

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
TUESDAY NOVEMBER 24, 2009

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

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

Councilman Burns entered the meeting at 7:10 pm.

Discussion ensued over the contract for Heritage Hills and library litigation.

No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Szabo at 7:41 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; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney; Borough Engineer Steven Busanic.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

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MAYOR'S REPORT: On November 11<sup>th</sup>, the Veteran's Day Commemoration was held. Mayor Szabo thanked everyone who attended. Mayor Szabo attended a meeting on November 18<sup>th</sup> with the Highlands Council to see how to reconcile the water management and sewer issues for the downtown. They came up with some suggestions that Mayor Szabo is having our Water & Sewer Engineer review. The Highlands is coming up with a pilot program that they are funding. The Highlands Council has agreed to make Oakland part of the pilot program for water use and conservation management. The Highlands Council will pay \$ 5,000 for out-of-pocket expenses. Mayor Szabo asked for a resolution on the next agenda to authorize participation in the program. This helps the Borough not only conserve water but in sewer issues. Mayor Szabo wished everyone a Happy Thanksgiving.

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, Visconti.

Gene Delvecchio, 101 East Oak Street, asked the status of the sewer rates. Mayor Szabo explained that the ordinance is on for introduction tonight. The public hearing will be held at the next Council meeting. The rates will take effect on January 1, 2010.

Marty O'Brien, Manito Avenue, advised that the 12u travel baseball team is selling Christmas ornaments to raise money. He asked residents to support the fundraiser.

Mr. Korialis, 101 East Oak Street Unit B1, complained about the no right on red at West Oakland Avenue and Ramapo Valley Road. He asked that the restriction be lifted after a certain time at night or that a sensor be put in the light. Mayor Szabo responded that the lights are governed by the State Department of Transportation. Councilman Pignatelli explained that the State regulated the no right on red at that light. The Mayor and Council petitioned the State about 1 ½ years ago to allow the turn but we have not heard from the State yet. Mayor Szabo advised he will follow up with Trenton.

Patricia Van Wierer, 101 East Oak, asked about the sewer ordinance procedure. Mayor Szabo explained the ordinance will be introduced tonight. A date for the public hearing will be set and advertised. The Council will hold the public hearing and then take action on the ordinance. Ms. Van Wierer thanked Councilman Burns, Mr. Kunze, Mr. Mangin, and the Mayor for rethinking the issue. Mayor Szabo explained that the ordinance that is going to be introduced tonight is as discussed last meeting in work session.

**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 Visconti.

**APPROVAL OF MINUTES: OCTOBER 28, 2009**

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of October 28, 2009 be approved as amended on page 8.

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

**RE-APPOINTMENT TO OAKLAND VOLUNTEER FIRE DEPARTMENT**

On motion of Councilman Pignatelli, seconded by Councilman Burns, approval be granted for the re-appointment of Michael Tjaden to the Oakland Volunteer Fire Department.

Councilman Burns questioned if it is necessary for the Mayor and Council to approve the reinstatement of a member. Mr. Chewcaskie responded that the Fire Department did request the approval so he is sure they are aware of the rules.

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

**APPROVAL OF RAFFLE LICENSE RL1038**

On motion of Councilwoman Marcalus, seconded by Councilman Di Pentima, approval be granted for Raffle License RL1038 for Indian Hills PTSO to hold an on-premise 50/50 on March 19, 2010 from 6 pm to 10 pm at Indian Hills High School.

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

**APPROVAL OF RAFFLE LICENSE RL1039**

On motion of Councilwoman Marcalus, seconded by Councilman Di Pentima, approval be granted for Raffle License RL1039 for Indian Hills PTSO to hold an on-premise raffle for merchandise on March 19, 2010 from 6 pm to 10 pm at Indian Hills High School.

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

**RESOLUTION 09-246 AUTHORIZE AGREEMENT-GREEN ACRES GRANT**

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

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Oakland desires to further the public interest by obtaining a grant of \$1,650,000.00 from the State to fund the Boro of Oakland's Open Space and Recreation Plan acquisitions.

NOW, THEREFORE, the governing body/board resolves that Richard S. Kunze or the successor to the office of the Borough Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant
- (b) provide additional application information and furnish such documents as may be required
- (c) act as the authorized correspondent of the above named applicant, and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE BE IT RESOLVED BY THE BOROUGH OF OAKLAND COUNCIL

1. That the Mayor of the Borough of Oakland is hereby authorized to execute an agreement and any amendment thereto with the State known as Borough of Oakland's Open Space and Recreation, and;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$1,650,000.00.
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. That this resolution shall take effect immediately.

