

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY FEBRUARY 13, 2008

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Burns, 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, Visconti.

Discussion ensued over personnel matters, Borough Administrator interviews, Library litigation. No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Di Pentima, seconded by Councilman Pignatelli, 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 8:13 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 Kevin Tichacek; Raymond Herr, CFO/Treasurer.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

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RECOGNITION OF MARTIN TREICH:

Mayor Szabo commented he is impressed with all the time and effort Mr. Treich spends on scouting. He has produced many Eagle Scouts. Mayor Szabo read the following:

IN RECOGNITION OF YOUR LEADERSHIP AND DEDICATION

MARTIN TREICH-SCOUT MASTER - TROOP 49

2000-2002 Scoutmaster, Boy Scout Troop 49 - 2002-2003 Assistant Scoutmaster, Boy Scout Troop 49 -2003 to Present - Scoutmaster, Boy Scout Troop 49

As the Scoutmaster, you have given Oakland Scouts the opportunity to explore and experience so much of our Country - its trails, its tributaries, its history, its opportunities and its greatness.

Through your leadership, Scouts have visited nine states and Puerto Rico. These lifetime memories have included:

Canoeing in the Adirondacks, the Delaware River, the Pine Barrens and the Ramapo River. Hiking on the Appalachian Trail, the hills of Puerto Rico and backpacking into the Ramapo Mountains. Exploring the history of our great nation by visiting the Boston Freedom Trail, Jockey Hollow, Valley Forge and Gettysburg. Experiencing our military history by sleeping on the US Coast Guard Cutter Taney in Baltimore, the Battleship New Jersey in Camden and the Battleship Massachusetts in Fall River. Leading the Scouts whitewater rafting in Pennsylvania and into the surf of Nantucket.

You have opened the windows of the world to many impressionable young men, with whom you who have shared amazing experiences. Thank you Scoutmaster Martin Treich for your selfless generosity and for inspiring our children.

RECOGNITION OF LYNN ALBALA:

Mayor Szabo read the following in appreciation of the work Ms. Albala does for the Girl Scouts:

IN RECOGNITION OF YOUR LEADERSHIP AND DEDICATION

LYNN ALBALA

GIRL SCOUT ADVISOR, TRAINER AND GOLD ALLIANCE MEMBER

As an active participant in Girl Scouts, seven years as a Girl Scout and eight as an adult volunteer, you profile the pledge of founder Juliette Gordon Low to "Inspire and empower young

girls to develop qualities that will serve them all their lives - leadership, strong values, social conscience, and conviction about themselves.”

The Girl Scout leadership positions in which you currently serve:

Troop advisor to a multi-grade high school Girl Scouts troop. Oakland Girl Scout Service Unit Manager serving as a resource for troop leaders and advisors. Girl Scout Gold Alliance Member reviewing and approving Girl Scout Gold Project Proposals. Girl Scouts 11-17 Consultant for Oakland and Wyckoff Service Units doing volunteer training.

Assisting in the Oakland Girl Scout Event Celebration for the 95<sup>th</sup> Anniversary and Juliette Gordon Low’s Birthday.

Assisting in the Girl Scout Council Rickabear Rendezvous – An adult volunteer weekend at Lake Rickabear.

It is an extraordinary talent to give back and to foster that which you have experienced. Thank you Lynn Albala for your selfless generosity in continuing the values and traditions of Girl Scouts USA by helping today’s girls become tomorrow’s leaders.

#### PROCLAMATION: NY GIANTS MONTH

Mayor Szabo read the following proclamation since some coaches and players reside in Oakland:

WHEREAS, on January 6, 2008 the New York Giants football team defeated the Tampa Bay Buccaneers at Tampa Bay in the NFC Wild Card Playoff game 24 to 14; and

WHEREAS, on January 13, 2008 the New York Giants football team defeated the Dallas Cowboys at Dallas in the NFC Divisional Playoff game 21 to 17; and

WHEREAS, on January 20, 2008 the New York Giants football team defeated the Green Bay Packers at Green Bay in the NFC Championship game 23 to 20 thereby becoming the 2008 NFC Champions and extending their on-road winning streak to 10 games; and

WHEREAS, on February 3, 2008 the New York Giants faced the undefeated New England Patriots in Super Bowl XLII; and

WHEREAS, despite all odds and demonstrating character, great poise under pressure and effective team work the New York Giants defeated the New England Patriots 17 to 14 to remain undefeated in the playoffs, extending their on-road unbeaten streak to 11 games and becoming the Super Bowl Champions of the world; and

WHEREAS, the New York Giants are clearly a “Team of Destiny” and by winning the Super Bowl became one of only two wild card teams in NFL history to win a Super Bowl; and

WHEREAS, the Borough of Oakland wishes to salute the achievement of the New York Giants and congratulates them on their auspicious victory which has brought great pride to the region;

NOW THEREFORE BE IT RESOLVED that I, as Mayor of the Borough of Oakland do hereby proclaim February, 2008 New York Giants Month; and

BE IT FURTHER RESOLVED that this Proclamation be included verbatim in the minutes of the Borough as a permanent record for the historical archives of this community

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 Pignatelli, this portion of the meeting be closed to public discussion.

