

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY JUNE 9, 2010

MOVE TO EXECUTIVE SESSION:

On motion of Councilman DiPentima, 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:
Labor Issues
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.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Burns, seconded by Councilwoman Marcalus, 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 7:30 P.M.

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: Deborah Krebs, Deputy Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, 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.

MAYOR'S REPORT:

Mayor Szabo thanked Commander Ron Beattie and the members of the American Legion for arranging the parade and also the Boy Scouts for their assistance in lining up the marchers. He thanked the Veterans and the town organizations who marched in the parade and the Dignitaries who spoke at the ceremony. He commented that it is a solemn occasion but one held proudly each year to pay respect to all Veterans and active military. The Grand Marshal, John Schaus, was unable to attend due to a sudden illness but he is doing much better. John is also our Shade Tree Commissioner and he plans to ask him to attend a Council Meeting when he is well enough to pay tribute for his services as both the Shade Tree Commissioner and Grand Marshal of the Memorial Day Parade.

Mayor Szabo stated the Council recently completed and adopted the Affordable Housing Plan. The purpose of the plan is to protect the community from Litigation. It directs the growth and development for sewerage the downtown and will act as a catalyst in helping to rejuvenate and revitalize the downtown improvement plan.

Mayor Szabo reported that there were a number of meetings held with the Collective Bargaining Unions to ask for their assistance with some of the fiscal difficulties that the town is presently facing. Both the White Collar and Blue Collar Unions have agreed to take no salary increases for 2010 as well as some minor concessions. He appreciates their willingness in helping the town through these economic difficult times. Their sacrifice will help in keeping the taxes down for the residents.

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 one present from the public wished to speak.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman DiPentima, 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: MAY 19, 2010

On motion of Councilwoman Marcalus, seconded by Councilman DiPentima, the minutes from the Mayor and Council meeting of May 19, 2010 be approved.

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

APPROVAL OF MINUTES: APRIL 28, 2010 EXECUTIVE

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, the minutes from the Mayor and Council Executive Session of April 28, 2010 be approved.

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

APPROVAL OF MINUTES: MAY 12, 2010 EXECUTIVE

On motion of Councilwoman Marcalus, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Executive Session of May 12, 2010 be approved.

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

APPROVE EXTENSION OF LICENSED PREMISES PERMIT-PORTOBELLO FEASTS

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, approval be granted for an extension of licensed premises permit for Portobello Feasts to hold a fundraising event on July 11, 2010 from 11:00 am to 2:30 pm.

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

APPROVE RAFFLE LICENSE RL1054-KNIGHTS OF COLUMBUS

On motion of Councilwoman Stagg, seconded by Councilman Visconti, approval be granted for Raffle License RL1054 for the Knights of Columbus to hold an on-premise raffle for merchandise on June 24, 25 and 26, 2010 at the Recreation fields.

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

RESOLUTION 10-118 BUDGET AMENDMENT

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

WHEREAS, the local municipal budget for the year 2010 was approved on April 14, 2010; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, in the County of Bergen, State of New Jersey, that the following amendments to the approved budget of 2010 be made:

	<u>FROM</u>	<u>TO</u>
1. Anticipated Revenues		
Surplus Anticipated	\$ 361,000.00	\$ 886,000
Miscellaneous Revenue – Section F: Special Items of Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Public and Private Revenues Offset With Appropriations:		
Grant – Municipal Alliance	-	\$ 10,356.00
Total Section F:	\$ 185,376.70	\$ 195,732.70
2. Receipts from Delinquent Taxes		
Receipts from Delinquent Taxes	\$ 500,000.00	\$ 499,250.00
Subtotal General Revenues:	\$ 3,900,945.59	\$ 4,435,551.59
3. Amount to be Raised by Taxes for Support of Municipal Budget		
Local Tax for Municipal Purposes Including		
Reserve for Uncollected Taxes:	\$13,966,303.64	\$13,719,459.44
<u>TOTAL GENERAL REVENUES:</u>	\$17,867,249.23	\$18,155,011.03

