

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY MAY 14, 2008

MOVE TO EXECUTIVE SESSION:

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

Discussion ensued over sale of municipal property, personnel matters and library litigation.

CLOSE EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, seconded by Councilman Pignatelli, 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 8:09 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; Steven Muhlstock, Borough Attorney; Borough Engineer Kevin Tichacek.

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 for the past two weeks, the Council has been dealing with the defeated school budget. The Regional school budget was defeated by voters of Franklin Lakes and Oakland. The governing bodies of Oakland, Franklin Lakes and Wyckoff must now decide the tax levy. The municipalities are required to provide the resolution no later than May 19th identifying cuts if any were made. The subcommittees from each municipality have been meeting regularly and the municipalities have met with the School Board twice. The three municipalities have agreed to share the cost of an independent auditor to make recommendations. Last night, a mandatory public hearing was held at Indian Hills High School. Mayor Szabo advised there is a philosophical policy disagreement between the three municipalities and the School Board. The towns feel that the Board should put capital projects on the ballot for referendum. The School Board disagrees with that position. Mayor Szabo advised there is a meeting scheduled for Thursday May 15th at the Senior Center at 7:30 pm to adopt a resolution identifying the reductions. The governing bodies are diligently reviewing that school budget because of their responsibility to the taxpayers. However, the governing bodies need to be cognizant of the educational needs of the district. Mayor Szabo advised that he attended Teen Canteen at Valley Middle School this past Friday to help sponsor "Think Pink" for breast cancer awareness. For each child who wore something pink, a sponsor donated money. \$ 1300 was raised that night for cancer research. He commended the students for doing something good for the community and thanked the sponsors as well. Mayor Szabo spoke to Valley Middle School Principal Dr. Lane who advised that many 8th grade students sought to help charities for their 8th grade projects. Mayor Szabo would like to recognize those students at the meeting on June 11th. Mayor Szabo spoke about the article that appeared in The Record today about payment of \$ 3.8 million in Bond Anticipation Notes. Mayor Szabo advised there are personnel issues involved so he has been advised by the attorney to be careful how to explain the issue without jeopardizing the personnel issues. Mayor Szabo advised that the Borough is not in the midst of financial collapse and the tax bills will not go up to raise the \$ 3.8 million referenced in the article. The Mayor and Council dealt with this problem expeditiously once it was discovered as a function of the audit. The Borough contacted the Prosecutor's office and the State to resolve the issue. The Mayor and Council is responsible for policy decisions and Mayor Szabo assured the public that this issue was handled properly once discovered. Mayor Szabo explained that the Borough had surplus to help deal with the appropriations. There will be an increase in municipal taxes but it will be less than the year before. There will be full disclosure on personnel issues after they are resolved.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Burns, 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.

Frank Monaco, 60 Thackeray Road, would like the Mayor and Council to look into a civilian Police Director in order to save money. He spoke of trees cut down by West Oakland Ave; he feels the Mayor and Council are at fault for what happened with payment of the \$ 3.8 million and asked why this wasn't caught earlier. He suggested using green acres money to help the budget. Mayor Szabo advised Mr. Monaco that the Borough could hire a Public Safety Director which is done in some larger communities. He advised that there would also be a need for someone to act as a Chief whether it be a Captain or Lieutenant because there is information that the Public Safety Director would not be privy to since that person is a civilian. Mayor Szabo advised that a Public Safety Director is not always prudent and cost effective for smaller municipalities. In regards to the property at West Oakland Ave., the property was not an environmentally sensitive site. The Developer had previously received approval to build and came back before the Planning Board to make changes to the plan. That allowed the Developer to make the plans consistent with the Borough's Downtown Plan. The property owner met with the Shade Tree Commission to assure that whatever is being planted is consistent with the site. Mayor Szabo commented that Mr. Monaco is right in that the "buck stops here" with the Mayor and Council. When things are not running correctly in the Borough, the Mayor and Council need to address it. There are repercussions that \$ 3.8 million was an obligation that had to be paid in one way or another. No one authorized the amount to be paid in full. However, the debt was there. The Borough has actually lowered that debt because we don't have to pay interest. However, that was not the preferred way to have paid those notes off.