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

APPROVAL OF MINUTES: JANUARY 9, 2008

On motion of Councilwoman Stagg, seconded by Councilman Burns, the minutes from the Mayor and Council meeting of January 9, 2008 be approved.

MOTION TO TABLE:

On motion of Councilman Di Pentima, seconded by Councilwoman Stagg, the minutes from the meeting of January 9, 2008 be tabled.

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

APPROVAL OF MINUTES: JANUARY 23, 2008

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of January 23, 2008 be approved as amended on pages 2, 3, 7 and 10.

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

APPOINTMENT OF MUNICIPAL COURT MAGISTRATE

Mayor Szabo brought forth the nomination of John Conte for the appointment as Municipal Court Magistrate effective March 1, 2008 for a three-year term to expire December 31, 2010.

On motion of Councilman Burns, seconded by Councilman Pignatelli, the Council consented to the appointment of John Conte as Municipal Judge.

Councilman Burns commented that Mr. Conte was a well qualified prosecutor and public defender for the Borough. Councilman Burns commented that Judge Blum did an outstanding job for 20 years. However, Mr. Conte will make an excellent judge.

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

APPOINTMENT OF PROSECUTOR:

Mayor Szabo brought forth the nomination of Thomas Buonocore to the position of Prosecutor.

On motion of Councilman Di Pentima, seconded by Councilman Visconti, the Council consented to the appointment of Thomas Buonocore as Prosecutor for 2008.

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

#### APPOINTMENT TO MUNICIPAL ALLIANCE:

Mayor Szabo made the following appointments to the Municipal Alliance Committee for one-year term:

Mayor	John P. Szabo, Jr.
Councilman	Christopher Visconti
Elementary Schools	Glenn Clark
Chairman/Heights Rep.	Tina Albrecht
Senior Citizens Club	Jack Tauber
Police/D.A.R.E.	Edward Kasper Alternate: Mark Piercy
Clergy	Nathan Busker
At Large	Margaret Martin, R.N.
At Large	Margaret Schad
OLPH	Brian Salvatore
At-Large	Don Grohs
Indian Hills	Joe Collins, Asst. Principal Tom Kersting
Valley Middle School	Liz Connolly
Manito School PTO	Christine Halloran Alternate: Joan Megin
R.I.H. Board of Ed Rep	Sadie Quinlan
PTSO - IHHS	Judy Nies
Valley Middle School PTO	Lorraine Knox Alternate: Lara Scolpino
Dogwood PTA President	Donna Norton
At Large	Anne Russo
Secretary	Lisa Napolitano

#### APPOINTMENT TO BOARD OF HEALTH

Mayor Szabo brought forth the nomination of Roberta Wilgus to fill the unexpired term on the Board of Health left by the resignation of Margaret Martin.

On motion of Councilman Pignatelli, seconded by Councilwoman Marcalus, the Council consented to the appointment of Roberta Wilgus to fill an unexpired term on the Board of Health due to expire December 31, 2008.

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

#### APPOINTMENT OF RISK MANAGER

On motion of Councilman Di Pentima, seconded by Councilman Burns, the Council appoints Frank Covelli of Professional Insurance Associates as Borough's Risk Manager for 2008.

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

APPROVE SIGN REQUEST FROM R.B.A.R.I.

On motion of Councilman Burns, seconded by Councilwoman Stagg, approval be granted to Ramapo Bergen Animal Refuge Inc. to post signs at the Copper Tree Mall for sales on the following dates:

March 7 & 8	June 13 & 14	September 12 & 13
April 11 & 12	July 18 & 19	October 17 & 18
May 9 & 10	August 15 & 16	December 12 & 13

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

APPROVE RAFFLE LICENSE RL1011

On motion of Councilman Burns, seconded by Councilman Visconti, approval be granted to Indian Hills High School PTSO to hold a raffle for merchandise on April 4, 2008 at Indian Hills High School, 97 Yawpo Avenue.

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

APPROVE RAFFLE LICENSE RL1012

On motion of Councilman Burns, seconded by Councilwoman Marcalus, approval be granted to Healing Spaces Inc. to hold a raffle for merchandise on March 5, 2008 at Portobello Restaurant, 155 Ramapo Valley Road.

