

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY AUGUST 12, 2009

MOVE TO EXECUTIVE SESSION:

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

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

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

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

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

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

Discussion ensued over personnel matters and Heritage Hills negotiations.

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 7:35 pm.

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

---

**RESOLUTION 09-189 PERMANENT APPOINTMENT-JOSEPH NOURY**

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

WHEREAS, Police Officer Joseph Noury has completed his required probationary working test period; and

WHEREAS, Officer Noury has satisfactorily performed the work, duties and obligations of a Police Officer according to his Supervisor and Chief Kasper is recommending that Officer Noury be permanently appointed as a Police Officer in the Borough of Oakland;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby appoints Officer Joseph Noury to permanent status as a Police Officer in the Oakland Police Department; and

BE IT FURTHER RESOLVED that the Mayor and Council extend to Police Officer Noury their sincere congratulations and continued best wishes for a successful career as Police Officer in the Borough of Oakland.

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

**RESOLUTION 09-190 POLICE PROMOTIONS**

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, upon recommendation of the Chief of Police, is desirous of promoting a Patrolman to the rank of Sergeant and a Sergeant to the rank of Lieutenant; and

WHEREAS, the Chief Financial Office has certified there are sufficient current funds in account #9-01-25-240-010 for the payment of any additional costs to the Borough for the balance of 2009;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough does hereby promote Keith Sanzari to the rank of Sergeant of the Oakland Police Department and Christian Eldridge to the rank of Lieutenant of the Oakland Police Department, effective August 12, 2009.

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

Chief Kasper thanked the Mayor and Council for approving the promotions and commented that they were a long time coming. The promotions are part of the plan to make the Police Department more efficient. Mayor Szabo commended Chief Kasper on his guidance and mentoring during these times of change in the Police Department.

**MAYOR'S REPORT:**

Mayor Szabo reported on the passing of Vivian Walker who, along with her husband, founded the First Aid Squad. Vivian was a true friend to Oakland and Mayor Szabo is uplifted by what she and her husband accomplished after a tragedy in their life.

**OPENED FOR PUBLIC DISCUSSION:**

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

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

Kathy Fahey, 114 Truman Boulevard, commented that she ran the Rec stand for the past four years. She took the responsibility of the Rec stand very seriously. She advised that over the past two years, the stand has lost volunteers. She commented that Mothers Club and Fathers Club want to run the Rec stand. They will open it up to more volunteers through various organizations and the schools. She hopes the stand can be back open for the football season. The money would go back to the kids. Mayor Szabo advised he would like to schedule a meeting with all representatives. He advised that the Borough did try to bid the stand out but received no response. He would like to set up a meeting.

Neil Malmud, 14 Commanche Trail, gave an update for Recreation. He advised that Soccer picture day will be rescheduled due to the Jewish holiday. Another Rutgers certification course was held. Basketball signups will begin in September.

Frank Monaco, 60 Thackeray Road, spoke about the tennis courts and the Rec stand.

Bob Fabrizio, 824 Ramapo Valley Road, gave a report on the carnival. The net income from this years carnival was \$ 9,794. He advised that more organizations were involved this year. The fireworks were spectacular and he thanked all the volunteers. Mayor Szabo commended Mr. Fabrizio on his work with the carnival.

Diane Beebe, 94 Iroquois Ave., thanked the Mayor and Council for the tennis courts.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

APPROVAL OF MINUTES: JULY 22, 2009

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of July 22, 2009 be approved as amended on pages 3, 10 and 12.

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

APPROVAL OF MINUTES: MAY 13, 2009 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Executive Session of the Mayor and Council meeting of May 13, 2009 be approved.

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

APPROVAL OF MINUTES: MAY 27, 2009 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Executive Session of the Mayor and Council meeting of May 27, 2009 be approved.

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

APPROVAL OF MINUTES: JUNE 10, 2009 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, the minutes from the Executive Session of the Mayor and Council meeting of June 10, 2009 be approved.

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

APPROVAL OF MINUTES: JUNE 24, 2009 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Executive Session of the Mayor and Council meeting of June 24, 2009 be approved.

