

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY JULY 28, 2010

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Stagg, seconded by Councilman Visconti, 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:
Litigation, Personnel
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

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

Discussion regarding Winter Haven litigation, Heritage Hills, and personnel matters.

CLOSE EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, seconded by Councilman Burns, 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 7:31 pm.

ROLL CALL: Mayor Szabo called the meeting to order and the Clerk called the roll. Present: Mayor Szabo, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti. Absent: None. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Steven Muhlstock, Borough Attorney.

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 TO OAKLAND VOLUNTEER FIRE DEPARTMENT:

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the appointment of Lewis E. Thurston III, to the Oakland Volunteer Fire Department be approved.

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

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.

Steve Moss, 42 Oneida Avenue, asked how many Shade Tree permits were issued. Mayor Szabo advised Mr. Moss to file an OPRA request at Borough Hall and the information would be made available.

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, Stagg, Visconti.

APPROVAL OF MINUTES: JUNE 9, 2010

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of June 9, 2010 be approved.

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

APPROVAL OF MINUTES: JULY 14, 2010

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of July 14, 2010 be approved.

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

APPROVAL OF MINUTES: JUNE 23, 2010 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council Executive Session of June 23, 2010 be approved.

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

RESOLUTION 10-135 NON-UNION SALARY RESOLUTION

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

BE IT RESOLVED, THAT THE FOLLOWING NON-UNION BASED SALARIES BE ESTABLISHED EFFECTIVE JANUARY 1, 2010

NAME	POSITION	2009 BASE	INCREASE	2010 BASE
Amorino	Tax Collector	\$66,866	\$ -	\$ 66,866.00
Bauberger	OEM coordinator	\$ 5,500.00	\$ -	\$5,500
Bauberger	Flood Control	3,000.00		3,000.00
Burik	Senior Citizens Director	\$39,735	\$ -	\$ 39,735.00
Cellini	Building Inspector	\$20,189	\$ -	\$20,189.00
Conte	Judge	\$ 31,635.00	\$ -	\$31,635.00
Davis	Police Chief's Secretary	\$40,187		\$40,187.00
Dillon	Fire Sub-Code	\$5,811	\$ -	\$ 5,811.00
Duncan	Borough Clerk	\$58,676	\$ -	\$ 58,676.00
Baron	Court Administrator	\$50,000.00		\$50,000.00
Hagberg	Construction Official	\$44,218	\$ -	\$ 44,218.00
Hagberg	Fire Official	\$9,706	\$ -	\$9,706.00
Kasper	Police Chief	\$133,376	\$ -	\$133,376.00
Holzhauser	Tax Assessor	\$43,857	\$ -	\$ 43,857.00
Krebs	Administrative Secretary	\$51,157.00	\$ -	\$ 51,157.00
Kunze	Borough Administrator	\$124,560.00	\$ -	\$124,560
Mangin	Treasurer/CFO	\$ 95,000.00	\$ 5,000.00	\$100,000
Montemarano	Building Subcode official	\$8,800		\$ 8,800.00
Marcucilli	Asst. Public Works Supt.	\$98,126	\$ -	\$ 98,126.00
Porrino	Fire Inspector	\$ 19,645.00		\$19,645
Walthour	Electrical Inspector	\$15,096	\$ -	\$ 15,096.00
Zaconie	Plumbing Sub-Code	\$21,108.00	\$ -	\$ 21,108.00
Crossing Guards	Step 1/Starting Pay	\$14.02	\$ -	\$14.02
	Step 2/Top Pay	\$15.74	\$ -	\$15.74
Fire Fighters	Fire Chief	\$2,875.00	\$ -	\$ 2,875.00
	Asst. Chiefs	2,300		2,300.00
	Captains	1,725.00		1,725.00

Lieutenants	1,150.00	1,150.00
Secretary	1,438.00	1,438.00
Fire Mechanic	863.00	863.00

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

RESOLUTION 10-143 ENDORSE MUNICIPAL “TOOLKIT”

