

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
TUESDAY NOVEMBER 25, 2008

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, seconded by Councilman Burns, 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:  
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.

Councilwoman Stagg entered at 7:23 pm. Discussion ensued over personnel matters, Sandy Beach, Library litigation and other litigation matters.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Pignatelli, seconded by Councilman Visconti, 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 8:02 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; Richard Kunze, Borough Administrator; Steven 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.

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MAYOR'S REPORT: Mayor Szabo wished everyone a happy and healthy Thanksgiving.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Pignatelli, 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.

Roger Marchese, 44 Manito Avenue, met with a representative for Musco lighting. The rep said the Borough could save 50% of energy costs by putting up new lights at the tennis courts. The lights are currently getting 10 footcandles instead of 40 to 50 footcandles.

CLOSED FOR PUBLIC DISCUSSION:

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

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

#### RESOLUTION 08-198 AUTHORIZE BPU ENERGY AUDIT PROGRAM

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

WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy, administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and

WHEREAS, the Governing Body of the Borough of Oakland has decided to apply to participate in the Local Government Energy Audit Program; and

WHEREAS, the facilities to be audited are in New Jersey, are owned by the Borough of Oakland, are served by a New Jersey regulated public utility, and that the Borough of Oakland has not already reserved \$ 100,000 in the Program this year as of this application; and

WHEREAS, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and

WHEREAS, upon acceptance into the Program, the Borough of Oakland will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and

WHEREAS, the Borough of Oakland understands that energy audit work cannot proceed until an Application Approval Notice is received from the Program;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Oakland, approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities.

Mayor Szabo explained that each entity must make its own application. Mr. Kunze advised that the school board is its own entity and must apply for this on its own. Councilwoman Stagg commented that it is a win-win situation for the Borough.

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

**RESOLUTION 08-199 AWARD BID OF CAD SYSTEM**

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

WHEREAS, on February 14, 2008 the Borough of Oakland received one bid for the purchase of a Computer Aided Dispatch (CAD) Record Management System (RMS); and

WHEREAS, the Police Chief and Borough Attorney have reviewed the bid of \$ 25,000 from Law Soft, Inc., Bloomingdale, NJ and have found it to be the responsible low bid; and

WHEREAS, the Chief Financial Officer has certified that the funds are available in Account #C-04-55-921-003.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the bid purchase of a Computer Aided Dispatch (CAD) Record Management System (RMS) is hereby awarded to Law Soft, Inc., of Bloomingdale, NJ at a cost of \$ 25,000.

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

**RESOLUTION 08-200 AUTHORIZE SHADE TREE GRANT APPLICATION**

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

WHEREAS, the Borough of Oakland is applying for the 2009 Green Communities Challenge Grant from the State of New Jersey 's Community Forestry Program which will assist the Borough in writing a Community Forestry Management Plan.

WHEREAS, the amount of funding requested in the application is \$ 3,000; and

WHEREAS, the Borough is required to provide a matching contribution in the amount of \$ 1,500 which may include in-kind services.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland endorse the application for funding in the amount of \$ 3,000 and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes Borough Administrator Richard Kunze to be a signatory on the aforesaid application.

Councilman Pignatelli questioned where our match will come from. Mr. Kunze responded that John Schaus did expect this could be done for \$ 3,000. The Borough would be able to match with in-kind service. If the cost goes over that amount, we can use the trust fund. Councilman Burns commented that the commission doesn't have a definite price on the cost of the plan. However, if the plan cost exceeds \$ 4,500, they would use the trust fund. The grant is for \$ 3,000. The Borough has to put up \$ 1,500. Shade Tree said they would put up \$ 1,500 from the trust fund but they can use in-kind services. Councilman Di Pentima advised that this can be revisited if the cost exceeds \$ 4,500.

