

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY OCTOBER 29, 2008

MEETING CALLED TO ORDER:

ROLL CALL: Mayor Szabo called the meeting to order and the Clerk called the roll. Present: Mayor Szabo, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Visconti. Absent: Councilwoman Stagg. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, 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.

APPOINTMENT OF VOLUNTEER FIRE FIGHTER:

On motion of Councilman Pignatelli, seconded by Councilwoman Marcalus, the appointment for Timothy Kriss as fire fighter for the Oakland Volunteer Fire Department be approved.

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

RECOGNITION OF WEBELO TROOP:

Councilman Di Pentima handed out certificates to the Webelo troop for earning their citizenship badge:

Derek Barney	Padraic Burns	Michael Di Pentima
Justin Fenixdy	Brendan Graf	Richie Lascar
Eddie Lockowitz	Michael Masercola	Peter Petropoulos
Matthew Richards	Kyle Sears	Joshua Semeraro
Jake Ursillo		

PRESENTATION ON COAH AND THE HIGHLANDS:

Ed Snieckus from Burgis Associates was in attendance to brief the Mayor and Council on issues with the Highlands Regional Master Plan as well as COAH. He advised that the Highlands Regional Master Plan was adopted in July. Executive Order 114 states that COAH and the Highlands Council must form an understanding to try to bring the COAH regulations in line with the Highlands. There is a memorandum of understanding which allows for affordable housing in balance with the Highlands Master Plan. COAH is supposed to adjust growth projections with the Highlands. The Borough must submit a housing element to COAH by the end of the year but the memorandum of understanding allows for an extension of the deadline to December 2009. Mr. Snieckus recommends adopting a notice of intent to conform. This is a voluntary process which reviews our Master Plan with the Highlands Regional Plan. The benefits to opt in are that it allows coordination of information, allows time to see what adjustments may occur to the housing regulations, and there is time for the municipal wastewater analysis to be reviewed by the

DEP. In order to provide an incentive, the Highlands Council has a grant. Mayor Szabo advised that the Borough is already applying for that grant. Mr. Snieckus commented that the Council must take action on a resolution for the notice of intent as well as a request for the extension from COAH. Mayor Szabo advised that there is a great deal of volatility to planning with respect to affordable housing. This extension would allow us to see how things play out to see how the Borough responds.

Councilman Di Pentima asked if there is any downside. Mr. Snieckus responded there is no downside for the initial review. However, down the road the TDP program could be a problem. Councilman Burns commented that the Highlands Council voted against approving the Pinnacle project. He asked if the Borough would still be required to meet that obligation. Mr. Snieckus replied that the memorandum of understanding requires COAH to re-evaluate in the preservation areas. Councilman Burns commented it could be a burden if the obligation is relocated. Mayor Szabo commented that assuming no Highlands areas, the number from COAH is the number. With the new memorandum of understanding, the number will hopefully go down after COAH reevaluates. We need to buy more time with the extension. Mr. Snieckus advised that COAH did misunderstand the vacant land that is available. Councilman Pignatelli questioned if the purchase of open space would help the Borough with COAH. Mayor Szabo responded that when land is dedicated to open space, it comes off of COAH's numbers. The Borough would then file a vacant land adjustment. Councilman Pignatelli commented that he just wanted to make sure the purchase of open space helps the Borough.

ZONING ORDINANCES:

Mayor Szabo commented that these ordinances are creating two zones and an affordable housing zone. This will take the downtown plan and put it in ordinance form. The difficulty with the Eden project was that the Borough had the downtown plan but no ordinance. That developer was willing to make an investment in the streetscape and façade in order to conform with the downtown plan. The goal is to make the developers pay the fair share of the infrastructure. Councilman Di Pentima questioned if the ordinances include what is the Planning Board recommendations. Mayor Szabo commented he does not think there is a problem including them in for introduction. He explained there are two zones for a drive-thru but there is no drive-thru in the CDB1 zone. This is a law of non-conforming rights. Where a drive-thru exists, it remains. That is not being taken away from anyone but it is not allowing anyone else to expand the drive-thru in the district. He advised that the Planning Board can make recommendations but the Council can have the final decisions. Councilman Di Pentima is fine with the ordinances. The ordinances are not hurting the businesses that the Borough already has.