Councilman Di Pentima explained that there were \$ 3.8 million in Bond Anticipation Notes. The Borough was going to renew the notes until there was a better financing rate. The Borough would be allowed to continue to roll over the notes for a ten-year period and then would have to lock in a rate. The Borough would not have locked in a rate at this time but the \$ 3.8 million would have been bonded at some point and the Borough would have paid interest on that amount. Councilman Di Pentima explained that the average life for a capital project is ten years. Assuming a 4.5% interest rate, that \$ 3.8 million would have cost the Borough about \$ 4.7 million. The amount that the budget would have to be increased each year for debt service is almost the same as what is needed to now rectify the situation.

John Schaus, Shade Tree Commission, advised that the trees on the West Oakland Avenue property were scrub trees and 95% were worthless. The problem that occurred was that the Shade Tree Commission was not notified in time to issue the permit before the trees came down. Mr. Schaus advised that the Borough received a plaque for Tree City at a State Arbor Day ceremony on April 25th. Mr. Schaus presented the plaque to the Mayor and Councilman Burns. He also presented signs and a flag to be displayed in the Borough. He thanked the Mayor and Council for their support and thanked the Borough Clerk and DPW Secretary Sue Trentacoste for all their help. Councilman Burns thanked the members of the Shade Tree Commission. He advised these are some of the hardest working volunteers that the Borough has and they put in many hours of their time. Councilman Burns suggested that the sign could be put by Vets Park because it is in the center of town.

Angelo Chiusano, 16 Mohawk, commented that it seems the article in the newspaper only shows one side of the story so he cannot comment. It seems strange the problem was not discovered for 11 months. He questioned if the bylaws stipulate who would sign off on vouchers. He feels that the Borough should change procedures for payment of bills so this could be prevented in the future. Mayor Szabo responded that this payment was never put on a bills list so the Mayor and Council never saw it. It was caught as part of the audit review. Mayor Szabo advised there is a new financial system in place, Edmunds, which is far better than the antiquated DOS system used before. He reiterated that no one authorized the payment of those bond anticipation notes. Councilman Di Pentima advised Mr. Chiusano that there is a report in the new system called "negative balance" report. If that payment had been posted on the system, it would have been caught in that negative balance report.

Jack Tauber, 152 Iroquois Ave, commended the Mayor and Council for doing the proclamation for Older Americans Month. He spoke about trying to reduce energy consumption. He hoped the Borough would have a green plan. Mayor Szabo advised that the green plan requires a lot of coordination. He is planning to meet with Environmental Commission to come up with a plan. Mayor Szabo advised he plans to have hold a green fair. There is a vendor system for green purchasing from the State and it is usually less expensive because it is a cooperative. Mayor Szabo is thinking of forming a green council to put together a plan. Mr. Tauber read that the State is reviewing the use of fertilizers. Mayor Szabo responded that the Borough is required to follow stormwater best management practices. The Borough has filed a stormwater plan. The Borough is not at the point to restrict residents from using fertilizer. Mr. Tauber advised that Oakland was listed as having unclaimed property.

Bob McLaughlin, 33 Walton Ave, asked what policies and procedures are in place to ensure something like this does not happen again. If it wasn't posted, it should have been in the bank recs. Councilman Di Pentima commented that was an excellent assumption on what should take place. Mayor Szabo commented there are times when things do not follow proper procedures. Mr. McLaughlin confirmed that the debt was owed one way or another but the Borough does not want to get hit with the payment in one shot. He advised that there should be policy in place and checks and balances. Mayor Szabo commented that at soon as the governing body found out, they contacted the Prosecutor's office and the auditor notified the State to work out a plan. Mr. McLaughlin commented he just wants to make sure that there are internal controls so this does not happen again. Councilman Di Pentima responded that the internal controls are only as good as the people who operate them. He advised that because of the freeze put on spending in 2006, it generated surplus. That surplus was going to be used to help keep the tax rate flat. He commented that as hard as the Council worked with department heads to generate surplus that could have been returned to the taxpayers is now being used for this issue. Councilman Di Pentima did reassure that the Borough is not in financial jeopardy and we do have cash flow. Mr. McLaughlin questioned if the Borough has received the Bergen County grant money for the NJ Capital land purchase. Mayor Szabo will check into this. Mr. McLaughlin questioned the status of the library litigation. Mayor Szabo responded that there have been depositions in the case. Mr. Muhlstock advised that discovery hasn't ended yet. There is mediation scheduled at which point all expert reports have to be presented. Mayor Szabo advised that some interesting things have come out of the depositions. Mr. McLaughlin questioned why the bonding company is off the hook. Mr. Muhlstock responded that the bonding company had limited liability. Mr. McLaughlin asked if there is a timeline. Mr. Muhlstock advised that it depends on whether there is a trial or settlement in the case. Mr. McLaughlin questioned the purchase of the Heritage Hills property. Mayor Szabo responded that the owner of the property came back with a purchase price of \$ 5 million which the Borough is not paying. Negotiations are ongoing.