4. General Appropriations		
(A) Operations – Within “CAPS”		
	<u>FROM</u>	<u>TO</u>
General Government Functions		
General Administration - Salaries & Wages	\$ 205,999.72	\$ 196,100
General Services - Salaries & Wages	\$ 108,400.00	\$ 37,900
Mayor & Council - Salaries & Wages	\$ 43,470.18	\$ 43,300
Municipal Clerk - Salaries & Wages	\$ 72,349.74	\$ 70,585
Finance - Salaries & Wages	\$ 188,499.80	\$ 183,900
Tax Collector - Salaries & Wages	\$ 87,210.04	\$ 85,400
Tax Assessor - Salaries & Wages	\$ 112,674.60	\$ 109,930
Land Use Administration		
Planning Board - Salaries & Wages	\$ 28,950.43	\$ 28,300
Board of Adjustment - Salaries & Wages	\$ 15,000.23	\$ 14,650
Code Enforcement - Salaries & Wages	\$ 235,100.20	\$ 229,650
Public Safety		
Police - Salaries & Wages	\$3,769,000.43	\$3,747,450
Emergency Management - Salaries & Wages	\$ 5,649.50	\$ 5,500
Flood Control - Salaries & Wages	\$ 4,475.00	\$ 4,360
Fire Department - Salaries & Wages	\$ 87,700.00	\$ 80,800
Department of Public Works		
Streets & Roads - Salaries & Wages	\$ 454,549.50	\$ 448,190
Buildings & Grounds - Salaries & Wages	\$ 182,749.56	\$ 180,660
Solid Waste - Salaries & Wages	\$ 70,549.73	\$ 69,200
Vehicle Maintenance - Salaries & Wages	\$ 60,999.54	\$ 59,825

June 9, 2010

	<u>FROM</u>	<u>TO</u>
Health and Human Services		
Health Department - Salaries & Wages	\$ 59,999.83	\$ 58,600
Park and Recreation Functions		
Senior Citizens Activities - Salaries & Wages	\$ 56,250.38	\$ 55,250
Other Common Operating Functions		
Accumulated Leave Compensation	-	\$ 150,000
Municipal Court		
Municipal Court - Salaries & Wages	\$ 128,125.43	\$ 125,150
Utility Expenses		
Street Lighting	\$ 152,000.00	\$ 142,000
Total Operations Within "CAPS"	\$12,486,253.84	\$12,483,250
Total Operations Including Contingent Within "CAPS"	\$12,491,253.84	\$12,488,250
Detail:		
Salaries & Wages	\$ 6,170,803.84	\$ 6,177,800
Other Expenses (Including Contingent)	\$ 6,320,450.00	\$ 6,310,450
Statutory Expenditures		
Public Employees Retirement System	\$ 262,425.00	\$ 263,146
Total Deferred Charges and Statutory Expenditures		
Municipal – Within "CAPS"	\$ 1,277,310.00	\$ 1,278,031
(H-1) Total General Appropriations for Municipal Purposes Within "CAPS"	\$13,768,563.84	\$13,766,281
5. General Appropriations		
(A) Operations – Excluded From "CAPS"		
	<u>FROM</u>	<u>TO</u>
Department of Public Works		
Stormwater Management - Salaries & Wages	\$ 47,100.36	\$ 46,200
Reserve for Tax Appeals	-	\$ 400,000
Total Other Operations – Excluded From "CAPS"	\$1,053,456.36	\$ 1,452,556
Public and Private Programs Offset by Revenues		
Municipal Alliance Grant – County Share	-	\$ 10,356
Municipal Alliance Grant – Local Share		\$ 2,589
Total Public and Private Programs Offset by Revenue	\$ 187,876.70	\$ 200,821.70
Total Operations Excluded From "CAPS"	\$1,241,333.06	\$1,653,377.70
Detail:		
Salaries and Wages	\$ 5,402.56	\$ 601,254.56
Other Expenses	\$1,235,930.50	\$1,052,123.14
(H-2) Total General Appropriations for Municipal Purposes – Excluded From "CAPS":	\$3,351,685.39	\$3,763,730.03
(O) Total General Appropriations Excluded From "CAPS"	\$3,351,685.39	\$3,763,730.03
(L) Subtotal General Appropriations (H-2) + (O)	\$17,120,249.23	\$17,530,011.03
(M) Reserve for Uncollected Taxes	\$ 747,000.00	\$ 625,000.00
<u>TOTAL GENERAL APPROPRIATIONS</u>	\$17,867,249.23	\$18,155,011.03

WATER UTILITY BUDGET

	<u>FROM</u>	<u>TO</u>
1. Anticipated Revenues		
Rate Increase	\$ 413,000.00	\$ 377,000.00
TOTAL WATER REVENUE	\$ 1,980,000.00	\$1,944,000.00
Water Operations		
Salaries & Wages	\$ 526,420.00	\$ 514,715.00
Other Expenses	\$ 209,150.00	\$ 199,650.00
Utilities	\$ 237,500.00	\$ 225,000.00
Capital Outlay	\$ 2,401.26	\$ 106.26
TOTAL WATER APPROPRIATIONS	\$ 1,980,000.00	\$1,944,000.00

BE IT FURTHER RESOLVED, that the Governing Body of the Borough of Oakland does hereby approve this amendment to the approved budget for the Fiscal Year 2010.