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

#### RESOLUTION 09-247 HIGHLANDS PLAN CONFORMANCE

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

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 *et seq.*, finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other key natural resources; and

WHEREAS, Section 14.a of the Highlands Act specifies that, within 9 to 15 months after the adoption of the Regional Master Plan, each municipality located wholly or partially in the Preservation Area shall submit to the Highlands Council such revisions of the municipal master plan and development regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary in order to conform them with the goals, requirements, and provisions of the Regional Master Plan; and

WHEREAS, the Highlands Council adopted the Regional Master Plan on September 8, 2008; and

WHEREAS, portions of the Borough of Oakland lie within the Highlands Preservation Area as defined by the Highlands Act; and

WHEREAS, over the passing of time and the Borough's reluctance to submit a Notice of Intent to petition the Highlands Council for plan conformance, it has become abundantly clear that the influence of the Highlands Council upon other State agencies through the Highlands Rules and the enforcement of the Highlands Regional Master Plan will negatively impact permitting and approvals that are vital to the Borough; and

WHEREAS, the NJDEP has indicated an intent to withdraw all wastewater service area designations in any municipality that lies wholly or partially in the Preservation Area and refuses to conform to the Highlands Regional Master Plan; and

WHEREAS, the Borough Council, while not supporting the confiscatory aspects of the Highlands Act, recognizes that non-compliance with the Regional Master Plan within that portion of the Borough in the Preservation Area will create potential hardships in the State permitting approval process.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Oakland, in the County of Bergen and State of New Jersey, that the Borough hereby resolves, with the assistance of the Highlands Council staff, to make every effort to conform to the Highlands Act for all lands lying within the Preservation Area on or before the statutory deadline of December 8, 2009.

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

#### RESOLUTION 09-248 CORRECTIVE ACTION PLAN

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

WHEREAS, the Borough of Oakland is in receipt of the 2008 Report of Audit for the period ending December 31, 2008; and

WHEREAS, the Mayor and Council of the Borough of Oakland formally accepted said audit document on November 10, 2009; and

WHEREAS, it is necessary to develop and obtain Mayor and Council approval of an Audit Corrective Plan; and

WHEREAS, said plan must be approved and filed within sixty days of formal notice.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the required Audit Corrective Action Plan, having been prepared and submitted by the Chief Financial Officer, is hereby approved and further that said plan document be placed on file and made available for public inspection in the Office of the Borough Clerk.

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

RESOLUTION 09-249 AUTHORIZE RFQs FOR PROFESSIONAL SERVICE

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

WHEREAS, as of January 1, 2006, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, enacted by the New Jersey State Legislature became effective; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., a municipality may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the said municipality’s political parties or to any candidate’s committee of any person serving in an elective public office of the said municipality when such contract was awarded, unless said business entity is awarded a contract under a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, a “fair and open process” constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter the “RFQ”) with ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly open and announce the qualifications when awarded; and

WHEREAS, it has become necessary for the Borough of Oakland (hereinafter the “Borough”) to engage legal, financial and engineering professionals and the Borough desires to appoint such professionals for 2010 by a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Oakland, County of Bergen and State of New Jersey that requests for RFQs for professional services for the following professional services for the Borough and its agencies are hereby authorized:

1. Borough Attorney
2. Labor Attorney
3. Borough Auditor
4. Bond Counsel
5. Borough Engineer
6. Borough Prosecutor
7. Public Defender
8. Planning Board Attorney
9. Board of Adjustment Attorney
10. Borough Risk Manager
11. Borough Planner

12. Water and Sewer Engineer
13. Planning Board Engineer
14. Planning Board Planner
15. Board of Adjustment Engineer
16. Board of Adjustment Planner

BE IT FURTHER RESOLVED, that all of the RFQs for the professional services as set forth hereinabove shall be prepared and published in accordance with N.J.S.A. 19:44A-20.1 et seq. and all such RFQs shall be evaluated on the basis of the most advantageous RFQ, all factors considered, including, but not limited to: (1) experience and reputation in the profession; (2) knowledge of the subject matter to be addressed under contract; (3) availability to accommodate any required meetings of the Borough or Borough Agency; (4) and any other factors if demonstrated to be in the best interest of the Borough or Borough Agency.

