

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY OCTOBER 14, 2009

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Burns, 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, Visconti.

Discussion regarding personnel and Heritage Hills negotiations.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Pignatelli, seconded by Councilman Di Pentima, 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 7:33 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; Borough Engineer Steven Busanic.

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.

PRESENTATION BY WEST BERGEN MENTAL HEALTH:

Michael Tozzoli, CEO of West Bergen Mental Health, advised that they serve approximately 3,000 people per year for various counseling services. Mr. Tozzoli wanted to discuss a project proposed for their property on Raritan Road. This project is a collaboration with West Bergen Mental Health, the Multiple Sclerosis Society, and Regan Development Corporation. This is a housing project targeted to people suffering from MS and Asperger's syndrome.

Ken Regan from Regan Development advised that Regan Development is an affordable and special needs housing developer. They are talking about a 50 unit independent apartment complex for people with MS and Asperger's syndrome. The site on Raritan Road is 6 acres. There will be 50 apartments and the majority will be 1 bedroom apartments. This will be a full service complex and meet housing and social needs. This project will help the Borough with its COAH requirements. The Borough would receive bonus credits because it is special needs development as well as affordable housing. Mr. Regan advised they have not started architectural drawings yet because they want to work in conjunction with the Borough. They are looking for a resolution from the Mayor and Council to support the application to Bergen County for Home funds.

Mike Alco from the MS Society advised that there is no housing available for people with multiple sclerosis. This would be low and moderate income housing because their disability does not allow them to work. Michael Tozzoli advised that asperger's syndrome is a high functioning autism. The IQ's are normal to slightly below normal. These people have difficulty with social interaction and non-verbal cues. These people live with aging families. This project would be a pilot program. Mr. Regan advised they have to meet certain requirements to get funding from the State. The State will fund the project through a special needs trust fund. In addition to the resolution, the project will need municipal land use approval, Regan Development will need to process a payment in lieu of taxes to make the project affordable to the people they are wishing to serve and Regan Development would like the opportunity to ask for a low interest loan from the Borough's COAH funding, if needed. The resolution is only an endorsement for the application for funding.

Mayor Szabo explained that this site was previously approved for a self-storage facility. Then West Bergen Mental Health bought the property. They originally intended to put their office there and it would have been tax exempt. This project meets a need in the community and it meets the Borough's COAH obligations. The pilot program would provide more revenue to the Borough than it would if West Bergen Mental Health had built their offices. The project is not

impacting existing residential neighborhoods. Mayor Szabo insisted that these groups come to the Council for feedback although he thinks it is a wonderful opportunity. Mayor Szabo has one area of concern and that is wastewater management. There is already an application for a septic as an office building. They will have to reapply to the DEP. This application to the County is specifically for HOME funds not CDBG funds that the Borough has applied for. This application does not jeopardize any CDBG project the Borough is considering.

Councilman Di Pentima questioned how people would qualify for housing. Mr. Regan responded they would have to be income qualified and there would be two separate qualifications. Councilman Di Pentima questioned how many Oakland people would be helped. Mr. Regan will check the surveys to see how many Oakland people are involved. They will certainly help as many Oakland people as they can. Mayor Szabo advised that under COAH rules, you would have to reach out to the region. Councilman Di Pentima asked what services would be needed from the Borough. Mr. Regan responded that the project comes in with built in services for the clients. There will be an onsite superintendent. There might be slight use of ambulance services. There will be little or no impact on schools. Councilman Burns asked how many stories the building would be. Mr. Regan responded they are looking for two stories although it may be a three story building built into the slope. Councilman Burns commented that Oakland is looking into hooking up to sewers through the Northwest Bergen Sewerage Authority. He asked Mr. Regan if they would be willing to hook up if sewers become available. Mr. Regan responded they would be willing. Councilman Burns commented that this would require a zone change. Mayor Szabo advised it would go before the Zoning Board for a use variance application. Councilman Burns does not want to change the zoning to residential. Mayor Szabo advised that the approval would run with the application submitted. Any change would have to go before the Zoning Board. He advised that these projects go through microscopic review.

