

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY APRIL 22, 2009

MOVE TO EXECUTIVE SESSION:

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

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

Discussion ensued over personnel matters and negotiations.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Szabo at 7:38 pm.

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

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Mayor Szabo announced this meeting is being held in accordance with the Open Public Meetings Law duly announced and included in the schedule of regular meetings.

MAYOR'S REPORT: Mayor Szabo advised that the Borough received \$ 500,000 from the DEP for the purchase of the Pinnacle property. He received a letter from the DEP regarding funds available through the Transportation Enhancement Program. This would cover streetscaping and pedestrian ways for the downtown. The deadline for application is May 13, 2009 so we don't have a lot of time. Mayor Szabo would like the Council to consider authorizing Mr. Kunze to put together the application to fund streetscape improvements for the downtown. We have the plans as part of the Downtown Master Plan. We would need to do a spec sheet. Mayor Szabo advised there are resources available for information on foreclosures. He will ask the webmaster to put links on the website.

OPENED FOR PUBLIC DISCUSSION:

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

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

Roger Marchese, 44 Manito Avenue, commented that the tennis court project is moving along and the base is what it should be. He is impressed with the construction company. He thanked various people for their work on the project.

Jack Tauber, 152 Iroquois Ave., advised that former Police Captain Haemmerle is in the hospital because he got injured in Iraq. He suggested that the Mayor and Council should pass a resolution commending him on his valor. Mayor Szabo advised Mr. Tauber they have already done that for Captain Haemmerle and he is always in our thoughts and prayers. Mr. Tabuer advised that today is Earth Day. He asked how green Oakland is and volunteered to be on the green team.

COUNCILMAN PIGNATELLI ENTERED AT 7:50 PM.

Dave Richardson, 320 Ramapo Valley Road, complained about the lights being on at the Rec Field when there is no one there. He complained about the railroad crossing. Mayor Szabo advised that the railroad crossing will be redone as part of the downtown.

Steve Wagoner, Chairman of the Rec Commission, thanked Roger Marchese because he is down at the tennis courts every day. Mr. Wagoner thanked the Mayor and Council for having the foresight to do the project with Alternate C.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Burns, 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.

PROCLAMATION: FIRST AID MONTH

Councilman Pignatelli read the following proclamation:

WHEREAS, the JOHN ROBERT WALKER MEMORIAL OAKLAND FIRST AID SQUAD, INC., is now in its 55th year serving the residents of the Borough of Oakland; and

WHEREAS, many volunteers in this municipality have unselfishly given of their time and talents to the Community; and

WHEREAS, it is through the generosity of the town residents, organizations and businesses that the JOHN ROBERT WALKER MEMORIAL OAKLAND FIRST AID SQUAD, INC., has been able to fulfill its aim in serving the people of Oakland.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland do hereby proclaim the month of May 2009 as "OAKLAND FIRST AID MONTH".

John P. Szabo, Mayor

Mayor Szabo thanked the First Aid Squad for all their hard work. First Aid Squad Captain Jeff Marcheso thanked the Mayor and Council for their support and generosity. Councilman Pignatelli advised that the First Aid Squad is looking for members. He encouraged residents to join and to donate to the fund drive. Councilman Di Pentima commented that the First Aid Squad does a lot of community service work.

RAFFLE LICENSE RL1033 NEWCOMERS AND NEIGHBORS

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, approval be granted to Raffle License RL1033 for the Oakland Newcomers and Neighbors Club to hold a 50/50 raffle on June 6, 2009 at the Crystal Lake Beach Club.

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

RESOLUTION 09-108 AMENDMENT TO TEMPORARY BUDGET

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

WHEREAS, NJSA40A:4-20 of the Local Budget Law provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget, the governing body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the adoption of the budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that, based on the recommendation of the Chief Financial Officer, that the following emergency temporary appropriations be made and that a certified copy of this resolution be filed with the Director of the Division of Local Government Services:

Current Fund

Expenses	Salaries & Wages	Other
Administration	\$152,000	\$29,000
General Services		\$20,000
Municipal Clerk	\$35,000	\$8,000
Finance		\$15,000
Audit		\$16,000
Information Technology		\$7,500
Tax Collection	\$35,000	\$8,400
Tax Assessment	\$44,000	\$11,000
Legal Services		\$75,000
Engineering		\$12,600
Planning Board	\$11,750	
Board of Adjustment	\$6,000	
Uniform Construction Code	\$81,000	\$4,000
Insurance – General		\$400,000
Insurance – Group Health		\$750,000
Emergency Management	\$2,500	
Flood Control	\$2,000	
Contribution to First Aid Squad		\$25,000.00
Fire Dept.	\$19,000	\$53,000
Prosecutor	\$10,000	
Streets & Roads	\$250,000	\$82,000

Current Fund

Expenses	Salaries & Wages	Other
Garbage & Trash Removal		\$544,000
Snow Removal		\$80,000
Buildings & Grounds	\$75,000	\$62,000

