

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY FEBRUARY 27, 2008

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, 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, 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.

Councilman Visconti entered at 7:08 pm. Discussion ensued over library litigation and personnel issues.
No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Burns, 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 8:12 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; Steve Muhlstock, Borough Attorney; Borough Engineer Kevin Tichacek.

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.

FIRE PREVENTION POSTER WINNERS

Councilman Pignatelli thanked all the students who participated in and won the poster contest for Fire Prevention Week. The following students were given savings bonds:

Abigail Kokkinakis Grade 1 Dogwood	Scott Stoddard Grade 3 Heights
Megan Roessler Grade 1 Heights	Victoria Zakarzewski Grade 3 Manito
Savanna Aboycun Grade 1 Manito	Ethan Leroy Grade 4 Dogwood
Michael Morrow Grade 2 Dogwood	Wolfie Albrecht Grade 4 Heights
Abigail McCarthy Grade 2 Heights	Luke Osterlof Grade 4 Manito
Molly O'Keefe Grade 2 Manito	Matthew Tuohy Grade 5 Dogwood
Megan Henneberry Grade 3 Dogwood	Benjamin Clauss Grade 5 Heights
	Kevin Chisari Grade 5 Manito

MAYOR'S REPORT:

Mayor Szabo commended the DPW for their work clearing the roads during the storms. Mayor Szabo commented that he is concerned about the level of runoff and is worried about how the gates operate. He noticed problems with the operation of the gates and wrote a letter to Lisa Jackson at the Department of Environmental Protection to find out why the gates are not working properly. He is demanding to understand where failures occur so that we do not have flooding. The Mayor and Council have been holding interviews for the Borough Administrator and have narrowed down the candidates so that an offer will be made shortly.

OPENED FOR PUBLIC DISCUSSION:

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

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

Frank Monaco, 60 Thackeray, commented that the School Board has seats open. He questioned why the judge was not reappointed. Mayor Szabo responded that he had served the community well but it is time for a change. Mr. Monaco commented that it would be a good idea to eliminate the position of Chief of Police and combine with the Administrator. Mayor Szabo responded that they have separate job functions and credentials. Mr. Monaco commented that the Borough has to cut labor and consolidate positions.

Dave Skoblar, 87 Yawpo Ave, questioned the land acquisition and commented on the referendum that the residents voted down. Mayor Szabo asked Mr. Skoblar to hold his comments until the public hearing for the land acquisition ordinance.

Katie Bartholome, 10 Grove Street, commented that the town is busy denying her zoning request but she suggested that they should stop the developers.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Burns, seconded by Councilman Di Pentima, this portion of the meeting be closed to public discussion.

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

APPROVAL OF MINTUES: JANUARY 9, 2008

Remove from the table:

On motion of Councilman Di Pentima, seconded by Councilman Burns, the minutes of January 9, 2008 be removed from the table.

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

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

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

APPOINTMENTS TO PUBLIC EVENTS COMMITTEE:

Mayor Szabo made the following appointments to the Public Events Committee:

Marjorie Angermueller	Peg Sumner	Frank Di Pentima Council Liaison
Jeanne Edwards	Chris Egge	Jack Ackerman-Am.Legion
Carmine Della Bruna	Irene May	Linda Giordano
Angela & John Mattiace	Nick DiLandro	Diane Lopez
Vince Letizia	Peter & Sheila Oprysko	Jane Rutherford
Bob & Marie Fabrizio	John & Donna Szabo	Anthony Marcucilli DPW Liaison
Angelo Chiusano		Gerri Schrier

RECOGNITION OF PIERRE PAGERIE:

Councilman Pignatelli commented it is with great pride that he reads this recognition for Pierre Pagerie for years of service on the Board of Health. Councilman Pignatelli was on the Board of Health in 1988 with Pierre. He read the following:

*“A Community has no greater riches
Than the dedicated service of its people.”*

In recognition and appreciation for your twenty years of dedicated service on the Board of Health. Your service on the Board commenced on January 13, 1988 when you attended your first Board of Health Meeting. On January 9, 1991 you were appointed Vice President. In January 14, 1998 you were appointed President, a position you fulfilled faithfully and with dedication until January 14, 2008, the date on which you attended your last meeting and your resignation was regrettably accepted. Your experience and expertise in the area of sewage treatment and disposal, was an invaluable asset to the Board and to the community. It guided the passage of Ordinances that ultimately protects Oakland's drinking water, one of our community's greatest assets.