Councilman Burns questioned if there are changes in building heights. Mr. Snieckus responded that the RAMD2 zone is replacing the RAMD zone behind Oakland shopping center and the building heights were changed. He recommended an inclusionary zone of affordable housing. This allows for higher building heights. There is 7 feet of additional height to accommodate the dynamics of a three-story building design. Mayor Szabo commented that the CBD1 zone provides a mixed use and offers incentive to redevelop. Councilwoman Marcalus commented that the Planning Board made a point that building height should be measured from the average finished grade and not the predisturbed grade. Mayor Szabo commented that some developers create a grade. He advised he will revisit this with Steve Lydon and Mr. Snieckus. Councilwoman Marcalus commented she did find the section on signage and wondered why things were switched around. She did not see anything in the new document about green designs that promote environmental concerns. Mr. Snieckus will look into the section on signs. He advised the ordinance can include something for green design. Mayor Szabo commented that he does not want to require green designs but wants to encourage them. Councilman Visconti

commented that the DCB district has three stories that are 38 feet in height while residential zone has three stories that are 42 feet in height. Mayor Szabo advised he will look at the ordinances to tweak them and will bring them back to the Council for introduction.

MAYOR'S REPORT:

Mayor Szabo advised that Assembly Bill A1645 has passed which mandates municipalities to have a Qualified Purchasing Agent. That means the Borough must hire a QPA or pay a stipend in-house to train someone. This is going before the Senate as Bill S770. The benefit is that it would raise the bid threshold from \$21,000 to \$29,000 but it is an unfunded mandate. Mayor Szabo advised that the BPU is rolling out an energy audit program which will provide grants for 75% of the cost of an energy audit. He is going to start an effort to go green. Oakland will participate in an energy audit. He will discuss this with the Environmental Commission on November 11th in order to promote sustainability. He would like to develop an energy and green Master Plan. The Borough has a moral responsibility to preserve the environment for future generations. He would like to implement on the municipal level a green vendor list. This is a policy area that needs to be addressed. Mayor Szabo advised that it is important to hear from the public to continue the open space fund. Without that fund, the Borough would only get 25% of funds requested from the State. With the fund, the Borough would receive 50% of funds requested. Without the fund, the Borough would probably not have received all the grant money from the County either. Mayor Szabo explained that the Council is trying to promote the downtown area and included affordable housing in that area. This would allow the Council to try to preserve the other areas for open space instead of using those areas for affordable housing. He implored the public to support the open space tax. The benefit far outweighs the investment. Councilman Visconti explained this is not an additional tax but a continuation of the open space tax currently in place. Councilman Burns commented it is important for funding of the NJ Capital property. Mayor Szabo commented that the Borough could still get matching funds for that property. Councilman Di Pentima confirmed that the amount in the open space fund is \$ 1.065 million not the \$ 1.65 million quoted in the Suburban News article. The Borough has been successful in receiving grants. There is a lot of advantage to having the fund. He hopes the public will support the open space fund. Mayor Szabo advised that money can only be used to preserve open space.

OPENED FOR PUBLIC DISCUSSION:

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

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

Michael Kozak, 24 Cayuga, questioned how the tennis court project went from \$ 300,000 to \$ 900,000. He advised that the surface is bad and unplayable on some courts. The lighting is poor. The courts are facing in the wrong direction for daytime play. The lights from the other field blind players. He believes the project would cost taxpayers the same over 20 years if the entire project was done or just a band-aid was done. He questioned if the project is really at \$ 850,000 and if it could be bid line item by line item. He suggested that the Borough apply for a CDBG grant for installing sidewalks on Oak Street. Mayor Szabo responded that the Borough has been focusing on maintaining the sidewalks that it already has and on the sidewalks for Ramapo Valley Road going north towards Mahwah. The Borough would have to talk to the residents of Oak Street to see if they would want sidewalks. Mr. Kozak commented that the Borough could work toward a plan of increasing sidewalks around the schools. Mayor Szabo responded that the Borough will continue to apply for the Safe Routes To Schools grants. Mr.