BE IT FURTHER RESOLVED, that two certified copies of this Resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the Fiscal Year 2010 local municipal budget so amended.

BE IT FURTHER RESOLVED, that this Resolution shall be advertised in the June 14, 2010 edition of "The Record" and that a hearing will be held on this amendment at the Municipal Council Chambers on June 23, 2010 at 7:30 pm.

Councilman Di Pentima stated this is the last draft of the Budget. The State reviewed the Budget on Monday and any issues the State may have had were addressed by the CFO.

Overall, the Municipal Budget Appropriations increased \$324,000 or 1.8% over the 2009 levels. The total amount to be raised by local taxes increased by \$473,478 or 3.6% over the prior year. This represents a 1.9 tax point increase and the cost on the average home currently assessed at \$485,600 is going to be \$2,612.35. This is an increase of \$89.98 over 2009. This is the lowest increase in the municipality since 2001. For the past five years, beginning in 2006, we have been able to utilize the trend of the annual increase to the taxpayers getting smaller each year. The Municipal Tax rate per \$100 of assessed value increased 1.7 cents over 2009. It was 52.1 cents; it is now 53.8 cents. In New Jersey, municipalities have a State tax levy CAP of 4% and Oakland is \$195,000 under that CAP calculation this year. Last year, Oakland was \$78,000 under that calculation. This shows that our efforts were successful in managing the CAP calculation and reducing costs.

There was a decrease in overall revenue from last year by \$149,000. The vast majority of that reduction is because of the loss of \$337,320 in state aid. In addition, our investment income is significantly down over prior years. We anticipate having a reduction of \$109,000 investment income over the prior year. We were able to offset those two large increases by increases in other revenue line items. In part, Oakland has reduced its surplus revenue this year. However, this was not done just to offset spending increases. It is quite the contrary. What we have been able to do in this budget is to do some forward looking financial

planning. We have established two long-term reserves in the budget. We have established a long-term reserve for tax appeals, which is very prudent at this time. We have also established a long-term reserve for unpaid accrued time. Employee contracts have clauses that allow accrued time to be paid back at the retirement. It was an unfunded liability to the Borough. If everyone were to retire tomorrow, it would be a cost of about \$845,000. Over the last two years, the Borough had retirements within the Police Department with large paybacks. A \$150,000 reserve was established and will be funded each year. In the future when people retire, we will draw it from the reserve rather than charge the tax rate. With these two long-term strategies, it will provide tax relief for future budgets.

Overall, if you discount the \$150,000 for accumulated leave reserve, the CAP expenses increased by \$112,000 or just less than 1% over 2009. The vast majority of that increase was due to health benefits which went up 10% - a \$220,000 increase. We were able to offset that increase through a number of cost cutting measures. We asked all the Department Heads for a 4% reduction in operating expenses which saved \$76,000. The collective bargaining unions, specifically the White and Blue Collar Unions, agreed to a zero increase in their salaries for 2010. The savings from that coupled with the salary freezes for non-union personnel came to \$96,000. These measures allowed us to create a budget where Oakland can operate with the services that the people expect in the Borough.

The Non CAP expenses are items such as debt service, money funded for the Public Library, LOSAP payments for our Fire Department and First Aid Squad, as well as this new long-term reserve for tax appeals and accrued time. Overall, including the \$400,000 long-term reserve, our non-cap expenses are lower than last year by \$27,000. Without the reserve, we are lower by \$427,000. A lot of this has to do with grants because at this point of the year, we only have \$224,000 in grants built into in this year's budget. Last year, we were able to obtain \$638,000 in grants. The Grant revenue has offsets so there is no impact on the taxes. Mayor Szabo commented that grants offset the budget because we spend money and then get money back. The Borough will apply for more grants. There was a slight increase of \$88,000 in the reserve for uncollected taxes.