Charle McCormack, 161 Manito Avenue, advised that he and his wife have started a website called The Oakland Journal. It is a new news service and shows a positive image of Oakland. They want to cover all events and show what is happening in the town. He encouraged the public to submit articles, comments. He also encouraged residents to support local businesses. The website is www.theoaklandjournal.com.

Frank Monaco, 60 Thackeray, commented about wood hanging at the stream house that poses a danger. Mr. Kunze advised that the Construction Official inspected the property and recommended removing one piece of wood.

Councilman Pignatelli left the meeting at 9:08 pm.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: APRIL 9, 2008

On motion of Councilwoman Stagg, seconded by Councilman Burns, the minutes from the Mayor and Council meeting of April 9, 2008 be approved.

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

Councilman Pignatelli entered the meeting at 9:09 pm.

APPOINTMENT TO LIBRARY BOARD

Mayor Szabo appointed Theresa Kilday as Mayor's Alternate to the Library Board to fill the unexpired term due to expire December 31, 2008.

APPOINTMENT TO PLANNING BOARD

Mayor Szabo appointed Barry Colyer to fill the unexpired term on the Planning Board that is due to expire on December 31, 2008.

APPROVE SIGN REQUEST: RAMAPO BERGEN ANIMAL REFUGE

On motion of Councilman Burns, seconded by Councilman Di Pentima, approval be granted to the Ramapo Bergen Animal Refuge Inc. to display a sign at Bush Plaza for their 30th anniversary.

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

APPROVE RAFFLE LICENSE RL1017

On motion of Councilman Burns, seconded by Councilman Di Pentima, approval be granted to Raffle License RL1017 for the Oakland Elks to hold an off-premise raffle for merchandise on July 24, 2008.

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

PROCLAMATION: OLDER AMERICANS MONTH

Mayor Szabo read the following proclamation into the record:

WHEREAS, during Older Americans Month, we recognize the many ways older citizens have enriched our Nation through their character, wisdom and love; and

WHEREAS, Older Americans help others to understand the past by teaching timeless lessons of courage, endurance and love; and

WHEREAS, through their legacy of patriotism, service and responsibility, the Older Americans have served as role models for younger generations; and

WHEREAS, this year's theme "Working Together for Strong, Healthy, and Supportive Communities" pays tribute to our seniors and their contributions, guidance, leadership and active support.

NOW THEREFORE, BE IT RESOLVED, that I, John P. Szabo, Jr., Mayor of the Borough of Oakland, hereby Proclaim the month of May as

"OLDER AMERICANS MONTH"

We commend these citizens for their countless contributions they have made and continue to make in the history of our Nation. I encourage all citizens to honor their elders, care for those in need, and reaffirm our country's commitment to Older Americans this month and throughout the year.

Councilwoman Marcalus thanked all the Seniors who attended the meeting. She introduced Harvey and Johanna Klaus and Joan Ludke who are two generations of the same family using the Senior Center. Mayor Szabo advised that our Senior Center is the envy of Bergen County. He is impressed with how well it is utilized. Joan Ludke got up to announce that her father was on the Senior Commission that helped design the building.

PROCLAMATION: NATIONAL PUBLIC WORKS WEEK
Mayor Szabo read the following proclamation into the record:

WHEREAS, the services provided by the Department of Public Works are an integral part of the Borough of Oakland's citizens' every day lives; and

WHEREAS, the support and understanding and informed citizenry is vital to the efficient operation of the Department of Public Works systems through programs such as water, sewers, streets and highways, public buildings, snow removal and solid waste collection; and

WHEREAS, the health, safety and comfort of this community greatly depends on the facilities and services provided by the Public Works employees.