Kozak commented that the Environmental Commission is in support of the open space fund. He questioned where we are at with Verizon and Channel 77. Mayor Szabo explained that the State gave Verizon their franchise. Councilman Di Pentima advised that the issue has been that Cablevision and Verizon have not come to an agreement about Channel 77. There is an option to split the signal so both providers can offer the channel. However, the Borough wants to make sure that doing that will not violate the franchise agreement with Cablevision. The Communications Commission is working on streaming to the internet. However, the current website would not be able to host streaming. The OCC will promote an update of the website in 2009 in order to increase services. Councilwoman Marcalus advised that the League of Municipalities sent a letter advising that the BPU had ordered an interconnection between Verizon and Cablevision.

Frank Monaco, 60 Thackeray, commented that he would like to see the open space fund continue. He commented that the Walgreens shopping center looks nice. He is not against fixing the tennis courts but he feels they will crack in five years whether the Borough spends \$ 800,000 or more. He suggested selling advertisements for the tennis courts in order to raise money.

Bob Fabrizio, 824 Ramapo Valley Road, commented that the Public Events Committee had a wonderful time at the Halloween Parade. The Tree and Menorah lighting will be held on December 7th at 6 pm at Veterans Park. Mr. Fabrizio thinks the tennis courts are out of control. He advised this should be put into perspective and that the needs of the many outweigh the needs of a few. Mayor Szabo responded that the Borough has an obligation to maintain infrastructure. Mr. Fabrizio advised not to spend what the Borough does not have.

Howard Wegman, 75 Pawnee Ave., commented that COAH means more housing which means more schools and more taxpayer dollars. People need to educate themselves about the open space fund.

Jim McGuire, 23 Saratoga Drive, commented that the tennis courts were neglected for 35 years. The Borough has done half the job so many times before that the job has to be done right this time. With all the money saved by the volunteers for Recreation and not having a paid Recreation Director, there should be no problem doing the tennis court project. He commented that the Borough does not maintain the courts. It took six weeks to fix lights. He commented that a bandaid should not be put on the courts because a lot of people use them.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: OCTOBER 15, 2008

On motion of Councilman Di Pentima, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of October 15, 2008 be approved.

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

PROCLAMATION: PANCREATIC CANCER MONTH

Mayor Szabo read the following proclamation:

WHEREAS, pancreatic cancer is the 4th leading cause of cancer death in the United States; and

WHEREAS, an estimated 37,680 Americans will be diagnosed with pancreatic cancer this year and 34,290 will die from the disease; and

WHEREAS, there are no early detection methods and minimal treatment options for pancreatic cancer; and

WHEREAS, pancreatic cancer does not discriminate by age, gender or race; and

WHEREAS, the Pancreatic Cancer Action Network (PanCan) is a nationwide organization that provides patient support and promotes public awareness; and

WHEREAS, PanCan has requested that November be designated as Pancreatic Cancer Awareness Month in order to educate communities about pancreatic cancer and the need for research funding, early detection methods, effective treatments and prevention programs.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland do hereby proclaim November as

“PANCREATIC CANCER AWARENESS MONTH”

in the Borough of Oakland and urge residents to participate in our municipality’s effort to become better educated on the subject of pancreatic cancer.

APPROVAL OF RAFFLE LICENSE RL1022

On motion of Councilman Di Pentima, seconded by Councilman Visconti, approval be granted for Raffle License RL1022 for Dogwood Hill School to hold a calendar raffle at 25 Dogwood Drive for various dates.