Councilman DiPentima thanked the Finance Committee and all the Department Heads. He is very pleased with the introduced budget and a tax increase of only 1.9% which will allow the Borough to maintain its present services and provide for long-term financial protection with the establishment of reserves. The Borough is also keeping their workforce employed and not reducing staff. He felt it will be difficult to replicate these efforts for 2011 because the Governor is going to push for a hard 2.5% CAP. The 2.5% CAP sounds appealing but if the CAP can't be reached by working concessions from Oakland's labor groups, the Borough may have to cut services this year.

CFO Mangin stated that a drop in state aid was expected this year. We thought that it would be about \$131,000 but we lost \$337,000. Tax collections were already down in 2009 but we did not realize to what extent. The concerns for the 2010 Budget were already realized in 2009. This year the direction was to look beyond 2010 and set a plan for long-term reserves. Tax appeals are a direct hit upon surplus and we are taking a proactive approach by setting up a reserve. There are municipalities that are doing furloughs and layoffs and Oakland is not. Councilman DiPentima stated there are towns that are financially strapped such as Hackensack who is bonding their accrued time payments in the amount of \$4.0 million dollars.

Mayor Szabo felt the Budget reflects the efforts of the Finance Committee and Councilman DiPentima and Councilman Visconti's long-term vision and plan. He thanked Administrator Kunze and CFO Mangin for their hard work and preparation. It was a very tough year but the committee was prepared for this crisis and have also prepared for long-term financial protection. Mayor Szabo is one of the few Republican Mayors who is not in favor of the proposed 2.5% CAP. He is in support of sound fiscal responsibility and supports the Governor and agrees that there is government waste. Mayor Szabo feels that municipalities do not have the tools to manage the proposed 2.5% hard CAP because it has not addressed insurance health costs and binding arbitration. He felt it would have a devastating impact on municipalities without the tool kit.

Councilman Di Pentima stated that without comprehensive reforms it would be impossible for a municipality to work within the 2.5% CAP. Garbage collection days would be reduced potentially and there could be cut backs on programs or hours for the Library and Senior Center. The Health Bill is a major concern. He is also concerned about surplus management because in 2006, Oakland did not have a robust surplus balance. We have worked to increase the surplus; and at the end off this year, we will have a surplus of \$1 million dollars. The Governor's proposal has also addressed surplus management and talks about only allowing \$200,000 to be kept in surplus. Councilman Di Pentima supports the Governor, but needs to see more work being done before they sign on. Councilman Di Pentima reported the Public Hearing Date for the budget amendment will be on June 23, 2010.

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

RESOLUTION 10-119 AUTHORIZE CREW ENGINEERS GIS MAPPING SERVICES

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

WHEREAS, Crew Engineers submitted a proposal dated March 12, 2010 to provide GIS Mapping Services for the Oakland Water Department; and

WHEREAS, Phase 1 of the project is needed to provide GIS mapping to satisfy New Jersey Department of Environmental Protection Safe Drinking Water Act Regulations (N.J.A.C. 7:10-11.5(c)6) at a cost of \$ 5,500 and Phase 2 of the project is to produce Water System Mapping using AutoCADD 2010 as well as hardcopy maps at a cost of \$ 10,500; and

WHEREAS, Phase 2 of the project will improve the efficiency of operating and maintaining the Borough's water system; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account# C-06-06-539-004;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the award of the contract for GIS Mapping Services for the Oakland Water Department to Crew Engineers, Inc. for a total cost of \$ 16,000; and

BE IT FURTHER RESOLVED that the award of this contract is one for a professional service, for which no public bidding is required, and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the contract.

Discussion: Councilman Burns questioned if the wording should be "at a cost not to exceed amount" but the consensus of the Council felt the wording is correct. Administrator Kunze stated the contract does include a "not to exceed" over their hourly rate.

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

RESOLUTION 10-121 AUTHORIZE BOSWELL ENGINEERING FOR 2010 ROAD PROGRAM

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

WHEREAS, the Borough of Oakland wishes to proceed with the 2010 Road Program; and

WHEREAS, the Borough of Oakland is in need of Engineering Services for the construction inspection phase of the project; and

WHEREAS, Boswell McClave Engineering has submitted a proposal dated May 18, 2010 and the fee for the construction phase is not to exceed \$31,250; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-617-501.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Boswell McClave Engineering to perform the engineering services as outlined in their May 18, 2010 proposal at a fee not to exceed \$ 31,250 for the construction phase; and

BE IT FURTHER RESOLVED that the award of this contract is one for a professional service, for which no public bidding is required, and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the contract with Boswell McClave.