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

RESOLUTION 08-32 AUTHORIZE TELVUE AGREEMENT

Remove from the Table:

On motion of Councilman Di Pentima, seconded by Councilman Burns, Resolution 08-32 be removed from the table.

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

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

WHEREAS, the Borough desires to continue its relationship with Telvue to provide certain services in connection with the Borough's television channel;

NOW, THEREFORE, BE IT RESOLVED that John P. Szabo, Jr., Mayor of the Borough of Oakland, be authorized to execute the Agreement between Telvue and the Borough of Oakland.

Councilman Di Pentima gave a clarification on Clause 7 fees and payments and Exhibit F. The Attorney recommended taking out certain wording to avoid confusion. Councilman Di Pentima advised that the cost of the contract is favorable to the Borough. For the fee of \$ 185 per month,

the Borough gets a state of the art server and maintenance and upkeep for the system by the vendor. Councilman Visconti had a question about back-ended fees. Councilman Burns commented that it was through sponsorships from businesses in town that eliminated payment of fees by the Borough. There was a legal battle between Telvue and Cablevision to remove the sponsorships. Telvue honored the contract with the Borough even though they had to refund money to the sponsors. Councilman Di Pentima advised that the intent is for Telvue to do sponsorships.

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

#### RESOLUTION 08-35 APPOINT SUPERINTENDENT OF FLOOD CONTROL

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

WHEREAS, the Mayor and Council of the Borough of Oakland must appoint a Superintendent of Flood Control, in accordance with the provisions of the federal flood control regulations which mandate the appointment of such person whenever the Borough is party to any flood control project; and

WHEREAS, Roy Bauberger was appointed as the Borough's Superintendent of Flood Control, on or about October 24, 2004; and

WHEREAS, it is necessary to reappoint Mr. Bauberger;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that Roy Bauberger be and he is hereby appointed as Superintendent of Flood Control for the Borough of Oakland at an annual consultant fee of \$ 3,000; and

BE IT FURTHER RESOLVED that any services rendered by Mr. Bauberger in the position of the Borough's consulting Superintendent be and the same are hereby ratified and confirmed.

Councilwoman Stagg advised that Mr. Bauberger is a tremendous asset to the Borough.

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

#### CONSENT AGENDA-RESOLUTIONS 08-36 TO 08-44

On motion of Councilwoman Stagg, seconded by Councilman Burns, Resolutions 08-36 to 08-44 be introduced, adopted and duly passed by roll call vote:

#### RESOLUTION 08-36 APPOINT BOROUGH ATTORNEY

WHEREAS, it is necessary for the Borough of Oakland to engage the services of a **Borough Attorney** for 2008; and

WHEREAS, funds will be available by way of budget to compensate said Borough Attorney; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1<sup>st</sup>, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough’s Review Team has determined that Brian M. Chewcaskie of the firm of Gittleman, Muhlstock & Chewcaskie, LLP will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Brian M. Chewcaskie and the firm of Gittleman, Muhlstock & Chewcaskie to serve as the Borough Attorney for the year 2008; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract,

NOW, THEREFORE, BE IT RESOLVED by the governing body the Borough of Oakland that said Borough Attorney be and is hereby appointed for the year 2008 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Borough Attorney for the year 2008 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

#### RESOLUTION 08-37 APPOINT BOROUGH ENGINEER

WHEREAS, it is necessary for the Borough of Oakland to engage the services of **Borough Engineer** for 2008; and

WHEREAS, funds will be available by way of budget to compensate said Borough Engineer; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1<sup>st</sup>, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough's Review Team has determined that Stephen Boswell of the firm of Boswell McClave Engineering will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Stephen Boswell and the firm of Boswell McClave Engineering to serve as the Borough Engineer for the year 2008; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract,

NOW, THEREFORE, BE IT RESOLVED by the governing body the Borough of Oakland that said Borough Engineer be and is hereby appointed for the year 2008 pursuant to a "fair and open" process; and

BE IT FURTHER RESOLVED, that compensation for said Borough Engineer for the year 2008 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

#### RESOLUTION 08-38 APPOINT BOROUGH PLANNER

WHEREAS, it is necessary for the Borough of Oakland to engage the services of **Borough Planner** for 2008; and

WHEREAS, funds will be available by way of budget to compensate said Borough Planner; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the "State Pay to Play" law, took effect on January 1<sup>st</sup>, 2006; and

WHEREAS, the Borough has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough's Review Team has determined that Joseph Burgis of the firm of Burgis Associates will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Joseph Burgis and the firm of Burgis Associates to serve as Borough Planner for the year 2008; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract,