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

WHEREAS, difficult times demand difficult choices, and facing an unprecedented revenue gap this year, Governor Christie introduced, and the Legislature passed, a budget that cut municipal property tax relief funding by about \$450 million, from last year’s already reduced totals; and

WHEREAS, realizing that a 20% cut in revenue replacement funding, instead of the statutorily required increase, would present a serious challenge to local budget makers, Governor Christie intended to provide local officials with meaningful tools to limit the, otherwise devastating, impact of the cuts; and

WHEREAS, the Governor’s “Tool Kit to Meet Today’s Fiscal Challenges” was supposed to accomplish six objectives: collective bargaining reform; pension and benefits reform; civil service reform; management reform; a constitutional cap on increases in spending for direct State government services; and a constitutional cap on property tax increases; and

WHEREAS, Governor Christopher Christie and the State Legislature have agreed on and enacted a 2% statutory cap for annual property tax levy increases; and

WHEREAS, the Governor was correct when he said, “New caps without the toolkit are unworkable”; and

WHEREAS, with the cuts assured in the State’s new budget and with bi-partisan agreement reached on new property tax caps, New Jersey Mayors – from municipalities, large and small, and from all around our Garden State – still wait for Trenton policy makers to enact meaningful local government cost containment reforms; now therefore be it

RESOLVED, by the Mayor and Council of the Borough of Oakland calls for immediate passage of the “Toolkit” reforms and mandates relief, including, but not limited to interest arbitration reform, civil service reforms, public employee pension and benefits, disciplinary procedures, school and special district elections, reforms to the Fair Housing Act and the Council on Affordable Housing and mandates relief; and

BE IT FURTHER RESOLVED, that statutory arbitration reforms must limit the full economic impact of awards to conform to the 2% cap; and

BE IT FURTHER RESOLVED, that statutory Health benefit reforms must conform future health benefit costs to the 2% cap; and

BE IT FURTHER RESOLVED, that municipal revenues, such as the Energy Tax, which are now collected by, and diverted to, the State, but which are legally intended for municipal property tax relief, must be constitutionally dedicated for their original purpose; or in the alternative, those taxes should be reformed to allow collection directly by municipalities; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance immediate mandates relief initiatives to assist municipalities in managing within the 2% cap; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance reforms to the Fair Housing Act and the Council on Affordable Housing (COAH); and

BE IT FURTHER RESOLVED, that a cap exception for the costs associated with tax appeals should be included, and costs mandated by the Administrative Office of the Courts (AOC) should be excepted from the 2% cap or the costs of new AOC mandates should be capped at 2%; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to Senator Kevin O'Toole, to Assemblyman David Russo, to Assemblyman Scott Rumana, and to the New Jersey League of Municipalities.

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

RESOLUTION 10-144 APPOINT COMMUNITY DEVELOPMENT REPRESENTATIVES

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

WHEREAS, in order to conduct Community Development Grant Meetings in conjunction with the monthly Share Service Meetings, the H.U.D./County regulations require that each municipality appoint by Resolution two representatives to the N.W. Regional Board.

WHEREAS, Mayor Szabo has designated Councilwoman Elizabeth Stagg to serve as the Mayor's representative to the Community Development Program for a one-year term, July 1, 2010 through June 30, 2011.

BE IT RESOLVED that the Borough Council hereby appoint Borough Administrator Richard Kunze to serve as the Council's representative for a one-year term, July 1, 2010 through June 30, 2011.

BE IT FURTHER RESOLVED that the Mayor and Council hereby appoint Councilwoman Karen Marcalus as the alternate

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

RESOLUTION 10-145 EXTENSION OF GRACE PERIOD THIRD QUARTER TAX PAYMENT

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

WHEREAS, the County of Bergen delayed certification of the Borough of Oakland's 2010 tax rate; and

WHEREAS, this delayed the issuance of tax bills until July 30, 2010; and

WHEREAS, State Law requires a twenty-five day period from the date of mailing before payment is due;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Oakland establishes a no interest grace period for the third quarter tax payment until August 23, 2010. Payments remitted after that date will accrue interest from August 1, 2010, as mandated by the State of New Jersey Law.