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

RESOLUTION 10-122 AUTHORIZE 2010-2012 SNOW PLOW AGREEMENT

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

WHEREAS, as part of its snowplowing operations, the Borough of Oakland clears various county roads located within the Borough; and

WHEREAS, the Borough is entitled to be reimbursed by the County of Bergen for such services;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor be and is hereby authorized and directed to execute an agreement by and between the County of Bergen and the Borough of Oakland, in the form annexed hereto and made a part hereof, with respect to the snowplowing operations by the Borough on County roads, including compensation therefor.

Discussion: Councilman Burns stated it is the same rate as in the previous contract but it is now for a two-year period 2011 and 2012.

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

RESOLUTION 10-123 AUTHORIZE GRANT APPLICATION STATE BODY ARMOR FUNDS

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

WHEREAS, the Borough of Oakland Police Department wishes to make application for the New Jersey Division of Criminal Justice State Body Armor Replacement Fund Program for funds for the purchase of bulletproof vests;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize Police Chief Kasper to submit the 2010 State Body Armor Replacement Fund Application for the maximum number of bulletproof vests allowed.

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

RESOLUTION 10-125 APPOINT REC COMMISSION SECRETARY

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

BE IT RESOLVED that Cheryl Logatto is hereby appointed as Secretary to the Recreation Commission at a salary of \$ 1200.00 per year pro-rated effective June 9, 2010.

Discussion: Councilman DiPentima requested that the Secretary keep minutes and distribute them to the Mayor and Council as the other Board Secretaries have done. They have not received the minutes from the resigning secretary and they would like to receive the copies from the meetings.

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

RESOLUTION 10-126 AUTHORIZE TAX REFUND BLOCK 3801, LOT 68

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 of Oakland has received a request for a refund of a 2010 duplicate tax payment; 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, upon the advice of the Chief Financial Officer and the Tax Collector do hereby authorize a refund as follows:

BLOCK/LOT	OWNER	AMOUNT
3801/68	McLaughlin, Susan A.	\$3,632.04

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

RESOLUTION 10-127 AUTHORIZE TAX REFUND-BLOCK 3501, LOT 57

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

WHEREAS, a Tax Court Judgment was filed on May 28, 2010, in the matter of Jerome Gippetti et al v. Oakland Borough, Docket No. 014308-2009, reducing the assessment of Block 3501, Lot 57, 100 Nielsen Avenue to \$595,200.00; and

WHEREAS, a refund of the 2009 property taxes is now due to Jerome Gippetti, c/o Richard Venino, Esq., in the amount of \$945.97;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon the advice of the Chief Financial Officer and the Tax Collector do hereby authorize a check to Jerome Gippetti, in care of Richard Venino, Esq. in the amount of \$945.97

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

RESOLUTION 10-128 AUTHORIZE SETTLEMENT-UNIVERSAL BROADCASTING

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 of Oakland leases a portion of the premises located at block 1601, Lot 3 to Universal Broadcasting of New York, Inc., which operates a radio broadcasting tower at that premises; and

WHEREAS, Universal is currently in rent arrears in the amount of \$21,057.75; and

WHEREAS, the Borough has instituted a Tenancy action; and

WHEREAS, a Proposal of Settlement has been offered by the Tenant, and the Mayor and Council deems such offer to be acceptable;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Borough Attorney is hereby authorized and directed to obtain a Judgment of Possession in the Tenancy action, and to stay execution, as long as the tenant complies with the following modification of the lease terms:

The Tenant shall pay the sum of \$7,219.80 per month starting on June 10, 2010 and ending on December 10, 2010. This monthly payment is made up of the current monthly lease rental in the amount of \$4,211.55 plus arrears in the amount of \$3,008.25. As long as Tenant pays the agreed upon current charges plus arrears on a monthly basis, there shall be no execution of the Judgment of Possession. Assuming the full compliance by the Tenant with the aforesaid schedule of payments, the January 2011 payment would revert to the monthly rent set forth in the Lease Agreement; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is authorized and directed to maintain a copy of this Resolution in the office of the Borough Clerk, for public inspection, pursuant to law.