Councilman Burns questioned the COAH numbers. Mr. Regan responded there is a bonus under the COAH process. If the Borough complied in the previous rounds, it would get a bonus. He believes it would be a 2 to 1 bonus so 50 units would count as a credit for 100 units. Councilman Burns questioned the affordable housing fund. Mr. Regan advised that the Borough has approximately \$ 800,000 in their COAH account. If the project needs additional funding, Regan Development would like the opportunity to borrow the COAH funds. Mayor Szabo explained that the Borough is required to have a COAH fund and a spending plan for that fund or the State will take the money away.

Councilman Burns commented that the project is not a tax burden and is meeting a need in society. He would support the project as long as it meets the other requirements. The consensus of the Council was to move forward tonight with a resolution to endorse the project.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Pignatelli, seconded by Councilman Visconti, 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, advised there will be a debate of the candidates on October 20th. He asked if this can be posted on the bulletin board on Route 202. He asked why there are curbs at the Rec field. Borough Engineer Busanic advised that the curb work was part of the road project. Mayor Szabo responded that the project was done with stimulus grant money. Mr. Monaco asked the number of people who couldn't pay their water bill. Councilman Di Pentima

advised that 147 delinquency notices were sent out. Mr. Monaco advised that the referendum to increase the open space tax had failed so people don't want to spend tax dollars on open space. He asked if the Borough is responsible to maintain the Heritage Hills property once it is purchased. Mayor Szabo responded that it depends on if the property is developed. Mr. Monaco is against spending money in these economic times.

Henry Leshner, 14 River Dell, questioned the logic of giving up tax revenue for the Heritage Hills property when the Council cut garbage pickup to save \$ 24,000.

Bert Harrison, 143 Ramapo Valley Road, gave the Council a copy of the notice of violation from the DEP on the culvert on the Heritage Hills property. Mr. Harrison estimates it will cost the Borough \$200,000 to fix the culvert so the cost to the Borough to purchase the property will be more than \$ 600,000. The Borough cannot afford that. Mayor Szabo questioned if the number of units that were proposed for that development were built, how it would affect the stream by Mr. Harrison's property. Mr. Harrison responded it would not affect his property. Mayor Szabo advised that the Council will authorize the Engineer to investigate the complaint with the DEP. The purchase of the property is contingent upon the issues that Mr. Harrison raised.

Frank Monaco, 60 Thackeray, questioned who is paying the Engineer for this investigation. Mayor Szabo responded it is part of their Engineering contract.

Vivian King, 113 Hiawatha Blvd., commented that there was no running water or soap in the Recreation bathrooms last Sunday. She asked what is going to be done to make the bathrooms to not be a health issue. Mr. Kunze advised that the cleaning service did not previously clean the bathrooms on the weekend. They now clean the bathrooms every day. There is a sign on order with a number to call with complaints. The DPW is supposed to be checking the bathrooms as well. Mr. Kunze will follow up with the DPW.

Dave Guliani, 17 Nokomis, spoke to his neighbors and a majority were ok with the purchase of the land. Mr. Guliani is in favor of purchase of the property.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: SEPTEMBER 23, 2009

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of September 23, 2009 be approved.

ROLL CALL: Yeas, Councilmembers Burns, Di Pentima, Marcalus, Visconti.
Abstain, Councilmembers Pignatelli, Stagg.

APPROVAL OF MINUTES: JULY 22, 2009 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the minutes from the Executive Session from July 22, 2009 be approved.

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

APPROVAL OF MINUTES: AUGUST 12, 2009 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the minutes from the Executive Session of August 12, 2009 be approved.

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

APPROVAL OF MINUTES: AUGUST 26, 2009 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the minutes from the Executive Session of August 26, 2009 be approved.

ROLL CALL: Yeas, Councilmembers Burns, Marcalus, Pignatelli, Visconti.
Abstain, Councilmembers Di Pentima, Stagg.

APPROVAL OF MINUTES: SEPTEMBER 9, 2009 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Executive Session of September 9, 2009 be approved.