Board of Health	\$24,000	\$153,000
Environmental Comm.	\$550	
Recreation	\$60,000	\$120,000
Senior Citizens	\$23,000	
Public Library	\$200,000	\$175,000
Celebration of Public Events		\$6,000
Electricity		\$45,000
Street Lighting		\$59,000
Telephone		\$36,000
Natural Gas		\$18,000
NJ Motor Vehicle Services	\$46,667	
Municipal Court	\$58,000	\$6,000
Public Defender	\$4,000	

Water Utility

		Other
Expenses		
Water Operations		\$94,000
Utilities		\$115,000
Insurance		\$145,000

Sewer Utility

		Other
Expenses		
Sewer Operations		\$60,000
Insurance		\$29,000

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

RESOLUTION 09-111 AWARD GARBAGE AND RECYCLING CONTRACT

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

WHEREAS, on March 17, 2009 the Borough of Oakland received three bids with respect to the collection and disposal services of solid waste, inclusive of recyclable materials; and

WHEREAS, the Mayor and Council, has reviewed the three bids and any alternates and has determined that the apparent low bidder is Suburban Disposal, Inc.; and

WHEREAS, the Borough has determined to select Alternative B which will provide for garbage collection twice a week from April 1st through September 30th and once per week from October 1st through March 31st; and

WHEREAS, the Borough has further determined to award the contract for a three-year period in the total amount of \$2,091,166.66 payable as follows:

May, 2009 - March, 2010	\$ 636,166.66
April, 2010 - March, 2011	716,000.00

April, 2011 - March, 2012

739,000.00

WHEREAS, the Mayor and Council wishes to adopt a resolution subject and contingent upon the final review of the bid documents by the Borough Administrator and Borough Attorney; and

WHEREAS, subject to the approval of the Borough Administrator and Borough Attorney, the bid will be awarded to Suburban Disposal, Inc. and a contract prepared in the normal course; and

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Oakland that the contract for the collection and disposal of solid waste, inclusive of recyclable

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign a contract with Suburban Disposal, Inc. for the collection and disposal of solid waste, inclusive of recyclable materials in the amount of \$2,091,166.66 for a period of three years commencing May 1, 2009.

BE IT FURTHER RESOLVED that the award of this contract is further conditioned upon the certification by the Chief Financial Officer that sufficient funds are available for this purpose.

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized and directed to maintain a copy of this resolution and the contract for public inspection.

Councilman Burns asked if the first year amount is prorated. Mr. Kunze responded it was.

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

RESOLUTION 09-112 AUTHORIZE PURCHASE OF AIR PACKS

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 is desirous of purchasing eight (8) Scott Air Packs for the Oakland Fire Department; and

WHEREAS, the Scott Air Packs are available for purchase through AAA Emergency Supply Co., Inc, White Plains New York - State Contract – #A71063; and

WHEREAS. The total price for the eight (8) Scott Pair Packs is \$22,133.26; and

WHEREAS, the Chief Financial Officer has certified that funds are available through Account #C-04-56-586-202 (\$22,000) and #C-04-56-586-201 (\$133.26); and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Administrator is hereby authorized to issue a purchase order to AAA Emergency Supply Co., Inc. of White Plains, New York for the Scott Air Packs at a total price of \$22,133.26.

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

RESOLUTION 09-113 AUTHORIZE CONTRACT-SPECIAL LIBRARY COUNSEL

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

WHEREAS, the Borough is presently party to litigation involving the renovations to the public library; and

WHEREAS, Richard Malagiere, Esq. has been representing the Borough in connection with this litigation; and

WHEREAS, the Borough desires to continue Mr. Malagiere's representation during the year 2009; and

WHEREAS, Mr. Malagiere has submitted a best estimate of the additional cost of legal services which may be incurred during 2009; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account number 9-01-20-155-028 for payment during the year 2009.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the contract between Richard Malagiere and the Borough of Oakland as special Counsel in connection with litigation entitled Vintage Contracting vs. Oakland, is hereby continued for the year 2009;

BE IT FURTHER RESOLVED that the Borough authorizes the payment of an amount not to exceed \$75,000 for legal services to Mr. Malagiere for the year 2009.

BE IT FURTHER RESOLVED that Mr. Malagiere shall execute an extension to his agreement with the Borough memorializing the foregoing provisions applicable for the year 2009 and the Mayor is hereby authorized to execute such agreement, in a form to be prepared by the Borough Attorney.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to: (i) the Chief Financial Officer of the Borough of Oakland; (ii) Richard Malagiere, Esq.; (iii) Richard Kunze, Borough Administrator; (iv) Brian M. Chewcaskie, Borough Attorney; (v) Lisa Duncan, Clerk.

Councilwoman Stagg commented that \$ 75,000 is a lot of money. She asked if the Administrator and CFO have reviewed the figure. Mr. Chewcaskie responded that \$ 75,000 is reasonable. Vintage had claims against the Borough that total \$ 2 million. As a result of Mr. Malagiere's work, he got that claim reduced to \$ 400,000. There is another motion pending that will cut that amount in half. It looks as though the \$ 75,000 fee is a fair estimate.

