

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY - APRIL 23, 2008

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Di Pentima, seconded by Councilman Pignatelli, 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, Councilmember Di Pentima, Marcalus, Pignatelli, and Stagg.

No action taken.

CLOSE EXECUTIVE SESSION:

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

ROLL CALL: All yeas, Councilmember Di Pentima, Marcalus, Pignatelli, and Stagg.

MEETING CALLED TO ORDER:

ROLL CALL: Mayor Szabo called the meeting to order and the Clerk called the roll. Present: Councilmembers Di Pentima, Marcalus, Pignatelli, and Stagg. Absent: Councilmen Burns and Visconti. Also Present: Deborah Krebs, Deputy Borough Clerk; Richard Kunze, Borough Administrator, Brian Chewcaskie, Borough Attorney; Kevin Tichacek, Borough Engineer.

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.

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MAYOR'S REPORT:

Mayor Szabo stated he received inquiries and concerns about the Eden project and the reaction to it has not been favorable because the property on West Oakland Avenue and 202 was cleared. Many citizens shamed us for allowing this to happen. This project is within Oakland's central business district. The project was approved by the Planning Board before his tenure and was already on the books. It came back to the Planning Board because they wanted to make changes to the plan which gave us the opportunity to implement the vision as how they want the downtown to look. They were able to gain concessions on the plan that would conform to the plan that they adopted for the downtown improvement. They improved the façade and made the architecture of the buildings look more aesthetically attractive, adding grooves and peaks and design elements. They included additional street landscaping. The project was improved to fit the vision they have for the downtown. The site had to be cleared; there was no other way to begin to build. There were no environmental concerns. The development will add jobs and tax ratables. He asked the public to look at this as good planning with a great deal of consideration for the community and to look at the overall context as to what they are doing to improve the downtown. He credited the Planning Board for their time and review of the plans. Mayor Szabo stated he looks at it as a gateway into the community, which will kickstart what they plan to do for the rest of the downtown beautification.

Mayor Szabo stated this Friday he will be attending the ceremony for Tree City USA in East Brunswick to accept their designation. He commended the Shade Tree Commission for their efforts in receiving this award. He will be at a luncheon on May 15<sup>th</sup> promoting business advocacy sponsored by the County. There will be some people from the State attending to talk about programs to promote in bringing businesses to communities. He would like to promote the town for their downtown project.

Mayor Szabo stated he attended a meeting with the Army Corp of Engineers that Councilwoman Stagg will be reporting on. The State and Army Corp want to raise the level behind the gates before they start operating. It was at 12" and they are changing it to 6". He is not sure whether it will be sufficient to protect the interests of the Oakland Borough. He will be looking into it further and may be objecting to it. They seem to be negotiating with all the other communities but Oakland and we are the only signed partner to the agreement. He has already expressed his disappointment to the DEP.

#### PRESENTATION BY HIGHLANDS COUNCIL

Mayor Szabo introduced Eileen Swan of the Highlands Council. Ms. Swan stated the federal Highlands Region is a 3.5 million-acre region stretching across Pennsylvania, New Jersey, New York and Connecticut. It is a region of Federal importance. The US Forest Service, in cooperation with New York and New Jersey, issued a federal study on the Highlands in 1992. The study was updated in 2002 and found an 11% population increase from 1990 to 2000. This demonstrates the sprawl-type of development that has occurred. The Highland Region is divided into two very distinct areas, which are preservation and development. Eighty eight municipalities from seven counties are included in the Highlands Region. Only 5% are entirely in the Preservation Area, 36 are entirely in the Planning Area and 47 are in both areas. The Highlands Region includes 18% of the State's land base. The Highlands supplies 65% of the State's drinking water supply for 5.4 million residents. Public water supply service includes the greater New Jersey Metropolitan Area, as well as, portions of Middlesex, Mercer, Burlington, Camden and Gloucester Counties. Residents both within and outside the Highlands Region consume more than 115 billion gallons each year. They would share the burden by sharing the cost to protect the region. If you charge a user fee, people will be more conservative with their water use. The demand for water through 2030 may exceed the safe yields (the amount of water that can be safely withdrawn from a reservoir over time) of several Highlands reservoirs. The Highlands Region includes more than 90,000 acres of wetlands, which serve as an important habitat for the region's wildlife and an important filter for the region's drinking water supplies. The Highlands Council supports a water user fee for areas outside the Highlands who are supplied by this water. These funds should go back to the area that protects the water. The Highland Council was required to do a resource assessment, which was used to identify those lands in the Highlands Region, which have the highest agricultural resource value. The Highland Act mandated the Highlands Council to develop a Regional Master Plan which was released in November 2006. It was reviewed by the public and more than 3,600 comments were received. They extended additional review time for the public and held three public hearings. They are working on the comments they received and discussing how to best respond to them. The adoption of the plan has been scheduled for July 17<sup>th</sup>. They have dedicated funds to help the municipalities in their planning which will be shared with the other 88 communities.

