

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY JANUARY 23, 2008

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Visconti, 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, Visconti.

No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, seconded by Councilman Pignatelli, the Executive Session be closed.

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

MEETING CALLED TO ORDER: By Mayor Szabo at 8:03 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, Visconti. Absent: Councilwoman Stagg. 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.

RESOLUTION 08-34 APPOINT POLICE OFFICER

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 of the Borough of Oakland has determined the need to authorize the hiring of a police officer for the Oakland Police Department based on a resignation and the current table of organization; and

WHEREAS, the Police Chief has advised that Joseph Noury has completed the necessary pre-employment testing and background checks and has recommended his appointment; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Oakland that Joseph Noury be and is hereby appointed as a police officer for the Borough of Oakland, which appointment is effective as of February 1, 2008 and being made in accordance with the New Jersey Department of Personnel Certification of Eligibles for Appointment List, and his salary shall be in accordance with the current PBA contract.

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

Mayor Szabo administered the Oath of Office to Officer Noury.

MAYOR'S REPORT:

Mayor Szabo advised that the Council is diligently pursuing filling the position of Borough Administrator. The goal is to offer a recommendation by the end of February. It is an important process since it is an important position. Mayor Szabo advised that the Borough received a letter that FEMA has approved a payment of \$ 8,817 for the April Flood event.

OPENED FOR PUBLIC DISCUSSION:

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

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

John Schaus, 408 West Oakland Ave. and member of Shade Tree Commission, advised that it is important to the Borough to obtain Tree City USA status because the Borough can get free trees and grant money. He spoke of the standards for Tree City USA status. Mr. Schaus thanked the Mayor and Council for all they have done for the Shade Tree Commission. He advised that on March 19th at 10 am, the Commission will give a speech at the Senior Center.

Tony Smid, 110 Hiawatha Blvd and Secretary of Shade Tree Commission, spoke about the Community Forestry program and the fact that the Shade Tree Commission will have to apply for a Green Communities Challenge grant and will have to obtain a forester. He spoke of the budget of \$ 2/capita but we can use in-kind contributions toward the budget. He advised there are 154 Tree Cities in New Jersey. Councilman Burns questioned what the grant amount is. Mr. Smid responded that the grant is for \$ 3,000 which is enough to hire a forester. The Commission will need to do a tree inventory and a hazardous tree inventory. Mayor Szabo responded that if a forester is considered a professional service, there must be an RFP. Mr. Smid responded that the Commission has received three bids.

Adam Frank, 13 Hannah Road, thanked Councilwoman Stag for her efforts on his Eagle Scout project and he thanked Councilman Burns and Councilman Di Pentima. Adam advised he would like to do a study of wildlife and trees on the Raymond property and label the trees. He is also intending on constructing a kiosk. Mayor Szabo commented that this is quite an expansive project. Councilman Pignatelli commented that Adam is providing a great service to the town.

Anthony Marcucilli, Asst. Superintendent of Public Works, commented on the Lawlor Drive water main replacement project. He advised that the old water main runs under the tennis courts. Since the tennis courts need to be refurbished, it was decided that the water main should be relocated to Lawlor Drive. The contractor provided an update this afternoon and they have less than a week to finish the project. Some residents questioned why the project was done now and not in the summer. Mr. Marcucilli advised that the Recreation facilities are fully used in the summer and it would affect a lot more people. Councilman Burns advised that the project is being done now because the tennis courts are being refurbished in the spring. Mayor Szabo commented that the Borough also got a better price because of the timing of the project. He also commented that we learned that we need to do a better job of notifying residents. He advised that the Borough will do a better job next time.