Councilman Burns advised this is in conjunction with the Pay to Play law.

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

#### RESOLUTION 09-250 BUDGET TRANSFERS

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

Councilman Di Pentima advised that November is the first time the Borough is permitted to make transfers. Mayor Szabo commented that the budget is a plan but is never 100% sure. Adjustments sometimes have to be made. Councilman Burns asked if the money for labor attorney is for pending items. Councilman Di Pentima advised it is for items pending. The Council will amend the labor attorney contract pending the transfer passes. Mr. Kunze responded that the money for labor counsel is for items pending as well as a projection to the end of the year.

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

#### RESOLUTION 09-251 PROPERTY TAX EXEMPTION

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

WHEREAS, on November 13, 2009, the Tax Assessor granted a full property tax exemption as a permanently disabled veteran to Paul M. Mihalik, as the owner of Block 3801, Lot 20; and

WHEREAS, the tax exemption is retroactive for the tax year 2009, and because of the foregoing, taxes for the year 2009 should be cancelled and a refund be issued in the amount of \$9,279.49 for taxes paid to date;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the 2009 property taxes be cancelled and a refund in the amount of \$9,279.49 be issued to Paul M. Mihalik.

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

**RESOLUTION 09-252 REFUND OF TAX OVERPAYMENT**

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 of Oakland has received a request for a refund of a tax overpayment due to the duplicate payment of the 2009 4<sup>th</sup> quarter taxes; and

WHEREAS, NJSA40A:5-17 requires governing body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland do hereby authorize a refund of \$1,988.43 to Steven D. Palk and Gregory A. Palk, owners of Block 5401, Lot 10, 76 Pawnee Avenue.

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

**RESOLUTION 09-253 AMEND CONTRACT-LABOR COUNSEL**

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 of Oakland retained Matthew Giacobbe of Scarinci & Hollenbeck as the Borough's Labor Counsel for 2009; and

WHEREAS, the Borough had originally authorized an amount not to exceed \$ 30,000 for Labor Counsel; and

WHEREAS, it appears that additional funds will be needed to complete Labor Counsel services for the remainder of 2009;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough hereby increases the original "not to exceed" contract amount of \$ 30,000 by \$ 16,000 so that the total amount authorized and "not to exceed" for the services of Matthew Giacobbe and Scarinci & Hollenbeck is now \$ 46,000; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in Account# 9-01-20-155-029; and

BE IT FURTHER RESOLVED that the award of this contract is one for professional services, for which no public bidding is necessary; and

BE IT FURTHER RESOLVED that the provisions of the prior resolution retaining Matthew Giacobbe are hereby ratified and confirmed, except to the extent of the increase of the "not to exceed" amount set forth above.

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

**INTRODUCTION: ORDINANCE NO. 09-CODE-612 SEWER RATES**

The Clerk was directed to take from table Ordinance No. 09-Code-612 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-612 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13, SECTION 13 OF THE OAKLAND CODE, ENTITLED "SANITARY SEWERS-CHARGES AND FEES"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing Chapter 13, Section 13 Of The Oakland Code, Entitled "Sanitary Sewers-Charges And Fees", be introduced;

That said Ordinance be considered for final adoption at a meeting on December 9, 2009 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before December 2, 2009 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

Councilman Burns explained that if this ordinance is passed, it will result in a base charge of \$ 1000 and a usage fee of \$ 10.74 per 1000 gallons. This would ensure the budget would be met for next year. Councilman Burns asked if the residential and commercial sections could be combined into one section. Mr. Chewcaskie responded that it should remain as is in case it is changed back again in the future.