Ms. Swan stated the Oakland Governing Body has to make the decision as to whether they will conform to the Highlands Plan. The Oakland's area is designated 53% Planning

Area, 47% Preservation and 28% of Oakland is presently protected. The benefits to conforming for a municipality is that it will provide a legal shield. The municipality will have the highest presumption of validity in the courts with their Master Plan and all their ensuing Ordinances and Land Use decisions. There is an assessment grant of \$15,000 available to assist the municipality in working with their professionals. There are also grants to assist with COAH obligations and planning for that. If you go through plan conformance you get all the benefits that accrue to plan endorsement. COAH is required under the terms of the Act to consider the Regional Master Plan in determining the third round obligation for all of the 88 municipalities.

Councilwoman Marcalus stated she was very impressed with the presentation. She asked what Oakland's environmental restraints were that were highlighted on the mapping. Ms. Swan stated those areas are not deemed development areas. They could be forested, critical habitats, vernal pools or steep slopes.

Mayor Szabo questioned how they were reconciling the conflict of the third round of COAH obligation, as their plan will not be adopted until July. Ms. Swan replied COAH is required to consider and acknowledge the Highlands Plan and they will be working with them to address the Regional Master Plan. Mayor Szabo stated he feels the town's plans are consistent with the Highlands Plan. Councilman Pignatelli felt the town would want to conform in order to protect the wetlands and the watershed. Mayor Szabo stated Oakland is not looking at development but redevelopment such as in the downtown area. He does not see any conflict with the Highlands Plan and they are in good condition and should take advantage of the funding. He thanked Ms. Swan, Director of the Highlands Preservation, for her presentation.

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmember Di Pentima, Marcalus, Pignatelli, and Stagg.

Mr. Ed Clark, Chairman of the Oakland Shade Tree Commission stated he has also received comments and e-mails about the Eden Site. They first reviewed the site plan in December 2006 through the Planning Board. The developer erroneously cleared the site before retaining the tree removal permits. John Schauss issued a stop-work order. The developer attended the Shade Tree Commission Meeting and was presented a list of 23 comments that were reviewed and changes were made and agreed on. He understands why the residents were shocked at the clearing; but it was necessary with the site plan and those trees had to come down. All trees are not created equal and some of the trees were good trees but they also had to come down. Most the trees were scrub trees. They will be replaced with 88 ornamental trees. The buildings will act as the screening from Route 287. The DOT will be replacing their evergreens that have died. Trees were chosen for their height and ability to hold their leaves until late in the

year. The planting details call for larger islands that will promote root development, unlike the trees in the Copper Tree Mall. They will be doing inspections to see that the plans are followed.

Mayor Szabo stated the developer will be obligated on an ongoing basis to replace trees if they die. This project will mature into a nicely landscaped development which is critical to the downtown project.

Mr. T. Smid, 110 Hiawatha Boulevard, Secretary to the Shade Tree Commission stated that in the Shade Tree Ordinance there is a guarantee that the Planning Board works very close with the Shade Tree Commission. The developer did clear-cut the area but it was necessary. Once this project is complete it will look great.

#### CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmember Di Pentima, Marcalus, Pignatelli, and Stagg.

#### APPROVAL OF MINUTES:

MOTION TO APPROVE – Executive Minutes: January 23, 2008, February 13, 2008, February 27, 2008, March 12, 2008 and March 26, 2008.

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the Executive Minutes of the Mayor and Council were approved with the exception that Councilman Di Pentima abstained on the Minutes of March 12, 2008 and Councilwoman Stagg abstained on the Minutes of January 23, 2008 and March 12, 2008.

ROLL CALL: All yeas, Councilmember Di Pentima, Marcalus, Pignatelli and Stagg.

#### APPOINTMENTS TO VARIOUS POSITIONS, BOARDS AND COMMISSIONS AND COMMITTEES:

#### SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS:

- PROCLAMATION – SCLERODERMA MONTH

Mayor Szabo read the following Proclamation into the record:

**WHEREAS**, Scleroderma is a chronic, degenerative autoimmune disease that predominantly affects women in the prime of their lives, but impacts children and men as well; and

**WHEREAS**, Autoimmune diseases including Scleroderma are one of the top four causes of disability of women over fifteen and under age sixty-five; and

**WHEREAS**, It can take three or more years for an individual to be diagnosed and receive appropriate treatment, leading to higher medical costs and government spending; and

**WHEREAS**, There is more hope for those with Scleroderma to live a normal life today than there was five years ago due to the development of medications and ongoing clinical trials; and

**WHEREAS**, The month of June has been designated National Scleroderma Awareness Month, with patient education, patient support and research the three-fold mission of the Scleroderma Foundation, Tri-State Chapter (covering New York, New Jersey and Connecticut);

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Oakland do hereby proclaim June, 2008 as

**SCLERODERMA AWARENESS MONTH**

In the Borough of Oakland and urge all employees and residents to participate in our municipality's effort to become better educated on the subject of Scleroderma.

- APPROVE RAFFLE LICENSE RL1015 KNIGHTS OF COLUMBUS TO HOLD CARNIVAL GAMES JUNE 26, 27, 28, 2008 AT THE THE OAKLAND RECREATION FIELDS.

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus the Raffle License for the Knights of Columbus to hold Carnival Games June 26, 27 and 28, 2008 at the Oakland Recreation Fields be approved.

ROLL CALL: Yeas, Councilmember Di Pentima, Marcalus, Pignatelli, and Stagg on the condition that any all fees required by State or Local Ordinances are paid.

- APPROVE RAFFLE LICENSE RL1016 OAKLAND NEWCOMERS AND NEIGHBORS CLUB TO HOLD AN OFF-PREMISE RAFFLE FOR MERCHANDISE ON JUNE 13, 2008 AT PORTOBELLO RESTAURANT, 155 RAMAPO VALLEY ROAD.

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus the Raffle License for the Oakland Newcomers and Neighbors Club to hold an Off-Premise

Raffle for merchandise on June 13, 2008 at Portobello Restaurant, 155 Ramapo Valley Road be approved.

ROLL CALL: Yeas, Councilmember Di Pentima, Marcalus, Pignatelli, and Stagg.

RESOLUTIONS:

RESOLUTION NO. 08-84 - AWARD BID – BARRIER NETTING – AMENDED  
(REMOVE FROM TABLE)

On motion of Councilwoman Marcalus, seconded by Councilwoman Stagg Resolution No. 08-84 was removed from the table.

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

Borough Engineer Tichacek requested that the Resolution specify that they are awarding the Alternate with the hollow metal poles at a cost not to exceed \$145,850.00.

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

WHEREAS, on April 8, 2008 the Borough of Oakland received one bid for the installation for Barrier Netting at the Oakland Recreation Fields; and

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the bid from Net Connection, LLC, Birmingham, Alabama, in the amount, not to exceed, \$145,850.00 for the Alternate that will include the hollow metal poles (HSS) to be in order; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the bid from Net Connection, LLC for the Barrier Netting Project at the Oakland Recreation Fields is hereby awarded.