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

RESOLUTION 10-129 AUTHORIZE TAX REFUND BLOCK 3601, LOT 30

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

WHEREAS, on June 2, 2010, the Tax Assessor granted a full property tax exemption as a permanently disabled veteran to Joseph J. Kwederis, as the owner of Block 3601, Lot 30; and

WHEREAS the tax exemption is retroactive for the tax year 2010, and because of the foregoing taxes for the year 2010 should be cancelled and a refund be issued in the amount of \$5,071.69, for taxes paid to date;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, that the 2010 property taxes be cancelled and a refund in the amount of \$5,071.69 be issued to Joseph J. Kwederis.

Discussion: Councilman Di Pentima stated the exemption is due because the resident is a 100% disabled veteran who was injured during his time of service.

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

RESOLUTION 10-130 LIQUOR LICENSE RENEWALS

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

WHEREAS, the licensees, herein named, filed applications for renewal of their Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses for the period from July 1, 2010 to June 30, 2011, and

WHEREAS, the said applicants have deposited the required fee of \$2,000.00 for said licenses, with the exception of the Club Licenses which are \$150.00, and a \$200.00 check or money order made payable to the Alcoholic Beverage Control Commission, Trenton, New Jersey, and

WHEREAS, the premises of said applicants have been inspected and approved by the Board of Health, Police Department and the Fire Prevention Bureau, Tax and Water Departments.

NOW, THEREFORE, BE IT RESOLVED that the renewals be issued to the following licenses, pending receipt of all required paperwork from the NJ State Division of Taxation, for the period from July 1, 2010 to June 30, 2011:

NAME	LOCATION	STATE NUMBER
Long Hill Bar & Liquors	14 Post Road	0242-44-004-005
Valen Associates, LLC (Elm Street)	20-A Elm Street	0242-33-007-010
Hansil's Bar & Grill Inc.	7 Ramapo Valley Road	0242-33-011-004
Cenzino Enterprises, Inc.	589 Ramapo Valley Rd.	0242-33-003-006
Beviamo, Inc.(Portobello)	155 Ramapo Valley Rd.	0242-33-010-003

Wolfpack, Ltd.(Timbers)	110 W. Oakland Ave.	0242-33-008-008
GH Restaurant Corp.(Oakland Diner)	72 Ramapo Valley Road	0242-33-009-005
Valley Spirits, Inc.(Oakland Wine & Liquor)	390 Ramapo Valley Rd.	0242-44-006-004
Elks Lodge, B.P.O.E. 2167	33 Ramapo Valley Road	0242-31-014-001
American Legion Post 369	65 Oak Street	0242-31-013-001
Knights of Columbus 5846	7 Courthouse Place	0242-31-017-001
Buona Fortuna, Inc.(new Portobello)	175 Ramapo Valley Road	0242-33-002-004

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to send one copy of a certified resolution to the Alcoholic Beverage Control Commission, Trenton, together with \$200.00 checks made payable to the Alcoholic Beverage Control Commission and one certified copy of this resolution to the State of New Jersey, Department of the Treasury, Beverage Tax Bureau, Trenton, New Jersey.

Discussion: Mayor Szabo stated the resolution has been amended to include three licenses that were not ready to be approved because their paperwork is not finalized and asked that this be included in the record.

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

**WORK SESSION:
DISCUSSION OF KYLEIGH’S LAW**

Councilman Burns stated he discussed Kyleigh’s Law with the Municipal Alliance. Their primary concern is that the law would target young drivers with provisional licenses by identifying them and making them a greater target for criminals. There has been a public outcry and there is a movement to have the law repealed. Councilman Burns does not like the decal being put on the license plate as the decal can be removed. Also, he questioned what happens when families have multiple cars.

Councilman Pignatelli stated he is in favor of setting rules for the safety of the driver but doesn’t feel there have been enough statistics to show whether this would be a concern for young drivers. He stated he does not want to oppose the law as he would like to see it in place for awhile.

Councilwoman Marcalus stated she read the law online and does not feel the Council should endorse the legislation from the Assemblyman because it is in support of repealing the law. The Resolution is to amend the law. The sticker only has to be in place for the one year during the provisional license period. She would also like to give the law a chance because it was only passed on May 1st. She looked at the poll taken on New Jersey.com and 87% of the 12,000 respondents were in favor of repealing the law it because they felt it could discriminate. She spoke to Chief Kasper who felt the biggest concern with young people is with the predators they meet on the Internet.