NOW, THEREFORE, BE IT RESOLVED by the governing body the Borough of Oakland that said Borough Planner be and is hereby appointed for the year 2008 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Borough Planner for the year 2008 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

#### RESOLUTION 08-39 APPOINT PUBLIC DEFENDER

WHEREAS, it is necessary for the Borough of Oakland to engage the services of **Public Defender** for 2008; and

WHEREAS, funds will be available by way of budget to compensate said Public Defender; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1<sup>st</sup>, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough’s Review Team has determined that Robert Fortunato will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Robert Fortunato to serve as the Borough’s Public Defender for the year 2008; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract,

NOW, THEREFORE, BE IT RESOLVED by the governing body the Borough of Oakland that said Public Defender be and is hereby appointed for the year 2008 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Public Defender for the year 2008 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

RESOLUTION 08-40 APPOINT LABOR ATTORNEY

WHEREAS, it is necessary for the Borough of Oakland to engage the services of a **Labor Attorney** for 2008; and

WHEREAS, funds will be available by way of budget to compensate said Labor Attorney; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1<sup>st</sup>, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough’s Review Team has determined that Matthew J. Giacobbe of the firm of Scarinci & Hollenbeck will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Matthew J. Giacobbe and the firm of Scarinci & Hollenbeck to serve as the Borough’s Labor Attorney for the year 2008; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract,

NOW, THEREFORE, BE IT RESOLVED by the governing body the Borough of Oakland that said Labor Attorney be and is hereby appointed for the year 2008 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Labor Attorney for the year 2008 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

RESOLUTION 08-41 APPOINT BOROUGH AUDITOR

WHEREAS, it is necessary for the Borough of Oakland to engage the services of **Borough Auditor** for 2008; and

WHEREAS, funds will be available by way of budget to compensate said Borough Auditor; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1<sup>st</sup>, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough’s Review Team has determined that Frank DiMaria of the firm of DiMaria and DiMaria will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Frank DiMaria and the firm of DiMaria and DiMaria to serve as Borough Auditor for the year 2008; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract,

NOW, THEREFORE, BE IT RESOLVED by the governing body the Borough of Oakland that said Borough Auditor be and is hereby appointed for the year 2008 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Borough Auditor for the year 2008 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

#### RESOLUTION 08-42 APPOINT WATER AND SEWER ENGINEER

WHEREAS, it is necessary for the Borough of Oakland to engage the services of **Water & Sewer Engineer** for 2008; and

WHEREAS, funds will be available by way of budget to compensate said Water & Sewer Engineer; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1<sup>st</sup>, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough’s Review Team has determined that Michael Kaneletz of the firm Crew Engineers, Inc. will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Michael Kaneletz and the firm of Crew Engineers, Inc. to serve as the Water & Sewer Engineer for the year 2008; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract,

NOW, THEREFORE, BE IT RESOLVED by the governing body the Borough of Oakland that said Water & Sewer Engineer be and is hereby appointed for the year 2008 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Water & Sewer Engineer for the year 2008 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

#### RESOLUTION 08-43 APPOINT BOND COUNSEL

WHEREAS, it is necessary for the Borough of Oakland to engage the services of **Bond Counsel** for 2008; and

WHEREAS, funds will be available by way of budget to compensate said Bond Counsel; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1<sup>st</sup>, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough’s Review Team has determined that Michael H. Gluck of the firm of Gluck Walrath, LLP will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Michael H. Gluck and the firm of Gluck Walrath, LLP to serve as the Borough’s Bond Counsel for the year 2008; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract,

NOW, THEREFORE, BE IT RESOLVED by the governing body the Borough of Oakland that said Bond Counsel be and is hereby appointed for the year 2008 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Bond Counsel for the year 2008 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

RESOLUTION 08-44 APPOINT RISK MANAGER

WHEREAS, it is necessary for the Borough of Oakland to engage the services of **Borough Risk Manager** for 2008; and

WHEREAS, funds will be available by way of budget to compensate said Borough Risk Manager; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, took effect on January 1<sup>st</sup>, 2006; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough’s Review Team has determined that Professional Insurance Associates will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Professional Insurance Associates to serve as the Borough’s Risk Manager for the year 2008; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract,

NOW, THEREFORE, BE IT RESOLVED by the governing body the Borough of Oakland that said Borough Risk Manager be and is hereby appointed for the year 2008 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Borough Risk Manager for the year 2008 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

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

APPOINT SPECIAL HEARING OFFICER-ELKS

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

WHEREAS, the Mayor and Council adopted Resolution 06-175, wherein the governing body appointed John Conte Special Prosecutor in order to investigate charges that the Elks Club Lodge #2167 committed violations of Alcoholic Beverage Control rules and regulations; and