BE IT FURTHER RESOLVED that the Borough of Oakland will 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 of Oakland.

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

RESOLUTION 08-86 - RETAIN APPRAISAL FIRM FOR TAX APPEAL AND OTHER SERVICES

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

WHEREAS, the Borough requires the services of an appraiser for defense of real property tax appeals and other necessary appraisal services; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the Borough does hereby retain the firm of Value Research, Inc., Livingston, New Jersey, to act as the Borough's appraiser for defense of real property tax appeals and other appraisal services, on an as need basis;

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 appraiser shall be paid their municipal rate of \$150 per hour; and

BE IT FURTHER RESOLVED, that the CFO has certified that sufficient funds are available for the payment for these appraisal services, on an as need basis; and

BE IT FURTHER RESOLVED, that the Clerk shall maintain a copy of this Resolution in her offices, for public inspection.

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

RESOLUTION 08-87 – AUTHORIZE RECYCLING TONNAGE GRANT

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

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation Act; and



WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, the resolution authorizing this municipality to apply for the 2007 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and will indicate the assent of the Mayor and Council of the Borough of Oakland in the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Eugene MacMahon to ensure that the application is properly filed; and

BE IT FURTHER RESOVLED, that the monies received from the Recycling Tonnage Grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

RESOLUTION 08-88 – AUTHORIZE ENGINEER – PAGE DRIVE IMPROVEMENTS, SEC. 2

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

WHEREAS, the Borough has submitted a proposal dated March 25, 2008 for design and construction inspection services for the project at a fee not to exceed \$12,750 for the design phase at a cost not to exceed \$15,000 for the construction phase; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council hereby authorizes Boswell McClave Engineering to proceed with the Engineering Services for the Improvements to the Page Drive project as outlined in their March 25<sup>th</sup> proposal for a total fee not to exceed \$27,750.

Engineer Tichacek stated he misread the proposal at the last meeting it will not be for the entire stretch of Page Drive. The additional roadway will be applied for in the next round of grants.

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

RESOLUTION 08- 89 – ADOPT EMPLOYMENT MANUAL

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

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

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

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

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

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

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

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

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

ROLL CALL: All yeas, Councilmember Di Pentima, Marcalus, Pignatelli and Stagg.

RESOLUTION 08-90 AUTHORIZE SALE OF PROPERTY

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

WHEREAS, the following 3 properties owned by the Borough of Oakland are not needed for public purposes:

- Block 3301 Lot 11
- Block 5505 Lot 5
- Block 4303 Lot 9; and

WHEREAS, it is in the best interest of the Borough of Oakland to advertise these properties for public sale to the highest bidder.

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 above properties shall be advertised for public sale pursuant to all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et. seq.) subject to the following conditions:

(a) Bids shall be received by the Borough Administrator on May 28, 2008 at 6:00 P.M., at the Municipal Building, Municipal Plaza, Oakland, New Jersey, in the manner of a public auction in accordance with procedures to be announced by the Borough Administrator.

(b) A minimum bid for each lot is hereby established in the following amounts:

- Block 5005 Lot 5 - \$345,000
- Block 4303 Lot 9 - \$273,000
- Block 3301 Lot 11 - \$275,000

(c) All bids shall be referred to the Borough Council for review and final approval pursuant to N.J.S.A. 40A:12-13a. The Borough of Oakland reserves the right to accept the highest bid or to reject any and all bids including the highest bid, and shall make its decision known by resolution within fourteen (14) days after bids are received.

(d) Bidders shall make payment as follows:

Cash or certified check within fifteen (15) minutes of the closing bidding	10%
Plus	
Cash or certified check on or before	15%
Plus	
Cash or certified check at closing	75%

(e) Upon the close of bidding the highest qualified bidder, as designated by the Borough Administrator, shall submit cash or certified check in the amount of 10% of his bid and shall immediately execute an offer to purchase at his bid price, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the date of the public sale.