The Mayor and Council of the Borough of Oakland thank you for your remarkable twenty years of dedicated service to the Board of Health and to the residents of our community and wish you and your family our best.

Mayor Szabo offered his congratulations to Mr. Pagerie and commented that Oakland has benefited as a community by his service.

RECOGNITION OF FATHERS CLUB:

Councilman Di Pentima commented that the Fathers Club is in the 50th year of existence. The fathers involved in the club have dedicated their time and talent over the years and have helped sponsor education and recreation programs for the community. Over the last ten years, the Fathers Club raised \$ 135,000 that has been put back into the community. Councilman Di Pentima presented the following plaque to President Jason Duncan and Vice-President Lou Caponi:

“A Community has no greater riches
than the dedicated service of its people.”

In recognition of the 50th Anniversary of the **Oakland Fathers' Club**, the Mayor and Council of the Borough of Oakland extend their gratitude and appreciation to this organization and its Members for their exemplary contributions to our community and its children.

Since 1958, the **Oakland Fathers' Club** has been a community organization that dedicates itself to serving the youth of our community through the support of various Education, Recreation, and Safety programs. Membership in the **Oakland Fathers' Club** is comprised of fathers within our community who contribute their time and talents to raise funds and provide for numerous activities:

College Scholarships to Graduating Oakland Residents; Holiday Gifts and Food to Families in Need; Scoreboards for Our Recreation Fields and Gym Trophies; Equipment and Uniforms for Children who participate in Recreation Sports; Funding and Labor to Build and Rebuild various Playgrounds, Baseball Fields and Dugouts; Supporters of Safety Town, Project Graduation and the Valley Middle School Social

On behalf of our community and the countless children who have, and who will continue to benefit from this organizations hard work and efforts, the Governing Body sends its congratulations to the **Oakland Fathers' Club** on its 50th Anniversary as well as their heartfelt thanks to the

Members for their generous contributions.

Mr. Caponi gave thanks to the Mayor and Council for honoring the organization. Councilman Di Pentima thanked resident Frank Monaco for being a charter member of the organization.

APPROVE SOCIAL AFFAIRS PERMIT:

On motion of Councilwoman Stagg, seconded by Councilman Burns, the Social Affairs Permit for Ramapo Bergen Animal Refuge Inc. to serve wine on April 6, 2008 at the Senior Center be approved to submit to the State of New Jersey's Division of Alcoholic Beverage Control.

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

APPROVE SIGN REQUEST-FLOW FOLLIES:

Councilman Burns commented that he thought the Historical Society should give permission to place a sign by the Stream House location. He commented that he is also concerned about the safety of the sign on the north side of Long Hill at Breakneck Road. Councilwoman Marcalus commented there are signs at that location already. Mayor Szabo commented this should be deferred to Traffic Officer Pianettini.

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the Council consented to the request of Flow Follies to place signs for their event subject to the approval of Traffic Officer Pianettini.

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

APPROVE RAFFLE LICENSE RL1013 RAMAPO BERGEN ANIMAL REFUGE INC.

On motion of Councilwoman Stagg, seconded by Councilman Burns, approval be granted for Raffle License RL1013 for Ramapo Bergen Animal Refuge Inc. to hold a 50/50 raffle on April 6, 2008 from 4 to 7 pm at the Senior Citizens Center, 20 Lawlor Drive.

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

RESOLUTION 08-56 CASH DRAWER

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

WHEREAS, the Board of Health requires a Cash Drawer, within its office, for the purpose of making change on minor payments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Board of Health be and is hereby authorized to maintain a Cash Drawer in its offices, which shall not contain more than \$ 50.00 at any one time; and

BE IT FURTHER RESOLVED that the appropriate Board of Health personnel shall maintain a written record respecting each and every transaction, with appropriate receipts.

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

RESOLUTION 08-57 ACCEPT RESIGNATION OF CFO

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

WHEREAS, Raymond Herr has served as Chief Financial Officer of the Borough of Oakland since January 30, 2006; and

WHEREAS, Mr. Herr has submitted a resignation effective as of March 7, 2008;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the resignation of Raymond Herr as Chief Financial Officer, effective March 7, 2008, be and the same is hereby accepted.