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

APPROVAL OF MINUTES: JULY 8, 2009 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Executive Session of the Mayor and Council meeting of July 8, 2009 be approved.

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

APPOINTMENT TO OEM:

Mayor Szabo appointed Victoria Kaye as a non-roster volunteer to the Office of Emergency Management Council.

**APPOINTMENTS TO GREEN TEAM:**

Mayor Szabo made the following appointments to the Green Team:

Mayor Szabo

Council Representatives: Councilwoman Stagg, Councilman Pignatelli

Board of Education: Dr. Richard Heflich with Judith Vihonski as alternate

Administration: Richard Kunze, Anthony Marcucilli

Environmental Commission: Michael Kozak, Erich Kamm

Shade Tree: Ed Clark

Planning Board: Elaine Rowin

Citizens: Peter Marcalus, Jack Tauber, Reverend Nathan Busker

Mayor Szabo advised he still has appointments to make to the Green Team.

**PUBLIC HEARING ON BERGEN COUNTY OPEN SPACE GRANT APPLICATION-  
PINNACLE**

**OPENED FOR PUBLIC DISCUSSION:**

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

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

No comments from the public.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

**RESOLUTION 09-169 RENEW LIQUOR LICENSE**

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 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, 2009 to June 30, 2010, and

WHEREAS, the said applicants have deposited the required fee of \$2,000.00 for said licenses, 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, 2009 to June 30, 2010:

NAME	LOCATION	STATE NUMBER
Ruga Restaurant, LLC	4 Barbara Lane	0242-33-001-012

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.

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

**RESOLUTION 09-183 AUTHORIZE CDBG GRANT AGREEMENT-ROAD RESURFACING**  
 On motion of Councilman Di Pentima, seconded by Councilwoman Stagg, the following resolution be introduced, adopted and duly passed by roll call vote:

BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$103,700.00 in 2009 Community Development Block Grant for Road Resurfacing; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor John P. Szabo, Jr., to be a signatory to aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorized Richard S. Kunze, to sign all county vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Oakland is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

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

**RESOLUTION 09-184 CHAPTER 159 TDR GRANT**

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

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Oakland in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$25,000

which is now available from the State of New Jersey Highlands Water Protection and Planning Council in the amount of \$25,000.

BE IT FURTHER RESOLVED, that the like sum of \$25,000 is hereby appropriated under the caption Highlands Transfer Development Rights (TDR); and

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Highlands Water Protection and Planning Council in the amount of \$25,000.

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

**RESOLUTION 09-185 CHAPTER 159 CDBG GRANT**

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

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Oakland in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$103,700 which is now available from the U.S. Department of Housing and Urban Development Community Development Block Grant in the amount of \$103,700.

BE IT FURTHER RESOLVED, that the like sum of \$103,700 is hereby appropriated under the caption Community Development Block Grant (CDBG); and

BE IT FURTHER RESOLVED, that the above is the result of funds from the U.S. Department of Housing and Urban Development in the amount of \$103,700.

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

**RESOLUTION 09-186 AUTHORIZE CONTRACT-TDR FEASIBILITY STUDY**

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 a need to conduct a Transfer of Development Rights (TDR) Receiving Area Study as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A- 20.5* and,

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, Mercer Planning Associates has submitted a proposal indicating they will perform the TDR study for price not to exceed \$ 25,000;and

WHEREAS, Mercer Planning Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Mercer Planning Associates has not made any reportable contributions to a political or candidate committee in the Borough of Oakland in the previous one year, and that the contract will prohibit the Mercer Planning Associates from making any reportable contributions through the term of the contract, and

WHEREAS, the Borough of Oakland has received a grant award of \$25,000 from the Highlands Council to pay for this study and the CFO has certified that funds are available.