(f) Title shall be conveyed by Bargain and Sale deed with final payment to be made as described above at a closing to be arranged between the purchaser and the Borough of Oakland pursuant hereto.

(g) At closing of title purchaser shall submit an additional sum of money equal to the costs of all advertising of the sale, legal, title and appraisal fees and the recording of the Deed.

(h) Failure to comply with any of the above requirements or to close on or before shall entitle the Borough of Oakland to rescind the prior bid approval, terminate any and all rights of the designated bidder in said property and retain all monies therefore deposited.

(i) All lots are conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property.

(j) The Borough makes absolutely no representations or warranties regarding the premises, other than that the Borough certifies its ownership and right to convey marketable and insurable title.

Discussion: Councilwoman Di Pentima stated these are three lots that reviewed and, as they are not strategic properties, they have decided to offer them for sale. They are single-home properties. Mayor Szabo stated, for the record, that they cannot dispose of any parcel that is part of any open space, these properties are surplus.

ROLL CALL: All yeas, Councilmember Di Pentima, Marcalus, Pignatelli and Stagg.

RESOLUTION 08-91 – AUTHORIZE ENGINEER – NJDOT GRANT APPLICATION

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

WHEREAS, the Borough is desirous of applying to the NJDOT for a 2009 Road Improvement Grant for Page Drive Section 3; and

WHEREAS, Boswell McClave Engineering has the expertise and knowledge necessary to prepare the application through NJDOT SAGE by the deadline of June 20, 2008; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that Boswell McClave Engineering is hereby authorized to submit an application to the NJDOT for the 2009 Road Improvement Grant for Page Drive Section 3.

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

RESOLUTION 08-92 – REJECT BIDS – TENNIS COURTS

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

WHEREAS, on April 8, 2008 the Borough of Oakland received bids for the Improvement to the Oak Street Tennis Courts; and

WHEREAS, one (1) bid was received from D&S Land Development, Freehold, New Jersey, for the Base Bid of \$291,592.50 and the Alternate A for \$275,942.50; and

WHEREAS, the bids were reviewed by the Borough Engineer and Borough Administrator and found to be in excess of the amount estimated and the amount funded for the work.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the bid for the Improvement to the Oak Street Tennis Courts is hereby rejected for financial reasons.

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

RESOLUTION 08-93 - AUTHORIZE PLANNER – COAH THIRD ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

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

**RESOLUTION AUTHORIZING THE BOROUGH OF OAKLAND TO ENTER INTO AN AGREEMENT WITH BURGIS ASSOCIATES, INC. FOR THE PREPARATION OF A HOUSING ELEMENT AND FAIR SHARE PLAN AND THE FILING OF THE ADOPTED PLAN WITH THE COUNCIL ON AFFORDABLE HOUSING (COAH)**

**WHEREAS**, the Borough of Oakland is desirous of entering into an agreement with Burgis Associates, Inc. regarding their assistance in the preparation of a Housing Element and Fair Share Plan to address the Borough's third-round lower income housing obligation, and the filing of the adopted Plan with the Council on Affordable Housing (COAH); and

**WHEREAS**, by letter dated March 26, 2008, the Borough's Planner, Burgis Associates, Inc., submitted a proposal to perform said services; and

**WHEREAS**, the Mayor and Council have reviewed the proposal submitted by Burgis Associates, Inc. and are satisfied with the proposed scope of services as well as the rate of compensation; and

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

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Borough Administrator be authorized, and is hereby directed, to enter into an agreement with Burgis Associates, Inc. for the purpose of assisting in the preparation of a Housing Element and Fair Share Plan and in filing of the adopted Plan with the Council on Affordable Housing, as submitted in their proposal, in an amount not to exceed \$20,000.00.

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

**RESOLUTION 08-94 – APPROVE NJDOT GRANT FOR SAFE ROUTES TO SCHOOL PROGRAM**

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

**WHEREAS**, the New Jersey Department of Transportation, Federal Highway Administration, through their Safe Routes to School Program, provides non-matching grant funds for the funding of a project that will improve the safety of New Jersey's school children; and

WHEREAS, the Borough of Oakland is desirous in providing increased safety measures for the children to walk or bicycle to and from the schools, and has received the support and endorsement from the school district involved.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland endorse the application for the Safe Routes to School Program in the amount of \$200,000 for 2009.