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

RESOLUTION 08-181 REQUEST TO RESCIND NO TURN ON RED

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

WHEREAS, the State of New Jersey, Department of Transportation has installed a “No Turn on Red” sign at the intersection of West Oakland Avenue and Ramapo Valley Road; and

WHEREAS, the imposition of this “No Turn on Red” sign has caused extensive backup and traffic delays, creating a hardship for the traveling public and the Police Department, which must now oversee this intersection; and

WHEREAS, the Borough’s historical accident analysis demonstrates that there have only been two motor vehicle mishaps since 1993, neither of which involved any freight train or railroad track issue; and

WHEREAS, the intersection is protected by traffic signals that activate and provide safety precautions when a train is approaching; and

WHEREAS the Police Department of the Borough of Oakland believes that there is no need for the restriction on right turns;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Council hereby petitions the New Jersey Department of Transportation to rescind the "No Turn on Red" signs at West Oakland Avenue and Ramapo Valley Road, for the reasons set forth above; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the New Jersey Department of Transportation ; and

BE IT FURTHER RESOLVED that the Chief of Police is hereby authorized to provide to the New Jersey Department of Transportation any back-up documentation which may be appropriate in order for the New Jersey Department of Transportation to remove the right hand turn restriction.

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

RESOLUTION 08-182 DISCHARGE DEVELOPERS AGREEMENT

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

WHEREAS, Peter McLachlan entered into a Developer's Agreement with the Borough of Oakland on April 2, 1997, with respect to property located at 21 Raritan Road and identified as Block 3410, Lot 1.02 on the Tax Map of the Borough of Oakland; and

WHEREAS, the Developer's Agreement was assigned to Oakland Self Storage, LLC on June 26, 1997 and the Developer's Agreement and Assignment were recorded in the Bergen County Clerk's Office on September 16, 1997 in Deed Book 8004, Page 212 and Deed Book 8004, Page 252 respectively; and

WHEREAS, a request has been made by Oakland Self Storage, LLC for the discharge of the Developer's Agreement; and

WHEREAS, all improvements required pursuant to said Developer's Agreement have been completed; and

WHEREAS, the request for the discharge of the Developer's Agreement has been reviewed by the Borough Attorney, Borough Engineer and Construction Official and no objection has been raised to such discharge.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Borough of Oakland that the Mayor and Borough Clerk are authorized to execute a discharge of the Developer's Agreement in the form annexed hereto.

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

RESOLUTION 08-183 AWARD BID-JANITORIAL SERVICES

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

WHEREAS, the Borough of Oakland's present contract for Janitorial Services is due to expire and the Borough advertised for another contract and received bids on October 7, 2008; and

WHEREAS, the Borough Administrator and Borough Attorney have determined that the bid from Oriental Pacific Maintenance Co., Inc. of Englewood Cliffs, NJ was the lowest responsible bid and thereby recommend its approval; and

WHEREAS, the Mayor and Council wish to accept the base bid for a cost of \$ 30,800.00 along with Alternate A for cleaning of the Danny D'Elia bathrooms on specified weekends for a cost of \$ 150.00 and Alternate B for window cleaning at a cost of \$ 600.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 8-01-26-310-026;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the bid for Janitorial Services is hereby awarded to Oriental Pacific Maintenance Co., Inc. of Englewood Cliffs, NJ; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign a contract with Oriental Pacific Maintenance Co., Inc. of Englewood Cliffs, NJ.