Councilman Visconti felt the reasoning is good but his concern is the implementation. The cost for the sticker is \$8.00 and there is a concern that the sticker can easily be stolen.

Upon discussion, the consensus of Council was not in favor of repealing the law.

NORTHWEST BERGEN SHARED SERVICES-CONTINGENCY STAFFING PLAN

Administrator Kunze reported on the Shared Service Contingency Staffing Plan and the reasons he would like to see it approved. He referred to the H1N1 Pandemic scare they had last year and any period of time where municipal personnel, on a temporary basis or in a crisis situation, could be shared. The consensus of the Council was to approve it at this meeting.

RESOLUTION 10-131 CONTINGENCY STAFFING PLAN

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

WHEREAS, the Borough of Oakland and its twelve (12) sister communities in the Northwest Bergen region are committed to exploring ways to share services that will save the taxpayers money, while improving and continuing the services delivered; and,

WHEREAS, on March 4, 2010, the Administrators and Managers of the Northwest Bergen municipalities met to discuss and agreed on a proactive approach to deal with the possibility of diminished staffing levels due to circumstances which result in widespread employee absences, such as pandemic flu; and

WHEREAS, a joint solution for staffing various municipal services through sharing personnel from neighboring communities has been proposed; and

WHEREAS, the Administrators and Managers of the Northwest Bergen municipalities are establishing a sub-committee to develop a contingency plan that will assist all participating communities; and

WHEREAS, each municipality in the Northwest Bergen region has been asked to pass a resolution in favor of this concept;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, County of Bergen and State of New Jersey support the contingency staffing plan effort for the Northwest Bergen municipalities; and,

BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to each of the Northwest Bergen municipalities.

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

RENEWAL OF MOTOR VEHICLE COMMISSION M.O.U. FOR SECURITY SERVICES:

Administrator Kunze stated the Police Chief is waiting for the new agreement. He does not know if there will be any changes but the Council will need to act on this in the near future.

COUNCIL REPORTS:

Councilman Pignatelli reported that Our Lady of Perpetual Help would be celebrating their 50th Anniversary on June 27th. He asked the Mayor if a Proclamation could be prepared for the next meeting.

Councilwoman Stagg asked to have the Resolution for Odd and Even Water Days prepared for the next meeting. She felt that it is a good thing for the community to adhere to. Councilman Burns stated the Water Committee is also in favor of the water restrictions.

Councilman DiPentima stated the Indian Hills High School Girls Softball team won both the County and State Championships. It was a great win for the school and the community. The town carnival will be held on June 24 –26. Fireworks will be on Saturday June 26th. The \$25.00 wristbands will be available again this year which allows access to all the rides. The same community groups will be present to support the event. This coming Friday night, the Relay for Life will be taking place at Indian Hills High School. All proceeds from this fund raising event go to the American Cancer Society for a cure. This is the first time Oakland will be participating and they already have 64 teams and 622 participants not counting the sponsors. They have raised \$79,000. He encouraged the residents to join and participate, as it is a very worthwhile cause.

Councilman Burns reported the Shade Tree Commission did not have a quorum so they did not have their meeting. No report on the Recreation Commission. The County did an audit on all the recreation expenses and they are running into all kinds of problems with these new regulations that have been enacted by the County and State. The Borough will have to review this and they may have to become self-funded.

Councilman Visconti stated starting tonight, the Library is displaying an Art Show featuring work done by students. It is a very good display and he encouraged the residents to see this display.

Councilwoman Marcalus stated the Planning Board will be meeting on 6/10 at 7:00 P.M. at the Senior Center. They will be hearing an application for a subdivision on Bauer Driver and Ryerson Road for five single-family homes. There will also be a public hearing on the Bartholme Property (68 Spruce Street) for a preliminary and final site plan. In regard to school news, the Governor recently recognized two Indian Hills High School Teachers.

BILLS TO BE PAID:

On motion of Councilman DiPentima, 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 DiPentima, 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:
Labor Issues
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.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Burns, seconded by Councilwoman Marcalus, 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 DiPentima, the meeting be adjourned at 8:55 P.M.

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

Mayor Szabo stated that the Mayor and Council will convene into Executive Session to discuss Labor Issues and will not return to the General Meeting upon conclusion

Deborah Krebs, Deputy Borough Clerk

Mayor John P. Szabo, Jr.

July 28, 2010
Date Approved

June 9, 2010