WHEREAS, a Notice of Charges was forwarded to the Elks Lodge; and

WHEREAS, Elks Lodge desires to contest the charges; and

WHEREAS, it is necessary that a hearing be held; and

WHEREAS, it is the desire of the Mayor and Council to appoint a special hearing officer to hear the evidence and recommend findings and conclusions to the Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED, that Brian Giblin is hereby appointed by the Mayor and Council to act as hearing officer in order to conduct a hearing on the charges issued by the Borough's special prosecutor against the Elks Club Lodge #2167, for alleged violations of Alcoholic Beverage Control regulations, occurring on or about June 16, 2006; and

BE IT FURTHER, RESOLVED, that the aforesaid special hearing officer shall be paid at the municipal hourly rate of \$125.00 per hour; and

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

Councilwoman Marcalus advised that the Mayor and Council do not want to condone underage drinking and are vigorously pursuing this matter.

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

#### RESOLUTION 08-46 APPOINT LICENSED WATER OPERATOR

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

WHEREAS, due to the retirement of the former Licensed Water Operator, the Borough must appoint a new Licensed Water Operator; and

WHEREAS, Assistant Superintendent Anthony Marcucilli possesses the credentials necessary to be appointed as the Licensed Water Operator;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the appointment of Mr. Marcucilli as Licensed Water Operator in charge of the Borough of Oakland's Water System effective immediately.

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

Councilwoman Stagg advised that Mr. Marcucilli is licensed as the Water Operator not the Sewer Operator. The Borough does not have a licensed Sewer Operator. We need to appoint an

operator. Gerald Kastner is acting as the licensed Sewer Operator. Councilman Burns recommended doing a resolution tonight.

#### RESOLUTION 08-47 AUTHORIZE RECYCLING TONNAGE GRANT

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

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

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

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

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

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

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

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

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

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

#### RESOLUTION 08-48 AUTHORIZE INTERLOCAL AGREEMENT WITH WALDWICK

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

WHEREAS, N.J.S.A. 40A:8A-1, known as the "Interlocal Services Act", authorizes agreements between local units for any services which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Borough of Oakland and Waldwick and their respective Boards of Health have determined that it is in their best interests to enter into an Interlocal Service Agreement for providing certain services to infants and pre-school children that reside in Oakland through the Waldwick Well-Baby Clinic as mandated by the Public Health Council of the State of New Jersey; and

WHEREAS, in consideration of the services to be performed herein, Oakland shall be assessed a one-time administrative fee of \$ 100.00, payable upon execution of the contract, and a \$ 35.00 per child fee for examinations to be billed directly to the medical provider, and a \$ 15.00 per child fee for immunizations only; and

WHEREAS, the Borough Administrator has determined that funds are available;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Borough Clerk are hereby authorized to execute the agreement for Interlocal Services with the Borough of Waldwick for services with the Waldwick Well-Baby Clinic effective until December 31, 2008.

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

**RESOLUTION 08-49 AUTHORIZE ENGINEERING FOR TENNIS COURT IMPROVEMENTS**

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

WHEREAS, the Borough needs to make necessary improvements to the Tennis Courts; and

WHEREAS, Boswell McClave Engineering has submitted a proposal for Engineering Services for the Tennis Court Improvement Project dated January 23, 2008; and

WHEREAS the proposal is broken down into the following tasks for a total cost not to exceed \$ 22,200; and

Task I Construction & Bid Documents	\$ 6,000
Task II Soil Test Pits	\$ 1,400
Task III Construction Inspection	\$ 14,800

WHEREAS, the Chief Financial Officer has certified that funds are available for this project;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Boswell McClave Engineering to proceed with the Engineering Services for the Tennis Courts Improvement project as specified in their proposal dated January 23, 2008 at a cost not to exceed \$ 22,200.

Borough Engineer Tichacek advised that he is expediting the design of the tennis courts with the help of Councilwoman Stagg. He anticipates the bid documents will be ready before the next Council meeting. There will be an alternate bid to do lighting.

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

**RESOLUTION 08-50 AUTHORIZE ADDITIONAL ENGINEERING ALLERMAN BROOK**

Mayor Szabo asked that this resolution be added to the agenda as there is an emergent danger of a collapsing wall.

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

WHEREAS, the original scope of work for the Allerman Brook bank stabilization project was limited to remedial work on the south side of the brook; and

WHEREAS, the Borough Engineer has identified a gabion wall that is in jeopardy of failure and has recommended revising the project scope of work to include replacement of that wall; and

WHEREAS, Boswell McClave Engineering has submitted a proposal for additional engineering services at a cost not to exceed \$ 15,000.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Boswell McClave Engineering to proceed with the additional engineering work in order to revise the scope of work for the Allerman Brook stabilization project in an amount not to exceed \$ 15,000.00.