Sheila Boylan, Walnut Street, inquired about the plans for the Raymond property project. She advised that the brook that runs through the property was diverted in 1991. She has been assured over the years that the brook would be restored to its original state. It is an issue because the brook runs on the back end of Ms. Boylan's property. She would like to see the brook restored. Mayor Szabo responded that Councilwoman Stag has been to the DEP about this problem and the DEP is refusing to allow us to move the stream. Mayor Szabo is arranging a meeting with Lisa Jackson, head of the DEP. He has a laundry list of issues. However, the problem is that the DEP will not give permission to move the stream. Ms. Boylan commented that there is no continuity in the DEP and no one knows what happened in 1991. She reiterated that she would like to see the brook restored. She would be happy to see the Raymond property maintained and she questioned when she could see the plan. Mayor Szabo responded that there will be public presentations of the plans for the Raymond property before anything is done because it is a public park. The property was purchased for passive recreation to keep it in its natural state. Dogwood School would like to create an eco park as a learning tool for the students. Ms. Boylan

commented that she would like to see the land maintained but wants to see the brook issue resolved.

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, Visconti.

APPROVAL OF MINUTES: JANUARY 1, 2008

On motion of Councilman Di Pentima, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of January 1, 2008 be approved.

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

APPROVE RAFFLE LICENSE RL1010

On motion of Councilman Burns, seconded by Councilman Di Pentima, approval be granted for Raffle License #RL1010 for the Indian Hills PTSO to hold 50/50 raffles on March 6, 7, 8 and 9th at Indian Hills High School.

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

APPOINTMENTS:

PLANNING BOARD:

Mayor Szabo appointed Dan Hagberg as Class II official for a one-year term. Mayor Szabo advised there is an opening for the Alternate II position because Doug Gilbert indicated a desire not to be reappointed. Mayor Szabo thanked him for his service. He asked any residents who are interested to be appointed to submit resumes. Mayor Szabo advised that the Council must make an appointment for Class III official.

On motion of Councilman Visconti, seconded by Councilman Pignatelli, Councilwoman Karen Marcalus be appointed liaison to the Land Use Committee and as Class III official on the Planning Board.

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

BOARD OF ADJUSTMENT:

Mayor Szabo thanked Corinne Leparik for her service to the Board since she has asked not to be reappointed.

Mayor Szabo nominated Timothy Jensen for reappointment to a full term, R. Emmett Johnson for reappointment as Alternate II, moved Andrew Haas to a full-term, and nominated Kenneth Chadwick to fill the unexpired term of Alternate I due to expire December 31, 2008.

On motion of Councilman Burns, seconded by Councilman Pignatelli, the Council consents to the nomination of Timothy Jensen to a full four-year term due to expire December 31, 2011, R. Emmett Johnson as Alternate II for a two-year term due to expire December 31, 2009, Andrew

Haas to a full four-year term due to expire December 31, 2011 and Kenneth Johnson to fill an unexpired term as Alternate I due to expire on December 31, 2008.

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

BOARD OF HEALTH

Mayor Szabo nominated Mary Ann West and Bette Walpole for reappointment. On motion of Councilman Burns, seconded by Councilman Pignatelli, the Council consents to the nomination of Mary Ann West and Bette Walpole to the Board of Health for a three-year term due to expire on December 31, 2010.

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

Councilman Pignatelli advised that the Board of Health is in need of another member to fill Pierre Pagerie’s unexpired term.

RECREATION COMMISSION

Mayor Szabo reappointed Neil Malmud to a five-year term on the Recreation Commission due to expire on December 31, 2012.

COMMUNICATIONS COMMISSION

Mayor Szabo nominated Mark Ostapczuk for reappointment to the Communications Commission. On motion of Councilman Burns, seconded by Councilman Di Pentima, the Council consented to the reappointment of Mark Ostapczuk to a three-year term on the Communications Commission.

