

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY OCTOBER 28, 2009

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Di Pentima, seconded by Councilman Pignatelli, 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, 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 Di Pentima, Marcalus, Pignatelli.

Councilman Burns entered the meeting at 7:08 pm.

Discussion ensued over litigation with Hill International, personnel issues and contractual issues regarding purchase of a fire truck.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Szabo at 7:40 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. Absent: Councilmembers Stagg, Visconti. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Steven Muhlstock, 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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PRESENTATION OF SCOUT AWARDS:

Councilman Di Pentima advised that OEM Coordinator Roy Bauberger headed up a river cleanup. There were a number of scouts who helped with the event and Councilman Di Pentima wanted to thank them for their community service. He called the following boys forward: Ed Lockowitz, Michael Di Pentima, Brendan Graf, Kyle Sears, Richard Lascar.

OEM Coordinator Roy Bauberger commented that it was a joint project between the OEM and the Flood Commission to clean up the river from Oakland to Pompton Lakes. Various organizations were involved, vehicles were used and task forces were assigned. A lot of garbage was pulled from the river. The scouts did a great job helping and Mr. Bauberger hopes they follow the spirit of volunteerism that was present that day. Councilman Di Pentima thanked the parents of the scouts and Scout leader Tracey Sears. He thanked Roy Bauberger and advised that his professionalism is second to none.

COUNCILMAN VISCONTI ENTERED THE MEETING AT 7:43 PM.

Mr. Bauberger gave an update on the PODS. The Borough has an agreement with the two schools to dispense medication. There is a traffic plan. There are sixty volunteers as well as emergency personnel. The Borough will need to educate the public. Mayor Szabo advised that the Borough is very concerned about the condition of the river. The Borough is working with the DOT and DEP to remove obstacles in the river. The Borough is proceeding with the Allerman Brook project. The scouts efforts helped with the river cleanup.

OPENED FOR PUBLIC DISCUSSION:

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

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

Sally Anne Pilcer, 101 East Oak Street, commented that the Borough needs to thank Judi Vihonski and her YES group for their cleanup efforts. She asked the status of the sewer charges. The Borough needs to make the sewer fees more equitable. Mayor Szabo advised that

Councilman Burns has submitted spreadsheets to the Water and Sewer Committee. This is a top priority of the Chief Financial Officer.

Gene Delvecchio, 101 East Oak Street F-3, advised he came to the Council meeting in June and September to express concerns. Nothing has been done yet. This issue is not being addressed as seriously as it should be.

Karl Hasen, 101 East Oak Street G-4, commented that he recently moved from Wyckoff to Oakland and he expressed shock at the sewer bill. That is a lot of money to spend for sewerage. Mayor Szabo explained that the Borough has to operate a self-funded utility. There is a small group of residents that use the sewer utility. Unfortunately, the Borough has an aging plant and the maintenance costs are increasing.

COUNCILWOMAN STAGG ENTERED AT 7:58 PM.

Lynn Feliziano, 101 East Oak Street D-3, asked if residents are being penalized for Zeytinia not paying their bill. Councilman Di Pentima advised that Zeytinia owed a significant amount to the sewer utility. They are trying to pay their bill. They have an October 30<sup>th</sup> deadline or they will be put up for tax sale. Councilman Di Pentima explained that in some way, the other sewer utility users pay for their bill because the utility must be self-liquidating. The sewer utility expenses are \$ 340,000 so the Borough must collect \$ 340,000 from the residents. If the revenue is down \$40,000, it must be made up in the budget next year.