Mr. Tichacek advised that a final inspection was performed in completing the design for the stabilization project and a gabion wall that is in jeopardy of collapsing was identified. It is critical this be included as part of the project. Mr. Tichacek will design a replacement or restabilization of the wall. He will investigate funding for this work. Councilwoman Stagg advised that Mr. Tichacek asked her to look at this wall. She advised that we need to see if we can get FEMA funding for this. Mr. Tichacek advised it is directly across the stream from the area previously designated in the scope of the project.

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

**RESOLUTION 08-51 AUTHORIZE MUNICIPAL ALLIANCE GRANT**

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

BE IT RESOLVED that Mayor John P. Szabo, Jr. be authorized to sign the Letter of Agreement for the 2008 Municipal Alliance Grant in the amount of \$ 11,500.

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

**RESOLUTION 08-52 AUTHORIZE LOSAP PAYMENT**

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

WHEREAS, the Mayor and Council have authorized a LOSAP Program for the First Aid Squad and Fire Department; and

WHEREAS, the Fire Department has certified 42 members eligible for the \$ 1,150 LOSAP payments for the year 2007;

NOW, THEREFORE BE IT RESOLVED that the CFO is authorized to pay Lincoln Financial, the LOSAP trustee, the sum of \$ 48,300.00 subject to interpretation of the provisions of the ordinance.

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

**RESOLUTION 08-53 CANCEL TAXES BLOCK 3105, LOT 3**

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 is in the process of acquiring, for open space purposes, the real premises owned by New Jersey Capital Partners, LLC, and designated as Block 3105 Lot 3 on the Tax Assessment Map of the Borough; and ;

WHEREAS, as a result of the Order of the Superior Court, New Jersey, New Jersey Capital Partners is responsible for any and all taxes due through December 31, 2007; and

WHEREAS, New Jersey Capital Partners has recently redeemed a tax sales certificate outstanding on the property, and paid all taxes current as of December 31, 2007; and

WHEREAS, it is necessary for the Borough to adopt a Resolution canceling municipal taxes subsequent to December 31, 2007;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that any and all municipal taxes imposed on Block 3105 Lot 3 subsequent to December 31, 2007 be and are hereby cancelled ; and

BE IT FURTHER, RESOLVED, that the Tax Collector be and she is hereby authorized and directed to effectuate that cancellation.

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

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

**RESOLUTION 08-54 AUTHORIZE SMART GROWTH GRANT APPLICATION**

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

WHEREAS, the Department of Community Affairs Office of Smart Growth is offering Smart Future Planning grants to municipalities seeking to improve local connectivity through creation of a Circulation Plan Element of the Master Plan; and

WHEREAS, the Borough of Oakland would like to apply for this grant in order to continue with the Downtown Improvements;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Mayor John P. Szabo, Jr. to submit the application to the Office of Smart Growth for the Smart Future Planning Grant.

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

**RESOLUTION 08-55 AUTHORIZE LICENSED SEWER OPERATOR**

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

WHEREAS, the Borough is required to appoint a licensed operator for the Borough's sewer system; and

WHEREAS, Gerald Kastner possesses the credentials necessary to be appointed as the licensed sewer operator;

NOW, THEREFORE, BE IT RESOLVED that the mayor and Council hereby authorize the appointment of Mr. Kastner as licensed sewer operator in charge of the Borough of Oakland's sewer system effective immediately.

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

**INTRODUCTION: ORDINANCE NO. 08-BOND-567**

The Clerk was directed to take from table Ordinance No. 08-Bond-567 and read by title for its first reading.

The Clerk then read by title Ordinance No.08-Bond-567 entitled: "AN ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR ACQUISITION OF LAND AND RELATED EXPENSES IN AND FOR THE BOROUGH OF OAKLAND AND APPROPRIATING \$5,250,000 THEREFOR (INCLUDING \$ 1,150,000 EXPECTED TO BE RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION-GREEN ACRES PROGRAM AND OTHER AMOUNTS EXPECTE TO BE RECEIVED FROM THE COUNTY OF BERGEN) AND AUTHORIZING THE ISSUANCE OF \$5,045,000 BONDS OR NOTES OF THE BOROUGH OF OAKLAND TO FINANCE PART OF THE COST THEREOF"

On motion of Councilwoman Stagg, 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 Of The Borough Of Oakland, In The County Of Bergen, New Jersey, Providing For Acquisition Of Land And Related Expenses In And For The Borough Of Oakland And Appropriating \$5,250,000 Therefor (Including \$ 1,150,000 Expected To Be Received From The State Of New Jersey Department Of Environmental Protection-Green Acres Program And Other Amounts Expecte To Be Received From The County Of Bergen) And Authorizing The

Issuance Of \$5,045,000 Bonds Or Notes Of The Borough Of Oakland To Finance Part Of The Cost Thereof”, be introduced;

That said Ordinance be considered for final adoption at a meeting on February 27, 2008 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 8:00 P.M.