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

#### RESOLUTION 08-201 AUTHORIZE RECERTIFICATION FOR TREE CITY USA

On motion of Councilman Burns, seconded by Councilwoman Marcalus, 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 recertification of 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 he is trying to determine if we have to be recertified since we just received our certification this year. However, he suggested the Council pass the resolution. Councilwoman Stagg questioned if there was financial involvement for the Borough. Councilman Burns commented that the Shade Tree Commission has to indicate the budget and the in-kind hours spent. He is assuming their budget was the same so they will meet the criteria. Mayor Szabo responded that the Borough must meet the budget standard that has already been set.

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

#### RESOLUTION 08-202 AUTHORIZE SPECIAL COUNSEL-SANDY BEACH

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

WHEREAS, there is a need for special counsel to defend the Borough in a matter entitled "Bartholome v. Borough of Oakland" presently pending in the Superior Court of New Jersey, Appellate Division, bearing Docket No. A-003448-07; and

WHEREAS, Brian T. Giblin, Esq. has the necessary expertise to assist the Mayor and Council in this matter; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that there be a Resolution authorizing award of contracts for professional services without competitive bids and the contract itself must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland as follows:

1. A contract is hereby awarded to Brian T. Giblin, Esq. for professional services as set forth above. Mr. Giblin shall be paid at the rate of \$125.00 per hour, with fees not to exceed \$3,000.00.
2. This contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A:11-5(a) of the Local Public Contracts Law.
3. A notice of this action shall be printed once in the official newspaper of the Borough of Oakland.
4. This contract award shall be subject to a certification that funds are available by the Chief Financial Officer for the Borough.

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

#### WORK SESSION:

##### CREW PROPOSAL-WELL 8 PERMITTING

Councilwoman Stagg advised that the Borough needs to move forward on the permitting phase for the Well 8 project. The cost would not exceed \$ 10,000. She explained that the Borough would like to have another Well 8 so if one goes out, the other would take over. The area is actually in Green Acres, is too close to the river, and is in the flood plain so the Water & Sewer Committee want to make sure the project is ok with the State before proceeding. Councilwoman Stagg would like a resolution to approve on the next agenda. Councilman Burns questioned if this would come out of the bond ordinance. Councilwoman Stagg responded that the Borough had already approved the bond issue. However, the Water & Sewer Committee is trying to do one step at a time to find out if we can proceed. Councilman Visconti commented that the hourly rate should be in the proposal.

##### BID AWARD-SKYVIEW SAND FILTER

Councilwoman Stagg commented that she would like to move forward at the next meeting to award the bid. D.R. Mullen was the low bidder again. The Borough needs to do this project before we get fined from the DEP. Mr. Kunze advised that the Water & Sewer Engineer and Attorney have reviewed the bid.

**FINANCE UPDATE:**

Councilman Di Pentima advised that the Borough Administrator and Chief Financial Officer are working hard on the budget process. He spoke about the expense side and the revenue side of the budget. The issue is there is a shortfall in interest income. The rate used to earn 4% and now is only earning 1.5%. That leaves a shortfall of \$ 300,000. This is significant because the Borough cannot budget more than it realized in cash for 2008. That puts us a little behind the eight ball. The CFO and the Finance Committee will work on trying to offset that shortfall.

Councilman Di Pentima commented on a memo received from the Governor's office regarding pension payments. The Governor is proposing to have municipalities pay only 50% of the pension payment in the upcoming year and then deferring the other 50% for four years. Councilman Di Pentima's concern is that if we only budget \$ 400,000 instead of the \$ 810,000, it will be difficult to catch up in the subsequent years with the cap. He would recommend that the Council budgets the full amount. Even if the Borough only pays the 50%, we can invest the other 50% and earn interest until the payment is due. Councilman Pignatelli commented that it hurt the Borough when the State deferred pension payments several years ago. Councilman Di Pentima commented that the Borough is at full funding now. Mayor Szabo commented that he finds it interesting that this is a proposal from the State when the State is talking about how underfunded the pension system is. He believes Councilman Di Pentima is right in that this would wreak havoc when the Borough would have to fully fund the pension again. What Councilman Di Pentima is suggesting is prudent.

