

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY APRIL 28, 2010

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, seconded by Councilwoman Stagg, 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.

Discussion ensued over labor negotiations and Heritage Hills.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Di Pentima, seconded by Councilman Visconti, 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 7:40 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.

MAYOR'S REPORT: Mayor Szabo advised that he engaged in a meeting with the NJDEP and the Highlands Council on Monday to discuss sewers. It has been decided that the regulatory agencies will approve sewers in the downtown area. The DEP and Highlands Council will approve the location for discharge. Mayor Szabo commented that we need to do something with the downtown because it will bring in tax revenue and allow for affordable housing. Mayor Szabo advised that there has been a lot of press about the flood gates in Pompton. Oakland is engaged in those conversations with the downstream communities and the DEP. There is nothing that supports that the flooding was due to installation of the gates.

PROCLAMATION: SILVER STAR BANNER DAY

Mayor Szabo invited members of the American Legion to join him at the podium while he read the following proclamation:

WHEREAS, the Borough of Oakland has always honored the sacrifice of the men and women in the Armed Forces and

WHEREAS, The Silver Star Families of America was formed to make sure we remember the blood sacrifice of our wounded and ill by designing and manufacturing a Silver Star Banner and Flag and

WHEREAS, to date The Silver Star Families of America has freely given thousands of Silver Star Banners to the wounded and their families, and

WHEREAS, the members of The Silver Star Families of America have worked tirelessly to provide the wounded of the Borough and Country with Silver Star Banners, Flags and care packages, and

WHEREAS, The Silver Star Families of America's sole mission is that every time someone sees a Silver Star Banner in a window or a Silver Star Flag flying, that people remember the sacrifice for this Borough, State and Nation and

WHEREAS, the people and Mayor of Oakland wish that the sacrifice of so many in our Armed Forces never be forgotten

NOW, THEREFORE, I, John P. Szabo, Jr., Mayor of the Borough of Oakland do hereby proclaim my appreciation of The Silver Star Families of America and honor their commitment to

our wounded Armed Forces members. I hereby declare May 1st "SILVER STAR BANNER DAY" the permanent and official day to honor the wounded and ill Soldiers of the Borough of Oakland.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Borough of Oakland, in the State of New Jersey, April 28th, 2010.

Ron Beattie of the American Legion thanked the Mayor and Council on behalf of the veterans for issuing this proclamation.

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments.

CLOSED FOR PUBLIC DISCUSSION:

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

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

RESOLUTION 10-92A AUTHORIZE AGREEMENT-TAX MAP SERVICES

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

WHEREAS, the Borough must update its tax maps annually; and

WHEREAS, the Tax Assessor and Borough Administrator have recommended that Civil Solutions be retained to provide tax map updates, in accordance with their proposal; and

WHEREAS, the Mayor and Council of the Borough of Oakland wishes to award a contract to Civil Solutions to provide 2010 Tax Map Maintenance services for the Borough; and

WHEREAS, Civil Solutions will provide the services at a cost not to exceed \$ 5,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 0-01-20-150-104; and

WHEREAS, the aforesaid award of contract is an exemption to the public bidding laws and one for professional services, for which no public bidding is required;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Oakland hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Civil Solutions to provide Tax Map Maintenance Services for an amount not to exceed \$ 5,000.00.

Councilwoman Stagg asked if this is a fair sum. Mr. Kunze responded he is happy with the amount and it has not changed from last year. Councilman Burns asked if the same amount of updates are required each year and if this will be GIS compatible. Mr. Kunze responded that it is done in a format that will be GIS compatible.

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

RESOLUTION 10-93 AUTHORIZE AGREEMENT-TAX APPEAL ASSISTANCE

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

WHEREAS, the Borough wishes to appoint an expert for 2010 Tax Appeal Assistance; and

WHEREAS, the Tax Assessor and Borough Administrator have recommended that Value Research Group, LLC be retained to provide Tax Appeal Assistance, in accordance with their proposal; and

WHEREAS, the Mayor and Council of the Borough of Oakland wishes to award a contract to Value Research Group, LLC to provide 2010 Tax Appeal Assistance services for the Borough; and

WHEREAS, Value Research Group, LLC will provide the services at a cost not to exceed \$ 10,000; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #0-01-20-155-028; and

WHEREAS, the aforesaid award of contract is an exemption to the public bidding laws and one for professional services, for which no public bidding is required;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Oakland hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Value Research Group, LLC to provide Tax Appeal Assistance services for an amount not to exceed \$ 10,000.00.