That said Ordinance be published in full in The Record on or before February 17, 2008 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.

Mr. Chewcaskie advised that the bond ordinance is for appropriating \$ 5.25 million for the purchase of the property. The Borough is already aware of \$ 1,150,000 to be received from Green Acres. There will be additional money from Bergen County as well as Oakland’s open space fund. The bond will therefore be reduced. However, the Borough must bond for the entire amount. He advised that at the time of the bond sale if funds are confirmed, the ordinance will be amended accordingly.

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

**INTRODUCTION: ORDINANCE NO. 08-CODE-568 CAP BANK**

The Clerk was directed to take from table Ordinance No. 08-Code-568 and read by title for its first reading.

The Clerk then read by title Ordinance No. 08-Code-568 entitled: "CALENDAR YEAR 2008 -AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

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, "Calendar Year 2008 -An Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a: 4-45.14), be introduced;

That said Ordinance be considered for final adoption at a meeting on February 27, 2008 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 8:00 P.M.

That said Ordinance be published in full in The Record on or before February 17, 2008 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.

Councilman Di Pentima explained that the Borough is subject to a 2.5% cap limitation on all departments in cap. The Borough is allowed to pass an additional 1% by ordinance. The Borough does not have to spend the additional 1%. It can go to the cap bank to use next year if needed. Councilwoman Marcalus advised it is the smart thing to do. Mayor Szabo responded it

gives the Borough options within the law.

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

**FINAL PUBLIC HEARING: ORDINANCE NO. 08-CODE-566**

The Clerk was directed to take from the table Ordinance No. 08-Bond-566 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE SUPPLEMENTING THE OAKLAND CODE BY THE IMPLEMENTATION OF A MOTOR VEHICLE POLICY FOR ALL BOROUGH PERSONNEL"

**MOTION TO TABLE:**

On motion of Councilwoman Marcalus, seconded by Councilwoman Stagg, the final adoption of Ordinance 08-Code-566 be tabled until the meeting of February 27, 2008.

Discussion ensued. Councilwoman Marcalus advised that she received a list of questions from the DPW employees who are affected by the policy. Councilwoman Marcalus believes that the questions are covered in the vehicle policy but she gave them to Mr. Chewcaskie to review and comment. Mr. Chewcaskie responded that Councilwoman Marcalus received these questions today. He believes the policy does address the questions but he would like time to respond. He does not see a problem with putting the final adoption off for two weeks. Councilman Pignatelli commented that the DPW had this ordinance for a couple of months and questioned why they waited to submit their questions. Councilwoman Marcalus responded that a copy of the ordinance was never provided to the DPW. Councilman Di Pentima advised that the ordinance was advertised in the newspaper and that Borough Administrator Smiley gave Mr. Marcucilli a copy.

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

**WORK SESSION:**

**BOROUGH ADMINISTRATOR VEHICLE:**

There had been a suggestion offered by the Assistant Superintendent of DPW to give the Fire Department the Borough Administrator's vehicle to use instead of obtaining a new vehicle that they requested. Councilman Pignatelli had spoken to Chief Sondervan. The Fire Department is in need of a utility vehicle and the money is in capital.

**RECREATION FEES:**

Councilman Burns advised that the Recreation Commission provided a list of fees that need to be adopted. Councilman Burns will provide the list to the Borough Attorney with the fees for the ordinance to be prepared.

**RECYCLING OF ELECTRONICS**

Councilwoman Marcalus advised that in the future all municipalities will have to recycle electronics. She asked residents to please try to recycle because the Borough is getting money back for recycled materials. Councilman Di Pentima thanked Recycling Coordinator Eugene MacMahon for his efforts. Through his hard work, the Borough will receive an extra \$ 100,000 this year in revenue. He also advised residents to recycle as much as they can because it makes money for the Borough.

Councilwoman Marcalus advised that residents can make appointments and the DPW will pick up the used electronic items. She had asked if it would be cheaper to have a central collection point. Assistant Superintendent Marcucilli had advised that people would dump other items there. Councilwoman Marcalus asked if it is less expensive to have a part-time employee oversee the collection site. Mr. Marcucilli had advised that a high school student's hours don't coincide with the DPW's hours. Councilwoman Stagg responded that the Borough may be able to find a Senior Citizen to oversee. However, the convenience of picking the items up at the curb is tremendous. Councilwoman Marcalus responded that according to Mr. Marcucilli, the curbside pickup is the most economical. Councilman Visconti commented that if anyone can think of a way to pick up the items without added cost, it would be great.