Mr. Corilatis, 101 East Oak Street, commented that the only way to figure out equity is to do it by water usage. Mayor Szabo responded that the problem is maintenance costs are fixed. Mr. Corilatis commented that maintenance costs should be prorated according to water usage. The Borough can do a special assessment for maintenance costs. Councilman Di Pentima commented there is a problem with basing rates on water consumption since the theory never takes into account water usage changes. The Borough has experienced a reduction in water usage over the last three years. The Borough cannot submit a budget that is not fixed because the State will not approve it. The Water & Sewer Committee is trying to analyze the data now. They are trying to come up with a fixed rate plus usage formula. Mr. Corilatis asked if they come up with a calculation on usage, could a credit be issued. Councilman Di Pentima responded that this budget year is fixed. The rates are being looked at for next year. He advised that the Council needs the data from the Water & Sewer Committee so that they can get rates in place for the beginning of the year. Mr. Corilatis commented that in theory, the businesses would pay more and the residents would pay less. Councilman Di Pentima commented that it would be based on water usage and some residents use more water than businesses. Councilman Burns commented that he provided spreadsheets a couple of weeks ago. They are looking at a lower base rate and the rest would be made up from a usage fee. There would be residents whose bill would go up and residents whose bill would go down. It would take into account summer months versus winter months. They are trying to come up with a way to raise more money so it could account for less usage. Councilman Burns advised that the CFO had a slightly alternate proposal and he is analyzing the data. Mr. Kunze advised that the sewer rates will be brought forth at the next work session. Mayor Szabo explained that the utility has to be solvent. Councilman Burns commented that there could be an unexpected expense and the rates would have to be adjusted.

Mr. Delvecchio commented that he does not know if the Board members can attend the meeting on November 10<sup>th</sup>. Mayor Szabo commented that they should contact Mr. Kunze the day after the meeting.

Patricia Van Waren, 101 East Oak St., questioned why the process is taking so long. She asked why she should pay the same amount as Zeytinia. Councilman Di Pentima advised that Zeytinia pays about \$ 30,000. Mayor Szabo explained if Zeytinia does not pay, they will go to tax sale and the money will go back to the Sewer utility. Ms. Van Waren questioned why the condo owners are charged the same as someone who owns a four bedroom house.

Henry Leshner, 14 River Dell, commented that he understood the rationale for the Heritage Hills purchase and he understands the usage but he feels the timing is wrong. He knows the Borough is getting help for the purchase but there is still an impact. The taxes for the property are \$ 85,000 and he does not think that they should be given up. He does not think this property has to be moved on now. Mayor Szabo responded that the \$ 1.2 million that the County would give the Borough will expire at the end of the year. If the Borough does not use that money, the Borough will not receive another dime from the County. The purchase was held up for the last two years because the Mayor and Council were negotiating down the price of the property. There are pieces of that property that are very developable. Mr. Leshner asked what the financial impacts are. Mayor Szabo responded that there is a major impact on the river if the property is developed. The Mayor and Council will do anything to prevent development in the floodplain. Mr. Leshner thinks that \$ 1 million to develop the property is outrageous. Mayor Szabo responded that the property is not going to be developed.

Frank Monaco, 60 Thackeray Road, commented that there have been grants that the Borough turned down over the years and the Borough still receives grants. He commented that the Borough is going to have to build a bridge to go over the stream on the property. Mayor Szabo commented that before they would give us the money, the County wanted to know how the Borough would use the property. The first priority is to seek to preserve the property as open space. The second priority would be to use the property if ever needed as recreation fields. Mr. Monaco commented that senior housing in Oakland would help few people. Mayor Szabo asked Mr. Monaco if he was not in favor of Senior housing. The COAH plan has been prepared and provides for affordable housing. Mr. Monaco asked what money the Borough gives Recreation. Councilman Di Pentima responded that Recreation is given \$ 41,000 for programs. The maintenance and water is \$ 120,000. Mr. Monaco asked if Recreation was paying the Borough back for water, etc. Councilman Di Pentima advised that Recreation is trying to keep fees down for the residents.

Bob Schwab, 6 Wellesley Drive, thanked the Mayor and Council for all they are doing for the town. The taxes are not the fault of the Mayor and Council. Taxes are out of control in the State due to teacher benefits, police benefits and pensions, and special education costs. These mandates increase taxes. Mr. Schwab feels that preserving the Heritage Hills property is a good legacy for future generations. He commented that the Mayor and Council's efforts are much appreciated.