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

APPROVAL OF MINUTES: SEPTEMBER 23, 2009 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the minutes from the Executive Session of September 23, 2009 be approved.

ROLL CALL: Yeas, Councilmembers Burns, Di Pentima, Marcalus, Visconti.
Abstain, Councilmembers Pignatelli, Stagg.

RESOLUTION 09-215 AUTHORIZE WATER REFUND

On motion of Councilwoman Stagg, 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 a Water Utility overpayment as a result of an error by the homeowner in setting up an auto-pay from their checking account; and

WHEREAS, N.J.S.A.40A:5-17 requires approval of the governing body for said refund:

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland does hereby authorize a refund of \$500 to Ms. Andrea Glass of 16 Falling Waters, Oakland, N.J.

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

RESOLUTION 09-216 INCREASE LOSAP CONTRIBUTION FOR 2007 COLA

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

WHEREAS, the Mayor and Council of the Borough of Oakland have authorized a Length of Service Award Program (LOSAP) for the Oakland First Aid Squad and Oakland Volunteer Fire Department; and

WHEREAS, on February 27, 2008 the governing body authorized a total contribution of \$24,150 to eligible members for their service during the year 2007, and

WHEREAS, the Borough Ordinance creating LOSAP authorizes a Cost of Living Adjustment (COLA) after the maximum annual contribution has been reached; and

WHEREAS, the COLA for 2007 would increase the per member contribution from \$1,150 to \$1,190.25;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland does hereby authorize the Chief Financial Officer to pay Lincoln Financial, the LOSAP trustee, the sum of \$2,012.50 as an addition to the 2007 contributions previously made; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby directed to ensure that each participant eligible for a 2007 contribution has his/her account accordingly adjusted with this increase.

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

RESOLUTION 09-217 AUTHORIZE 2008 LOSAP PAYMENT

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

WHEREAS, the Mayor and Council of the Borough of Oakland have authorized a Length of Service Award Program (LOSAP) for the Oakland First Aid Squad and Oakland Volunteer Fire Department; and

WHEREAS, the First Aid Squad has certified 19 members eligible, and the Oakland Volunteer Fire Department has certified 38 members eligible for a contribution based on their service during the year 2008, and

WHEREAS, the Borough Ordinance creating LOSAP authorizes a Cost of Living Adjustment (COLA) after the maximum annual contribution has been reached; and

WHEREAS, the COLA for 2008 would increase the per member contribution from \$1,190.25 to \$1,223.58;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland does hereby authorize the Chief Financial Officer to pay Lincoln Financial, the LOSAP trustee, the sum of \$69,744.06 as the Borough's contribution to the Plan for the year 2008.

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

RESOLUTION 09-218 APPOINT COURT ADMINISTRATOR

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

BE IT RESOLVED that the Mayor and Council hereby appoint Dawn Baron to the position of Court Administrator at a salary of \$ 50,000 with no overtime effective October 13, 2009.

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

RESOLUTION 09-219 AUTHORIZE AGREEMENTS-SCOREBOARD ADVERTISING

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

WHEREAS, the Borough of Oakland is installing a scoreboard at the roller hockey rink at the recreation facility; and

WHEREAS, the cost of the scoreboard is being off-set by advertising revenue; and

WHEREAS, the Borough, by its Recreation Commission, solicited advertisers for the scoreboard at rates which have been negotiated and are hereby approved by the Council; and

WHEREAS, the Council has approved the size and content of the advertisements;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the Council does hereby approve advertisements on the roller hockey rink scoreboard for Access Self Storage, Airbrook Limousine and Haas Construction; and

BE IT FURTHER RESOLVED that the Council approves the rate for the advertisements, to wit, \$2,615, for a term of five year(s); and

BE IT FURTHER RESOLVED that the Council also approves advertisement by the Father's Club on said scoreboard, in light of the funding provided by that entity; and

BE IT FURTHER RESOLVED that the cost of fabricating the signage and installation of the signage is included in the said payment.