NOW THEREFORE, BE IT RESOLVED, that I, John P. Szabo, Jr., Mayor of the Borough of Oakland, hereby Proclaim the week of

MAY 18th – 24th
as
"NATIONAL PUBLIC WORKS WEEK"

and call upon all citizens and civic organizations to recognize the contributions which the Department of Public Works employees make to our health, safety, and quality of life as well as the work that is done every day in keeping our community a place we can all be very proud of.

Councilman Di Pentima commented that there was an article in The Record about a month ago and it ranked various services in Bergen County. The Oakland Public Works Department received an honorable mention out of all 70 municipalities.

PROCLAMATION: MYASTHENIA GRAVIS

Mayor Szabo read the following proclamation into the record:

WHEREAS, Myasthenia Gravis is a neuro-muscular disease striking children and adults, affecting control of voluntary muscles and is one of the major neuromuscular disorder affecting residents of New Jersey; and

WHEREAS, the symptoms of this disorder include, but not limited to, difficulty in moving, breathing, swallowing, speaking and seeing; and

WHEREAS, the Myasthenia Gravis Foundation of America, Inc. is a non-profit organization founded "to facilitate the timely diagnosis and optimal care of individuals affected by Myasthenia Gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research, professional education advocacy, and patient care;" and

WHEREAS, it is fitting to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure;

NOW THEREFORE, BE IT RESOLVED, that I, John P. Szabo, Jr., Mayor of the Borough of Oakland, hereby Proclaim the month of June as

“MYASTHENIA GRAVIS AWARENESS MONTH”

RESOLUTION 08-95 READ BUDGET BY TITLE

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

WHEREAS, N.J.S.A. 40A:4.8 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 as advertised 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 budget shall be read by title only.

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

Councilman Di Pentima spoke about the budget that was introduced. The municipal budget appropriation increased by \$ 802,000 and the amount to be raised by taxes increased by \$ 937,000. That amounts to 3.7 tax points and the additional cost to the average assessed home is a \$ 173 increase. Councilman Di Pentima advised that all municipalities are having their State revenues cut. Oakland is losing \$ 170,211. Councilman Di Pentima does not know if that money will be restored to the Borough but it has been removed as a revenue source from the budget.

Councilman Di Pentima advised that all municipalities are subject to a 4% cap levy. Every municipality has a cap adjustment for certain items such as debt service and pension. The cap levy relates to department costs. There are \$ 370,000 in contractual salary increases. Also included in the salary increases are retirement payouts for several employees. There has also been an 8 ½% increase in health insurance. The non-cap items are debt service and pension. Four years ago, the State began pushing back funding for pension for public employees. The increase this year is \$ 311,000. Next year is the last year of increase until full phase in of the cost for pension. The Borough will see a more stabilized rate after that. Councilman Di Pentima advised that the reserve for uncollected taxes has been increased slightly by \$ 30,000.

Councilman Di Pentima advised that this budget freezes operating expenses at the same level as 2007. The Mayor and Council are going to hold a budget meeting with the larger departments. Hopefully there will be further cuts after that meeting. Councilman Di Pentima advised that the Borough is waiting for the State numbers to determine if the State is going to restore funding to the municipalities.

Councilman Di Pentima advised that the budget does include an increase for fuel costs. The Borough Administrator and Finance Committee are looking at fuel usage and costs. Additional funds may have to be put into the budget. There has been an analysis done over the last year to help determine costs for this year.

OPEN TO THE PUBLIC:

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the following portion of the meeting be opened to the public.

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

Frank Monaco, 60 Thackeray, asked how much the increase will be for the homeowner when combining the municipal portion with the school budgets. Councilman Di Pentima advised that he does not have the numbers for the County budget. The local school budget increase is \$ 123, the regional school increase is \$ 40 and the municipal increase is \$ 173. Mr. Monaco is concerned that the Borough has used its reserves. Councilman Di Pentima responded that the Borough has not used all the reserves. Mr. Monaco expressed concern that the Borough would have to borrow money again if all the reserves were used. Mr. Monaco commented that if the polls opened at 6:00 a.m. for the school election, the local school budget would have gone down, too.