BE IT FURTHER RESOLVED, that John P. Szabo, Jr. or the successor to the office of Mayor is hereby authorized to:

- a. Make application for such a loan/or such a grant
- b. Provide additional application information and furnish such documents as may be required, and
- c. Act as the authorized corespondent of the above named applicant.

ROLL CALL: All yeas, Councilmember Di Pentima, Marcalus, Pignatelli and Stagg.

ROLL CALL: All yeas, Councilmembers Di Pentima, Marcalus, Pignatelli, and Stagg

GRANT WAIVER FOR HOURS OF OPERATION – EDEN OAKLAND PROJECT

Attorney Chewcaskie stated the representative from Eden Oakland Properties is requesting a waiver on the allowed hours of operation in order for them to work at the site on Saturday. This would be waiver on Chapter 3-3.8 of the Borough Code, which is the Noise Ordinance. He recommended that they allow this waiver for a specified amount of days. Upon discussion the Council agreed to allow the developer to work Monday – Friday 7:00 to 8:00 – Saturdays 7:00 to 4:00. Only on-site construction activities are allowed on Saturday. No deliveries and no soil movement within or out of the site are permitted. This would be valid for sixty (60) days starting April 24, 2008. The Borough will reserve the discretion to revoke this if there are any problems.

Administrator Kunze stated he would have the letter sent to Eden Oakland Realty Partners, LLC tomorrow so they can begin work on Saturday.

Motioned as such by Councilman Di Pentima, seconded by Councilwoman Marcalus.

ROLL CALL: All yeas, Councilmembers Di Pentima, Marcalus, Pignatelli, and Stagg

WORK SESSION AGENDA ITEMS:

BERGEN COUNTY OPEN SPACE GRANT – PINNACLE TRACT

Consensus of the Council was to apply for additional funds to purchase the Pinnacle Tract. A Resolution will be on for approval for the May 14<sup>th</sup> Meeting.

### HIGHLANDS COUNCIL GRANT

Mayor Szabo stated the Highlands Grant will allow seed money to investigate possibilities and look at a new Land Use Plan. Councilwoman Stagg stated they are being offered \$15,000 but more monies would be available. The consensus of the Council was to prepare a Resolution for approval for the May 14th Meeting.

### HISTORIC PRESERVATION GRANTS

Mayor Szabo stated they are required to send a Letter of Intent to Apply. Councilwoman Stagg feels it is important to get the State's support in order to get the assistance from the County. Upon discussion, the consensus of the Council was to send the Letter of Intent to Apply. Councilwoman Stagg asked if the older section of the Library could be considered an historical property and be eligible for consideration. Consensus was that they would not have been able to do the construction if it was designated. Councilwoman Stagg stated anyone can apply for state designation. Consensus of the Council was that the priority should be replacing the roof on the Van Allen House. Councilwoman Stagg stated the cost to replace the roof would be \$300,000 and she was told by Mrs. Brown to cover the roof with a tarp. Mayor Szabo encouraged the Council to authorize an application for the Van Allen House Roof and move the historic preservation plan forward. A resolution will be prepared for the Meeting of May 14<sup>th</sup> for discussion.

### REVIEW OF INDIAN HILLS/RAMAPO REGIONAL SCHOOL DISTRICT DEFEATED SCHOOL BUDGET

Mayor Szabo explained the process of reviewing the Indian Hills/Ramapo Regional School District defeated budget. They have a deadline of May 19<sup>th</sup>. A Council Committee will be formed to review the paperwork sent by the school. He recommended himself, Councilman Di Pentima, and Councilman Visconti. Councilwoman Marcalus will be the Alternate. They will meet with Franklin Lakes and Wyckoff. They are looking into an independent Auditor who will make the recommended cuts. The cost for the Auditor last time was \$3,500. Consensus was that the Auditor's service would be approved at a cost "not to" exceed \$5,000. The three towns equally pay their share of that cost.