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

RESOLUTION 09-220 APPOINT PER DIEM DISPATCHERS

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

WHEREAS, the Police Chief has requested the appointment of per-diem dispatchers and has completed all necessary background investigations and deemed the candidates to be qualified.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby appoint Kevin L. Parminter, Richard S. Wolak and Patrick J. McKell as per-diem dispatchers at a salary of \$16.24 per hour effective October 14, 2009.

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

RESOLUTION 09-221 ACCEPT BID-BLOCK 2501, LOT 14

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

WHEREAS, the Borough of Oakland is the owner of certain land consisting of approximately .227 acres identified as Block 2501, Lot 14, commonly known as Lakeview Terrace; and

WHEREAS, the Borough of Oakland no longer has a public use for this parcel; and

WHEREAS, the Borough determined to convey this property to an adjoining property owner by public auction; and

WHEREAS, that auction was held on October 7, 2009; and

WHEREAS, the successful bidder was Lewis D. Levy, an adjoining property owner, with a bid of \$6,500.00.

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

1. Accepts the bid of Lewis D. Levy in the amount of \$6,500.00 for conveyance of the property located at Block 2501, Lot 14.
2. This conveyance shall take place on or before November 22, 2009 and the Mayor and Clerk are authorized to execute any and all documents necessary to convey this parcel.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to: (i) Lewis D. Levy; (ii) Brian M. Chewcaskie, Borough Attorney.

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

RESOLUTION 09-222 AWARD BID FOR CDBG ROAD PAVING

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

WHEREAS, on October 8, 2009, the Borough received eight bids for the 2009 CDBG road paving project to pave Butternut Court, Bailey Ave., and Ramapo Terrace; and

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the bids and recommend acceptance of the bid of D & L Paving Contractors, Inc, 185 High Street, Nutley, NJ 07110, in the amount of \$91,387.14; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 9-01-41-718-000

NOW, THEREFORE, BE IT RESOLVED that the bid of D & L Paving Contractors, Inc., in the amount of \$91,387.14 be and is hereby accepted; and

BE IT FURTHER RESOLVED, that the Borough Attorney is directed to prepare an appropriate contract for the same; and

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

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

RESOLUTION 09-224 ENDORSEMENT SPECIAL NEEDS HOUSING PROJECT

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

WHEREAS, a Bergen County Community Development grant of \$1,000,000 has been proposed by Regan Development Corporation for the Oakland Special Needs Housing Project in the municipality of Oakland, and

WHEREAS, pursuant to the State Interlocal Services Act, community development funds may not be spent in a municipality without authorization by the Mayor and Council, and

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

WHEREAS, the aforesaid project will proceed to a review with the Zoning Board of Adjustment, which would have independent and objective jurisdiction over the land use approvals for the project, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds, and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby confirm endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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

INTRODUCTION: ORDINANCE NO.09-CODE-605 ADVERTISING ON BOROUGH PROPERTY

The Clerk was directed to take from table Ordinance No. 09-CODE-605 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-605 entitled: "AN ORDINANCE REGULATING ADVERTISING SIGNAGE ON BOROUGH PROPERTY"

On motion of Councilman Di Pentima, 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 REGULATING ADVERTISING SIGNAGE ON BOROUGH PROPERTY", be introduced;

That said Ordinance be considered for final adoption at a meeting on October 28, 2009 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 October 19, 2009 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.

Mr. Chewcaskie advised that a policy on advertising signage was discussed at the last work session. This ordinance sets forth criteria for location, approval and solicitation of signage. Councilman Burns thought the ordinance was for advertising on Recreation property. This sounds like it could apply on any Borough property. Mayor Szabo responded that we have to treat all Borough property the same. This gives the Mayor and Council the right to refuse applications.

ROLL CALL: Yeas, Councilmembers Di Pentima, Marcalus, Pignatelli, Stagg, Visconti. Nay, Councilman Burns.