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

EMERGENCY MANAGEMENT COUNCIL

Mayor Szabo appointed Roy Bauberger as Emergency Management Coordinator for a three-year term to expire on December 31, 2010. Mayor Szabo appointed the following members to a one-year term due to expire on December 31, 2008:

Deputy Coordinator	Thomas Pianettini
Deputy Coordinator	Ed Proskey
Emergency Operations Coordinator	Robert DeBoer Sr.
Police Liaison	Chief Ed Kasper
Police Liaison	Sgt. Robert DeBoer
Fire Liaison	Chief Peter Sondervan
Fire Liaison	Asst. Chief Robert Knapp
Fire Liaison	Asst. Chief Patrick Kellett
Fire Department	Curt Leroy
First Aid Liaison	Captain Jeff Marcheso
First Aid Liaison	Lt. Dave Meyer
Mayor	Mayor John P. Szabo, Jr.
Council liaison	Councilman Pat Pignatelli
Council liaison	Councilwoman Karen Marcalus

Shelter Coordinator	Sally Anne Pilcer
First Aid	Bette Walpole
DPW Superintendent	Anthony Marcucilli
DPW Foreman	Ray Fuller
DPW Equipment Operator	Jason Duncan
DPW Mechanic	Ed Bremer
Local Board of Education	Dr. Chris Lane
Local Board of Education	Robert Jacod
Regional Board of Education	Al Evangelista
OCC Control center	Fred Birks
Animal Rescue Coordinator	Tony Smid
Drill Coordination	Ed Tryon
Sara 3 Representative	Doug Brown
Local Resources	Dave Potash
Shelter and Special Needs	Don Broek
Technology Resources	Jane Madden
Board of Health	Pierre Pagerie

LIBRARY BOARD:

Mayor Szabo reappointed Elizabeth Evans as Mayor's Alternate on the Library Board for a one-year term due to expire on December 31, 2008. Mayor Szabo appointed Geri Petersen to a five-year term due to expire on December 31, 2012.

FLOOD COMMISSION

Mayor Szabo advised that Corinne Leparik resigned from the Flood Commission so there is an opening on the Flood Commission. Mayor Szabo nominated Lewis Levy for reappointment to the Flood Commission.

On motion of Councilman Burns, seconded by Councilman Di Pentima, the Council consented to the nomination of Lewis Levy for reappointment to a three-year term on the Flood Commission due to expire on December 31, 2010.

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

ENVIRONMENTAL COMMISSION

Mayor Szabo nominated Nancy Krause and Darren Ward for reappointment to the Environmental Commission and nominated to move Mark Ostapczuk from Alternate II to fill the unexpired term left by the resignation of Michael Miner.

On motion of Councilman Burns, seconded by Councilman Di Pentima, the Council consented to the nomination of Nancy Krause and Darren Ward for reappointment to a three-year term on the Environmental Commission due to expire on December 31, 2010 and consented to move Mark Ostapczuk to fill an unexpired term due to expire on December 31, 2009.

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

MUNICIPAL ALLIANCE

Mayor Szabo commented he needs a current list of members to be appointed.

PUBLIC EVENTS COMMITTEE

Mayor Szabo commented he needs a current list of members to be appointed.

SUPERINTENDENT OF FLOOD CONTROL

Mr. Chewcaskie commented that the position was never created by ordinance. This needs to be ratified and confirmed. Mayor Szabo advised that we need that position per the Army Corps of Engineers agreement.

DEPUTY BOROUGH CLERK

On motion of Councilman Burns, seconded by Councilman Pignatelli, Debbie Krebs be appointed as Deputy Borough Clerk for 2008.

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

DEPUTY TAX COLLECTOR

On motion of Councilman Burns, seconded by Councilman Di Pentima, Patricia Burns be appointed as Deputy Tax Collector for 2008.

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

PUBLIC DEFENDER

On motion of Councilman Di Pentima, seconded by Councilman Burns, Robert Fortunato be appointed as Public Defender for the year 2008.

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

PROFESSIONAL APPOINTMENTS:

Councilman Di Pentima advised that the Review Committee met to analyze the RFQ's for Professional Services. The following are the recommendations for appointment:

Borough Attorney	Brian Chewcaskie of Gittleman Muhlstock & Chewcaskie
Borough Engineer	Stephen Boswell of Boswell McClave
Auditor	Frank Di Maria of Di Maria & Di Maria
Bond Counsel	Michael Gluck of Gluck Walrath
Planner	Joseph Burgis of Burgis Associates
Water Engineer	Michael Kaneletz of Crew Engineers
Labor Attorney	Matthew Giacobbe of Scarinci Hollenbeck
Risk Manager	Frank Covelli of Professional Insurance Associates*

*for property and casualty only

Councilman Di Pentima advised that the Review Committee is still evaluating the RFQ's for Risk Manager for Health insurance.