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

RESOLUTION 08-184 AWARD CONTRACT-ROCK SALT

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

WHEREAS, the Borough of Oakland needs to purchase rock salt; and

WHEREAS, the Borough of Oakland is a member of the Bergen County Cooperative Pricing System (state ID #11-BeCCP); and

WHEREAS, the Bergen County Cooperative Pricing System has awarded contract #08-69, Rock Salt, to International Salt Co., LLC and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Assistant Superintendent of Public Works have recommended that the Borough of Oakland purchase rock salt through the Bergen County Cooperative Pricing Council in an amount not to exceed \$85,550; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 8-01-26-290-058.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes

the purchase of Rock Salt, in an amount not to exceed \$85,550, through the Bergen County Cooperative Pricing System, contract # 08-69, Rock Salt, awarded to International Salt Co., LLC

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

RESOLUTION 08-185 CANCEL UNEXPENDED CAPITAL AUTHORIZATIONS

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

WHEREAS, certain Capital Improvement Authorization balances remain dedicated to projects which have been completed; and

WHEREAS, the balances are no longer necessary for the purposes originally created;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that, based on the recommendation of the Chief Financial Officer, that the following balances of unexpended Capital Improvement Authorizations be cancelled as follows:

General Capital

<u>Ord #</u>	<u>Description</u>	<u>Unexpended Authorization Balance</u>
97-330	Resurfacing Various Roads	\$ 2,488.18
97-341	Replace Curbs and Sidewalks	\$ 11,852.00
99-361	Doty Rd. & Underground Tanks	\$ 29,476.28
99-363	Flood Control Project	\$ 45,032.19
00-376	Purchase Fire Truck	\$ 50,000.00
00-383	Street / Sidewalk Improvements	\$ 61,641.50
01-404	Yawpo Resurfacing	\$ 1,689.00
01-405	Acquisition 202 W. Oakland	\$ 14,088.00
01-418	Various Capital Improvements	\$102,422.39
01-423	Various Capital Improvements	\$ 11,142.05
02-440	Various Capital Improvements	\$ 65,616.62
02-446	Playground	\$ 20,490.00
03-462	Various Capital Improvements	\$ 40,464.53
04-469	Purchase Raymond Property	\$ 1,642.00
05-518	Acquisition Fire Equipment	\$ 743.24

Water Capital

<u>Ord #</u>	<u>Description</u>	<u>Unexpended Authorization Balance</u>
81-927	Acquisition Water Meters	\$ 24,758.62
85-36	Water Main Extension	\$ 195,753.90
92-262	Air Stripping & Demolition	\$ 79,296.73
97-337	Phase 1 – Well #10	\$ 299,422.66
98-351	Spring Water, Well #5 & #8	\$1,912,083.70

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

RESOLUTION 08-186 AMEND CAPITAL BUDGET

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 Borough of Oakland desires to amend the 2008 Capital Budget of said municipality by inserting thereon or correcting the attached items therein as shown in such budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Oakland in the County of Bergen, that the 2008 Capital Budget be amended as reflected on the attached schedule.

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

INTRODUCTION: ORDINANCE NO. 08-BOND-582

The Clerk was directed to take from table Ordinance No. 08-Bond-582 and read by title for its first reading.

The Clerk then read by title Ordinance No. 08-Bond-582 entitled: "AN ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY APPROPRIATING THE SUM OF \$53,920 FROM THE CAPITAL IMPROVEMENT FUND FOR VARIOUS CAPITAL EQUIPMENT PURCHASES"

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

BE IT RESOLVED that an Ordinance entitled, "An Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey Appropriating The Sum Of \$53,920 From The Capital Improvement Fund For Various Capital Equipment Purchases", be introduced;

That said Ordinance be considered for final adoption at a meeting on November 12, 2008 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 8:00 P.M.

That said Ordinance be published in full in The Record on or before November 2, 2008 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

INTRODUCTION: ORDINANCE NO. 08-BOND-583

The Clerk was directed to take from table Ordinance No.08-Bond-583 and read by title for its first reading.