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

RESOLUTION 09-114 AUHTORIZE ENGINEER-2009 ROAD PROGRAM

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

WHEREAS, the Borough of Oakland wishes to proceed with the 2009 Road Program; and

WHEREAS, the Borough of Oakland is in need of Engineering Services for the design and construction phases of the projects; and

WHEREAS, Boswell McClave Engineering has submitted a proposal dated March 24, 2009 and the fee for the design and construction phase is not to exceed \$31,250; and

WHEREAS, the Chief Financial Officer has certified that are funds available in Account #C-04-56-586-501.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Boswell McClave Engineering to perform the engineering services as outlined in their March 24, 2009 proposal at a fee not to exceed \$ 31,250 for the design and construction phase.

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

RESOLUTION 09-115 AWARD CONTRACT-2009 ROAD PROGRAM

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

WHEREAS, the Borough of Oakland participates in a cooperative pricing system with municipalities in Northwest Bergen County; and

WHEREAS, the Borough wishes to use this system for its 2009 Road Resurfacing Program; and

WHEREAS, the Borough of Ramsey (the lead agency) has complied with the Local Public Contracts law and publicly opened and read the bids as indicated on the attached bid summary sheet; and

WHEREAS, the Borough of Ramsey awarded a contract to the lowest responsive and responsible bidder from eleven (11) bidders on March 25, 2009 to Star of the Sea Concrete Corp., 448 Marlboro Road, Old Bridge, New Jersey 08857; and

WHEREAS, the participating municipalities are required to pass a resolution to participate and execute individual contracts; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-586-501; and

WHEREAS, the Lead Agency is responsible for Affirmative Action requirements, prevailing wage requirements, bonding requirements and compliance with the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that they do hereby authorize a contract to the lowest responsive and responsible bidder, Star of the Sea Concrete Corp., 448 Marlboro Road, Old Bridge, New Jersey 08857 at the unit prices specified in the bid for a total not to exceed contract amount up to \$ 250,000.

Councilman Pignatelli advised that the estimated amount of work has a lower cost than the project done in 2008.

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

RESOLUTION 09-116 AUTHORIZE RELEASE OF FUNDS-MANZO ORGANIZATION

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

WHEREAS, Manzo Organization, LLC requested the release of two performance guaranties, as well as the cash performance guaranty posted in connection with on site improvements for the premises formerly known as Block 3404.01, Lots 5 and 5.01 aka Block 4002, Lot 2; and

WHEREAS, all site work had been completed by Manzo Organization, LLC, with the exception of the planting of thirteen trees, for which the Borough retained the sum of \$10,000.00; and

WHEREAS, Manzo Organization, LLC has completed the planting of the trees, which has been inspected and approved by the Oakland Shade Tree Commission by letter dated April 14, 2009; and

WHEREAS, Manzo Organization, LLC has requested the release of the \$10,000.00 being retained for this condition; and

WHEREAS, Manzo Organization, LLC has posted the requisite Maintenance Surety Bond issued by International Fidelity Insurance Company, Bond No. 0499319; and

WHEREAS, the Mayor and Council of the Borough of Oakland has reviewed the recommendation of the Oakland Shade Tree Commission dated April 14, 2009, and have determined that the planting of the trees for the project has been completed and the \$10,000.00 being retained for this condition for the planting of the trees can now be released.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland the final condition, to wit, the planting of the trees, required by that certain Developer's Agreement with Manzo Organization, LLC at the property located at Block 3404.01, Lots 5 and 5.01 aka Block 4002, Lot 2 have been completed and the \$10,000.00 being maintained by the Borough for this condition can be released.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to: (i) the Chief Financial Officer of the Borough of Oakland; (ii) the Construction Code Official of the Borough of Oakland; (iii) Manzo Organization, LLC ; (iv) Brian M. Chewcaskie, Borough Attorney.

Councilwoman Stagg asked if there is a maintenance bond that guarantees these trees will live. Mayor Szabo responded the maintenance bond has already been posted.

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

RESOLUTION 09-117 CERTIFY RECYCLING TAX

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

WHEREAS, the Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$ 3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Oakland that the Borough of Oakland hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2008 in the amount of \$ 12,760.41. Documentation supporting this submission is available at 1 Municipal Plaza and shall be maintained for no less than five years from this date.

Councilman Burns advised he contacted the Administrator because he wasn't sure how this related to the grant for recycling. Mr. Kunze responded that this is a relatively new fee. It is his understanding that the Borough will get back what it put in. There is still a tonnage grant. Councilman Di Pentima commented that this would be a negative impact to the Borough.