Dawn Oblak, 52 Grove Street, commented that short-sighted people who don't look at the long-term future do the Borough and residents a disservice. People should think of the town and not think only of themselves.

**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, Stagg, Visconti.

APPROVAL OF MINUTES: OCTOBER 7, 2009 SPECIAL MEETING

On motion of Councilman Di Pentima, seconded by Councilman Visconti, the minutes from the Mayor and Council special meeting of October 7, 2009 be approved as amended on page 1.

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

APPROVAL OF MINUTES: OCTOBER 14, 2009

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of October 14, 2009 be approved.

Discussion ensued. Councilman Di Pentima would like the questions he asked Mr. Regan of Regan Development inserted on page 3. Councilman Burns commented he would like the questions he asked regarding sewer hook-ups be included.

MOTION TO TABLE:

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of October 14, 2009 be tabled until the November 10, 2009 agenda.

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

FIRE TRUCK:

Mayor Szabo advised that the Fire Chief had provided a capital plan and the Department is looking to purchase a fire truck this year. Chief Sondervan advised that the Fire Department started looking last August to put together specifications. He handed in specifications to the Administrator and Attorney to review. Councilman Di Pentima asked Chief Sondervan to give an idea of the maintenance costs for this year on the vehicle that is going to be replaced. Mayor Szabo asked for the maintenance history on vehicles 1042, 1031 and 1034. Chief Sondervan advised they just spent \$ 10,000 on vehicle 1042. Mayor Szabo advised that the cost of maintenance is important to any decision the Council must make.

RESOLUTION 09-225 INSERT SPECIAL ITEM REVENUE

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

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Oakland in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$143,000 which is now available from the U.S. Department of Housing and Urban Development Community Development Block Grant – Recovery in the amount of \$143,000.

BE IT FURTHER RESOLVED, that the like sum of \$143,000 is hereby appropriated under the caption Community Development Block Grant – Recovery (CDBG-R); and

BE IT FURTHER RESOLVED, that the above is the result of funds from the U.S. Department of Housing and Urban Development in the amount of \$143,000.

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

**RESOLUTION 09-226 AUTHORIZE COOPERATIVE BID-SOLID WASTE DISPOSAL**

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

WHEREAS, by resolution dated January 4, 2009, the Mayor and Council of the Borough of Oakland authorized the Borough to enter into a Cooperative Pricing Agreement with the Township of Wyckoff and Borough of Franklin Lakes, collectively referred to as the “WOLF Cooperative Group”; and,

WHEREAS, the Cooperative Pricing Agreement, pursuant to N.J.S.A. 40A:11-11(5), allows for the cooperative purchase of goods and services; and,

WHEREAS, cooperative pricing systems effect substantial economies in the provision of goods and services; and,

WHEREAS, the governing bodies of Franklin Lakes, Wyckoff and Oakland are desirous of collectively bidding for the disposal of solid waste in furtherance of the cost saving objectives of the WOLF Cooperative Group; and,

WHEREAS, the current contracts of the three WOLF municipalities each have different expiration dates and this cooperative bid will potentially coordinate contract expiration dates for future bidding purposes by including separate contract commencement dates for each municipality (Wyckoff – January 1, 2010; Oakland – June 1, 2010; Franklin Lakes – January 1, 2011), with a common contract expiration date (December 31, 2012); and,

WHEREAS, the Township of Wyckoff will prepare the bid documents and procure bids in accordance with the procedures set forth in the Cooperative Pricing Agreement;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen and State of New Jersey that the Borough shall join with the Township of Wyckoff and Borough of Franklin Lakes in a cooperative pricing bid for the disposal of solid waste, and that the Borough Administrator is hereby authorized to execute any documents as may be necessary or appropriate in connection therewith; and,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Township of Wyckoff and the Borough of Franklin Lakes.