The Clerk then read by title Ordinance No. 08-Bond-583 entitled: "AN ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF OAKLAND AND APPROPRIATING \$1,563,890 THEREFOR (INCLUDING THE SUM OF \$ 144,000 EXPECTED TO BE RECEIVED FROM THE COUNTY OF BERGEN OPEN SPACE TRUST FUND) AND PROVIDING FOR THE ISSUANCE OF \$1,485,695 IN BONDS OR NOTES OF THE BOROUGH OF OAKLAND TO FINANCE THE SAME"

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

BE IT RESOLVED that an Ordinance entitled, "An Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey, Providing For Various Capital Improvements And Other Related Expenses In And For The Borough Of Oakland And Appropriating \$1,563,890 Therefor (Including The Sum Of \$ 144,000 Expected To Be Received From The County Of Bergen Open Space Trust Fund) And Providing For The Issuance Of \$1,485,695 In Bonds Or Notes Of The Borough Of Oakland To Finance The Same", be introduced;

That said Ordinance be considered for final adoption at a meeting on November 12, 2008 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 8:00 P.M.

That said Ordinance be published in full in The Record on or before November 2, 2008 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.

Discussion ensued. Councilman Di Pentima commented that this ordinance covers all capital items including additional funding for the tennis courts. He advised there is no doubt that there is a need to do something and not just a patch job. However, there must be a balance between what we want to do and what the Borough can afford. We talked about prepping the lights to be done at a later time. There is no reason to have to move forward with extra funding at this time. The Council has already authorized \$ 410,000. That will cover the cost of engineering and the bid specifications. Councilman Di Pentima would like to create a base bid, an Alternate A with new lights and new fence, and an Alternate B with new courts with repositioning, lighting and fencing. The Council would then be able to evaluate the bids and could authorize additional funding when it is decided which way to proceed. He advised that Recreation Chairman Steve Wagoner is also trying to come up with ideas to raise money for the courts. He advised if the Council authorizes \$ 850,000 and the project comes in at \$ 650,000 the ordinance has to drop that funding. If the bid comes in higher than the \$ 850,000, the ordinance would have to be amended to add on to it. Councilman Di Pentima advised he cannot support the ordinance as it is written now. If the tennis courts are removed, he can support the ordinance. There is too much uncertainty in the project.

Mayor Szabo asked if Councilman Di Pentima is suggesting the amount of the ordinance be reduced. Councilman Di Pentima responded that he wants to take the tennis courts out of the ordinance completely for now. The funds will need to be in place before we accept a bid. Mr. Chewcaskie advised that the bids must be awarded within 60 days. The Borough must have funds available prior to the award of the bid. He suggested the ordinance could be introduced in

its current form and then amended. That number does not have to be expended. Councilman Di Pentima responded that number is there, though. This would give time to do more homework and give a perception of where we are going with the project.

Councilman Burns commented that the courts have to be done completely in order to do the job properly. If the Borough doesn't do the whole job, it is not worth doing. He commented that capital ordinances are not authorizations to spend. He also thought the Borough cannot go out to bid without having the money available. The tennis courts will not be done in time. Councilman Visconti asked the CFO and Administrator how this affects the project. Mr. Mangin responded that if the ordinance goes through without the tennis court project, there is money in place for engineering and the Borough can go out to bid. In the event that bids are received, the Council has 60 days to award the contract. Sixty days is enough time to execute a bond ordinance including the estoppel period.

Councilman Visconti asked for a timeline if we bid the alternates. Mr. Kunze responded he would defer to Mr. Tichacek on how much time they need to finalize the specifications. However, Boswell has not been authorized yet to do the final specifications. That will be done at the November 12th meeting. Mr. Tichacek advised that the Borough would not be able to formally bid until January. The bid specs could be done by the end of the year. The bids could be received by the end of January. The contract could be awarded in February or the beginning of March. That would fall in the timeline to do construction in April.

Mayor Szabo thought that the Council had already discussed including the authorization in the capital ordinance because it doesn't have to be funded. What is the difference by having it in the capital ordinance and reassessing after receipt of bids than in doing what Councilman Di Pentima suggested. Councilman Di Pentima responded he wants to ensure that there is no accidental spending against that authorization. It is also buying time for Recreation Chairman Wagoner to begin fundraising. It also buys time to see what will happen with the State revenue number next year. This puts the controls up front instead of at the back end.