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

INTRODUCTION: ORDINANCE NO. 09-CODE-592 RECREATION FEES

The Clerk was directed to take from table Ordinance No. 09-Code-592 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-592 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2-7.7 OF THE OAKLAND CODE, ENTITLED "BOARD OF RECREATION COMMISSIONERS", BY ESTABLISHING AN UPDATED SCHEDULE OF ACTIVITIES FEES"

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

BE IT RESOLVED that an Ordinance entitled, "An Ordinance Amending And Supplementing Chapter 2-7.7 Of The Oakland Code, Entitled "Board Of Recreation Commissioners", By Establishing An Updated Schedule Of Activities Fees", be introduced;

That said Ordinance be considered for final adoption at a meeting on May 13, 2009 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before May 3, 2009 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

Discussion ensued. Councilman Pignatelli suggested a word change regarding the team tennis lighting fee. He asked if team tennis always reserved the courts. Councilman Burns responded that he thinks that they did in the past. This fee gives team tennis the right to reserve the courts. Councilman Pignatelli commented that there should be a sign posted with the hours that team tennis is using the courts. Mayor Szabo responded that is a programmatic issue and the Council needs to determine if the fees are acceptable. Councilman Di Pentima commented that on page 3, the \$ 5.00 fee should be per program and not per year. He advised that the football fee has increased by \$ 5.00. However, he is not sure that a \$ 5.00 increase is sufficient to cover the deficit. He recommends the fee be \$ 125 instead of \$ 120. Mayor Szabo responded that the Council should introduce the ordinance tonight and have an answer on the football fee at the time of the public hearing. Councilman Burns commented he is not sure Rec can determine how many signups there will be.

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

Mr. Chewcaskie advised that there was a request made by two property owners to purchase two pieces of Borough property. There are two ordinances that authorize the sale of the property. The ordinances request that the lots merge so there can be no development. The minimum prices were set by the Tax Assessor.

INTRODUCTION: ORDINANCE NO. 09-CODE-593 SALE OF PROPERTY

The Clerk was directed to take from table Ordinance No. 09-Code-593 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-593 entitled: "AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS BLOCK 2203, LOT 2 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF OAKLAND, ALSO KNOWN AS 66 ISLAND TERRACE"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Authorizing The Sale Of Real Property Known As Block 2203, Lot 2 On The Official Tax Map Of The Borough Of Oakland, Also Known As 66 Island Terrace", be introduced;

That said Ordinance be considered for final adoption at a meeting on May 13, 2009 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before May 3, 2009 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.

Councilwoman Stagg commented that the purchasers are not allowed to build on the new lot. She asked if they are precluded to expand the existing structure up to the new lot. Mr. Chewcaskie said they are not. The language in the ordinance is that the new lot shall merge with the existing lot. Mayor Szabo commented that these lots are slivers. It does not allow for substantial development. This is not increasing density down in the flood zone. He advised there is a distinction between purchasing and licensing. These people are paying for the right to purchase the property.

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

INTRODUCTION: ORDINANCE NO. 09-CODE-594 SALE OF PROPERTY

The Clerk was directed to take from table Ordinance No. 09-Code-594 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-594 entitled: "AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS BLOCK 2501, LOT 14 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF OAKLAND, ALSO KNOWN AS LAKEVIEW TERRACE"

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

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

That said Ordinance be considered for final adoption at a meeting on May 13, 2009 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before May 3, 2009 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. 09-CODE-591

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

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AMENDING OAKLAND ORDINANCE CODE 2-7.7 ENTITLED "BOARD OF RECREATION COMMISSIONERS"

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Burns, 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 from the public.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Burns, 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 Burns, 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 Oakland Ordinance Code 2-7.7 Entitled "Board Of Recreation Commissioners", 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:

RECREATION WALKING PATH:

Mayor Szabo commented that he thought the design was well thought out. It broadens the use of the Recreation facility and is a neat concept. He does not think this would be costly and the Borough can obtain grants for the project. This project can be included in the capital program if the Council is inclined to do so. Councilman Di Pentima questioned how the pedestrians on the paths by the ballfields will be kept safe during the games. He also asked if an irrigation system would be required for the vegetation. Mayor Szabo responded this is just a concept.

Steve Wagoner, Recreation Chairman, advised that he was approached two years ago about putting in a walking path. The idea is that people will be able to use the paths while games are taking place. There would be barriers put at the fields where needed. There will be rest stations along the paths. Mr. Wagoner spoke to Dr. Heflich about the possibility of putting exercise equipment along the path. The Recreation Commission is trying to develop a plan for the Recreation complex. They would like to move the toddler playground and put in a water park.

Councilman Pignatelli asked what the total distance would be. Mr. Wagoner responded it would be two-thirds of a mile. Councilman Pignatelli questioned the water park. Mr. Wagoner

responded it would be pump system with a bucket to dump water on the kids. Mayor Szabo commented that this walking path really broadens the scope of who can use the Recreation complex. The Seniors can walk. He thinks this is worthy of pursuing further. If no one has objections, we can get further designs and look for funding opportunities. Councilman Di Pentima commented that he needs more detail. Councilman Visconti suggested posting the plan on the website in case members of the community are interested in getting involved. Mr. Wagoner asked Ed Clark who did the design to make a presentation to the Council. Councilman Visconti thanked Mr. Clark for his work on the design. Councilwoman Marcalus advised there is a park in Elmwood Park that has a water park and it is a very neat idea.