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

RESOLUTION 10-146 AUTHORIZE VEHICLE AUCTION

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

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:11-36 the Borough of Oakland may sell any personal property; and

WHEREAS, the Mayor and Council of the Borough of Oakland have determined that said property is not needed for public purposes and wishes to divest same; and

WHEREAS, this sale will be in "as is" condition without express or implied warranties;

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

1. The sale of the surplus property shall be conducted on-line on eBay (www.ebay.com) pursuant to New Jersey Local Finance Notice 2008-09. Terms of the Agreement are available on the vendor's website and available in the Borough Clerk's Office.
2. The surplus property that is to be sold is:
 - *a 1996 Chevy Caprice VIN#1G1BL52P8TR140880 with an odometer reading of 104,309 minimum price \$750.00
 - * a 1996 Chevy Caprice, VIN#1G1BL52P2TR140910 with an odometer reading of 99,243 minimum price \$1,100.00
 - * a 1997 Ford Crown Victoria, VIN#2FALP71W1VX207516 with an odometer reading of 153,267 minimum price \$600.00
 - * a 1997 Ford Crown Victoria, VIN#2FALP71WXVX20715 with an odometer reading of 129,130 minimum price \$1,500.00
 - * a 2001 Ford Crown Victoria, VIN#2FAFP71W31X101818 with an odometer reading of 134,892 minimum price \$1,100.00
 - * and a 1991 Dodge Mason Dump Truck, VIN#1B6MM3652MS348102 with an odometer reading of 47,735 minimum price \$1,000.00.
3. The surplus property as identified shall be sold in "as is" condition without express or implied warranties.

4. In accordance with N.J.S.A. 39:10-9.1 the certificate of ownership for the Chevy Caprices and Ford Crown Victorias shall state that the motor vehicle was used as a police patrol vehicle and notice is provided that the buyer shall continue to so state on each subsequent sale or transfer.
5. The successful bidder will be required to pay in cash or certified check made out to the Borough of Oakland at the time of pick up of the vehicle. The Borough will not deliver the vehicle to the successful bidder.
6. The vehicle is to be transferred and taken off the site within five business days after the sale has occurred.

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

RESOLUTION 10-147 AUTHORIZE BOSWELL FOR ADA PROJECT-LONG HILL ROAD

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

WHEREAS, the County of Bergen has performed pavement of County roads within the Borough, including Long Hill Road and Breakneck Road; and

WHEREAS, the installation of handicap ramps with detectable warning surfaces at county intersections is required; and

WHEREAS, Bergen County has contracted directly with Concrete Construction Corporation to install the handicap ramps; and

WHEREAS, the County requires that Oakland inspect said work and issue a certification of compliance; and

WHEREAS, the County will reimburse the Borough for the construction costs, but Oakland must pay for the inspection costs and police protection costs; and

WHEREAS, Boswell McClave has submitted a proposal at an estimated fee not to exceed \$ 2,000 based upon its engineering hourly rates for the inspection services;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the firm of Boswell McClave Engineering is hereby retained to perform construction inspection services on four (4) handicap ramps located on Long Hill Road, in the amount not to exceed \$ 2,000; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the existence of funds in Account # 0-01-20-165-100; 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 contract with Boswell McClave in her files for public inspection.

Councilwoman Stagg commented that at some point the Council will have to address the sidewalks on Long Hill Road.

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

RESOLUTION 10-148 AUTHORIZE RECREATION REFUND

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

WHEREAS, the Borough of Oakland has received a request for two (2) refunds of a Football Registration fee in the amount of \$120, a request for a refund summer camp fee in the amount of \$ 125, a request for a refund of Summer Camp fee in the amount of \$ 675, a request for a refund of Summer Camp fee in the amount of \$ 350, and a request for a refund of a Summer Camp fee in the amount of \$ 525; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby authorizes a refund of \$120 to AJ Licamelli, 9 Rockaway Avenue, Oakland, New Jersey; a refund of \$ 120 to Dorleen Klein, 23 Osage Road, Oakland, New Jersey; a refund of \$ 125 to Christina Masiello, 55 Ramapo Hills Blvd, Oakland, New Jersey; a refund of \$675 to Lisa Laurice, 105 Grove Street, Oakland, New Jersey; a refund of \$ 350 to Mina Turton, 42 McNomee Street, Oakland, New Jersey; and a refund of \$ 525 to Jackie Sopuch, 138 Andrew Avenue, Oakland, New Jersey.