Councilman Burns asked for clarification from the CFO. If there is only \$ 410,000 allocated at this time, how can the Borough go out to bid if the bids will come in at a greater price. He questioned the purpose of having a capital ordinance. Mr. Mangin responded that the Borough can go out to bid but cannot award the contract until the funding is in place. Councilman Burns commented that if the Recreation Commission raises funds towards the project, those funds can be donated to the town. He does not see why we have to wait. The Library was supposed to raise money for their project but that didn't happen.

Mr. Kunze responded it would have to be a policy decision. Usually this is done where you know the scope of the project and then the authorization is put in place. It could be done this way, too. Councilman Di Pentima commented that the Recreation Commission is being given the opportunity to raise funds but the project does not hinge on them raising the funds. The perception by including the amount in the capital ordinance is that the Council agreed to do the entire project. Councilman Pignatelli commented he does not think that the Council agreed to reposition the courts or do the lighting. He agreed with Councilman Di Pentima that there is a perception by the public if the rest of the money is appropriated at this time. The Council needs to see three different proposals.

Mayor Szabo asked if someone wanted to make a motion to amend. Mr. Chewcaskie responded that there is a motion and second on the original ordinance. The Council can move on it as

written. If this ordinance fails, the Council can move to introduce a different ordinance without the tennis court allocation.

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

INTRODUCTION: ORDINANCE NO. 08-BOND-586

The Clerk was directed to take from table Ordinance No. 08-Bond-586 and read by title for its first reading.

The Clerk then read by title Ordinance No. 08-Bond-586 entitled: "AN ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF OAKLAND AND APPROPRIATING \$ 1,123,890 THEREFOR AND PROVIDING FOR THE ISSUANCE OF \$ 1,067,695 IN BONDS OR NOTES OF THE BOROUGH OF OAKLAND TO FINANCE THE SAME"

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

BE IT RESOLVED that an Ordinance entitled, "An Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey, Providing For Various Capital Improvements And Other Related Expenses In And For The Borough Of Oakland And Appropriating \$ 1,123,890 Therefor And Providing For The Issuance Of \$ 1,067,695 In Bonds Or Notes Of The Borough Of Oakland To Finance The Same", be introduced;

That said Ordinance be considered for final adoption at a meeting on November 12, 2008 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 8:00 P.M.

That said Ordinance be published in full in The Record on or before November 2, 2008 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. Kunze commented that the Council will be able to proceed with the bids because we already have the authorization for engineering. Once the bids are received in early 2009, the Council can decide the most effective way to proceed and then do an ordinance for the supplemental funding. He advised that the Council needs to authorize Boswell to proceed with the bids at the next meeting.

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

INTRODUCTION: ORDINANCE NO. 08-BOND-584

The Clerk was directed to take from table Ordinance No. 08-Bond-584 and read by title for its first reading.

The Clerk then read by title Ordinance No.08-Bond-584 entitled: "AN ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$ 50,000 FOR VARIOUS

IMPROVEMENTS TO THE BOROUGH'S SEWER UTILITY AND PROVIDING FOR THE ISSUANCE OF \$50,000 IN BONDS OR NOTES OF THE BOROUGH OF OAKLAND TO FINANCE THE SAME"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey, Providing A Supplemental Appropriation Of \$ 50,000 For Various Improvements To The Borough's Sewer Utility And Providing For The Issuance Of \$50,000 In Bonds Or Notes Of The Borough Of Oakland To Finance The Same", be introduced;

That said Ordinance be considered for final adoption at a meeting on November 12, 2008 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 8:00 P.M.

That said Ordinance be published in full in The Record on or before November 2, 2008 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

INTRODUCTION: ORDINANCE NO. 08-BOND-585

The Clerk was directed to take from table Ordinance No. 08-Bond-585 and read by title for its first reading.