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

RESOLUTION 08-58 AUTHORIZE DEMOLITION OF OLD SALT SHED

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

WHEREAS, the DPW salt shed was recently demolished, as the result of an emergency safety measure; and

WHEREAS, quotations were obtained for said demolition; and

WHEREAS, the cost of the demolition was \$5,000; and

WHEREAS, sufficient funds are available by virtue of appropriations for construction of the new salt shed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the demolition of DPW salt shed, as an emergency safety measure, is hereby ratified and confirmed, based upon the certification of the Assistant Superintendent of the DPW; and

BE IT FURTHER RESOLVED that the cost of the demolition in the amount of \$ 5,000, be in the same is hereby ratified, based upon the Assistant Superintendent's certification that the obtained informal quotations prior to undertaking the demolition work; and

BE IT FURTHER RESOLVED that the availability of the funds utilized for the demolition work have been certified by the Chief Financial Officer of the Borough, as appropriated as part of the construction of the new salt shed;

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

Councilman Di Pentima commented that the money being used was previously authorized for the construction of the new salt shed. No additional money is being spent.

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

RESOLUTION 08-59 BARTHOLOME ESCROW DISPUTE

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

WHEREAS, Michael and Katie Bartholome are the owners of Block 2212 Lot 1, otherwise known as Sandy Beach; and;

WHEREAS, as part of the Board of Adjustment hearings, the Board employed the use of professional experts who reviewed various applications and/or documents; and;

WHEREAS, the Board has requested professional escrows of \$7,201.00, as of November 29, 2007; and;

WHEREAS, Mr. and Mrs. Bartholome have disputed the amount of the escrow requested and that which was originally posted, as being excessive; and;

WHEREAS, N.J.S.A.40:55D-53.2(a) allows an applicant to dispute the amount of charges imposed by the Board; and;

WHEREAS, the above statute requires the governing body, or it's designee, to mediate such charges;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that Brian Giblin, Esq. be and is hereby appointed to meet with the applicant and the Zoning Board Secretary and/or professionals, in order to attempt resolution of the amount of escrows required by the Borough in connection with the above application, and to report to the Mayor and Council such recommendations and findings, for formal action thereon.;

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 08-60 LOSAP FIRST AID SQUAD

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 First Aid Squad has certified 21 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 \$ 24,150 subject to interpretation of the provisions of the ordinance.

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

RESOLUTION 08-61 BUDGET TRANSFERS-TABLED

On motion of Councilman Di Pentima, seconded by Councilwoman Stagg, Resolution 08-61 be tabled until the March 12, 2008 meeting.

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

RESOLUTION 08-62 APPOINTMENT OF MUNICIPAL COURT JUDGE

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

BE IT RESOLVED that the Mayor and Council appoint John Conte as Municipal Court Judge for a three-year term effective March 1, 2008 and due to expire on February 28, 2011.

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

FINAL PUBLIC HEARING: ORDINANCE NO.08-CODE-566 VEHICLE POLICY

Remove from the Table:

On motion of Councilman Di Pentima, seconded by Councilwoman Marcalus, the final adoption of Ordinance 08-Code-566 was removed from the table.

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

Councilman Pignatelli commented that there was a list of contentions to this ordinance by the DPW that was supposed to be circulated to all Councilmembers and he did not receive it. Councilwoman Marcalus responded that the Borough Attorney answered Mr. Marcucilli's questions and Mr. Marcucilli is fine with the ordinance.

The Clerk was directed to take from the table Ordinance No. 08-Code-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"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments from the public.

CLOSED FOR PUBLIC DISCUSSION:

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Supplementing The Oakland Code By The Implementation Of A Motor Vehicle Policy For All Borough Personnel”, 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.