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

RESOLUTION 10-150 AUTHORIZE SATURDAY HOURS-PUBLIC SERVICE GAS MAIN PROJECT

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

WHEREAS, the Public Service Electric & Gas Co. is in the process of installing a new gas main on Ramapo Valley Road; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the request of Public Service Electric & Gas Co., for a variance from the provisions of the Borough's Noise Ordinance, is conditionally granted, subject to the following terms and conditions: (a) the hours of operations permitted on Saturday shall be 9:00 a.m. to 5:00 p.m. (b) the variance approval granted herein is valid through Saturday September 4, 2010. (c) the variance approval granted herein is revocable at the Council's discretion, based on complaints or site observations that would lead the Council to believe that revocation of the variances is in the best interest of the public.

RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to maintain a copy of this Resolution for public inspection.

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

RESOLUTION 10-151 AUTHORIZE "OVER THE LIMIT" GRANT PAPERWORK

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

BE IT RESOLVED that the Governing Body hereby authorizes John P. Szabo, Jr., Mayor; James Mangin, Chief Financial Officer; and Edward Kasper, Police Chief, to sign the grant paperwork with the State of New Jersey, Department of Law and Public Safety, Division of Highway Traffic Safety for the "Over the Limit Under Arrest Impaired Driving Crackdown" grant.

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

RESOLUTION 10-152 AUTHORIZE TAX APPEAL SETTLEMENT BL. 4301, LOT 33

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

WHEREAS, Mark Palin, the owner of property known as Block 4301, Lot 33, located at 5 Brook Hollow, consisting of a single family house, has appealed the 2009 assessment of \$604,500; and

WHEREAS, the Borough Assessor and Tax Appeal Attorney have recommended a settlement of the litigation, which is in the best interests of the Municipality;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, that the Tax Appeal Attorney be and is hereby authorized and directed to execute any and all documents necessary in order to effectuate a settlement wherein the 2009 and 2010 assessments of \$ 604,500 will be reduced to a total of \$ 550,000; and

BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon waiver of payment of interest on any refund.

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

INTRODUCTION: ORDINANCE NO. 10-CODE-629

The Clerk was directed to take from table Ordinance No.10-Code-629 and read by title for its first reading.

The Clerk then read by title Ordinance No.10-Code-629 entitled: "AN ORDINANCE AMENDING CHAPTER 2, SECTION 6A OF THE BOROUGH OF OAKLAND CODE ENTITLED "EMERGENCY SERVICE VOLUNTEERS LENGTH OF SERVICE AWARDS PROGRAM (LOSAP), WITH RESPECT TO THE OAKLAND VOLUNTEER FIRE DEPARTMENT"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending Chapter 2, Section 6a Of The Borough Of Oakland Code Entitled “Emergency Service Volunteers Length Of Service Awards Program (Losap), With Respect To The Oakland Volunteer Fire Department”, be introduced;

That said Ordinance be considered for final adoption at a meeting on August 11, 2010 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 August 2, 2010 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, Stagg, Visconti.

FINAL PUBLIC HEARING: ORDINANCE NO.10-CODE-626

The Clerk was directed to take from the table Ordinance No. 10-Code-626 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 7, SECTION 21 OF THE BOROUGH OF OAKLAND CODE, ENTITLED “TRAFFIC-TRUCKS OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS”

OPENED FOR PUBLIC DISCUSSION:

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending Chapter 7, Section 21 Of The Borough Of Oakland Code, Entitled “Traffic-Trucks Over Designated Weight Excluded From Certain Streets”, 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 10-CODE-627

The Clerk was directed to take from the table Ordinance No.10-Code-627 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE SUPPLEMENTING CHAPTER 12, SECTION 6 OF THE BOROUGH OF OAKLAND CODE, SO AS TO REGULATE DUMPSTERS OR OTHER REFUSE CONTAINERS"