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

RESOLUTION 10-94 AUTHORIZE AGREEMENT-ADDED ASSESSMENTS

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

WHEREAS, it is necessary for the Borough to obtain the services of a Certified Tax Assessor or Appraiser in order to perform added assessment investigations; and

WHEREAS, the yearly added assessment investigations have been performed by outside professionals, and is not within the contractual arrangement between the Borough and its Assessor; and

WHEREAS, the Assessor has obtained three quotations for the added assessment work, which includes, but is not limited to, site inspections, recommended valuations and determinations of the added assessment amount and updating the Borough's computerized records; and

WHEREAS, the funding for the added assessment work is within the Assessor's budget; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #0-01-20-150-029; and

WHEREAS, Brian Townsend, a Certified Tax Assessor, has submitted the lowest quotation for conducting the added assessment work;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough does hereby retain the services of Brian Townsend to conduct the Borough's added assessment work for the tax year 2010; and

BE IT FURTHER RESOLVED, that Mr. Townsend shall be paid the sum of \$ 50.00 per hour, the total fee not to exceed \$ 7,000;

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute an appropriate contract, to be prepared by the Borough Attorney; and

BE IT FURTHER RESOLVED that the Borough Clerk is directed to maintain copies of the three quotations and the contract with Mr. Townsend, for public inspection.

Councilman Di Pentima advised that the Borough has used Mr. Townsend's services for the last six years.

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

RESOLUTION 10-95 READOPT PERSONNEL POLICIES

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

WHEREAS, it is the policy of the Borough of Oakland to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all municipal officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by municipal employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Oakland.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough of Oakland shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that Matthew J. Giacobbe of the firm of Scarinci and Hollenbeck, L.L.C. was as Labor Counsel for the Borough of Oakland to advise the Borough of Oakland in personnel matters.

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Labor Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

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

RESOLUTION 10-96 AUTHORIZE ADDITIONAL WORK-MCNALLY ENGINEERING

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

WHEREAS, the Borough purchased the former New Jersey Capital Partners tract; and

WHEREAS, the Borough has applied to the New Jersey Green Acres Program for reimbursement for a portion of the purchase price; and

WHEREAS, Green Acres has required an upgraded survey respecting the setting of corner markers and monuments; and

WHEREAS, McNally Engineering has been providing surveying services in connection with the Green Acres application; and

WHEREAS, McNally was unaware of the Green Acres requirement to set corner markers and monuments, which will necessitate at least one full day of additional field work; and

WHEREAS, McNally has submitted a proposal for the additional work for \$750, which is one-half of the actual cost to complete the task;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Borough hereby authorizes McNally Engineering, LLC to complete the Green Acres survey as set forth in McNally's correspondence of March 31, 2010 (annexed hereto); and be it further

RESOLVED, that McNally shall be paid a fee of \$750 for the completion of the additional requirements requested by NJDEP's Green Acres scope of survey services; and be it further

RESOLVED that the amendment to McNally's agreement is one for professional services, for which no public bidding or advertising is necessary; and be it further

RESOLVED that the Chief Financial Officer has certified the existence of \$750 for the cost of this additional work in Account #C-04-55-923-001; and be it further

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

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

RESOLUTION 10-97 HERITAGE HILLS PURCHASE

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

WHEREAS, the Borough has resolved to purchase, for open space purposes, the real premises known as Block 1122, Lots 1, 2 and 3, and Block 2213, Lot 1, a 40 acre tract, for the sum of Two Million, Two Hundred Thousand Dollars (\$2,200,000); and

WHEREAS, the parties have now negotiated an acceptable form of Purchase Agreement; and

WHEREAS, the Borough has previously adopted an appropriate bond ordinance to cover the cost of said purchase; and

WHEREAS, the Borough's Chief Financial Officer has certified that sufficient funds for this purchase are available in account number C-04-56-607-002;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Mayor is hereby authorized and directed to execute the Purchase Agreement from Thomjac, Inc., in the amount of Two Million, Two Hundred Thousand Dollars (\$2,200,000), whereby the Borough will obtain title to the real premises known as Block 1122, Lots 1, 2 and 3, and Block 2213, Lot 1; 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 a copy of the Purchase Agreement, after the same has been fully executed, for public inspection.

Mayor Szabo commented that this resolution authorizes the contract for purchase. Councilman Di Pentima commented that he is agreeing with the purchase of the property only because of the grants received. Councilwoman Stagg commented that this purchase is valuable for the future of Oakland. Mayor Szabo commented that this purchase would not have happened without Green Acres funding. The Borough's open space fund was used to leverage grant funding. He thanked the voters for their support of the open space referendum.