Councilman Di Pentima asked for an update on the fuel tanks. Mr. Tichacek responded that he dropped off plans to Mr. Marcucilli for review. They will discuss and come up with a final plan. He hopes to go out to bid next week. Councilman Pignatelli asked Mr. Tichacek to make sure there are no cost overruns.

#### NEW BUSINESS:

Councilman Pignatelli advised that the Board of Health put in a request to have a change drawer. Councilwoman Stagg asked for an explanation. Councilman Pignatelli advised that the Board of Health collects various fees and they need to be able to make change. Councilwoman Stagg asked why they cannot require checks to be given. Mr. Chewcaskie responded that the Borough has to take cash. A resolution will be listed on the next agenda.

Councilwoman Marcalus advised that she went to the DPW to see the old salt shed. It is in danger of falling into the new salt shed. She asked how this can be brought forward for action. Mayor Szabo advised the old salt shed has to be demolished. The Council has not done a capital ordinance yet for the building but can do a separate ordinance just for the demolition. Assistant Superintendent Marcucilli got up to speak. He advised that there are funds available from the ordinance for the new salt shed. The demolition of the old building will cost \$ 5,000. Mayor Szabo responded that the demolition of the old salt shed could be considered a part of that project. Mr. Chewcaskie advised there should be a resolution ratifying the action and certifying that funds are available. That will be listed on the next agenda.

Mr. Marcucilli advised the Council that he never received a copy of the Ordinance for the vehicle policy until yesterday. So he did not hold his questions until the last minute.

#### COUNCIL REPORTS

Councilman Pignatelli: advised that the Police Department responded to 656 calls in the month of January. He read a memo from Board of Health President Ron Beattie thanking the DPW employees for helping to reconstruct their new security window. Councilman Pignatelli advised he received a call from Emergency Management Coordinator Roy Bauberger about the train wreck that occurred last week. If it were to ever happen again, Mr. Bauberger will use various vehicles such as the Fire Department bus to transport people involved.

Councilman Di Pentima: The Public Events Committee held a meeting. The Easter Egg Hunt will be held on Saturday March 15, 2008. The raindate will be Sunday March 16<sup>th</sup>. The Communications Commission will look at ways to potentially update the website. Councilman Di Pentima spoke of the budget process. Councilman Di Pentima advised that he spoke with Mr. Marcucilli twice about this policy. The Police and Fire Departments asked for a copy of this ordinance when it was introduced. If Mr. Marcucilli was not given a copy, he should have asked for one as well.

Councilman Burns: advised that the Shade Tree Commission met last Monday. The Recreation Commission is working on the fees.

Councilwoman Stagg: advised that the cabling of the Stream House was supposed to be done today. However, Mr. Marcucilli had not heard from the vendor. Councilwoman Stagg will keep on top of that situation. The Water and Sewer Committee met and discussed a lot of issues. The Environmental Commission will focus on grants this year. Councilwoman Stagg advised that the Borough is moving forward with the NJ DOT projects for flooding relief. She advised that the Borough is involved in ongoing negotiations with the State and County.

Councilman Visconti: advised that renaissance meeting will be held for the Friends of the Library. There are early plans to hold another concert to raise funds for the Library. The Library has asked for businesses or individuals to help with funding. Councilman Visconti has a report from the Architect on completion of the Library project. Action needs to be taken by the Council before the report can be released to the public. The Municipal Alliance held the first of their quarterly meetings and it was well attended. The Borough will move forward with the Smart Growth grant which is due in early March.

Councilwoman Marcalus: the next Planning Board meeting will be held on February 14<sup>th</sup> at 8 pm and the Board will finalize the Drug Fair shopping center façade improvement. There will also be a final review of the Master Plan. The Highlands Council will meet tomorrow at 10:00 am and Pinnacle will be on the agenda. The DPW advised that the cost for the February 1<sup>st</sup> event was \$ 4,500. Councilwoman Marcalus received emails complimenting the DPW employees on their work on the security window for the Board of Health. Councilwoman Marcalus spoke about revenues from recycling. She advised that the Senior Center is taking appointments for tax help. The local school board reached a contract settlement. Regional School Superintendent Paul Saxton is scheduled to retire on October 31<sup>st</sup>.

#### 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.

#### MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Di Pentima, the meeting be adjourned at 9:50 pm.

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

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Lisa M. Duncan, Borough Clerk  
March 12, 2008

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Mayor John P. Szabo, Jr.

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Date Approved