Bob McLaughlin, 33 Walton Avenue, commented that he feels the \$ 30,000 increase in reserve for uncollected taxes may be light. Councilman Di Pentima responded that the figure is based on the actual collection rate. Oakland has less than 20 homes in foreclosure. If he sees the trend changing, he will increase the amount in the budget. Discussion ensued over library and debt

service. Mr. McLaughlin advised that the Borough cannot keep having 10% increases. He asked if the Council has explored Blue Cross or Aetna for health benefits coverage. Councilman Di Pentima responded that there is an analysis done every year by the Borough's risk manager. In the past few years, it was determined that a shift to another company would be more costly. Councilman Di Pentima commented that the volunteer Fire Department used to be in the Borough's insurance plan. No one else would touch the plan while the Fire Department was on it. The Fire Department has since been removed from the benefits plan. Councilman Di Pentima also advised that one of the bigger groups in the health benefits plan is retirees and their benefits are based on the contract at the time they retired. The cost of retirees is what drives up the private side of insurance for the Borough. The Council can look at that going forward but cannot change the past. Councilman Visconti advised that the Council has explored a lot of options including public pools and private organizations. It would cost the Borough more money for now to switch. Councilman Di Pentima advised that being self-insured, the Borough takes risks. There is a stop loss amount of \$ 45,000. In a pool environment, the problem is that the cost for extraordinary issues is spread out amongst participants. If the Borough's group is healthy, we could still experience cost increases due to other variables. Mr. McLaughlin questioned prescription costs. Councilman Di Pentima responded that every contract was negotiated with an increase in copay to \$ 20 and \$ 10. Mayor Szabo also explained that in every contract it stipulates that new employees go into managed care systems. The biggest savings will be where new employees go into managed care. Councilman Di Pentima commented that the Insurance Committee is working on getting more information out to employees.

Frank Monaco, 60 Thackeray, spoke of prescription benefits.

CLOSED TO THE PUBLIC:

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

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

Mayor Szabo commented that the Council is trying to set up a budget meeting on May 28th. Mr. Kunze will check with Department Heads to ensure their availability.

RESOLUTION 08-96 MEMORIALIZE WAIVER FOR WORK HOURS-EDEN OAKLAND

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

WHEREAS, Eden Oakland Realty Partners, LLC, is in the process of constructing retail improvements at the intersection of Ramapo Valley Road and West Oakland Avenue; and

WHEREAS, the developer has requested a variance of the hours of operation for construction and site work on the project; and

WHEREAS, Borough Code Chapter 3-3.8 allows variances for good cause shown.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the request of Eden Oakland Realty Partners, LLC, for a variance from the provisions of the Borough's Noise Ordinance, is conditionally granted, subject to the following terms and conditions: (a) the hours of operations permitted on Monday through Friday shall be 7:00 a.m. to 8:00 p.m. (b) the hours of operations permitted on Saturday shall be 7:00 a.m. to 4:00

p.m. (c) only on-site construction activities are allowed on Saturday. No deliveries or soil movement within or out of the site shall be permitted. (d) the variance approval granted herein is valid for 60 days, initiating April 24, 2008. (e) the variance approval granted herein is revocable at the Council's discretion, based on complaints or site observations that would lead the Council to believe that revocation of the variances is in the best interest of the public.

BE IT FURTHER RESOLVED that the 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 08-96 ENDORSE APPLICATION HIGHLANDS COUNCIL GRANT

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

WHEREAS, the New Jersey Highlands Water Protection and Planning Council (Highlands Council) has approval an Initial Assessment Grant Program for municipalities and Counties within the Highlands Region to fund preliminary municipal Regional Master Plan Conformance activities; and

WHEREAS, these grant funds will allow municipalities to engage their professionals to assess the requirements and benefits of Plan Conformance; and

WHEREAS, these grants funds may also be used toward an assessment of voluntary Plan Conformance for lands within the Planning Area, if a municipality has land in both Planning and Preservation Areas.

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Oakland.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Oakland is cognizant of applying for the funding of \$ 15,000 through the New Jersey Highlands Water Protection and Planning Council (Highlands Council) and hereby authorizes the Borough Administrator to implement the grant application within the specified timeframe.