Discussion ensued. Councilwoman Marcalus advised that she forwarded the questions posed by DPW Assistant Superintendent Marcucilli to the Borough Attorney who responded directly to Mr. Marcucilli. Mr. Marcucilli was fine with the responses to the questions. Borough Attorney Muhlstock advised there is one minor amendment in Paragraph 8-it should read the Assistant or Head of Department of Public Works. Councilman Burns commented that the DPW had a question because taking water samples to be analyzed is outside of the 15-mile radius as well as a trip to the State offices in Trenton. Councilman Burns commented he was never happy with the 15-mile radius. Councilwoman Marcalus responded that it is clear in the ordinance that the vehicle can be taken outside of the 15-mile radius with the knowledge of the Borough Administrator. The DPW is fine with that. Councilman Pignatelli commented that there should be a limit as to the mileage so there is a degree of oversight. Councilman Di Pentima responded that the intent of the ordinance is to help curtail and save fuel costs. There was no policy before and this ordinance formalizes a policy. This curtails usage for non-Borough business. Councilman Burns commented on an additional question the DPW posed and Councilwoman Marcalus responded that it had all been resolved.

ROLL CALL: Yeas, Councilmembers Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.
No, Councilman Burns.

FINAL PUBLIC HEARING: ORDINANCE NO. 08-CODE-567

The Clerk was directed to take from the table Ordinance No.08-Code-567 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDIGN FOR ACQUISITION OF LAND AND RELATED EXPENSES IN AND FOR THE BOROUGH 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 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"

OPENED FOR PUBLIC DISCUSSION:

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

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

David Skoblar, 87 Yawpo Avenue, commented that this was a point of contention in November about spending more money on open space. Now the Mayor and Council are asking the residents to pay for the purchase of more open space. Why did the Mayor and Council have the referendum if you were not going to listen to the constituents. He questioned what value the property is to the Borough. He questioned why the Borough wants to purchase the 50 acres and what are the financial repercussions. Mayor Szabo responded the referendum this past November was to increase the open space tax. However, four years ago, the residents passed a referendum authorizing a 1-cent tax. The passage of that referendum four years ago was a mandate to preserve open space. The Borough has been collecting the tax for four years and has approximately \$ 800,000. That money can only be used for open space purchases and nothing else. The Borough has adopted an Open Space Master Plan where available property was inventoried. The adoption of that Open Space Master Plan enabled Oakland to become a designated community in the Green Acres program. The Borough receives money from Green Acres for the purchase of property for Open space. To this date, the Borough has \$ 1.8 million in the Green Acres program, \$ 800,000 in our Open Space tax, and the County is holding a hearing to give the Borough \$ 1.5 million for the purchase of the NJ Capital property. The open space tax money is used to leverage in order to bond. Mayor Szabo advised that an application was made by NJ Capital to develop 50 acres. The Planning Board did everything it could by denying the application. The Developer took the Borough to court. The Judge ruled that the Borough inversely condemned the property so the Borough needs to purchase that property. Mr. Skoblar commented that the residents know the Mayor and Council have their best interests at heart and he thinks open space is a good idea but these are tough economic times. He questioned if there are measures so that purchase of open space in the future will only come from State and County funds. Mayor Szabo responded that whenever the Borough purchases open space, it must be done by ordinance which requires a public hearing before adoption. It allows residents to hold the Governing Body accountable. Mayor Szabo commented that it has always been a policy to look for grant money to make these open space purchases. The Borough has made a number of applications to the County and State and has been very successful in receiving money.

Frank Monaco, 60 Thackeray, commented at that time of the first referendum, the town agreed to purchase open space. However, economic times were better than they are now. It is still going to cost the residents money. Mayor Szabo responded that the money that the Borough has in the open space fund pays for the note. The Borough is using the money to leverage to bond.

Pat Tirri, 15 Huron Ave, questioned what the maintenance costs will be for the land once it is purchased. Mayor Szabo responded it will be left in a natural state. The Borough might engage volunteer groups to do a trail. Mr. Tirri commented that the Borough is losing tax money and asked how we are going to recoup that cost. Mayor Szabo responded that one would have to ask what are the costs of development. It would cost the Borough money to build a water tank, maintain the water pipes and there will be additional school costs. Mr. Tirri questioned why we should purchase the land if no one would build on it. Mayor Szabo reiterated that there was an application before the Planning Board for a developer to build on that property but the application was denied.

Councilman Di Pentima commented that if residents are worried about the loss of tax, they should just recycle more and it will generate more revenue. The Borough is going to generate \$ 100,000 this year due to Recycling Coordinator MacMahon's efforts.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey, Providign For Acquisiton Of Land And Related Expenses In And For The Borough 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 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 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.