INTRODUCTION: ORDINANCE NO.09-CODE-606 ACQUISITION HERITAGE HILLS

The Clerk was directed to take from table Ordinance No.09-Code-606 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-606 entitled: "AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE BOROUGH OF OAKLAND IDENTIFIED AS BLOCK 2213, LOT 1 AND BLOCK 1122, LOTS 1, 2 AND 3 COMMONLY KNOWN AS THE HERITAGE HILLS TRACT"

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

BE IT RESOLVED that an Ordinance entitled, "An Ordinance Authorizing The Acquisition Of Certain Real Property Within The Borough Of Oakland Identified As Block 2213, Lot 1 And Block 1122, Lots 1, 2 And 3 Commonly Known As The Heritage Hills Tract", be introduced;

That said Ordinance be considered for final adoption at a meeting on October 28, 2009 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 October 19, 2009 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.

Councilwoman Stagg explained that this is 40 acres of land with a purchase price of \$ 2.2 million. The Borough received Bergen County open space funding and Green Acres funding. The Borough must come up with the \$ 600,000 difference. Councilman Di Pentima explained that the cost will be more than \$ 600,000 because of the soft costs involved for the engineer, Phase 1 survey, legal fees. Mr. Chewcaskie commented that bond counsel was conservative in the estimate of soft costs. There will be title costs, survey costs, appraisal costs and the cost of the Phase 1 assessment. Councilman Pignatelli advised it is important to maintain the property in the present state for flood mitigation. The Borough could maintain the property with resources that do not cost taxpayers money such as the Scouts and using prisoners from the Bergen County jail. He suggested that the Borough could do an "adopt an acre" program. Councilman Pignatelli wants to make sure the DEP matter is resolved. He is not in favor of purchasing if there is a DEP violation that would incur further expense. Development of the property would be up to a future Council. Councilman Visconti advised that there was a public hearing held last Wednesday regarding the purchase of this property. There were not too many people from the public to give input. He explained that in making the decision to purchase the property, the Council must look long-term. If the property is developed at full capacity, the infrastructure costs could be tremendous. The Environmental Commission did a good job of summing up why this property is so important. It benefits future residents of Oakland. The Borough does not have money to develop this property. The main goal is to preserve it as open space. This is important for the future of Oakland. Councilman Burns commented that he is in favor of the purchase. He suggested that Section 2 should list the grant amounts. Councilman Di Pentima commented that it is prime real estate for a flood mitigation tool. Councilman Di Pentima will not entertain ideas for future development on the property because there is no money. He asked if there are contingencies built in if anything is found with the environmental study. Mr. Chewcaskie advised that the contract is contingent upon the Phase 1 assessment. The contract did not account for the DEP issue with the culvert. The Council will authorize Boswell to contact the DEP to get the file to see if it is resolved or still open. Councilwoman Stagg spoke on this issue for the last four years. She and the Mayor have asked for grant money for this purchase. The County thought this would be a tremendous benefit to the Borough so they gave us the grant money. It is not a tremendous cost when you look at the whole picture.

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

INTRODUCTION: ORDINANCE NO. 09-BOND-607 FUNDING-HERITAGE HILLS

The Clerk was directed to take from table Ordinance No.09-Bond-607 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Bond-607 entitled: "A BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE AND OTHER MUNICIPAL PURPOSES IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,640,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE

**ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE
ISSUANCE OF SUCH BONDS”**

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

BE IT RESOLVED that an Ordinance entitled, A Bond Ordinance To Authorize The Acquisition Of Real Property For Open Space And Other Municipal Purposes In, By And For The Borough Of Oakland, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$2,640,000 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds”, be introduced;

That said Ordinance be considered for final adoption at a meeting on October 28, 2009 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 October 19, 2009 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.

Councilman Di Pentima explained there is a 20% contingency for soft costs. We are paying the bond on the amount net of the grants. We are appropriating \$ 150,000 of open space funds as a down payment for the bond. The soft costs will be cancelled if they are not spent. Councilwoman Stagg commented she would like to go to the County to see if the Borough can have the difference. Mayor Szabo advised the County cannot give more than 50% of the purchase price not including soft costs. Councilman Di Pentima suggested reaching out to Green Acres or other agencies such as the Land Conservancy. Mayor Szabo will reach out to those agencies.

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

RESOLUTION 09-223 INTRODUCE BOND ORDINANCE

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

BE IT RESOLVED that the ordinance entitled:

“BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE AND OTHER MUNICIPAL PURPOSES IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,640,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.”