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

**INTRODUCTION: ORDINANCE NO. 09-CODE-613**

The Clerk was directed to take from table Ordinance No. 09-Code-613 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-613 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V, SECTION 5-1.2 OF THE OAKLAND CODE, ENTITLED "DOGS-LICENSING AND REGISTRATION" AND SECTION 5-4.3 OF THE OAKLAND CODE ENTITLED "ANIMALS-CATS-LICENSING REQUIREMENTS" TO AMEND THE FEE SECTIONS THEREOF"

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

BE IT RESOLVED that an Ordinance entitled, "An Ordinance Amending And Supplementing Chapter V, Section 5-1.2 Of The Oakland Code, Entitled "Dogs-Licensing And Registration" And Section 5-4.3 Of The Oakland Code Entitled "Animals-Cats-Licensing Requirements" To Amend The Fee Sections Thereof, be introduced;

That said Ordinance be considered for final adoption at a meeting on December 9, 2009 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before December 2, 2009 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

Councilman Pignatelli commented that the proposed rates for dog licensing are \$ 13.20 and \$ 16.20. He said that making change is cumbersome and suggested making a flat fee of \$ 13.00 and \$ 16.00. The consensus of the Council was to drop the \$ .20.

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

INTRODUCTION: ORDINANCE NO. 09-CODE-614 VACATE EASEMENT BL 3101, L 8  
The Clerk was directed to take from table Ordinance No. 09-Code-614 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-614 entitled: "AN ORDINANCE TO ALLOW FOR THE VACATION OF A BOROUGH OWNED EASEMENT IN BLOCK 3101, LOT 8"

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

BE IT RESOLVED that an Ordinance entitled, "An Ordinance To Allow For The Vacation Of A Borough Owned Easement In Block 3101, Lot 8", be introduced;

That said Ordinance be considered for final adoption at a meeting on December 9, 2009 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before December 2, 2009 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

Mayor Szabo explained that this is the NJ Capital property. There is an old Right-of-Way that exists. The Borough must extinguish the R.O.W. as a formality.

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

INTRODUCTION: ORDINANCE NO. 09-CODE-615 AMEND SALARY ORDINANCE  
The Clerk was directed to take from table Ordinance No. 09-Code-615 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-615 entitled: "AN ORDINANCE REVISING, AMENDING AND REENACTING PARAGRAPHS 1 THROUGH 12 OF

ORDINANCE NO. 09-CODE-601 TITLED "THE CODE OF THE BOROUGH OF OAKLAND, COUNTY OF BERGEN, STATE OF NEW JERSEY, ENTITLED "SALARIES OF MUNICIPAL EMPLOYEES"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Revising, Amending And Reenacting Paragraphs 1 Through 12 Of Ordinance No. 09-Code-601 Titled "The Code Of The Borough Of Oakland, County Of Bergen, State Of New Jersey, Entitled "Salaries Of Municipal Employees", be introduced;

That said Ordinance be considered for final adoption at a meeting on December 9, 2009 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before December 2, 2009 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 09-CODE-610

The Clerk was directed to take from the table Ordinance No.09-Code-610 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE SUPPLEMENTING CHAPTER 18 OF THE BOROUGH OF OAKLAND CODE ENTITLED "AFFORDABLE HOUSING" SO AS TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING OAKLAND'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Supplementing Chapter 18 Of The Borough Of Oakland Code Entitled “Affordable Housing” So As To Create The Position Of Municipal Housing Liaison For The Purpose Of Administering Oakland’s Affordable Housing Program Pursuant To The Fair Housing Act, be adopted;

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published by title in The Record in the manner provided by law.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 09-CODE-611 TOWING ORDINANCE  
The Clerk was directed to take from the table Ordinance No. 09-Code-611 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 4-5 OF THE BOROUGH OF OAKLAND CODE ENTITLED “TOWERS AND WRECKERS”

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Visconti, 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, Visconti.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Di Pentima, 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 Pignatelli, 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 Amending Chapter 4-5 Of The Borough Of Oakland Code Entitled “Towers And Wreckers”, 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 Burns commented that this ordinance prohibits a sale. Can it be done with approval or would the new person have to reapply. Mr. Chewcaskie responded that according to the ordinance as written, the license is personal. However, it is an annual license so the new person could apply if they meet the qualifications. Mayor Szabo confirmed if the business sells, the person must reapply and meet the qualifications.

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

#### WORK SESSION:

##### 2010 MEETING SCHEDULE:

The Clerk distributed a schedule based on the second and fourth Wednesday meeting schedule. The meetings in September will be held on September 15<sup>th</sup> and 29<sup>th</sup> due to the Jewish holiday. The Oath of Office meeting will be held on January 2<sup>nd</sup> at 3:00 pm. The meeting schedule will be officially adopted at that time.