Councilman Burns asked if we are obligated to take the bid price. Councilman Visconti advised we are not obligated. Mr. Kunze advised it is structured with alternates for Oakland and Franklin Lakes so the municipalities are not stuck if there is a price increase. Mayor Szabo advised that the only way WOLF works is if it is a benefit to everyone.

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

RESOLUTION 09-227 AUTHORIZE APPLICATION 2010 MUNICIPAL ALLIANCE GRANT  
On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Council of the Borough of Oakland, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Oakland, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the Oakland Municipal Alliance grant for calendar year 2010 in the amount of \$10,356. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Councilman Burns asked about the in-kind match. Mr. Kunze responded that the in-kind match can come from members of the Municipal Alliance or organizations that the Municipal Alliance funds.

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

RESOLUTION 09-230 REFUND TAXES BLOCK 3902, LOT 9  
On motion of Councilwoman Stagg, seconded by Councilman Visconti, 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 a County Board Judgment; 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 does hereby authorize a refund of \$2,174.33 to John A. Frodella, owner of Block 3902, Lot 9, Yawpo Avenue.

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

RESOLUTION 09-231 REFUND TAXES-BLOCK 2601, LOTS 2 AND 3

On motion of Councilwoman Stagg, seconded by Councilman Visconti, 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 a County Board Judgment; 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 does hereby authorize a refund of \$2,257.50 to Charles Frances Drago, owners of Block 2601, Lots 2 and 3.

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

RESOLUTION 09-232 REFUND TAXES BLOCK 4905, LOTS 2

On motion of Councilwoman Stagg, seconded by Councilman Visconti, 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 a County Board Judgment; 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 does hereby authorize a refund of \$1,575.36 to Michelle Giovatto, owner of Block 4905, Lot 2, 8 Fordham Road.

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

RESOLUTION 09-233 AUTHORIZE GASOLINE CONTRACT

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

WHEREAS, the Borough of Oakland needs to purchase gasoline for its vehicles; and

WHEREAS, the Borough of Oakland is a member of the Bergen County Cooperative Pricing System (state ID #11-BeCCP); and

WHEREAS, the Bergen County Cooperative Pricing System has awarded contract #09-96, Gasoline, to Rachles/Michele's Oil and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended that the Borough of Oakland purchase gasoline through the Bergen County Cooperative Pricing Council in an amount not to exceed \$ 110,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 9-01-31-460-001 and from appropriation in the 2010 current fund budget account #0-01-31-460-001 and 2010 Water Operating Fund budget account #0-05-55-508-000;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes the purchase of Gasoline, in an amount not to exceed \$110,000, through the Bergen County Cooperative Pricing System, contract # 0-96, Gasoline, awarded to Rachles/Michele's Oil, 116 Kuller Road, Clifton, NJ .

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

**RESOLUTION 09-234 AUTHORIZE DIESEL CONTRACT**

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

WHEREAS, the Borough of Oakland needs to purchase diesel fuel for its vehicles; and

WHEREAS, the Borough of Oakland is a member of the Bergen County Cooperative Pricing System (state ID #11-BeCCP); and

WHEREAS, the Bergen County Cooperative Pricing System has awarded contract #09-98, Diesel Fuel to Rachles/Michele's Oil Co. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended that the Borough of Oakland purchase diesel fuel through the Bergen County Cooperative Pricing Council in an amount not to exceed \$40,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 9-01-31-460-001 and for appropriation in the 2010 current fund budget account# 0-01-31-460-001 and the 2010 Water Operating Fund budget account# 0-05-55-508-000.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes the purchase of Diesel Fuel, in an amount not to exceed \$40,000, through the Bergen County Cooperative Pricing System, contract # 09-98, Diesel Fuel awarded to Rachles / Michele's Oil Co., 116 Kuller Road Clifton, NJ .