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Oakland authorizes Mayor Szabo to enter into a contract with Mercer Planning Associates as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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

#### RESOLUTION 09-187 AWARD BID-STREET SWEEPING

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

WHEREAS, on July 30, 2009, the Borough of Oakland received three bids on the one-year contract with an additional one-year option for the Street Sweeping of Roadways; and

WHEREAS, the Borough Administrator and Borough Attorney have reviewed the bids and determined the bid of Dependable Power Sweeping of Hackensack, New Jersey with a bid of \$32,986.00 for the one-year and \$34,056.00 for the optional second year and have determined it to be the lowest responsible bid; and

WHEREAS, the Chief Financial Officer has certified that the funds are available in Account #9-01-26-290-028 for 2009 and will be available for subsequent years.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the bid for the Street Sweeping of Roadways is hereby awarded to Dependable Power Sweeping of Hackensack; the contract to begin September 1, 2009 through September 1, 2011,

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign a contract with Dependable Power Sweeping, Inc., for the one-year contract in the amount of \$32,986.00 and in the optional second year in the amount of \$34,056.00

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

**RESOLUTION 09-188 CONTRACT AMENDMENT-ENGINEER FOR SKYVIEW SAND FILTER**

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

WHEREAS, the Borough of Oakland passed Resolution 08-108 on July 23, 2008, authorizing Crew Engineers Inc. to provide engineering service at a cost not to exceed \$14,000 for the Intermittent Sand Filter Project at Skyview/Hibrook Sewage Treatment Plant; and

WHEREAS, the evaluation of beneficial reuse of filter media in lieu of disposing it as solid waste was not contemplated in the original scope of services; and

WHEREAS, that investigation of Beneficial Reuse cost an additional \$2,062.50; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in account #C-07-67-575-001; and

WHEREAS, the award of the contract is for professional services for which no public bidding is necessary;

NOW, THEREFORE, BE IT RESOLVED that the contract authorizing Crew Engineers Inc. for the work on the Intermittent Sand Filter Project at the Skyview/Hibrook Sewage Treatment Plant be amended to include the additional \$2,062.50 for the investigation of beneficial reuse, for a total contract price of \$ 16,062.50.

Discussion ensued. Councilman Di Pentima advised he has a problem because Crew did not procedurally come before the Mayor and Council like they should have. The Council should have had input before Crew did the work. Councilman Di Pentima cannot support this because the Council is approving under duress after the fact. Councilwoman Stagg responded that no one is forcing anyone to pay. Crew is making a request to get paid. The other requests from Crew were turned down but this one was deemed to be reasonable. Councilman Burns agrees with Councilman Di Pentima that this should have had approval in advance. However, this was an emergent situation.

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

**RESOLUTION 09-191 PROMOTIONS-DPW**

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland, upon the endorsement of Assistant Department of Public Works Superintendent, Anthony Marcucilli, hereby approve the following promotional recommendations and salary increases effective August 12, 2009, for the following employees:

George Conway – from Water Meter Reader, Grade 2 Step 7, to Senior Meter Reader, Grade 3, Step 2 \$35,547 as per contract

Jim McWilliams – from Laborer, Grade 1 Step 4 to Building Maintenance Repairer, Grade 2 Step 6 \$33,243 as per contract

Craig Oberheim – from Equipment Operator, Grade 2 Step 6 to Senior Repairer, Grade 3 Step 3 \$36,567 as per contract

Michael Fuller – from Laborer, Grade 1 Step 2, to Equipment Operator, Grade 2 Step 4, \$31,278 as per contract.

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

RESOLUTION 09-192 TITLE CHANGE

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

WHEREAS, Anthony Marcucilli was promoted to the position of Assistant Superintendent of Public Works in 2002; and

WHEREAS, Mr. Marcucilli has been functioning as the Department Head of the Department of Public Works since that time; and

WHEREAS, Mr. Marcucilli has successfully carried out his duties and possesses a valid Public Works Manager certification issued by the State of New Jersey; and

WHEREAS, the appropriate position title for the head of the DPW is Superintendent of Public Works;

NOW, THEREFORE, BE IT RESOLVED, that Anthony Marcucilli is hereby appointed as Superintendent of Public Works effective August 12, 2009; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Anthony Marcucilli be and is hereby designated as Principal Public Works Manager for the Borough of Oakland in accordance with N.J.S.A. 40A:9-154.6g et. Seq.

