

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY SEPTEMBER 9, 2009

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, 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:
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 personnel matters, contract negotiations and library litigation.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Szabo at 7:44 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.

MAYOR'S REPORT: Mayor Szabo advised that the Mayor and Council were invited to participate in the Fire Department Parade on Saturday. The parade is at 11 am and there will be festivities throughout the day at the Rec field. Mayor Szabo gave an update on the Rec Stand. He advised that the Mothers and Fathers Clubs will run the stand. The immediate goal is to be open for football season. There will be a volunteer fee to be charged at signups which will be refunded if the person volunteers. That fee must be authorized by ordinance. There will also be an Operation Manual generated for running the Rec Stand. Mayor Szabo advised there was a WOLF meeting to continue discussions on sharing services. Mayor Szabo is looking forward to saving money. Mayor Szabo advised that the Green Team met last week. That team will move forward to provide a plan.

PRESENTATION OF GRANT MONEY:

Recreation Commission Chairman Steve Wagoner advised that the Borough received grant money for the tennis courts. He introduced Mr. Brotherton of the Brotherton Foundation who presented the Mayor with a check for a \$ 40,000 grant for the tennis courts. Mr. Wagoner advised that the Borough received a total of \$ 339,000 for the tennis courts.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Pignatelli, 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.

Roger Marchese, 44 Manito Ave, thanked the Mayor and Council for the beautiful courts.

Kathy Fahey, 114 Truman Boulevard, advised that the Rec stand will be open on Friday night. There is some equipment out for repair. She advised there is an issue with volunteers. The Mothers Club and Fathers Club have committed to open the stand for football. However, the stand cannot open for soccer until there are more volunteers. She thanked the Mayor for his help to get the stand up and running. Hopefully, volunteers can be solicited so the stand can open for football, soccer and baseball.

Vivian King, 113 Hiawatha Blvd., spoke about cleanliness at the Recreation bathrooms. Mayor Szabo responded that this issue has been a concern for everyone. Mr. Kunze advised that the Borough has added weekends to the cleaning service contract. Mayor Szabo reiterated that this is a major concern. The Borough is working on security measures to stop the vandalism in the bathrooms. Councilman Burns suggested that if anyone finds the bathroom in a poor condition, they should call the Borough or DPW. Ms. King spoke about sewerage coming from the drain. Recreation Chairman Steve Wagoner explained that it is not sewerage coming from the drain. The cleanout is about an inch below the surface and the water just sits there when the floor is cleaned.

Lew Levy, Chairman of Oakland Flood Commission, 112 Lakeview Terrace, advised the Mayor and Council that the river is running very low because the North Jersey Water Commission is cleaning the dam. They got permission from the DEP to drop the level to one foot. As soon as the contractor is done, the river will go back to normal. The Army Corps and DEP are going to repair the weir from April 2007. Mr. Levy spoke of the embankment by Roosevelt deteriorating and is impacting the river. The Army Corps is going to do a PAS study. Usually this study is a shared cost between the Army Corps and the municipality. The Borough's 50% share can come from service in-kind. Mr. Levy advised that the DEP owes us \$ 16,000 for the cleanup of the channel. Mr. Levy spoke of the potential development at Heritage Hills and the need to save the property. He advised that no wake buoys are going to be put in the river.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: AUGUST 26, 2009

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of August 26, 2009 be approved.

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

RESOLUTION 09-202 AUTHORIZE CREW ENGINEERS WELL 8

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 requires engineering services for the design and oversight of construction with respect to Soons Wellfield, Well Number 8; and

WHEREAS, the Borough has received a proposal dated August 6, 2009 from Crew Engineers, Inc.; and

WHEREAS, the Borough deems it appropriate to retain the services of Crew Engineers for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, that the Borough does hereby retain the firm of Crew Engineers, Inc. to prepare design specifications for the construction of a backup supply well for Well Number 8, obtain permitting

and oversight of the bidding, and award of contract process and construction, all in accordance with Crew's proposal dated August 6, 2009, which is incorporated herein; and

BE IT FURTHER RESOLVED that Crew Engineers shall be paid the sum of not to exceed \$56,000, in accordance with its municipal hourly rates, for the well design and permitting facets of the project; the sum of not to exceed \$3,000, in accordance with its municipal hourly rates, with respect to bidding services; and the sum of not to exceed \$30,000, with respect to oversight of construction and related services; and

BE IT FURTHER RESOLVED that the Borough Attorney shall prepare the appropriate contract, and the Mayor is hereby authorized to execute on behalf of the Borough; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of current funds for the payment of such services above described in Account #C-06-06-585-001; and

BE IT FURTHER RESOLVED that the award of this contract is one for professional services, for which no public bidding is necessary; and

BE IT FURTHER RESOLVED that the Borough Clerk shall maintain a copy of this Resolution and the Agreement with Crew Engineers, for public inspection.

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

FINAL PUBLIC HEARING: ORDINANCE NO.09-CODE-604

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

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS BLOCK 2501, LOT 14 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF OAKLAND, ALSO KNOWN AS LAKEVIEW TERRACE"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Authorizing The Sale Of Real Property Known As Block 2501, Lot 14 On The Official Tax Map Of The Borough Of Oakland, Also Known As Lakeview Terrace”, be adopted;

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published by title in The Record in the manner provided by law.

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

WORK SESSION:

SUPPORT GREEN ACRES PROGRAM:

Mayor Szabo advised that the State has a new referendum on the ballot this year to extend the Green Acres Program. He commented that the Borough has benefited greatly from the Green Acres program. Councilwoman Stagg agreed that the Borough has really benefited from the State program. She advised that the estimated annual cost per household is \$ 10. Councilman Visconti advised that the Borough received a \$ 500,000 grant that was accepted at the last meeting.