Mayor Szabo nominated the recommendations of the Review Committee for appointment. On motion of Councilman Di Pentima, seconded by Councilman Visconti, the Council consents to the appointments of the Professional Services.

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

RESOLUTION 08-27 ENDORSE TREE CITY USA

Remove from Table:

On motion of Councilman Burns, seconded by Councilman Pignatelli, Resolution 08-27 be removed from the table.

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

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

WHEREAS, the Shade Tree Commission is interested in making application to the State of New Jersey Department of Environmental Protection's Community Forestry Program for Tree City USA status for the Borough of Oakland;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby endorse the application to be submitted and promises to support the Shade Tree Commission in the efforts to maintain Tree City USA status once received.

Councilman Burns commented that as indicated at the last meeting, the major question was the per capita budget. The application has to be submitted by January 31st. The Commission is not going to add anything to their budget request. Councilman Burns recommended that the Council endorse the application.

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

RESOLUTION 08-28 AUTHORIZE ENGINEER-CURB & SIDEWALK

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

WHEREAS, the Borough is desirous of proceeding with the 2007 Curb and Sidewalk Replacement Program; and

WHEREAS, as the Borough has allocated approximately \$250,000 for the construction of the project; and

WHEREAS, the Borough has received a proposal from Boswell McClave Engineering for preparation of specifications, inspection services, and oversight of such project, in accordance with it's November 8, 2007 correspondence; and

NOW, THEREFORE, be it

RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough hereby retains Boswell McClave Engineering in order to proceed with the 2007 Curb and Sidewalk Replacement Program, as outlined in the Boswell letter dated November 8, 2007 (annexed hereto); and

BE IT FURTHER RESOLVED that the aforesaid contract is one for professional services, and therefore not subject to the bidding requirements of state statute; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has or shall certify, in writing, the availability of current proceeds in order to fund the Boswell contract; and

BE IT FURTHER RESOLVED that the Borough Attorney being he is hereby authorized and directed to prepare an appropriate agreement by and between the Borough and Boswell for the aforesaid purpose; and

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

Councilwoman Marcalus questioned if Borough Engineer Tichacek goes around town to determine which sidewalks need to be done. Mr. Tichacek advised that he works in conjunction with the DPW who comes up with a preliminary list. Boswell will go over that list to finalize the bid specifications.

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

RESOLUTION 08-29 AUTHORIZE RECYCLING AGREEMENT

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

BE IT RESOLVED that John P. Szabo, Jr., Mayor of the Borough of Oakland, be authorized to execute the Recycling Agreement between the Borough of Oakland and Zozzaro Brothers, Inc. effective February 1, 2008.

Councilman Di Pentima thanked Recycling Coordinator Eugene MacMahon for doing a great job making the town money. Councilman Visconti advised that the Borough will receive \$ 60/ton for newspaper and \$ 12/ton for commingled. He encouraged residents to help the town save money by recycling. Councilman Di Pentima advised that the Borough will start to collect recycled electronics. Councilman Burns advised that the \$ 60/ton is actually the minimum the Borough would receive. It could be higher. Councilman Burns mentioned that the term of the contract is five-years. Mr. Chewcaskie advised that this contract is an exemption to the Local Public Contracts Law. Councilwoman Marcalus commented that an end date is not mentioned in the resolution. Mr. Chewcaskie advised that date is mentioned in the agreement. Councilwoman Marcalus commented there is a change and questioned if it should be initialed. Mr. Chewcaskie responded that the Mayor will initial when signing the agreement.

