has requested that the borough approve the agreement with New York SMSA Limited Partnership for collocation on the Thornton Road Water Tank wireless telecommunications facility.

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

1. The sublease/collocation agreement to be entered into between Sprint Spectrum and New York SMSA Limited Partnership is hereby approved, subject to receipt of the sum of \$1,260.00 per month for such collocation pursuant to the lease agreement with Sprint Spectrum.
2. The additional rent to be received as a result of the collocation agreement is to be paid by Sprint Spectrum with its monthly lease payments, subject to adjustment of three 3% percent per year when effective.

BE IT FURTHER RESOLVED this approval is subject to the review and approval by the Borough Attorney of the executed Collocation Agreement between Sprint Spectrum and New York SMSA Limited Partnership.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to Sprint Spectrum.

Discussion: Council Burns commented this would provide additional revenue to the Borough and better cell phone reception for some users.

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

NEW BUSINESS - NONE

COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilman Burns stated he does not have a report on the Shade Tree Commission or the Recreation Commission. He stated the Borough Administrator attended the Northwest Municipalities Meeting on the grant money available for recreation and asked him to give a report. Administrator Kunze stated there was \$946,000 allocated for the 13 Northwest Communities. Through discussion, the Borough of Oakland will be getting \$144,000 towards the new tennis courts. The Freeholders will be voting on the recommendation in December. We should receive the agreement in January and the money will become available next year. They have already received a grant for \$125,000 and both grants will require matching funds. Councilman Burns stated they will be going out for bid before the end of the year. It has been recommended that the tennis courts be slightly repositioned to avoid direct view of the sun.

Councilman Burns stated that as of 9/16/08 Cablevision will become digital and a digital box or card will be required for the local Channels 77, 78, and 76. Residents can call Cablevision at 800-353-9821 who will provide a box at no cost. A box is required for each television. In February next year, everything will be digital. You can go to WCBSTV.com, which will explain what you will need to do. It was recommended this be posted on Channel 77 for the public information. Councilman Burns asked if Administrator Kunze could contact Cablevision to have them notify the residents of the changes that will be occurring before February.

Councilman Visconti stated he had no report. He commented that the Board of Adjustment, Planning Board and Library are all autonomous boards. The Borough funds the Library but the Library Board oversees how they spend the money. They can make suggestions but can not mandate expenditures or changes.

Councilwoman Marcalus reported that due to demand the revenue for paper and cardboard has increased by \$15.00 a ton so they are now receiving a \$110.00 a ton. The co-mingled remains the same, which is \$12.00 a ton. The next Planning Board Meeting is September 11th but she has not received the agenda. Council President Pignatelli encouraged the residents to continue with their recycling efforts.

Councilman Burns stated that he has been a Councilman for nineteen years and does not recall any discussion on any business applying for outdoor dining. Council President Pignatelli stated he has worked for municipal government for thirty-four years and he can attest that government moves slowly. They have to depend on the State for zoning decisions and approvals. Negotiating a sanitary sewer is a very slow process.

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 area available.

ROLL CALL: All yeas, Councilmember Burns, Marcalus, Pignatelli, and Visconti.

MEETING ADJOURNED:

On motion of Councilman Burns, seconded by Councilwoman Marcalus, the meeting be adjourned at 8:50 P.M.

ROLL CALL: All yeas, Councilmember Burns, Marcalus, Pignatelli, and Visconti.

Deborah N. Krebs,
Deputy Borough Clerk

Council President P. Pignatelli

October 15, 2008
Date Approved