RESOLUTION 09-203 SUPPORT GREEN ACRES PROGRAM

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

WHEREAS, continued investment in open space, farmland and historic preservation is vitally important to the state, as it enhances New Jersey’s economy and health, safeguards its remaining natural, agricultural, recreational and cultural resources and preserves its character; **and**

WHEREAS, New Jersey continues to face incredible pressure from development, losing 50 acres of open space daily in recent years to new development projects; **and**

WHEREAS, protecting open spaces and improving community parks throughout the State, including urban areas, supports New Jersey state and local economies by stabilizing local property taxes and revitalizing communities; **and**

WHEREAS, the Garden State Preservation Trust, the financing authority for the Green Acres, Blue Acres, Farmland Preservation, and Historic Preservation programs, is virtually depleted; **and**

WHEREAS, on November 3, 2009, the voters of New Jersey will be asked to approve the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Act of 2009, which authorizes the state to issue \$400 million in bonds to fund New Jersey’s preservation programs for three years; **and**

WHEREAS, passage of the Bond Act, which will equate to \$10 per household per year, is desperately needed to fund the continued protection of New Jersey’s natural areas and cultural sites while a long-term funding solution for the Garden State Preservation Trust is determined and secured; **and**

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Municipality of Oakland, in the County of Bergen and State of New Jersey as follows:

1. We support the passage of the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Act of 2009.
2. We encourage the voters of New Jersey to vote yes on the Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Act of 2009 on November 3, 2009.
3. The Municipal Clerk is hereby authorized to provide a copy of this Resolution to the following:
Governor Jon Corzine; State Senators; State Assemblypersons; The Land Conservancy of New Jersey; Keep It Green c/o NJ Audubon Society

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

L & C CONTRACT AMENDMENT

Councilman Visconti advised that an additional amount is needed for professional testimony. L & C has reached the threshold and the Mayor and Council need to authorize an additional \$10,000. This will be listed on the September 23rd agenda.

LAWLOR DRIVE REPAVING

Mr. Kunze advised that the Borough was awarded \$ 143,000 in stimulus money. That matched the estimate for paving Lawlor Drive. However, the bids came in at \$ 107,000. The County agreed that the Borough could change the scope of the project in order to use more of the grant money. Mr. Kunze advised that we have decided to extend the curbing. He proposes amending the contract. The County has indicated that would be an acceptable use. The project is slated to be done the first week in October.

Councilman Di Pentima asked if making this change to the contract would compromise the Borough with the other bidders. Mr. Chewcaskie responded it would not as long as it was in the parameters of the bid.

Councilwoman Stagg asked if the Engineer had evaluated what happens when the curbing is put in. Mr. Busanic responded he did look at the project. They are proposing to put drop curbs where the runoff runs to. Councilman Burns commented that leaves \$ 19,000 that the Borough is not using of the grant. He spoke of putting in additional speed bumps. Mr. Kunze responded that the speed bumps were in the original scope of the project. The problem is that it is a small balance of the grant money left and it is hard to find something to do for that amount.

Councilwoman Stagg asked if Recreation is in favor of the additional curbing. Recreation Commission Chairman Steve Wagoner responded that he had no problem as long as the Engineer looked at it. He asked if blacktop could be put by the Recreation shed on Lawlor Drive. Mr. Kunze responded that he will ask the County's permission. A resolution for the change order will be listed on the September 23rd agenda.

NEW BUSINESS:

Mr. Kunze advised that the new application for the CDBG block grant is due October 9th. Typically, the Borough would repave roads in an allowable project area. This past CDBG-R grant application was submitted with roads that were not accepted. The Borough could apply for

those roads this time. Councilwoman Stagg asked if there is anything that can be done for the Senior Center. Mr. Kunze responded he is not aware of anything other than the roof. Councilman Visconti questioned the ADA compliance mats for the playground.

COUNCIL REPORTS:

Councilman Pignatelli: The railroad crossing on West Oakland Ave. has been completed. The additional lighting added makes the crossing seem safer. The Ramapo Valley Road railroad crossing is scheduled for repair next year. On Saturday, the Fire Department will hold its 100th Anniversary Parade at 11am. Over 100 pieces of apparatus will be in the parade. Councilman Pignatelli urged the residents to support the local Fire Department. The Board of Health will hold a meeting on Monday. Representatives from the County and the schools will attend to discuss swine flue vaccinations. Councilman Pignatelli encouraged residents to get the seasonal flue vaccine.

Councilman Di Pentima: No report.

Councilman Burns: Shade Tree Commission met. Councilman Burns spoke of the importance of responding to warnings of dangerous trees. Rockland Electric continues to trim trees.

Councilwoman Stagg: The Green Team met. The Governor signed a grant agreement for \$ 40,000 for the study of the Van Allen House corner. Councilwoman Stagg offered congratulations to the Fire Department.

Councilman Visconti: The Knights of Columbus will hold a Horseshoe Tournament on September 19th. September is National Hunger Awareness Month. Shop Rite will be holding "Help Bag Hunger" on September 23rd.

Councilwoman Marcalus: The Planning Board meets on September 10th. The only item on the agenda is a Certificate of Occupancy for Vacuum Truck Rental.

BILLS TO BE PAID:

On motion of Councilman Di Pentima, seconded by Councilwoman Stagg, the following bills be submitted for payment:

(see following pages)

BE IT RESOLVED that the foregoing bills be paid and charged to their respective accounts when the funds are available.

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

MOVE TO EXECUTIVE SESSION:

On motion of 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
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 ensued over negotiations with Heritage Hills.

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 ADJOURNED:

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, the meeting be adjourned at 9:28 pm.

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

Lisa M. Duncan, Borough Clerk
September 23, 2009

Mayor John P. Szabo, Jr.

Date Approved