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

RESOLUTION 10-98 AUTHORIZE TEMPORARY BUDGET

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

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

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

Current Fund

Account #	Description	New Appropriation
0-01-26-290-026	St & Road – Equipment Maintenance	\$ 15,000
0-01-26-290-028	St & Road – Street Sweeping	\$ 18,000

Sewer Fund

Account #	Description	New Appropriation
0-07-55-501-032	Sewer – Maintenance Oakwood	\$ 10,000

Councilman Di Pentima advised that this money will be included in the final budget.

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

RESOLUTION 10-99 CIVIL RIGHTS POLICY

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

WHEREAS, it is the policy of the Borough of Oakland to treat the public, employees, prospective employees, appointees, volunteers, and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights

Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Oakland has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council that:

Section 1: No official, employee, appointee, or volunteer of the Borough of Oakland by whatever title known, or any entity that is in any way a part of the Borough of Oakland shall engage, either directly or indirectly, in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee, volunteer, or entity is engaged in or acting on behalf of the Borough of Oakland's business or using the facilities or property of the Borough of Oakland.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or private entity, that receives authorization or support in any way from the Borough of Oakland to provide services that otherwise could be performed by the Borough of Oakland.

Section 3: Discrimination, harassment, and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment, and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment, and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees, and volunteers of the Borough of Oakland as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities, and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the Governing Body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Oakland. This communication shall include a statement from the Governing Body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Oakland's website.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Oakland in order for the public to be made aware of this policy and the Borough of Oakland's commitment to the implementation and enforcement of this policy.

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

INTRODUCTION: ORDINANCE NO. 10-CODE-624

Discussion ensued over language in the ordinance. Councilman Burns thought the wording in the ordinance was just for snow. The ordinance seems to talk about other obstructions. He asked if the five foot radius applies to other obstructions. Mr. Kunze responded that the language was always in the ordinance. The only language that was changed was the radius. Councilman Di Pentima asked what the Fire Department is recommending. Mr. Kunze responded that the Fire Department did not give a recommendation. The Attorney put in a radius of ten feet. The Fire Department said they were fine with a radius of five feet. Councilman Burns advised that he asked the Fire Department to come before the Mayor and Council to explain what radius they need cleared. Hopefully, they can come to the next meeting. Mayor Szabo advised that the ordinance can be introduced tonight and set for public hearing on May 26th so the Fire Department can come to the May 12th meeting to clarify language. Councilwoman Stagg would like to consider moving the violation amount back to \$ 100 unless it is a second offense. Councilman Burns commented that there were two parts to the ordinance. The other penalty amount is \$200. Councilman Di Pentima commented that it should remain \$ 200 to be consistent.

The Clerk was directed to take from table Ordinance No. 10-Code-624 and read by title for its first reading.

The Clerk then read by title Ordinance No. 10-Code-624 entitled: "AN ORDINANCE SUPPLEMENTING THE BOROUGH OF OAKLAND CODE, CHAPTER 12, SECTION 5.1 ENTITLED "REMOVAL OF IMPEDIMENTS-OWNER OF ABUTTING PROPERTY TO CLEAR SNOW AND ICE" AND CHAPTER 12, SECTION 5.4 ENTITLED "VIOLATIONS AND PENALTIES"

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 Supplementing The Borough Of Oakland Code, Chapter 12, Section 5.1 Entitled "Removal Of Impediments-Owner Of Abutting Property To Clear Snow And Ice" And Chapter 12, Section 5.4 Entitled "Violations And Penalties", be introduced;

That said Ordinance be considered for final adoption at a meeting on May 26, 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 May 17, 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: Yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Visconti. Nay, Councilwoman Stagg.

INTRODUCTION: ORDINANCE NO. 10-CODE-625

The Clerk was directed to take from table Ordinance No. 10-Code-625 and read by title for its first reading.

The Clerk then read by title Ordinance No.10-Code-625 entitled: "AN ORDINANCE TO ALLOW FOR THE VACATION OF A PORTION OF STONE FENCE ROAD

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 To Allow For The Vacation Of A Portion Of Stone Fence Road, be introduced;

That said Ordinance be considered for final adoption at a meeting on May 12, 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 May 3, 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, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

FINAL PUBLIC HEARING: ORDINANCE NO. 10-CODE-622

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

The Clerk then read by title 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"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilwoman Stagg, seconded by Councilman Visconti, 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 Councilman Pignatelli, seconded by Councilman Di Pentima, the following resolution be introduced, adopted and duly passed on a 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 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, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

FINAL PUBLIC HEARING: ORDINANCE NO. 10-CODE-623

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

The Clerk then read by title an Ordinance entitled "CALENDAR YEAR 2010 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK"