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

RESOLUTION 08-30 AUTHORIZE AGREEMENT BLOODBORNE PATHOGENS

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

WHEREAS, the Mayor and Council of the Borough of Oakland annually contract with the County of Bergen, Department of Health Services for the Bloodborne Pathogen Compliance Program; and

WHEREAS, the Mayor and Council wish to continue this compliance program in order to protect and train the Borough employees and emergency personnel in communicable disease control.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby approves the service agreement which will include compliance training at a set fee of \$ 3,280 and Hepatitis B Vaccinations at a cost of \$ 45.00 per vaccination effective from January 1, 2008 through December 31, 2008.

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

RESOLUTION 08-31 AUTHORIZE DONATION TO 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 Chief Financial Officer has certified that the money is available in the budget for the annual donation to be made to the Oakland First Aid Squad;

BE IT RESOLVED that the Mayor and Council hereby authorize that the 2008 donation in the amount of \$ 25,000 be made to the Oakland First Aid Squad.

Councilman Burns commented that the First Aid Squad is one of the finest services to the Borough. He feels the Mayor and Council should consider an increase to the donation for next year. The donation has not increased in years. Councilwoman Marcalus questioned if the First Aid Squad reports any of the solicited income to the Council. Mayor Szabo responded that they do not because they are a private entity.

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

RESOLUTION 08-32 AUTHORIZE TELVUE CONTRACT

Councilman Di Pentima questioned if the resolution should list what the cost of the contract is. Mr. Chewcaskie responded that could be put in the resolution as "limited to the monthly fee as specified in the agreement". Councilman Visconti responded there is a conflict in the language. Under provision of services, it states there is no charge. Mr. Chewcaskie suggested tabling the resolution until the Council can get further information from the Communications Commission. The Commission had initially reviewed and approved the contract.

MOTION TO TABLE:

On motion of Councilman Di Pentima, seconded by Councilwoman Marcalus, Resolution 08-32 be tabled.

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

RESOLUTION 08-33 AUTHORIZE MODAFERRI SETTLEMENT

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

WHEREAS, Anthony Modafferi filed litigation against the Borough of Oakland and its Zoning Official in connection with his request to construct an addition to his existing single family residence; and

WHEREAS, the Zoning Officer felt that the matter should have been referred to the Zoning Board of Adjustment for interpretation and/or further variance; and

WHEREAS, the Court has conducted settlement conferences, particularly focusing on certain portions of the Borough's ordinances governing non-conforming lots and structures; and

WHEREAS, the Borough Attorney believes that the matter should be settled as follows:

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough Attorney be and he is authorized and directed to execute any and all documents necessary in order to settle litigation entitled Modafferi v. Oakland, Docket No. BER-L-007771-07, such that the Zoning Official shall be instructed to withdraw his letter of denial, and issue an appropriate building permit for the premises located at 647 Ramapo Valley Road; and

BE IT FURTHER RESOLVED that any and all of other claims contained within the Complaint against the Borough and Zoning Official are to be withdrawn, with prejudice and without costs.

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

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

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 open for public discussion.

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

No comments from the public.

CLOSED FOR PUBLIC DISCUSSION:

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

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

Councilman Pignatelli advised that he met with the Fire Department who had concerns about this policy conflicting with the operation of their Department. The Chief and Deputy Chiefs are first responders to a Fire and they have equipment in their vehicles to be used during a fire. Their vehicles also serve as command center during a fire. Councilman Pignatelli recommended amending Section 5 of the ordinance to exempt emergency first responders. Councilman Burns commented that Section 6 allows the Borough Administrator to give an exemption. The Council could consider the ordinance as is but the Fire Department can ask for an exemption. Councilman Pignatelli responded that Section 6 really applies to exemption for individual circumstances. Councilwoman Marcalus advised that Chief Sondervan felt it would be tedious to ask for exemptions for each circumstance. Councilman Di Pentima commented that he understands the Fire Chief's concerns but does not want to exempt 5B, 6, or 7. Councilman Pignatelli advised the exemption will only apply to section 5B (1) and (2). Councilman Burns commented that he thinks the Fire Chiefs could apply for a general exemption at the beginning of the year. He thinks first responders are an exception. Mr. Chewcaskie advised that the exemption under Section 6 is individual rather than blanket. He prefers that the ordinance be revised under Section 5B (1) and (2) to exempt first responders. This would be considered a substantive change and republication of the ordinance would be required.