OPENED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Supplementing Chapter 12, Section 6 Of The Borough Of Oakland Code, So As To Regulate Dumpsters Or Other Refuse Containers, 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 10-CODE-628

The Clerk was directed to take from the table Ordinance No.10-Code-628 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE SUPPLEMENTING CHAPTER 20 OF THE BOROUGH OF OAKLAND CODE, SO AS TO REGULATE PRIVATE STORM DRAIN INLET RETRO-FITTING"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Supplementing Chapter 20 Of The Borough Of Oakland Code, So As To Regulate Private Storm Drain Inlet Retro-Fitting, 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:

ALTERNATE PROSECUTOR AND PUBLIC DEFENDER

Mr. Kunze advised that the Judge has asked that the Council appoint an alternate Prosecutor and Public Defender. They would be able to cover for vacations or an emergency if the Prosecutor or Public Defender cannot attend. Councilman Burns asked if these alternates get paid only when they work. Mr. Kunze responded that was correct. Councilman Burns asked if the money to pay the alternates would be deducted from the Prosecutor and/or Public Defender. Mr. Kunze responded that the pay for the alternates would be in addition to the salary for Prosecutor and Public Defender. This will be listed on the next agenda for action.

NJ DOT GRANT APPLICATION

The consensus of the Council was to move forward with the application. A resolution will be listed on the next agenda.

COUNTY OPEN SPACE REFUND

Mr. Kunze advised the Mayor and Council that they will be receiving a refund from the County for Open Space funds. Councilman Di Pentima advised that this is an election year gimmick. The County has reduced the fund that is going toward open space. This prevents the County from supporting towns who want to purchase open space. Councilman Di Pentima is concerned that this will be raised again in the future. Councilwoman Stagg commented that she is surprised the County can do this because the open space trust fund was voted for by referendum. Mr. Kunze responded that he did not know if the County wrote flexibility into the referendum and ordinance. Councilwoman Marcalus commented that Oakland will not be able to preserve as much open space as we want to. Councilwoman Stagg is not happy. Councilman Di Pentima commented that he is disheartened that the County cut this rate. The County should have cut the budget instead. Mayor Szabo commented that there have been articles written in the paper about cutting open space because people think the money is for Recreation. He assumes this is the County's answer to those articles. Councilman Di Pentima would rather the rate stay consistent. Councilman Burns commented that he doesn't know when the County's open space fund expires. The County could raise the rate back next year. He commented that if this is put before County residents for a vote again, it might get voted down because people would think the County does not need the money.

HISTORIC PRESERVATION PLAN PROPOSAL:

Mayor Szabo explained that the Borough has a grant to do a Historic Preservation Plan. The Borough needs a plan to determine what to do with the Stream House. He would like to move forward with this. Councilman Visconti advised that this Plan will be done at no cost to the taxpayers. The Borough has received grants from the State and County. Mayor Szabo asked if this was the only proposal received. Mr. Kunze responded that the original RFP was put out several years ago. Two candidates responded. The State and County reviewed the responses and recommended this firm be hired. Mr. Kunze just asked that firm for an updated proposal. If a resolution is done at the next meeting, it would be an unfair and open appointment and the firm would be required to file paperwork to say they did not have political contributions. Mayor Szabo would like to move on this matter on the next agenda. Councilwoman Stagg advised that the proposal is for \$ 77,550. Mayor Szabo advised that the scope of the project meets the grant requirements. Councilman Visconti advised that the firm will need to cap their expenses at \$ 80,000. Councilwoman Stagg advised that the Council needs the right to review and comment before they issue the final copy. The Council needs to know what they are going to recommend to the State. Mr. Kunze will make sure the Council reviews the draft report. He advised the firm has indicated they can start right after Labor Day.