Councilman Di Pentima commented that he assumed that the Borough will get a cut in State Aid. He also knows that we got a significant increase in the County Health contract for next year. Mr. Kunze and the Health Department are working on lowering the cost. However, Councilman Di Pentima thinks the Mayor and Council should fight back and tell the County we are not going to pay the full increase. Mayor Szabo commented that the only problem is this is a mandated service. Councilman Pignatelli commented that the Borough should let the County know that we will look elsewhere for the service. The County may have to cut back on their hours. The Borough should put the County on notice. Mr. Kunze advised he met with the Board of Health to review the contract. One of the increases is the cost for the sanitarian. The Board is sending a letter to the County demanding an explanation of the increase. Councilman Di Pentima commented that we need to verbalize how upset we are over the increase. Mayor Szabo advised he will send a letter to the County Executive and demand an explanation for the increase when we can ill afford to pay. Councilman Di Pentima would appreciate the Mayor sending a letter.

Councilman Visconti questioned if there is an increase in revenue on property tax collection. Councilman Di Pentima advised there is a \$ 61,000 increase in permitting fees. There will be some increase in real estate fees. That will help ease the burden. Mr. Kunze advised he will have the added and omitted data and will include that with the budget documents.

**NEW BUSINESS:**

Councilman Visconti commented he would like the Council to start discussing the Library. The discovery stage is complete and the litigation is ongoing. The Borough must complete the Library regardless of the litigation outcome. Councilman Visconti would like to get a proposal from the architect in order to move forward. Councilwoman Marcalus questioned if this is the time to do this. Councilman Visconti commented that the Borough held back because of the discovery phase. The idea is to get the portion of the Library open. Councilwoman Marcalus commented that if legal advice permits, then the Council should move forward and get the architect's proposal. There was a consensus of the Council to move forward. Councilman Visconti would like to get the proposal from the architect and then get the Library Board's input.

He would also recommend a presentation by the architect. He reiterated that whatever the outcome of the litigation, the Borough needs to move forward.

Councilman Burns advised he attended a session at the League of Municipalities conference regarding First Aid Squads. The State is talking about doing more regulation of First Aid Squads. This could be detrimental to volunteer squads.

#### COUNCIL REPORTS:

Councilman Pignatelli: He met with the OEM. Last month, a carbon monoxide alarm went off at Valley Middle School. The Fire Chief reported that the teachers had the situation under control. The OEM will go over the Crisis management plan. The OEM is working on the Highlands Preparedness Plan for lost hikers. OEM Coordinator Roy Bauberger got in touch with NJ Search and Rescue and they will train responders. The OEM is looking at plans for the river cleanup with local boy scouts. Once the capital ordinance is approved, the OEM will work on the new alarm system.

Councilman Di Pentima: He advised that Public Events Chairman Bob Fabrizio is ill and wished him a speedy recovery. The tree and menorah lighting will be held on December 7<sup>th</sup> at 6 pm rain or shine. The Indian Hills Choir will be singing at the event. Councilman Di Pentima advised that the Communications Commission and the tv committee are looking for volunteers.

Councilman Burns: He advised that the Borough did not receive the ROIDS grant. If the Borough is going to continue the program, Recreation will have to fund the program in the budget. Cablevision has extended the offer for a free box in order to view the PEG channels.

Councilwoman Stagg: She advised that Michael Kozak from the Environmental Commission went to the League of Municipalities conference to get information on sustainability. She looks forward to hearing the information he received. She thanked those who volunteer their time for the various Commissions and Committees.

Councilman Visconti: He advised that he would like to try to get the Municipal Alliance meeting rescheduled.

Councilwoman Marcalus: She advised that the monthly newsletter will no longer be mailed to Seniors in order to save money.

#### BILLS TO BE PAID:

On motion of Councilman Di Pentima, seconded by Councilwoman Stagg, the following bills be submitted for payment:

(see following pages)

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

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

MEETING ADJOURNED:

On motion of Councilman Di Pentima, seconded by Councilman Visconti, the meeting be adjourned at 8:53 pm.

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

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Lisa M. Duncan, Borough Clerk  
December 10, 2008

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Mayor John P. Szabo, Jr.

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Date Approved