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

**RESOLUTION 09-235 AUTHORIZE SALT CONTRACT**

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

WHEREAS, the Borough of Oakland needs to purchase rock salt; and

WHEREAS, the Borough of Oakland is a member of the Bergen County Cooperative Pricing System (state ID #11-BeCCP); and

WHEREAS, the Bergen County Cooperative Pricing System has awarded contract #09-74, Rock Salt, to International Salt Co., LLC and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended that the Borough of Oakland purchase rock salt through the Bergen County Cooperative Pricing Council in an amount not to exceed \$83,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 9-01-26-306-058 and from appropriation in the 2010 budget, subject to adoption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes the purchase of Rock Salt, in an amount not to exceed \$83,000, through the Bergen County Cooperative Pricing System, contract # 09-74, Rock Salt, awarded to International Salt Co., LLC .

Councilman Burns advised that the price of rock salt went down from last year.

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

**RESOLUTION 09-236 APPOINT PART-TIME SECRETARY-ADMINISTRATION**  
On motion of Councilman Di Pentima, seconded by Councilman Pignatelli, the following resolution be introduced, adopted and duly passed by roll call vote:

BE IT RESOLVED, that Dawn Bianchini be appointed as part-time secretary for Administration at a salary of \$15.00 per hour without health benefits effective October 26, 2009.

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

**RESOLUTION 09-237 APPOINT PART-TIME SECRETARY-RECREATION**  
On motion of Councilman Di Pentima, seconded by Councilman Pignatelli, the following resolution be introduced, adopted and duly passed by roll call vote:

BE IT RESOLVED, that Susan Hertzberg be appointed as part-time secretary for Recreation at a salary of \$15.00 per hour without health benefits effective November 5, 2009.

Councilman Burns commented that Recreation is very happy about the part-time secretary to help track the paperwork. He asked if this extends to other commissions such as Shade Tree. Mr. Kunze responded it only applies to Recreation. There is a legitimate need for Recreation since they do a large amount of purchasing. Councilman Visconti explained that there is a vacant position in the Borough Clerk's office that is being divided into two part-time positions.

Councilman Di Pentima commented that the two part-time positions are for less total hours than the full-time position.

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

INTRODUCTION: ORDINANCE NO. 09-CODE-608

The Clerk was directed to take from table Ordinance No. 09-Code-608 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-608 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE SCHEDULES TO CHAPTER VII-TRAFFIC-OF THE CODE OF THE BOROUGH OF OAKLAND RELATING TO ONE WAY STREETS, NO STOPPING OR STANDING, PARKING PROHIBITED CERTAIN HOURS, NO PARKING, ENTRANCE AND EXITS, NO LEFT TURN, STOP INTERSECTIONS"

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, 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 The Schedules To Chapter VII-Traffic-Of The Code Of The Borough Of Oakland Relating To One Way Streets, No Stopping Or Standing, Parking Prohibited Certain Hours, No Parking, Entrance And Exits, No Left Turn, Stop Intersections", be introduced;

That said Ordinance be considered for final adoption at a meeting on November 10, 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 November 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, Stagg, Visconti.

INTRODUCTION: ORDINANCE NO.09-CODE-609

The Clerk was directed to take from table Ordinance No.09-Code-609 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-609 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE SCHEDULES TO CHAPTER VII-TRAFFIC-OF THE CODE OF THE BOROUGH OF OAKLAND RELATING TO ONE WAY STREETS, NO STOPPING OR STANDING, PARKING PROHIBITED CERTAIN HOURS, NO PARKING, ENTRANCE AND EXITS, NO LEFT TURN"

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, 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 The Schedules To Chapter Vii-Traffic-Of The Code Of The Borough Of Oakland Relating To One Way Streets, No Stopping Or Standing, Parking Prohibited Certain Hours, No Parking, Entrance And Exits, No Left Turn, be introduced;

That said Ordinance be considered for final adoption at a meeting on November 10, 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 November 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, Stagg, Visconti.