ESTABLISH GREEN TEAM:

Mayor Szabo advised that it is time to create a Green Team. He would like to be on the team and he asked Councilwoman Stagg to sit on the team. Councilman Pignatelli advised he would like to be on the team as well. Councilman Visconti asked how many members will be on the team. Mayor Szabo responded that he would like ten to twelve members maximum. He would like two members from the Environmental Commission, Eugene MacMahon from the DPW as Recycling Coordinator, the rest as citizens. Members of the public should advise of their interest.

Mr. Kunze suggested perhaps having a representative from the Chamber of Commerce and from the Schools. He suggested that perhaps he and Assistant DPW Superintendent Anthony Marcucilli should sit on the team. Councilman Burns suggested someone from the Shade Tree Commission should be on the team. Mayor Szabo commented that the team should consist of the Mayor, two Council members, two staff members, two Environmental Commission members, a Shade Tree Commission member, a School representative, a Chamber of Commerce representative and four citizens.

Councilwoman Marcalus advised that people signed up during the green forum that was televised several weeks ago. Councilman Visconti commented that there may be a need for sub-committees. Mayor Szabo commented he will start putting together a list and maybe some appointments could be made at the next meeting.

TENNIS COURT CHANGE ORDER:

Mr. Kunze advised that during construction, it was discovered that there is a water line that ran between the two sets of courts. With the realignment of the courts, the court surface will now be over the water line. Therefore, the water line must be relocated. The cost to relocate the line is \$ 18,000. However, we have not needed as much fill as first thought so there is a \$ 20,000 reduction for materials. Therefore, there is a net \$ 2,000 reduction to the price of the contract. The Council will officially change the contract amount by resolution. Mr. Chewcaskie advised that since there is a decrease in the project, it was recommended that the contractor proceed so as not to hold up the project.

Councilman Pignatelli commented that he wanted to make sure the Borough is not skimping on the base. He wants to make sure it is not settling after all the work is done. Borough Engineer Steven Busanic responded that Boswell is ensuring the work is being done to the Borough's specifications. The preliminary estimate in the contract for the fill allowed for the worst conditions. However, the conditions have been favorable. Councilman Pignatelli commented that he wants to ensure there are no problems with groundwater or artesian well. He is concerned about water and settling and wants to make sure this project is done correctly. Mr. Busanic responded that the change order reduction does not compromise the design. Councilwoman Stagg questioned why the water main was not located prior to construction. Mr. Busanic could not find an answer why. A resolution will be listed on the next agenda.

ADA IMPROVEMENTS COUNTY ROADS:

Mayor Szabo advised that the County is requiring truncated domes on County roads. Mr. Kunze advised that the County is paying for construction costs but not inspection or traffic costs. This can be set up like grant money coming in from the County. If agreeable, there will be a resolution listed on May 13th. Mr. Kunze advised that the agreement came in and Boswell found errors. Mr. Busanic advised that the County originally estimated eight new ramps. When Boswell inspected, there were 38 ramps that need to be constructed. The County has acknowledged their error and agreed to pay for the 38 ramps.

Councilman Pignatelli commented that the County should have been aware when the roads were constructed that ADA ramps should have gone in. He thinks the County should pay for the whole project. Mr. Kunze responded that the County maintains curb to curb. The State is holding the County responsible for ADA compliance and the County is passing that responsibility on to the municipalities. Councilwoman Stagg questioned which roads must be done. Mr. Kunze responded that it would be Ramapo Valley Road and West Oakland Ave. Councilwoman Stagg commented that if the Borough has to do Long Hill Road and Franklin Avenue, it could cost a fortune. Councilman Visconti commented that the County would pay for construction. Mr. Kunze responded that the County will pay this time. Anything done in the future would have to be paid by the Borough. A resolution will be listed on the May 13th agenda to authorize the Engineering costs.

WATER AND SEWER FEES:

Mayor Szabo commented that the Council needs to move forward with a rate increase in order to be solvent for budget adoption. If this is not settled, the Borough may be looking at sending estimated bills. Councilman Di Pentima advised that the Borough needs to be solvent with the utility. There is a shortage when the expenses are compared to the revenue. The Borough ran a deficit last year in the water and sewer utilities.

Councilman Di Pentima did an analysis of the sewer utility. The residents are charged a minimum charge while commercial accounts pay either a base charge or the greater of consumption. There are 216 residential accounts. He advised that the Borough billed \$ 369,000 last year. Assuming everyone paid, the utility would have been solvent. However, the Borough only collected \$ 334,000 in rents. This year's budget is \$ 385,000. If you divide by the number of accounts, there needs to be a minimum charge of \$ 1,645. He spoke of the idea of using consumption to bill everyone and changing the overage rate from a hundred to a thousand gallons. However, the Borough needs to cover \$ 385,000. He commented on what would happen if people started using less water.