The Clerk then read by title Ordinance No. 08-Bond-585 entitled: "AN ORDINANCE OF THE BOROUGH, IN THE COUNTY OF BERGEN, NEW JERSEY PROVIDING FOR IMPROVEMENTS TO THE BOROUGH'S WATER UTILITY AND APPROPRIATING \$ 600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$ 570,000 BONDS OR NOTES OF THE BOROUGH OF OAKLAND TO FINANCE PART OF THE COST THEREOF"

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

BE IT RESOLVED that an Ordinance entitled, "An Ordinance Of The Borough, In The County Of Bergen, New Jersey Providing For Improvements To The Borough's Water Utility And Appropriating \$ 600,000 Therefor And Authorizing The Issuance Of \$ 570,000 Bonds Or Notes Of The Borough Of Oakland To Finance Part Of The Cost Thereof", be introduced;

That said Ordinance be considered for final adoption at a meeting on November 12, 2008 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 8:00 P.M.

That said Ordinance be published in full in The Record on or before November 2, 2008 together with notice of this introduction and of the time and place for further

consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

WORK SESSION:

DISABILITY INSURANCE:

Mr. Kunze advised that he has received a proposal from the Borough's risk manager for a new short-term disability plan. Short-term disability is provided as a provision in the labor contracts. The Borough pays \$ 1200 per month for the current plan. The new proposal would cost \$ 555 per month which results in a 57% savings. The benefit levels are in accordance with what is provided currently. He recommended the Council adopt a 13 month contract beginning December 1st. Councilwoman Marcalus commented that 57% is a big savings. Councilman Di Pentima gave kudos to Mr. Kunze and the risk manager. Mr. Kunze will have a resolution prepared for the next agenda.

RFQ'S- PROFESSIONAL SERVICES:

Mr. Kunze advised this is a requirement of the Pay-to-Play law. He advised that there are two ways to award professional service contracts. One is through a non-fair and open process and then contribution requirements apply. The professional must sign an affidavit that they have contributed no more than \$ 300. The other is a fair and open process which must meet requirements of the law. There is no limitation to contributions under the fair and open process. A resolution to authorize the RFQ's will be placed on the next agenda.

COUNCIL REPORTS:

Councilwoman Marcalus: The Planning Board met October 16th. The Regional School Board hired an interim Superintendent. The Board is in the final interview stage with four candidates. The Indian Hills band took fourth place in competition. There were 29 nationally commended students who took the SAT's and four semi-finalists. The Senior Center will have Valley Hospital pharmacy speak tomorrow at 1:00 pm. There will be a trip to Radio City Music Hall on December 3rd.

Councilman Visconti: The Library will hold its Leaders and Readers program on November 17th from 6:30 pm to 7:30 pm with guest speaker Mayor Szabo. Councilman Visconti thanked TD Banknorth for the furniture they donated to the Library office area. The Library Growth Fund has raised \$ 200,000 of the \$ 250,000 they pledged to raise.

Councilman Burns: The Shade Tree Commission and Eden properties reached an agreement. Recreation Commissioner Jeff Schwartz resigned effective January 1, 2009.

Councilman Di Pentima: The Public Events Halloween Parade was a great success. There was new entertainment this year. Councilman Di Pentima advised that all budget requests are now in the hands of the Borough Administrator and CFO. Mr. Kunze and Mr. Mangin will meet with Department Heads in November and then will prepare the budget books. Councilman Di Pentima attended the retirement dinner for former Superintendent Paul Saxton. He wished Mr. Saxton well on his retirement.

Councilman Pignatelli: He read a letter from St. Alban's church thanking the Police Department. The Police Department responded to 735 calls in September. Councilman Pignatelli did not attend the Board of Health meeting but did attend the Fire Department meeting.

BILLS TO BE PAID:

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

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Visconti, the meeting be adjourned at 10:59 pm.

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

Lisa M. Duncan, Borough Clerk
December 10, 2008

Mayor John P. Szabo, Jr.

Date Approved