**FINAL PUBLIC HEARING: ORDINANCE NO. 09-CODE-605**

The Clerk was directed to take from the table Ordinance No.09 –Code-605 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE REGULATING ADVERTISING SIGNAGE ON BOROUGH PROPERTY"

**OPENED FOR PUBLIC DISCUSSION:**

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

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

Frank Monaco, 60 Thackeray Road, asked what property this applies to. Mayor Szabo responded it applies to all Borough property. The Borough must have a policy in place. Councilman Di Pentima commented it is primarily for scoreboards. The Borough needs to have a policy in place that denotes the Borough is willing to have advertising. This is not an intent to put up advertising signs. Mr. Monaco responded that this is opening a pandora's box for future Councils.

**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 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 REGULATING ADVERTISING SIGNAGE ON BOROUGH PROPERTY", 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: Yeas, Councilmembers Di Pentima, Marcalus, Pignatelli, Stagg, Visconti. Nay, Councilman Burns.

FINAL PUBLIC HEARING: ORDINANCE NO. 09-CODE-606

The Clerk was directed to take from the table Ordinance No.09 –Code-606 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE BOROUGH OF OAKLAND IDENTIFIED AS BLOCK 2213, LOT 1 AND BLOCK 1122, LOTS 1, 2 & 3 COMMONLY KNOWN AS THE HERITAGE HILLS TRACT"

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilwoman Stagg, seconded by Councilman Visconti, 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 Road, commented that this should have been left up to the citizens to vote on. He asked what this is going to cost in the future. He commented that once the Borough takes possession of the property, it is going to cost money. The citizens should vote.

Dave Richardson, 320 Ramapo Valley Road, would love to see the Heritage Hills property preserved. He asked if the soil has been tested. Mayor Szabo responded that the Borough is required to do an environmental Phase 1 study. The contract for purchase is contingent upon that study.

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 Stagg, seconded by Councilman Burns, the following resolution be introduced, adopted and duly passed on a roll call vote.

BE IT RESOLVED that an Ordinance entitled, An Ordinance Authorizing The Acquisition Of Certain Real Property Within The Borough Of Oakland Identified As Block 2213, Lot 1 And Block 1122, Lots 1, 2 & 3 Commonly Known As The Heritage Hills Tract", 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 commented that for a flood mitigation tool, this is the right thing to do. The price is right. If this property is developed, the impacts on the river far exceed the cost of this purchase. Councilman Di Pentima put an ad in the newspaper and on the website and spoke on local radio about the public meeting that was held regarding Heritage Hills. Only four people showed up to the meeting. The lack of response was a public mandate. The Council has held meetings for people to speak on the subject. The Councilmembers did not get one email on the subject. Councilman Di Pentima is doing this because this is the right thing to do to protect homes in that area. He would not vote to develop the property. Councilman Burns agrees that the time is right because the Borough has \$ 1.6 million in grants. He is not happy about losing the tax revenue but in order to protect the river, the time to purchase is now while we have the grant money. Councilwoman Marcalus commented that not buying this property would be short-sighted.

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

**FINAL PUBLIC HEARING: ORDINANCE NO. 09-BOND-607**

The Clerk was directed to take from the table Ordinance No. 09-Bond-607 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "A BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE AND OTHER MUNICIPAL PURPOSES IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$ 2,640,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

**OPENED FOR PUBLIC DISCUSSION:**

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

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

No comments 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 Councilwoman Stagg, 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, "A Bond Ordinance To Authorize The Acquisition Of Real Property For Open Space And Other Municipal Purposes In, By And

For The Borough Of Oakland, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$ 2,640,000 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds”, 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, Stagg, Visconti.