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Di Pentima, 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.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Di Pentima, 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 Councilman Di Pentima, 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, Calendar Year 2010 Model Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank, 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, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

WORK SESSION:**DPW BUILDING:**

Councilman Visconti advised that he, Councilman Burns, Borough Administrator Kunze and DPW Superintendent Marcucilli met to see what can be done to pare down the project. They brought up the concept of not building new space but reconfiguring the space we have. Councilman Visconti advised that the original design called for the demolition of the old salt shed and that has already been done in-house. The wash station had been previously authorized so that cost can be pulled and we are reconsidering that project because the Borough may be able to share that with a neighboring town. Councilman Visconti advised that approximately \$500,000 has been cut from the scope of the project. Mr. Kunze also advised that the cost of the telemetry system is going to be broken from the cost of the building because that will be done at a later time and charged to water capital. The cost of that is \$ 430,000.

Councilwoman Marcalus asked what the cost of the project is now down to. Councilman Visconti responded that it is just under \$ 2 million. The soft costs will be reduced proportionately. Councilman Di Pentima commented that the wash station was authorized but not funded. Councilman Visconti commented that the problem is not with small vehicles but with the large vehicles. The cost benefit of the wash station would be that it would extend the life of the vehicles. Mr. Kunze will discuss this issue next month with the Northwest Bergen Shared Services group. Councilman Burns advised that the State mandates washing the vehicles under stormwater management.

Councilwoman Marcalus asked what the next step would be. Councilman Visconti responded that the Mayor and Council would have to hire an architect. Councilman Di Pentima asked how Grace Lynch will get this job automatically without the Borough going out to bid. Mayor Szabo responded that the Council did discuss this issue at the last Council meeting. There has been nothing in her gratis work that has implied she will get the contract for the renovation project. The Council did discuss the benefits to hiring Ms. Lynch such as her familiarity with the project. Councilman Di Pentima asked why the Council has to rush this project. The Council needs to discuss implications to the budget. He asked who gave Ms. Lynch the authorization to do the gratis work. Councilman Visconti responded that in 2007, she did a presentation for the Mayor and Council. He does not know if she was under contract at that time. Councilman Pignatelli commented that this should be put out for RFP. Councilman Burns commented that no one authorized her to do the work. She was doing the salt shed and offered to do the work for the DPW building. Councilman Burns commented that he has no problem going for RFP's but Ms. Lynch's plans should not be given out. He advised that there are health problems with that building. The telemetry equipment has to be updated soon. Mr. Kunze commented that the Council needs to discuss that project with Water Capital. The DPW cannot get replacement parts and service for the telemetry equipment anymore. Councilman Di Pentima commented that the buildings are inspected each year by the insurance company and nothing has been brought to the Council's attention about health issues.

Councilwoman Marcalus asked where we come up with the specifications for the RFP in order to compare apples with apples. Mr. Kunze responded that when the RFP is put out, we won't spec the design. One of the phases of the project is conceptual design. Councilman Visconti advised that this was a rather intensive process with the Library project. General specifications need to be written. Then a site tour was conducted and questions were answered before bids were received. Councilwoman Marcalus commented that the Borough is not required to do the RFP's. Mayor Szabo responded that the contract can be awarded as an unfair and open process and Ms. Lynch would have to sign paperwork saying that she doesn't donate to campaigns. Councilman Pignatelli commented that other architects can talk to the DPW Superintendent to get the scope.

Councilman Visconti responded that general specifications would be written and the interview process would not be used. Councilman Di Pentima commented that the Council needs to present to the public that they are doing this process as fair and open. Councilman Visconti invited Councilman Di Pentima to serve on the committee to write the specifications. Mayor Szabo commented that he wanted to make one thing clear and that is, if the Council were to hire Grace Lynch, they have done nothing wrong under the law. Councilman Burns commented that Ms. Lynch has done an extensive amount of work and the Borough should have gone out for RFP's two years ago. Mayor Szabo asked for a roll call to go out for RFP's for the architect services for the DPW renovation project.

ROLL CALL: Yeas, Councilmembers Di Pentima, Pignatelli, Visconti.

Nays, Councilmembers Marcalus, Stagg. Abstain, Councilman Burns.

CREW PROPOSAL-WASTEWATER MANAGEMENT PLAN FINALIZATION

Crew Engineers submitted a proposal for items needed to finalize the Borough's Wastewater Management Plan update. Councilwoman Stagg advised that Crew has been very responsive in dealing with State agencies on the Borough's behalf. She is happy to continue with their services. Councilman Burns advised that Crew was instrumental on the sewer issue. Mayor Szabo commented that Crew has invested a lot of time in this project. He would like to see them take the project to the end. A resolution will be listed on the May 12th meeting agenda.