Councilwoman Stagg commented that most towns work based on an Equivalent Dwelling Unit and charge base rate plus usage. The Borough is charging homes \$ 1,400 per year. Some homes are using a little amount of water and some are using a tremendous amount of water. She suggested that maybe the Borough should bill the base rate plus usage for residents as well as commercial. The commercial accounts could be translated to EDU's based on water usage.

Chief Financial Officer Mangin commented that at the Water and Sewer meeting, they talked about the rate structure. The Borough needs to make it more equitable and based on consumption. He is trying to find a reason why collections are less than they have been. He determined that consumption is down. If the Borough is going to have a sewer rate structure based on consumption and there is a drop in consumption, there is a problem. He now thinks that we may need to go to a flat rate based fee structure. Mayor Szabo commented that the Borough

still needs to operate the system and there are fixed costs. Councilman Di Pentima commented that if we stick with a base rate structure, we need to have a guaranteed minimum revenue.

Councilwoman Stagg commented that the water increases are required because the DEP requires more work to be done to the system each year. The problem with sewer rates are that the little commercial accounts are getting killed. The commercial rates should be adjusted. Councilman Di Pentima commented that the Borough has to guarantee \$ 385,000. If we move to consumption and consumption drops, there will be a problem. Councilwoman Stagg suggested we could do a base fee plus usage and base commercial on EDU's. Councilman Burns commented that of the 18 commercial establishments, 11 are being charged more than the use because of the base rate. Small businesses could be driven out of town if the rate is not adjusted. He thinks the EDU should be considered.

Mr. Chewcaskie commented that the Council may want to adopt a hybrid fee structure. Commercial users or all users over a certain amount have to pay extra. He commented that you want to have a minimum user fee established. Councilman Di Pentima commented that if you use EDU's at 350 gallons per day, there were only two commercial accounts and thirty-two residential accounts that exceeded the minimum. He advised that the minimum amount needs to be enough to support revenues. Mr. Chewcaskie advised that the EDU is a standard established by the DEP. There are formulas established by regulation. Councilman Visconti suggested that they could create a bracket based on occupancy load. Mr. Chewcaskie advised this is more complicated than one discussion. We are looking to establish finality for budget purposes.

Councilman Di Pentima asked if the Council can do an ordinance now to get the budget process completed and then review and amend the ordinance at a later time. Mr. Chewcaskie responded that could be done. Mayor Szabo commented that the Borough has to cover \$ 385,000. The Council wants to be more equitable. However, the Council wants to adopt the budget by June. The sewer and water rates have to be finalized by next meeting in order to move forward with budget adoption. Mr. Mangin responded that revisiting the ordinance allows him more time for analysis.

Councilman Burns commented that if you take the eleven minimal commercial users and cut their rate in half, you are talking about an \$ 8,800 difference. If the Council doesn't do something, there is a chance that the Borough will lose businesses that cannot afford to pay the sewer rates. Mayor Szabo asked Councilman Burns if he is suggesting that the Borough distribute those costs to the higher end users. Councilman Di Pentima commented that if those rates are hooked to consumption or if those rates are dropped, then the budget must be cut. Councilman Burns reiterated that if the Borough keeps raising the rates, we stand a chance of losing businesses. Mayor Szabo suggested we proceed with introducing an ordinance so the CFO can continue his analysis. Councilman Di Pentima questioned what we are moving forward with. Mr. Chewcaskie responded that they will move forward with the minimum amount suggested by Councilman Di Pentima- \$ 1,645. Councilman Di Pentima asked if the Council was agreeable to changing from 100 gallons to 1000 gallons of usage. Councilwoman Stagg responded that was fine. Therefore the rate becomes \$ 4.75 per 1000 gallons.

WATER RATES:

Councilwoman Stagg commented that she would like to see the same structure continued just to increase the rate in order to cover the budget. Councilman Di Pentima advised that the CFO made some recommendations.

ADVERTISING AT THE RECREATION FACILITY:

Recreation Chairman Steve Wagoner advised that the Recreation Commission has advertised on certain scoreboards already and are looking to outfit all scoreboards. There will be no advertising on fences. Right now, they are looking to do the Roller Hockey scoreboard. There are three spaces to fill. Councilwoman Marcalus asked if it will look like the Lexus scoreboard. Mr. Wagoner responded it will look like the Field 5 scoreboard. Mayor Szabo commented he does not have a problem with the advertising. Councilman Burns commented that part of the problem was that the way the advertising was previously done was not proper. He does not think the Borough should be depending on advertisers to put up scoreboards. The scoreboards should be a capital expense. The Borough could see if it could recoup costs by renting advertising space. He suggested that the Borough pay the cost of the scoreboard and then see if it could recoup the money.