### OCC BYLAWS

Councilman Di Pentima reviewed the changes to the OCC By-Laws. They were: Page 3 Section 2.6 – the wording was removed as that item was already included in Section 1.17. Section 2.4 – 3 "strikes you were out" – this is being removed because it is open language and already stipulated in another section. Section 2.2 "chased down" was changed to remove the quotes to make it less antagonistic.



NEW BUSINESS

Councilwoman Marcalus stated Senior Director Rose Burik asked if the Governing Body would read a Proclamation Declaring May as Older Americans Month at their next meeting. A Proclamation will be prepared.

COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilwoman Marcalus stated the next Planning Board Meeting is on May 8<sup>th</sup>. The Department of Public Works reported that the news sidewalk program is under way and all residents will be notified by Boswell Engineering. Asst. Superintendent Marcucilli stated residents should be notified that they will only be replacing concrete sidewalks by borough-owned shade trees. All other concrete sidewalk repair would be the resident's responsibility. We will also be repairing the asphalt sidewalk on Ramapo Valley Road from Sioux Ave to Navajo Way. On April 14<sup>th</sup> the NJDEP arrived at the DPW to conduct their annual Stormwater management program inspection. Councilwoman Marcalus reported that the DPW is doing a fantastic job in keeping in compliance with all the NJDEP Stormwater Regulations.

Councilwoman Stagg reiterated Mayor Szabo's report on the possible change to the Flood Gates. Mayor Szabo stated he spoke to Congressman Garret and Senator Lautenberg. Councilwoman Stagg stated they will be flushing out the water mains in the next coming weeks. Brown water can be a problem and she recommended that the residents allow their water to run in order to flush the brown water out. If they have rust problems they should call the DPW who has a detergent they can use to get the rust out of their laundry. It was recommended that the water flushing be posted on the website as well as being advertised in the Suburban Trends.

Councilman Di Pentima stated the next Public Events Committee Meeting will be held on May 5<sup>th</sup> at the Knights of Columbus Hall. The OCC met on April 16<sup>th</sup>. The OCC is going to be making changes on the website and publicizing more information regarding Borough issues, similar to what was done on the Exit 58 broadcasts. They plan to do a short program on the Borough's Budget. They are looking to have representatives from clubs make presentations about their organizations, talk about what their organization does and encourage new residents to join.

Councilman Di Pentima would like to see community service pins again not just for Employees but for Emergency Personnel and Volunteers. It was suggested they select a day to recognize all volunteers.

Councilman Pignatelli stated the Police Department received 641 calls for assistance during the month of March. He attended a ceremony at the Fire Department, which recognized three individuals for their 25 years of service. They were Dan DeLia, Steve Milano, and Bob Knapp. He welcomed two new members to the Board of Health – Steve Diffinger – former health officer for Bergen County Health Department and Roberta

Wilgus who is a Registered Nurse. He felt they would both bring a lot of experience to the department and be a tremendous asset. Councilman Pignatelli read from a health bulletin about smoking. Smokers – smoking damages your heart and your brain. Smoking reduces your quality of life and shortens your life span. A pack of cigarettes a day will burn through \$11,000 – What else could you do with that \$11,000? The NJ Assistance Quit Line is 1 -866-657-8677.

**BILLS TO BE PAID:**

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

(see following pages)

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

ROLL CALL: All yeas, Councilmember Di Pentima, Marcalus, Pignatelli, and Stagg.

**MEETING ADJOURNED:**

On motion of Councilman Di Pentima, seconded by Councilwoman Stagg, the meeting be adjourned at 10:37 P.M.

ROLL CALL: All yeas, Councilmember Di Pentima, Marcalus, Pignatelli, and Stagg.

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Deborah N. Krebs, Deputy Borough Clerk

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John P. Szabo, Jr. Mayor

June 11, 2008  
Date Approved