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

RESOLUTION 09-193 SALARY ADJUSTMENT-CFO

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

WHEREAS, James Mangin was appointed as CFO on July 7, 2008 for a term ending December 31, 2011; and

WHEREAS, Mr. Mangin is appointed annually as Treasurer; and

WHEREAS, the Borough Council desired to adjust Mr. Mangin's compensation to better reflect the responsibility of the position, the condition of the marketplace and to acknowledge his performance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, that James Mangin receive an annual salary of \$ 95,000 for the position of CFO in accordance with the current Salary Ordinance 09-Code-601, effective August 12, 2009.

Discussion ensued. Councilman Burns commented that he thinks Mr. Mangin does an outstanding job but he disagrees with the circumstances. Although he is very glad Mr. Mangin is staying with the Borough, Councilman Burns feels this should be held until next year. Councilman Di Pentima advised that Mr. Mangin is doing a phenomenal job. He has helped get savings for the Borough. Mr. Mangin negotiated with TD Bank to pick up the cost of payroll services for the Borough. That represents a \$16,000 annual savings. Mr. Mangin has done a complete reconciliation of the Trust accounts and has potentially identified \$ 585,000 of savings that can be moved to surplus. Mr. Mangin has also done tremendous work to get the utility billing up to speed. Mr. Mangin is underpaid in comparison to what neighboring towns are paying. Councilman Di Pentima advised that to bring in a new CFO would cost the Borough between \$ 90 and 95,000 and the candidates have not been as qualified as Mr. Mangin is. Councilman Burns reiterated that he has no problems with Mr. Mangin's performance as the first full-time CFO.

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

**RESOLUTION 09-194 PROMOTION-T. MALONE**

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

WHEREAS, Terri Malone was hired on June 30, 2008 as a Clerk Typist in the Municipal Court; and

WHEREAS, Ms. Malone has worked diligently, carried out her duties effectively, and has successfully completed three of the courses required for certification as a Municipal Court Administrator; and

WHEREAS, the Judge and Borough Administrator have recommended that Ms. Malone be promoted from Clerk Typist to Senior Clerk Typist;

NOW, THEREFORE, BE IT RESOLVED that Terri Malone be promoted to the position of Senior Clerk Typist at the Oakland Municipal Court at an annual salary of \$ 37,700 effective August 12, 2009.

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

**RESOLUTION 09-195 AWARD BID-LAWLOR DRIVE**

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

WHEREAS, on July 31, 2009, the Borough received six bids for the 2009 CDBG-R project to pave Lawlor Drive; and

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the bids and recommend acceptance of the bid of D & L Paving Contractors, Inc, 185 High Street, Nutley, NJ 07110, in the amount of \$107,651.10; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 9-01-41-728-000.

NOW, THEREFORE, BE IT RESOLVED that the bid of D & L Paving Contractors, Inc., in the amount of \$107,651.10 be and is hereby accepted; and

BE IT FURTHER RESOLVED, that the Borough Attorney is directed to prepare an appropriate contract for the same; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute the agreement on behalf of the Borough.

Councilman Pignatelli asked if this includes the ADA curb cuts. Borough Engineer Busanic responded that it does. Councilman Burns commented that the amount for the bid is less than the grant received. Mr. Kunze will approach the County to see if they can use the funds for something else. Mr. Busanic advised that he spoke to the County. There are several things that can be done with the additional money available such as planting shade trees along Lawlor Drive.

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

#### RESOLUTION 09-196 AUTHORIZE DELTA DENTAL NETWORK

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

WHEREAS, the Borough currently provides dental benefits through a partially self-funded plan administered through a Third Party Administrator (TPA) and utilizing the Unity Dental network; and

WHEREAS, the Borough's Benefits Consultant has recommended that the Borough change the current arrangement and move to a fully insured dental benefits program with Delta Dental; and

WHEREAS, the Borough's Insurance Committee finds the new program with Delta Dental will be advantageous and result in stable funding for the dental benefits program for three budget years, with no premium increase until 2012; and