Mayor Szabo advised that although the Borough needs a roller hockey scoreboard, we have done fine without scoreboards in the past. Councilman Pignatelli asked what the total size of the scoreboard is. Mr. Wagoner responded the roller hockey scoreboard is bigger than the other scoreboards and will be 6 x 8 or 6 x 10. Councilman Burns commented that Mr. Chewcaskie indicated the Borough would have to go to bid for advertising. Mr. Chewcaskie advised that it must be open to everyone. Councilman Visconti asked if there is a way to control the aesthetics. Mr. Chewcaskie advised that the Council would rely on the Recreation Commission for that. Councilwoman Marcalus asked if it could be for local business only. Mayor Szabo responded it could not. Mr. Chewcaskie advised that the details fall to the Recreation Commission and the policy comes from the Mayor and Council. Councilman Visconti commented if it is open to bidding, there may not be a choice. Councilman Di Pentima asked if there should be an ad placed for a specific scoreboard. Mr. Chewcaskie responded it should and the ad should be put on the website for two weeks.

Recreation Commissioner Mike Guadagnino advised that the Recreation Commission is trying to make the Recreation complex nice without using taxpayer dollars. They would rather get the scoreboards through advertising sponsors than take capital money. There have been six fields redone at no cost to the taxpayers.

WELL 7:

Councilwoman Stagg advised that Well 7 is not working. The Water and Sewer Committee had a company do a video of the well shaft. The company that did that video is recommending that the Borough dig a new Well 7. The Water and Sewer Committee feels that the Borough does not need a new well but we need an expert opinion. The Committee would like to bring in Leggette Brashears & Graham. This is becoming an emergent situation because we don't want Well 7 out this summer. Councilwoman Stagg is asking that the Borough bring in LB & G at a cost not to exceed \$ 3,070. Councilman Burns commented that \$ 3,070 is Crew Engineer's fee. Councilwoman Stagg explained that Crew is going to retain LB & G. Councilman Di Pentima asked if there is money in the budget for this. Mr. Kunze responded the money will come out of the OE budget. Councilwoman Stagg responded that the work would be charged to capital. Councilman Di Pentima commented that the Council has not heard about Well 7 before. The Council should have been discussing this in the goal setting meetings. A resolution will be on the May 13th agenda.

NEW BUSINESS:

Councilman Di Pentima advised that May 1st is Cancer Awareness day. There are several walks scheduled in May. May 1st is the Day of Hope. He asked residents to put up purple ribbons in honor of the day. Mayor Szabo suggested that a notice could be put on Channel 77 and the

website. Councilman Di Pentima advised that students Joseph and Noah Kilday and Bobby McLaughlin are collecting donations. Valley Middle School student Hannah Kilday has made this her 8th grade project.

Councilman Burns advised that the Sustainable Jersey Grant is due on May 7th. Mayor Szabo advised that the Borough needs a Green Team first so we know what to apply for.

Councilman Burns read the following statement about Council assignments and the February 24th minutes:

“At the March 24th M&C meeting, I again raised the question of why I didn’t receive a Council Committee assignment as called for in the Council bylaws. Council President Marcalus stated that it was the Council President’s prerogative to make the nominations for these appointments and that I had indicated that she didn’t have to give me a committee assignment. I again stated that that wasn’t quite what I said and I asked that the emails between us related to this matter be entered into the record. The Mayor agreed and no one objected to my request. I then read a couple of these emails.

At our last M&C meeting on April 7th, when the minutes for this meeting were offered for the Council’s approval, Councilman DiPentima objected to having these emails included in the minutes and he made a motion, which was seconded and approved, to redact these emails from the minutes. Although I said I would agree to redacting the emails to remove the email addresses, Councilman DiPentima insisted on having the complete emails redacted from the minutes. So, I am now making the following statement about the content of these emails for the record.

On December 30th, 2008, Councilwoman Marcalus sent me an email saying “As we discussed, you are willing to take on the Admin for 2009. Do you prefer to stay in your other liaison positions?”

I responded that same night as follows: “As I remember the discussion at the caucus, the only position available for me is Administration. Although I asked for Public Safety, you made it clear that my being assigned to that committee was out of the question as the Police Department wouldn’t be happy with that assignment. I don’t understand what say any department has in who is assigned to the Council committees, but, as Council President, you make the recommendations and the Council approves them.

With you wanting Chris to take over DPW, which I "gave up" last year and everyone else wanting the same assignments that really only leaves Administration, which Chris had last year. That would be OK with me as I again indicated, as I did last year, that I don't want the Planning Board, which you said you were happy to take again anyway. However, if the rest of you would prefer that I don't have Administration, I also don't have a problem with that and again not having any committee assignments.

As far as liaison assignments, the only ones I had last year were the Shade Tree Commission and the Recreation Commission. I don't have a problem with being re-assigned to the Shade Tree Commission. However, I do have a suggestion about my other liaison assignment.

You indicated that you would prefer not being the liaison to Seniors this year. Although Frank immediately said he would take it, I'd like to suggest that I be assigned to Seniors, which would seem to be a good fit considering my advanced age and availability during the day time. Then, Frank could be assigned to the Recreation Commission instead, which also would seem to be a good fit since Frank has younger children and is a member of the Fathers Club, which

is involved with the Recreation Commission. Likewise, as Finance Chair, he could directly interface with Recreation regarding their finances and especially the tennis court project.