Councilman Visconti commented that the Planning Board was trying to enforce the existing ordinances such as steep slope which the community forced them to do. However, the Borough was taken to Court because of that denial and is being forced to purchase the property.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 08-CODE-568 CAP BANK

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

The Clerk then read by title 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)

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, 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 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.

Councilman Di Pentima advised that the Borough does this ordinance every year. The statute states that there is a cap on expenses at 2.5% of prior year's budget. This ordinance allows the Borough to increase that cap by an additional 1%. It does not mean the Mayor and Council are looking to spend that additional 1%. It is used to create a cap bank which could be drawn upon in a future year.

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

WORK SESSION:**CONSTRUCTION PERMIT FEES:**

Councilman Di Pentima commented that the Borough is looking to curtail expenses and to update any fee ordinances that haven't been updated in a long time. The proposed changes in the construction permit fee ordinance would get us in line with what other municipalities charge. Councilman Burns advised that the fees are supposed to cover costs and not be a money maker. Construction Official Dan Hagberg advised that the fee ordinance has not changed in numerous years. The budget for the Building Department creeps up every year. The development work in the past has funded the Building Department. Mr. Hagberg has looked at the fee schedule and tried to look ahead for 5 to 6 years so the Borough does not run into a problem with a deficit. Councilman Pignatelli questioned if the fee schedule reflects the type of construction to be expected in the future. Mr. Hagberg advised that is one reason the cubic volume cost went up because they don't anticipate new construction taking place. Councilman Pignatelli questioned if the fees were being increased enough to finance the Building Department. Councilman Burns commented that we would have no idea of how many people are going to apply for building permits. The State allows the Borough to have a 15% surplus. He questioned if Mr. Hagberg was going to do a periodic review of the fee schedule. Mr. Hagberg replied that as his predecessor did, he used a five-year span. Mr. Hagberg advised that it depends on what happens economically. Councilman Burns asked if Mr. Hagberg was required to generate annual reports to the State. Mr. Hagberg responded that he submits monthly reports to the State as well as annual report with the costs to run the Department. Mayor Szabo directed the Borough Attorney to implement an ordinance to introduce at the next meeting.

POLICE CARS

Councilman Di Pentima advised that the Police department is down four vehicles because we did not replace vehicles last year, the old vehicle was sold in auction and one vehicle was totaled. On Friday, we will be getting the Borough Administrator's vehicle which could be used by the Police Department temporarily. Councilman Di Pentima would like the Council to consider allowing the Chief to place the order for two replacement cars for 2008. The current State contract is about to run out. The new contract might not come out until the end of the year. Councilwoman Marcalus commented that Mr. Marcucilli thinks that the Police Department could make better use of his vehicle since it is newer than the Borough Administrator's 2000 vehicle. Councilman Di Pentima was fine with that as long as Mr. Marcucilli works out the details with the Police Chief. Councilman Burns commented that he assumes the cars will be purchased with budget funds. He questioned if there are enough funds in the temporary budget to cover. If the funds are not included in the temporary budget, the Council would have to pass a supplement. Councilman Pignatelli commented that if the order for the cars is not placed now, the Police may have to wait a year for the new cars. The Department is already a year behind with purchasing cars. Councilman Burns questioned if we are purchasing four cars. Councilman Di Pentima responded that we would be purchasing two cars. Councilman Burns commented that at one point, the Police purchased two cars one year and three cars the next. Is the Police Chief considering going back to that plan? Councilman Pignatelli commented that the Chief is going to request three cars next year. Councilwoman Stagg asked Councilman Pignatelli to have the Police Chief look into hybrid cars. Councilman Pignatelli responded that hybrid cars are not considered suitable for pursuit cars. Mayor Szabo commented that hybrid cars do not hold up for police work. Councilman Di Pentima commented that when the Borough has to replace cars for water meter reading and the Construction Department officials, we will look into hybrid cars. Mayor Szabo responded that hybrid cars are great for local traffic. He commented that there is a sense of the Council to proceed.