WHEREAS, there will be no change to the dental plan design or coverages and this change in providers will have no impact on the contractual requirements of the various collective bargaining unit agreements within the Borough.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, Bergen County, State of New Jersey that Delta Dental is hereby designated as the fully insured provider of the Borough's Dental Benefits Program, effective October 1, 2009; and

BE IT FURTHER RESOLVED, the Mayor is hereby authorized to execute any necessary contract documents for a pro-rated contract period of October 1, 2009 through December 31, 2009; and

BE IT FURTHER RESOLVED, that the premium cost agreed to by the Borough Council for the entire contract period shall be \$125.89 per employee per month; and

BE IT FURTHER RESOLVED, the Borough Administrator and Benefits Consultant are hereby authorized and directed to take the appropriate steps necessary for implementation, in accordance with the terms and conditions within the Agreement; and

BE IT FURTHER RESOLVED, the contract award for these services is exempt from the requirements set forth by P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51) N.J.S.A.19:44A-20.5 et seq.

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to IDA, Third Party Administrators to the Program, and the Vozza Agency, P.O. Box 220 Park Ridge, NJ 07656, Benefits Consultant to the Borough.

Councilman Di Pentima advised that this is the first attempt to move out of self-insurance to an outside insurance plan. The employees should realize savings. The Borough will see stabilization of the premium for three years.

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

**INTRODUCTION: ORDINANCE NO. 09-CODE-602 FERTILIZER APPLICATION**

The Clerk was directed to take from table Ordinance No. 09-Code-602 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-602 entitled: "AN ORDINANCE SUPPLEMENTING CHAPTER 20 OF THE BOROUGH OF OAKLAND CODE ENTITLED "STORMWATER MANAGEMENT" SO AS TO REGULATE THE OUTDOOR APPLICATION OF FERTILIZER

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

BE IT RESOLVED that an Ordinance entitled, "An Ordinance Supplementing Chapter 20 Of The Borough Of Oakland Code Entitled "Stormwater Management" So As To Regulate The Outdoor Application Of Fertilizer, be introduced;

That said Ordinance be considered for final adoption at a meeting on August 26, 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 August 16, 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 explained that this ordinance is required by the State of New Jersey and regulates the use of fertilizer. Homeowners must ensure their lawn service will comply with the

regulations. Mayor Szabo responded that this is an example of a State mandate. He does not know how the Borough will enforce this but the Borough will try to educate residents to gain compliance. Councilman Burns questioned if this applies to everyone. Mr. Chewcaskie responded it applies to anyone putting fertilizer down when rainfall is predicted. Fertilizer cannot be applied to impervious surfaces and that rule applies to everyone. Mayor Szabo advised if the Borough does not pass this ordinance, we face sanctions from the DEP. Councilman Burns asked why the homeowner is responsible and not the landscaper. Mayor Szabo responded if the Borough licensed landscapers, then the landscaper could be held responsible. Mr. Chewcaskie advised that both the homeowner and landscaper are responsible.

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

**INTRODUCTION: ORDINANCE NO. 09-CODE-603 LOSAP**

The Clerk was directed to take from table Ordinance No. 09-Code-603 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-603 entitled: "AN ORDINANCE AMENDING BOROUGH OF OAKLAND CODE CHAPTER 2-6A.3 ENTITLED "EMERGENCY SERVICE VOLUNTEERS-LENGTH OF SERVICE AWARDS PROGRAM-OAKLAND FIRST AID SQUAD"

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

BE IT RESOLVED that an Ordinance entitled, "An Ordinance Amending Borough Of Oakland Code Chapter 2-6a.3 Entitled "Emergency Service Volunteers-Length Of Service Awards Program-Oakland First Aid Squad", be introduced;

That said Ordinance be considered for final adoption at a meeting on August 26, 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 August 16, 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-600**

The Clerk was directed to take from the table Ordinance No. 09-Code-600 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 11-1.8 OF THE BOROUGH OF OAKLAND CODE, ENTITLED "FIRE PREVENTION-PERMIT FEES", SECTION 59-106.1 OF THE OAKLAND CODE ENTITLED "LAND USE AND ZONING-CERTIFICATE OF CONTINUING OCCUPANCY" AND SECTION 59-107 OF THE OAKLAND CODE