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 28th day of October, 2009, at 7:30

P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

Councilwoman Stagg advised that she does want to keep an acre of land for a well. The Borough wants to potentially put a well there in the future. Mr. Chewcaskie advised that the survey for Green Acres will have that one acre delineated.

WORK SESSION:

TRAFFIC ORDINANCES:

Mr. Kunze advised that the traffic officer forwarded two ordinances. One is for stop intersections and the other is to prohibit parking on Stevens and Tulane during certain hours. This is related to the ingress and egress at Heights School. Councilman Di Pentima went to the school yesterday to observe the opening of the back gate. It is working well. There is an average of 35 cars using that back entrance. The residents from Stevens and Tulane are ok with the opening of the gate. The stop signs are up for informational purposes. The stop signs cannot be enforced until the ordinances are in place. Councilman Visconti commented that it is a good initiative by the school to help alleviate the traffic problem.

The ordinances will be listed for introduction on October 28th. Councilman Burns commented that he hopes the residents who objected to the opening of the back gate are aware of the ordinance introduction and hearing dates. Mr. Kunze responded he notified the resident. Councilman Di Pentima commented that the School Board talked to residents and worked with OLPH to change their traffic pattern in order to not cause a burden to residents in the area.

ROCK SALT AND FUEL CONTRACTS:

Mr. Kunze advised that the Borough utilizes Bergen County Cooperative pricing for the rock salt and fuel contracts. The County does these contracts in the fall so the Council needs to authorize the new contracts. The price for rock salt went down and Mr. Kunze is recommending a not to exceed amount of \$ 83,000. Mr. Kunze and DPW Superintendent Marcucilli still need to get a not to exceed figure for the fuel contracts. Councilman Pignatelli commented that this is an example of how to save money by joining cooperatives. A resolution to authorize the contracts will be listed on the October 28th agenda.

COOPERATIVE BID-SOLID WASTE DISPOSAL:

Mr. Kunze advised this came out of the WOLF cooperative meetings. The three towns would go out to bid collectively for the solid waste disposal to hopefully see a more competitive tonnage rate. Councilwoman Stagg asked how the difference in garbage collection scheduling plays into the cooperative. For example, there are different number of pickups for each town and different vendors being used. Mayor Szabo commented that no community would give up something against its interests. Councilman Di Pentima commented that one reason the Borough went to a three-year contract was to try to streamline contracts with the WOLF group for better pricing. Councilman Visconti advised that we can put any language we want in the bid specifications. That does not bind us but allows us to get the specifications we want. The Mayor and Council can do what it deems best for Oakland. Councilman Burns commented that this is just for

disposal. He questioned if it would provide a rate per ton for the Borough to use. He questioned if it would provide for recyclables. Mr. Kunze responded it is only for solid waste disposal because each town handles recycling differently. This will be listed as a resolution on the October 28th agenda.

NEW BUSINESS:

Councilman Pignatelli commented that the Fire Department had put in their capital plan to purchase a fire truck. If the Borough waits until January to order the truck, it would cost an additional \$ 30,000. He would like Chief Sondervan to come to the next meeting to discuss the need.

Councilwoman Marcalus asked Mr. Kunze to explain the change in garbage pickup. Councilman Di Pentima advised that the Council talked about the garbage pickup and contract for two months. Mr. Kunze advised that the process began late last year with the bid specifications. The specifications were structured with an alternate for the hybrid pickup as well as once per week pickup year round. There were discussions with the Environmental Commission and DPW to try to increase recycling. One suggestion was to reduce garbage collection to try to increase recycling. Mr. Kunze had prepared a spreadsheet to compare the different options. After much discussion, the Council's decision was to go with the hybrid pickup schedule. Councilman Pignatelli advised that this is an experiment and the Borough will review effectiveness. The more the residents recycle, the better it is for the environment and it gives the Borough additional money. Councilman Di Pentima advised that the Borough could have saved more money with the five-year option. The three-year option gave more flexibility to try to coordinate with WOLF. Mr. Kunze advised that more of the calls that the Borough has received about the change have been favorable to the switch. Mr. Kunze advised he did a survey of surrounding communities. He advised that 15% of the towns in Bergen County are doing hybrid pickup. A lot of towns are looking at decreasing collections. Councilman Di Pentima commented that so much more can be recycled that he is throwing out much less garbage each week. Councilman Burns commented that the Council had talked about once per week pickup year round but some people objected to that because of the odor from the garbage.