However, since Frank indicated that he would like to be assigned as Seniors liaison, I doubt that you will take my suggestion. Still, I thought I would offer it. Then again, if you would like to assign Frank to both the Recreation Commission and Seniors, you are more than welcome to do that as well. You can discuss it with the others and whatever you decide will be."

Since I only have one vote and they have a majority voice on the Council, I knew that they could cut me out if they so desired regardless of what the Council bylaws say. As I've been told, "It's a new day and there's a new way of doing things".

The next day, I heard back from Councilwoman Marcalus who said: "I, too, think that you would be a good fit for Seniors but I have decided to keep it on. Frank wants to stick to the OCC because of projects he wants to see through and my night schedule with M&C, Planning Board, and Schools is too busy to take on the Rec meetings too. Right now I can't see a way to get you out of Rec. But you don't have to take Admin. Frank and Chris have agreed to do it.

My response to Councilwoman Marcalus was: "I wasn't looking to "get out" of Recreation. I just thought that Seniors would be a good fit for me and Frank has been adamantly opposed to the tennis courts project. So, I thought if he was directly involved and had more information, he might be able to make a more informed decision rather than a decision strictly based on financial considerations.

Actually, I was going to send you a follow-up message saying that I also wouldn't have a problem with having both Seniors and Recreation. I haven't had many assignments the past couple of years with Frank taking over the OCC and my not having DPW. So, I wouldn't have a problem taking both assignments if you would still like to give up Seniors as your plate is pretty full anyway and now, with being CP, it will be even fuller. "

Apparently, Councilwoman Marcalus along with Councilmen DiPentima and Visconti decided that Administration would not be offered to me, but that Councilman DiPentima and Visconti would instead take that assignment. Likewise, my suggestions for the changes in the liaison assignments not only weren't accepted, but were also mis-interpreted to mean that I wanted to "get out" of Recreation. I didn't and don't have a problem being the liaison to Recreation and I also wouldn't have had a problem being the liaison to Seniors as I indicated in my response."

Councilwoman Marcalus commented that she is tired of Councilman Burns saying this was discussed behind his back. Councilwoman Marcalus made the decisions for the assignments herself. Councilman Burns is trying to make himself a martyr and he is not. Councilman Di Pentima commented that he takes offense that Councilman Burns said he is opposed to the tennis courts when he is not. He was only opposed to Alternate C. It is amazing that this is coming from a man who fought the Police Department to spend \$ 35,000 to update their computers from a DOS based system. Yet he is willing to spend \$ 60,000 to reposition the courts for 1.5 hours of sun per day. Councilman Di Pentima advised he did a lot of research about the courts and held meetings with contractors. He questioned if Councilman Burns did that.

COUNCIL REPORTS:

Councilwoman Marcalus: She advised that the residents passed both the K-8 and the Ramapo Indian Hills school budgets. Councilwoman Marcalus attended both budget hearings and she felt the budgets were crafted well. She is proud of the community.

Councilman Visconti: There will be a concert on Sunday May 3rd sponsored by the Library from 3 pm to 5 pm at the Senior Center. The 2009 Library Trustee award will be presented to Ronnie Levine.

Councilwoman Stagg: She advised that the Borough did receive another \$ 500,000 grant for open space purchase. The Borough doesn't even have to ask for the money and we are just given the money. That is due to the decisions of the voters regarding the Borough's open space fund.

Councilman Burns: He advised that the Shade Tree Commission will hold an Arbor Day ceremony on April 24th at the Recreation Field at 4:00 pm. The baseball and softball opening day parade will be held on Saturday April 25th at 9:00 am.

Councilman Di Pentima: He advised that the Communications Commission will have a meeting with Verizon on May 8th to discuss connection of Channel 77 with Verizon. He thanked Fred Birks for his perserverence. The Public Events Committee is planning the carnival for July 23, 24 and 25th.

Councilman Pignatelli: He attended the Fire Department meeting and they are making plans for the 100th Anniversary on September 12th. The Fire Department is continuing upgrades at the Fire House. They just installed new equipment racks and are making plans for an epoxy floor. Councilman Pignatelli attended the Board of Health meeting. They discussed having a booth at the carnival with the Flood Commission and Environmental Commission. The Board of Health wants to get a special needs survey out to the public. The Health Department received a notice from the State that they will discontinue giving vets rabies vaccines. Oakland will have its first rabies clinic at the Recreation complex.

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.

MOVE TO EXECUTIVE SESSION:

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, (N.J.S.A. 10:4-12) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, as follows:

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
Negotiations, Litigation, Personnel
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

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

Discussion ensued over Library litigation and negotiations.

CLOSE EXECUTIVE SESSION:

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

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

MEETING ADJOURNED:

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, the meeting be adjourned at 11:07 pm.

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

Lisa M. Duncan, Borough Clerk
May 13, 2009

Mayor John P. Szabo, Jr.

Date Approved