NEW BUSINESS

Councilman Burns commented that he has received the request from the Recreation Commission to increase Recreation fees. In most cases where the fees have been increased, it is to cover the cost of the certification program required for managers and coaches. Councilman Burns has distributed the list of fees with the emails explaining the rationale. He would like the ordinance on the next meeting agenda for introduction.

Councilman Burns advised that a vendor who did work for the Borough over the past several years has submitted invoices that he never received payment for. Some of the work was done for Recreation. Councilman Di Pentima questioned why the signatures from the Borough are all on the same date. Councilman Burns responded that the vendor asked the Borough to verify the work was done. Councilman Burns will talk to Assistant Superintendent Marcucilli regarding the invoices. He advised that the Council should consider paying the invoices but we need to ensure all the work was done. Councilman Visconti questioned if there are Purchase Orders for this work. Councilman Burns advised the vendor brought these invoices to the Borough Administrator last year. The invoices were turned over the Borough Attorney who advised that the Borough does not have a legal obligation to pay. However, Councilman Burns questioned if the Borough has a moral obligation to pay. Mayor Szabo commented that one of his concerns is the Purchase Orders and prior authorization. One of the practices the Borough is focusing on is we will not pay bills without proper purchasing procedures. Councilman Pignatelli questioned if the CFO could give some accounting from past capital ordinances that have not been used. Mayor Szabo responded that capital ordinances are specific to certain projects. Money cannot be moved within capital ordinances. Councilman Di Pentima commented that this must be researched due to the date of the invoices submitted.

COUNCIL REPORTS:

Councilwoman Marcalus-commented that the Planning Board will meet on March 13th at 8 pm. The meeting scheduled for tomorrow was cancelled for lack of agenda items. The DPW advised that the cost of the February 22nd storm was \$ 16,233. The Senior Center is taking appointments for tax help provided by AARP. The Senior Center is scheduling a trip to the Garden show. The Regional school board will hold its hearing on the budget on March 24th and the local school board will hold its hearing on the K-8 budget on March 25th at 7:30 pm at Valley Middle School.

Councilman Visconti- the Library is looking for help to underwrite the cost of the April fundraising concert. The Library has advised that 62% of the population has a library card and the adult programs have 1000 people enrolled. Councilman Visconti advised that the Council had a presentation in Executive session by the Architect on the library project. The Borough is trying to create a strategy to complete the project. The Chamber of Commerce will hold a business card exchange on March 18th at 7:00 pm at Timbers restaurant.

Councilwoman Stagg- no report.

Councilman Burns-the Shade Tree Commission will have a discussion at the Senior Center on March 19th at 10 am. This is open to the public. Rockland Electric is supposed to start trimming trees. The Shade Tree has submitted the application for Tree City USA. The Shade Tree Commission received a letter about getting free trees for Arbor Day. The Recreation Commission had a meeting last night. There was discussion about the Special needs grant and the question about applying for an extension to use the money. Councilman Burns would like to ensure that there is money in the budget in case the Borough receives another grant this year. Councilman Burns advised that the grant from the Kanka Foundation for background checks on coaches has ended. The Recreation Commission has to determine whether to continue the program.

Councilman Di Pentima- the Public Events Committee will hold its Easter Egg Hunt on March 15th at 11 am. The Communications Commission held a meeting and there are two open positions on the Commission. Councilman Di Pentima thanked the DPW for their efforts during the storm cleanup. Other towns do not provide the same level of service that Oakland does during storm cleanup.

Councilman Pignatelli- On February 21st the OEM held a meeting and discussed the Highlands Preparedness Plan. The OEM is going to have a tabletop drill in late spring. He commended the Fire Department, Police Department and DPW for the response to the pileup on Route 287. One of the Borough's fire engines was damaged and a claim will be submitted to insurance. Councilman Pignatelli will attend the Safe Route to Schools grant meeting on Monday at the County with Chief Kasper. Chief Kasper applied for another grant this past month. He is trying to get equipment from State surplus.

BILLS TO BE PAID:

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

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

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

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
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.

CLOSE EXECUTIVE SESSION:

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

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

MEETING ADJOURNED:

On motion of Councilwoman Stagg, seconded by Councilman Burns, the meeting be adjourned at 10:49 pm.

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

Lisa M. Duncan, Borough Clerk
March 26, 2008

Mayor John P. Szabo, Jr.

Date Approved