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

RESOLUTION 08-100 AUTHORIZE CREW ENGINEERS-CONSUMER CONFIDENCE REPORT

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

WHEREAS, the U.S. Environmental Protection Agency (EPA) requires the Community Water Systems prepare and provide to their customers an annual Consumer Confidence Report; and

WHEREAS, in accordance with the regulations, the report must be issued before July 1st of each year; and

WHEREAS, Crew Engineers Inc. will prepare the Year 2007 Consumer Confidence Report in accordance with these regulatory requirements at a cost not to exceed \$ 3,000 as stated in their proposal dated April 23, 2008; and

WHEREAS, the Chief Financial Officer has certified there are sufficient funds available.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby accepts the proposal of Crew Engineers Inc. and authorizes the Borough Administrator to issue a Purchase Order in an amount not to exceed \$ 3,000 for the services specified in the proposal.

Councilman Pignatelli questioned if the confidence report has been done in-house. Councilwoman Stagg responded that the Engineer has always done the report. They review data provided by the Water Department.

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

RESOLUTION 08-101 AUTHORIZE SPECIAL AUDITOR

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

WHEREAS, the voters of Oakland, Franklin Lakes, and Wyckoff defeated the regional high school budget on April 15, 2008; and

WHEREAS, it is now the responsibility of the Governing Bodies to review the regional school budget and certify the taxes to the County Board of Taxation; and

WHEREAS, the Governing Body has solicited proposals from auditors to provide Financial Advisory Services related to the review of the defeated regional school budget; and

WHEREAS, Charles J. Ferraioli of the firm of Ferraioli, Wielkocz, Cerullo & Cuva, P.A. has proposed the fee for these services would be at a cost not to exceed \$ 5,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland authorize Charles J. Ferraioli to provide the services outlined in the proposal related to the review of the defeated regional school budget in the amount not to exceed \$ 5,000.00 with the cost to be shared equally between consenting municipalities.

Councilman Di Pentima advised the bill for the auditor will be shared equally among the three municipalities.

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

RESOLUTION 08-102 APPROVE OCC BYLAWS

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

WHEREAS, the bylaws of the Oakland Communications Commission were formally adopted by the Mayor and Council on July 13, 2005; and

WHEREAS, the Oakland Communications Commission have made revisions to the bylaws and have requested that the Mayor and Council approve the revised bylaws;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland does hereby adopt the attached bylaws of the Oakland Communications Commission.

Councilman Burns advised that there are areas where he has questions or comments. He commented that page 2, section 1.18 was not appropriate wording. Page 3, section 5.3 gave no indication about submitting to Borough Hall. Section 5.6 does not say who would be previewing. Section 5.8 is too general a term. Councilman Di Pentima responded it is defined in section 5.7. Councilman Burns commented that section 6.5 on page 5 does not guarantee that it will be evenly divided. Councilman Di Pentima responded that everyone submits articles for the Crossroads and the Committee formats in a standard format. The OCC is trying to make sure that if the Borough has three pages, the school has three pages in the newsletter. If the town doesn't submit articles, the school would have extra space or vice-versa. Councilman Burns has a wording issue in Section 7 with 7.5 and 7.10. A question arose last year about candidates making joint tapes. There is no provision for multiple candidates on one tape. Wording should be put in that the allotment is 30 minutes per candidate.

Mayor Szabo suggested the Council move forward with these bylaws. Councilman Di Pentima could return to the OCC and raise the issues that Councilman Burns brought forth. Councilman Di Pentima commented that several weeks ago, he asked all Council members to submit any questions or comments to the Borough Administrator and none were received. Councilman Burns advised he will provide comments to Councilman Di Pentima and Mr. Kunze.

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

RESOLUTION 08-103 HIRE PER DIEM DISPATCHER

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

WHEREAS, the Police Chief has requested the appointment of a per-diem dispatcher;

BE IT RESOLVED, that the Mayor and Council hereby appoints David E. Hutsebaut and Robert V. Mulvey as per-diem dispatchers at a salary of \$ 16.24 effective May 15, 2008.

Councilman Pignatelli advised this is done so that the Police Department does not have to utilize higher paid Police Officers as dispatchers.

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

RESOLUTION 08-104 CERTIFY TAX LEVY

Mayor Szabo advised this resolution is being adjourned to the Special meeting for Thursday May 15, 2008 at 7:30 pm at the Senior Center.

RESOLUTION 08-105 AUTHORIZE PARTICIPATION IN CDBG PROGRAM

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

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title 1 of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and

WHEREAS, the current Interlocal Services Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, by May 23, 2008 each municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Borough of Oakland and its residents to participate in said programs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that it hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant municipality in the Urban County entitlement programs being the Community Development Block Grant Program and Home Investment Partnership Act Program for the Program Years 2009, 2010 and 2011 (July 1, 2009-June 30, 2012); and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Bergen County Division of Community Development no later than May 23, 2008.