ROAD REPAVING:

Councilman Visconti advised that bids were received by the Northwest Bergen Shared Services group for road repaving. Nine bids were received and the low bidder is Schifano Construction. Councilman Di Pentima asked how this affects the price. Mr. Kunze responded that Ramsey will issue a contract. All unit prices will then be in effect so the Borough can issue a contract for a not to exceed amount that is in our budget. He advised that this is good pricing. He advised the Council that this will be listed on an agenda in the near future to authorize a contract. The Borough would like to go out for paving in the early summer. There is a fuel adjustment clause in the bid specs. Councilman Burns commented that there is always an assumption that because we are going out to bid in a large volume that we will get a lower price. Councilman Burns does not understand why the Borough does not go out to bid ourselves. Councilman Burns would like to get separate bids early to compare against the shared services bid. Mr. Kunze responded that the Borough has to opt in or opt out from year to year. We cannot participate in both bids. Once we opt in to the shared services bid, we are committed to that bid. Councilman Burns commented that the Borough already has the bid specs. Mr. Kunze responded that we use the lead agency's bid specs and not our own. Boswell does not do the bid and therefore, the Borough's soft costs are lower when we use the shared services bid.

CDBG-PHASE 5 ROADS SUPPLEMENTAL REQUEST

Mr. Kunze advised that the balance of unused funds gets returned to the County. The Borough can try to get these funds to do supplemental work. The County has encouraged the Borough to make a request for the supplemental funds. Councilman Burns commented that there was one grant that we didn't use all the funds and we asked the County to do additional work. Didn't we do that with this money? Mr. Kunze responded that was for the CDBG-R project.

GIS MAPPING:

Mr. Kunze advised that we need to engage Crew Engineers to do GIS mapping for the permit for our water service. Councilwoman Stagg commented that she has questions. Mike Kaneletz from Crew or DPW Superintendent Marcucilli should be at the next meeting to explain this. Mayor Szabo responded that this should be discussed in Water Committee and then brought to the Mayor and Council. Councilman Pignatelli commented that it looks like there are two parts-the

GIS mapping and the water system mapping. If we don't have to do the water system mapping, then we don't have to spend \$ 10,000.

COUNCIL REPORTS:

Councilman Pignatelli: No report.

Councilman Di Pentima: No report.

Councilman Burns: The Shade Tree Commission will hold its Arbor Day Celebration on Friday April 30th at 4 pm. James Construction will do work on the Truman field. James Construction is extremely generous to the Borough with work done on the fields. Recreation had asked about the delay in the installation of the scoreboard. Recreation has advised there are problems related to the purchases from the WOLF bid for equipment. There is a problem with quality of items received. There is a problem with the Recreation contribution to the tennis courts. Badge fees were supposed to go to the trust account but went to general revenue instead. Councilman Di Pentima responded that badge fees are general revenue. The only thing that goes to trust is the maintenance fee that is charged to people that use the fields. The Council also approved the CAP fee to go into trust. Mr. Kunze confirmed that badge fees are revenue. Councilman Burns would like a letter from the auditor. Councilman Di Pentima advised that the CFO could provide the information.

Councilwoman Stagg: No report.

Councilman Visconti: The Library hired a new director, Abigail Sanner, who will start on May 25th. He welcomed her. Councilman Visconti advised that the Chamber of Commerce is in need of leadership.

Councilwoman Marcalus: The Planning Board will meet on May 13. The amended Highlands Master Plan Element is on the agenda.

Councilman Burns commented that the Shade Tree Commission is in need of an additional member.

Councilman Di Pentima welcomed Subway to Copper Tree Mall.

BILLS TO BE PAID:

On motion of Councilman Di Pentima, 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, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

MOVE TO EXECUTIVE SESSION:

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

Councilwoman Stagg left the meeting at 9:10 pm.

Discussion ensued over tax appeal settlements and labor contract negotiations.

CLOSE EXECUTIVE SESSION:

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

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

RECONVENE REGULAR MEETING:

On motion of Councilman Visconti, seconded by Councilman Di Pentima, the Regular business meeting be reconvened.

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

MEETING ADJOURNED:

On motion of Councilman Di Pentima, seconded by Councilman Visconti, the meeting be adjourned at 10:05 pm.

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

Lisa M. Duncan, Borough Clerk
May 12, 1010

Mayor John P. Szabo, Jr.

Date Approved