Mayor Szabo advised that ARC of Bergen and Passaic Counties is asking for an endorsing resolution for ADA compliance at 3 Post Road. This will be listed on the October 28th agenda.

PROPOSAL-BIKE TRACK

Recreation Commission Chairman Steve Wagoner gave the Mayor and Council a packet of information on a bike track that he is proposing. He advised he is not asking for money. It is part of the Master Plan for the Recreation complex to put in a skate and BMX park by Well 4. This will be a course made of dirt. He spoke to JIF. There is a set of guidelines to follow and it is not an insurance liability. Mayor Szabo commented that there is a lot of skateboarding being done around town. The Borough has been petitioned by various members of the community to give this recreational opportunity. The need has been identified. The Recreation Commission has defined a space to put this. Councilman Di Pentima asked where this would go. Mr. Wagoner responded between the tot playground and the river. The storage bins down there must be moved which the DPW indicated would not be a problem. Mr. Kunze responded that Superintendent Marcucilli had indicated that it would be a problem. Councilman Di Pentima asked if this can be done without using Borough funds. Mr. Wagoner is not asking for funds now. The bike park will be built now without using Borough money. The skateboard park will cost money. Mr. Wagoner advised that the Recreation Commission is trying to come up with a Master Plan for the next ten years for the Recreation Complex. Councilman Burns advised that there is a lot Mr. Wagoner is hoping to do that will reduce costs for the Borough.

COUNCIL REPORTS:

Councilman Pignatelli: The Board of Health will meet on October 20th and the Fire Department will meet on October 19th.

Councilman Di Pentima: The Finance Committee held a meeting last night and the Insurance Committee will meet next week. The YES club will do their 40th cleanup on Saturday October 24th. They are looking for volunteers to clean up the town from 8:30 am to 12:00 pm.

Councilman Burns: The Recreation Commission and Public Events Committee are working together to make the complex available for the carnival next year on June 24, 25 and 26th. Councilman Burns commented that the Recreation Commission should have been involved in the pre-construction meeting for Lawlor Drive. He asked Mr. Wagoner if the lights at the Rec field are hooked up to the tennis court system. Mr. Wagoner responded that all lights except for Field 8 are hooked up. Councilman Burns commented he is working with Shade Tree Commission about a discrepancy in their Trust fund. He advised they are going out to bid to remove trees.

Councilwoman Stagg: No report.

Councilman Visconti: The Municipal Alliance has \$ 2,000 available for alcohol and drug prevention programs so he advised organizations to get their application in as soon as possible.

Councilwoman Marcalus: There will be a program at the Senior Center on October 15th at 1 pm. There will be bingo on October 29th. The Planning Board met on October 8th and Eileen Swan from the Highlands Commission spoke. She advised that if a municipality conforms to the Highlands, then water rules. If the municipality does not conform to the Highlands, then COAH rules. Councilwoman Marcalus advised there was a good article in the League of Municipalities magazine on the candidates running for Governor and the issues. She will leave a copy of the article in Borough Hall.

Councilman Burns advised that he and Councilwoman Stagg held a meeting with the Borough Administrator and CFO on sewer rates. They are trying to come up with a way to accommodate the increase in water use in the summer months which does not put a burden on the sewer system. Councilman Burns has since prepared new spreadsheets with a base rate plus usage fee. He hopes to have another meeting to discuss his spreadsheets.

BILLS TO BE PAID:

On motion of Councilman Di Pentima, seconded by Councilman Pignatelli, 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.

MEETING ADJOURNED:

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the meeting be adjourned at 10:11 pm.

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

Lisa M. Duncan, Borough Clerk

Mayor John P. Szabo, Jr.

Date Approved