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

RESOLUTION 08-106 TEMPORARY EMERGENCY RESOLUTION

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

WHEREAS, an emergency condition has arisen with respect to various line items and no adequate provisions have been made in the 2008 temporary budget for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolution adopted in the year 2008 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, O.L. 1951 as amended) including this resolution total \$ 15,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland (not less than two thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20,

1. An emergency temporary appropriation be and the same is hereby made for the account listed in the amount of \$ 15,000.00.

| | |
|-----------------------------------|--------------|
| Donation-Oakland Rec. Association | \$ 15,000.00 |
|-----------------------------------|--------------|

2. That said emergency temporary will be provided for in the 2008 budget under the title of 2008 Municipal Budget.

Councilman Burns commented he believed it was the Oakland Sports Association not the Rec Association. Mr. Kunze advised that the check was from the Oakland Rec Association. Councilman Burns explained that this was a donation for the sprinkler system on Field 9. Recreation is making up the difference in cost. The Borough has to account for receiving the donation in order to use for the expenditure. Councilman Di Pentima advised that the cost is \$ 21,000 and the differential is already in the budget. He thanked Oakland Rec Association for the donation.

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

RESOLUTION 08-107 AWARD BID FOR EMERGENCY RESPONSE VEHICLE

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

WHEREAS, on April 15, 2008 the Borough of Oakland received two bids for the purchase of a Quick Response Attack Unit Vehicle for the Fire Department; and

WHEREAS, the Borough Administrator, Fire Chief and Borough Attorney have reviewed said bids and are recommending the acceptance of the bid from Danko Emergency Equipment Co., Snyder, Nebraska in the amount of \$ 102,735; and

WHEREAS, the Chief Financial Officer has certified that the funds are available in account number C-04-55-921-002.

WHEREAS, the Chief Financial Officer has certified that the funds are available in account number C-04-55-921-002.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the bid for one 2008 Quick Response Attack Unit be awarded to Danko Emergency Equipment Co., Snyder, Nebraska in the net amount of \$101,235.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute the agreement on behalf of the Borough.

Councilwoman Stagg questioned what this vehicle is. Councilman Pignatelli responded it will transport equipment that does not fit in the fire truck. The Borough is saving money by ordering the vehicle. The 2008 model will be discontinued tomorrow afternoon at 4 pm. Mayor Szabo advised that this was approved in last year's capital ordinance.

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

WORK SESSION:

NYS & W PROJECT:

Mayor Szabo advised that the Borough's endorsement is needed for the Railroad's rehabilitation project. He highly supports any renovations in order to keep the railroad safe. Councilman

Pignatelli advised they are adding some additional safety features to make the crossing safer. The Clerk was instructed to list this on the next agenda.

PROPOSAL-CREW ENGINEER

Councilwoman Stagg advised that the final phase of treatment at Skyview Sewer Treatment plant is the sand filter. There were originally four working sand filters. There is only one that works at this time. It is a serious situation. There is a need to refurbish three sand beds. The cost for design will be \$ 14,000 which includes laboratory expenses. There may be additional work when the sand is out but we won't know that until the work is done.

Councilwoman Stagg advised there is another issue that is ongoing with the infiltration and inflow at Skyview. The Water and Sewer Committee were considering putting in an additional equalization tank to control the inflow but the proposals were too high. She advised that the place that the inflow is coming is the chimney of the manhole. It appears that groundwater is eroding the manholes. She hopes to have a proposal from Crew for the engineering of this project for the next agenda to move forward. Mayor Szabo asked if this was just for engineering. Councilwoman Stagg confirmed this was correct. She commented that the money that was put aside for the equalization tank could be used for this project.

Councilman Burns advised that the sand pits are almost an emergent situation. The Borough might even be in violation so we need to move forward expeditiously. This matter will be listed on the next agenda for action. Councilwoman Stagg advised that the chimney work including construction costs may be under \$ 20,000.