NEW BUSINESS:

Councilman Pignatelli commented that the Council approved the purchase of a new Rescue truck in the capital budget. The Fire Department put in a lot of work to prepare the specifications. The Borough went to bid. The project limit is \$ 630,000 and there was one bid submitted for \$653,000. There are some discounts which would bring the price to \$ 642,000 but the Fire Department needs about \$9,000 in add-ons. The Council would need to vote to approve an additional \$ 20,000 in funds. Mayor Szabo advised that the additional amount could be funded through capital reserve. Mr. Kunze responded that it could but an ordinance is still required. Councilman Pignatelli advised that parts are starting to deteriorate on the old Rescue truck. Postponing the purchase of the new truck would throw good money to bad. Councilman Visconti asked what would be done with the old truck. Councilman Pignatelli responded that the Borough can sell it or the DPW and the Water Department can use it. Councilman Visconti commented that it would be nice if we can get \$ 20,000 for the old truck to offset the additional costs. Mr. Kunze responded that the manufacturer offered only \$ 3,000 as a trade-in value and that was too

low. He advised that we can see what we can get by selling the truck or we can see if the truck can be used in-house. Mayor Szabo advised that the Council did approve the funding for this truck and we need to move forward with the purchase. Councilman Di Pentima commented that they had discussed alternative solutions but purchasing a new truck was the recommended solution. We will find a way to fund the differential. DPW Superintendent Marcucilli will find a use for the old truck. Mayor Szabo advised an ordinance will be listed on the August 11th agenda for introduction. The ordinance can be adopted at the first meeting in September. Councilman Burns asked how long the proposal is good for. Mr. Kunze responded it is good for 60 days from July 23rd. Councilman Di Pentima advised that the engine manufacturer is holding the price for the Borough.

Mr. Kunze advised that he was approached by a resident of Franklin Avenue. The resident's driveway comes out the Borough's access drive. The resident is asking permission to pave the access road up to his driveway at his own cost. The resident would like permission from the Borough. Mr. Kunze advised that if the Council agrees, the resident will be required to sign a hold harmless agreement. Councilman Pignatelli asked if the resident can claim adverse possession. Borough Attorney Muhlstock advised that he could not because there will be an agreement. Councilman Visconti asked if the Borough will have to plow the road. Mr. Kunze advised that we already have been plowing the access drive. This would make it easier to maintain. Councilman Visconti asked if the Borough will have to continue to pave it in the future. Mayor Szabo advised that this would have to be covered in the hold harmless agreement. It would be inconsequential to us.

Councilwoman Marcalus advised that the Council received a letter from Wolfgang Albrecht about looking into lightning detection systems for the Recreation fields. Grant money is available and Mr. Albrecht offered to write a grant application. Councilman Di Pentima advised that Mr. Albrecht should have gone to the Recreation Commission first and not the Mayor and Council. The Commission would make a recommendation to the Council.

COUNCIL REPORTS:

Councilman Pignatelli: No report.

Councilman Di Pentima: The Seniors are involved with the County Farmers Market Plan. The Plan provides Seniors with coupons for fresh fruits and vegetables. Councilman Di Pentima advised that the High School Blue and Gold Touchdown Club, which raises money for the High School Football team, will have a can shake at Shop-Rite this weekend.

Councilman Burns: The Shade Tree Commission will meet Monday. Ed Clark is interested in participating to some extent again. Municipal Alliance has no meeting for July or August. The Recreation Commission met Monday. They discussed the lightning warning detection system. It is not an inexpensive system. The Recreation Commission is looking into getting information on grants for the system. They would include this in their capital budget. Recreation has a policy for lightning but Councilman Burns asked them to have OEM Coordinator Roy Bauberger review the policy. The system runs between \$ 12,000 and \$ 20,000.

Councilwoman Stagg: No report.

Councilman Visconti: The Library spent the last two weeks reorganizing the adult section. The Knights of Columbus is hosting a horseshoe tournament on September 11th.

Councilwoman Marcalus: No report.

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, Stagg, Visconti.

Mayor Szabo advised that the next meeting will be held on August 11th. The Council is looking to cancel the meeting of August 25th.

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the meeting be adjourned at 8:33 pm.

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

Lisa M. Duncan, Borough Clerk
August 11, 2010

Mayor John P. Szabo, Jr.

Date Approved