ENTITLED "LAND USE AND ZONING-FEES", SO AS TO AMEND THE FEE SCHEDULES FOR CERTAIN PERMITS"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing Section 11-1.8 Of The Borough Of Oakland Code, Entitled "Fire Prevention-Permit Fees", Section 59-106.1 Of The Oakland Code Entitled "Land Use And Zoning-Certificate Of Continuing Occupancy" And Section 59-107 Of The Oakland Code Entitled "Land Use And Zoning-Fees", So As To Amend The Fee Schedules For Certain Permits", 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:

AUTHORIZE ENGINEER-CDBG ROAD RESURFACING PROJECT

Councilman Visconti explained that the Borough is scheduled to receive \$ 103,700 in CDBG grant funds for road resurfacing. Boswell submitted a proposal for engineering fees for the project. The fees would be \$ 7,500 for the design phase and \$ 10,000 for the construction phase. Councilman Pignatelli commented that the proposal does not mention ADA compliance. Mr. Busanic responded it will be included. A resolution will be listed on the August 26<sup>th</sup> agenda.

Councilman Di Pentima thanked the Borough Engineer for the monthly reports and asked if he could provide bullets of open items in the next report. Also, Councilman Di Pentima asked Councilmembers not to approve bills that were from previous years.

COUNCIL REPORTS:

Councilman Pignatelli: He attended an OEM meeting last night. They are working on an evacuation plan. For instance, the carnival would have to be evacuated in the case of lightning

strikes. They discussed the POD for medication distribution. There will be another OEM meeting held on September 21<sup>st</sup>. Councilman Pignatelli attended the Board of Health meeting where they discussed flu clinics. Councilman Pignatelli spoke about a problem with boats and jet skis speeding on the Ramapo River. There are signs posted by the OEM on the bridge about a no wake zone. There is new case law that allows the Police to enforce boating laws on water in their municipality.

Councilman Di Pentima: The Communications Commission is seeking one member. The next meeting will be on Wednesday August 19<sup>th</sup> at 6:30 pm. Councilman Di Pentima thanked Bob Fabrizio and the Public Events Committee for a great job on the carnival. Councilman Di Pentima gave kudos to Traffic Officer Pianettini for suggesting that Oakland collect a permit fee for filming in the town. Issuing permits to film companies ensures that they are bonded and get proper Police supervision.

Councilman Burns: He advised that Lewis Tree Service who is contracted by Rockland Electric removed 30 trees and saved the Borough money. The Borough continues to issue notices about removing dangerous trees. If homeowners don't remove these dangerous trees, legal action can be taken. Councilman Burns advised that the CFO is working on the Shade Tree Trust fund. Councilman Burns advised that Recreation is looking to form a fundraising group. They want to raise funds for a new playground. There was a program about dog bites that was presented to campers. Recreation Commissioner Steve Wagoner met with the Borough Engineer, Borough Administrator and DPW Superintendent about doubling the rumble strips on Lawlor Drive. The Recreation Commission will contribute \$ 2,800 to put the controllers in for the Musco lighting system. This will help control the lighting problem.

Councilwoman Stagg: No report.

Councilman Visconti: The West Oakland railroad crossing is going to be redone. The Library has expanded summer hours and has seen an increase in usage. The Knights of Columbus will hold a horseshoe tournament on September 19<sup>th</sup> at 12:00 pm.

Councilwoman Marcalus: The Planning Board meets on August 13<sup>th</sup> at 7 pm. There will be a continuation of the presentation by Burgis Associates on the Highlands conformance.

#### **BILLS TO BE PAID:**

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

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

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

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

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

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

Discussion ensued over Heritage Hills and Library litigation.

**CLOSE EXECUTIVE SESSION:**

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

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

**RECONVENE PUBLIC MEETING:**

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the public meeting be reconvened.

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

**MEETING ADJOURNED:**

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the meeting be adjourned at 10:15 pm.

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

---

Lisa M. Duncan, Borough Clerk  
August 26, 2009

---

Mayor John P. Szabo, Jr.

---

Date Approved