HISTORIC PRESERVATION GRANT:

Mr. Kunze advised that the Borough currently has a few grants. In 2001 there was a grant for cabling the stream house. That project is complete and the Borough will receive \$ 6,500 back for that work. The second grant is a 50/50 match for a historic preservation plan. The County portion is \$ 30,000 so the Borough must contribute \$ 30,000 as well. In addition to the County providing funding, there is funding available from the State. Mr. Kunze advised that if the Borough received funding from the State, it could fully fund the historic preservation plan. He advised the Borough did solicit RFP's last year for a historic preservation plan and the proposals received were between \$ 60,000 and \$ 70,000. Councilwoman Stagg advised that the Borough did apply for the same grant two years ago and were denied. However, the more times that the Borough applies, there is more chance of success. Councilwoman Stagg advised that the Borough needs to send a letter of intent to apply for the grant. Councilman Di Pentima advised that this was not put into the budget. Mayor Szabo questioned if this was offset by revenue. Councilman Di Pentima responded he doesn't know when it was paid. Mr. Kunze commented that he assumed the Borough took in the \$ 30,000 grant in through the budget or by Chapter 159. The Borough received a commitment for the grant and it is on a reimbursement basis. He would recommend holding off award of the contract for the historic preservation plan until we hear from the State. Councilman Burns commented that we would not expend funds on this project until next year. Mr. Kunze responded that was correct. Councilman Burns commented that the Borough should apply for the State grant. Mayor Szabo responded that the Council should authorize the application. Councilman Di Pentima commented he would like to resolve the budget impact first. This can wait one more meeting. Mr. Kunze responded there is time to do the resolution. If there is a consensus to proceed, he will start working on the application. Mayor Szabo asked that this be discussed at the May 28th meeting.

NEW BUSINESS:

Mayor Szabo needs to discuss a personnel matter in Executive session after the meeting.

COUNCIL REPORTS:

Councilman Pignatelli: the Board of Health met this past Monday. They discussed several items to be published in the Crossroads. He advised that the attendance in the SMAC clinic is declining. If attendance does not increase, it might not be advantageous to hold the clinic any longer. He advised that this test provides an analysis of the blood for 23 functions. Participants must have a doctor's prescription. Councilman Pignatelli advised that he met last Thursday with the OEM. The OEM is writing a rescue plan for a lost hiker. They will also write a rescue plan for a plane crash in the mountains. The OEM will hold a tabletop drill next month. They hope to have a full drill in the fall. The Police Department responded to 613 calls in April.

Councilman Di Pentima: advised that the Council hopes to hold a budget meeting on May 21st. The meeting will be open to the public. The Memorial Day Parade will be held on May 25th at 1 pm.

Councilman Burns: commented that the baseball and softball parade was held this past Saturday. Shade Tree Commission received all the Tree City USA items. At the last meeting, Ed Clark indicated what the Shade Tree Commission did to review the plans for the Eden project and what they got the developer to agree to.

Councilwoman Stagg: No report.

Councilman Visconti: there was a concert held on May 3rd to benefit the Library Growth Foundation sponsored by the Commerce Bank and Chamber of Commerce. It was a very successful concert. He spoke about upcoming Library events. The Chamber of Commerce is sponsoring a Green initiative in June and are looking for speakers. Councilman Visconti advised there has been a meeting with the Planner regarding the Downtown Project. The pavers and street lights have been selected for the Eden project. Councilman Visconti advised that at the last meeting he proposed putting a non-binding referendum on the ballot for a green initiative. The next meeting of the Municipal Alliance will be held on Monday.

Councilwoman Marcalus: the Planning Board will meet on June 12th at 7:30 pm. Councilwoman Marcalus offered congratulations to Jennifer Matts who was voted President of the Oakland Board of Education and to John Scerbo who was made Vice-President. She also congratulated Sadie Quinlan who is now the President of the Regional Board of Education. Councilwoman Marcalus advised that the new flower pots and flowers seen around town were donated by Ronnie and Larry Levine.

BILLS TO BE PAID:

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

Councilman Burns advised that Carolyn Karg passed away recently. She was an advocate for the Borough residents.

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, 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:
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 personnel issues regarding the CFO.

CLOSE EXECUTIVE SESSION:

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

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

MEETING ADJOURNED:

On motion of Councilman Burns, seconded by Councilman Di Pentima, the meeting be adjourned at 11:05 pm.

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

Lisa M. Duncan, Borough Clerk
June 11, 2008

Mayor John P. Szabo, Jr.

Date Approved