##### JANITORIAL SERVICE BID:

Mayor Szabo explained that the bid is for expanded services and for less money than what the Borough is currently paying. Councilman Di Pentima gave kudos to Mr. Kunze and DPW Superintendent Marcucilli for their work on the bid. Mr. Kunze advised that the current vendor was not the low bidder. The low bidder's references were terrific. The bid included window cleaning and carpet cleaning which are services not currently being done. A resolution to award the bid will be listed on the December 9<sup>th</sup> agenda.

##### JIF RENEWAL:

Mr. Kunze advised that we are waiting for one more proposal but a decision needs to be reached on the renewal. He believes the Borough will be renewing with Bergen JIF. It is a 3-year agreement. A resolution will be listed on the December 9<sup>th</sup> agenda.

##### HERITAGE HILLS APPRAISALS:

Mayor Szabo explained that the Borough needs to update the appraisals for Green Acres. Mr. Kunze advised that there are two proposals. Resolutions will be listed on the agenda for December 9<sup>th</sup>.

##### FEES FOR RECYCLING CONTAINERS:

Mayor Szabo explained that it is the recommendation of the DPW Superintendent to increase the fees charged for Recycling Containers. Mr. Kunze advised that an ordinance will be introduced at the next meeting and adopted on December 23<sup>rd</sup>.

##### EAGLE SCOUT PROJECT:

Mr. Kunze advised that the Eagle Scout, Adam Frank is looking for direction where to put the kiosk on the Raymond property. Mayor Szabo would like to see a sketch and he advised that footings will be involved. Adam Frank advised that the footings will be 4 feet deep in the ground. It will be an introduction board. Mayor Szabo asked Adam to submit a sketch to the Borough Administrator. He asked for a timeline. Adam responded he would work on the project in the spring.

##### NEW BUSINESS:

Councilman Di Pentima asked if Steve Busanic needs to be at every meeting if the Council is not doing Engineering. Mayor Szabo responded that the reports the Council are receiving each month offer a lot of information. The Council can bring Mr. Busanic to the meeting when

needed. Councilman Burns commented that sometimes questions come up from the public. Mayor Szabo responded that a lot of times the information is included in the monthly report which is comprehensive. He advised that Mr. Busanic can attend the meeting whenever there is an item for road, sidewalk, drainage or Allerman Brook on the agenda. Councilman Burns suggested that Mr. Busanic can come to report to the public on any new items on the monthly report. Councilman Di Pentima responded that the Council should include those kinds of items in their liaison reports.

Councilman Burns asked the status of the right turn on red request at West Oakland Avenue. Councilman Di Pentima advised that he is waiting for information from Congressman Garrett.

Councilman Burns asked the status of the activity report from the Police Department. Mr. Kunze responded that it was copied in everyone's mailbox.

#### COUNCIL REPORTS:

Councilwoman Marcalus: The Senior Center will be showing the movie "Up" so members can bring their grandchildren. On December 3<sup>rd</sup>, the Senior Center will be decorating for the holidays. On December 21<sup>st</sup>, there will be a lunch sponsored by the Levines. On December 30<sup>th</sup>, there is a musical performance. On January 1<sup>st</sup>, the Senior Club will hold a party.

Councilman Visconti: No report.

Councilman Burns: The Shade Tree Commission will discuss and approve hiring the Forester at their next meeting. This was funded by a grant. Councilman Burns thanked the Levine family for donating a new commercial refrigerator to the Senior Center. The Levines do a lot for the community.

Councilman Di Pentima- No report.

Councilman Pignatelli: A clinic was held last night and 350 H1N1 flu shots were administered. The clinic was very well organized. He commended the Board of Health and Valley Health Services. On Saturday November 28<sup>th</sup>, there will be a Polar Bear Plunge at Crystal Lake to support Special Olympics. The Police, Fire and First Aid will be assisting. Councilman Pignatelli attended the St. Alban's church service where they honored the Fire Department and First Aid Squad and presented a check to those departments. Councilman Pignatelli commended the Fire Department and First Aid Squad.

#### BILLS TO BE PAID:

On motion of Councilman Pignatelli, seconded by Councilman Visconti, the following bills be submitted for payment:

(see following pages)

BE IT RESOLVED that the foregoing bills be paid and charged to their respective accounts when the funds are available.

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

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Visconti, the meeting be adjourned at 9:00 pm.

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

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Lisa M. Duncan, Borough Clerk  
December 23, 2009

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Mayor John P. Szabo, Jr.

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Date Approved