MOTION TO AMEND

On motion of Councilman Pignatelli, seconded by Councilwoman Marcalus, the Ordinance be amended to provide that Section 5B (1) and (2) shall not be applicable to first responders.

The public hearing on the amended ordinance will be held on February 13, 2008.

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

WORK SESSION:

ACQUISITION OF LAND

Mr. Chewcaskie advised that as a result of the settlement with NJ Capital, the Borough must acquire the property. A question arose as to the amount to be used for the ordinance. He will have the correct ordinance prepared for introduction for the next meeting.

SMART FUTURE PLANNING GRANT:

Councilman Visconti advised he attended a meeting in Trenton in order to qualify the Borough to apply for this grant. The Borough has until March 31st to apply for the grant. This is a planning grant for a circulation plan for the downtown. Councilman Visconti commented that this fits in with the Master Plan and he thinks the Borough is a good candidate for this grant. The State requires the Council to approve the application before submittal. Councilman Di Pentima questioned if it is a matching grant. Councilman Visconti responded it is an outright grant. This grant is for planning only. It could cover the engineering costs for the plan that has already been

discussed. Mayor Szabo asked if there was a sense of the Council to apply for the grant. The consensus was to move forward. A resolution will be listed on the next agenda.

NEW BUSINESS:

Councilman Burns commented that at the last meeting, a gentleman handed out information on home foreclosures and asked the Council to pass a resolution. Councilman Burns is not in favor of doing a resolution. Mayor Szabo commented there doesn't seem to be a sense of the Council to move forward with a resolution.

Councilman Di Pentima questioned the status of the fuel tank project. Borough Engineer Tichacek responded that he is working with the DPW to come up with an appropriate design. They have decided to go with split tank plans and specifications will be ready for Asst. Superintendent Marcucilli to review at the end of the week. The bid documents will be ready next week.

COUNCIL REPORTS:

Councilman Pignatelli: the Police Department received 655 calls for assistance during the month of December. He advised that the Fire Department and First Aid Squad are in need of volunteers.

Councilman Di Pentima: The Communications Commission met and selected Ron Lotterman as the Chairman, Fred Birks as the Vice-Chairman and Peter Foley as the Web chair. He advised that the Finance Committee met last evening.

Councilman Pignatelli wished the best of luck to Pierre Pagerie who resigned from the Board of Health after 20 years of service. Ron Beattie was elected President in his place.

Councilman Burns: The next Shade Tree meeting will be held next month. The next Recreation Commission meeting will be held next week. Councilman Burns has a meeting set up with Rec Commissioners Steve Wagoner and Neil Malmud to discuss fees and capital.

Councilman Visconti: The new Library architect submitted a second draft of the report which had included some costs. There will be a meeting tomorrow to finalize the report. The Municipal Alliance will hold quarterly meetings and the next meeting will be January 28th.

Councilwoman Marcalus: The Planning Board will meet on January 31st at the Sr. Center and Media Science and Robert Michael Shopping Center will be on the agenda. The Senior Center will have AARP come in on February 8th to help Seniors with their taxes. Councilwoman Marcalus is looking forward to working with Mr. Marcucilli and the DPW. So far the snow activity for this year is on par with last year. Councilwoman Marcalus missed yesterday's school board meeting but they honored Councilman Di Pentima. The Regional board will meet next week.

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, Visconti.

MEETING ADJOURNED:

On motion of Councilman Di Pentima, seconded by Councilman Pignatelli, the meeting be adjourned at 9:46 pm.

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

Lisa M. Duncan, Borough Clerk
February 13, 2008

Mayor John P. Szabo, Jr.

Date Approved