**RESOLUTION 09-229 AUTHORIZE CONTRACT-HERITAGE HILLS**

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

WHEREAS, the Borough of Oakland desires to purchase certain land consisting of approximately 39 acres of primarily vacant land which is partially occupied by abandoned buildings and swimming pools from two former swim clubs, Pleasureland Swim Club and FRG Sports/Muller’s Park, identified as Block 2213, Lot 1 and Block 1122, Lots 1, 2 and 3, commonly known as the Heritage Hills tract; and

WHEREAS, the Borough of Oakland has determined to utilize this property for open space and recreation; and

WHEREAS, the Borough of Oakland has obtained grants from the New Jersey Department of Environmental Protection and the Bergen County Open Space Trust Fund; and

WHEREAS, the Mayor and Council have determined that the purchase of the property is in the best interest of the Borough.

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

1. The Mayor and Borough Clerk are hereby authorized to execute an agreement to purchase the property designated as Block 2213, Lot 1 and Block 1122, Lots 1, 2 and 3 from Thomjac, LLC, the owner of the aforementioned property.
2. The Mayor and Borough Clerk are hereby authorized to execute the attached contract of Sale for acquisition of the aforementioned property, which includes contingencies relating to title, environmental condition of the property and adoption of the appropriate bond ordinance.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to(i) Thomjac, LLC; (ii) Brian M. Chewcaskie, Borough Attorney.

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

**WORK SESSION:****MUNICIPAL HOUSING LIAISON ORDINANCE:**

Mayor Szabo advised that the Borough is required by law to have someone as a point person to manage paperwork for the affordable housing plan. He and Mr. Kunze are proposing to give this title to Kathy Gurney. When the Borough actually has affordable housing, we will hire an entity because the paperwork is extensive and technical. Councilman Burns commented that the stipend to be paid would come out of the affordable housing trust fund and is not being paid by taxpayers. Mr. Kunze commented that if everyone is comfortable with the model, the ordinance can be drafted for the next meeting. Councilman Di Pentima asked what the compensation will be. Mr. Kunze advised that needs to be discussed in Executive session.

**ADA COMPLIANCE-BREAKNECK AND LONG HILL ROAD**

Mayor Szabo advised that the Borough is responsible for the curb cuts. The Borough will have to pay soft costs but the County will pay for the construction costs. Councilwoman Stagg commented that there aren't any curbs on Long Hill Road so she questioned if we had to do anything. Mr. Kunze advised it is up to the Borough to determine the impact it will have. Borough Engineer Busanic may determine that nothing needs to be done. Mayor Szabo commented that the Engineer will need to assess the project. Councilman Di Pentima commented that the County put a new safety surface on Route 202 north and it works well. He asked if the County can put that safety surface on the bend by Long Hill Road even if the Borough has to fund it through the road program for next year. Mr. Kunze will make an inquiry of the County. An agreement will need to be in place if curb cuts are required.

**PURCHASE POLICE VEHICLES**

Councilman Pignatelli advised that the Police Department needs to purchase two vehicles as part of the regular replacement program. They would like to purchase one Ford Crown Victoria and one Chevrolet Caprice. There are several taller officers that need the extra room of the Crown Victoria. Councilwoman Marcalus asked for an explanation of State Contract. Mr. Kunze responded that the State handled the bid process for police vehicles in order for municipalities to purchase the cars. State contract is not always the cheapest but it is in this instance. Councilman Burns asked if the Borough can select the options it wants. Mr. Kunze responded that certain options can be selected. The options chosen result in the overall price. Councilman Burns was not sure why the option of inoperable doors was not chosen for the Crown Victoria.

**TOWING ORDINANCE:**

Councilman Pignatelli advised there are many changes in the proposed amended ordinance. Included are items such as background checks and safety equipment provisions. Mayor Szabo asked if the Council would like to review and discuss the ordinance or introduce it at the next meeting. Councilman Pignatelli responded that the ordinance is straightforward so he is fine with introduction at the next meeting. Councilman Burns commented that most of the items are required to bring it up to the State requirement. Borough Attorney Muhlstock advised that the fees have not been amended for years. Mayor Szabo commended the Police Chief and Traffic Officer on their initiative. This ordinance will be listed for introduction on November 10<sup>th</sup>.

**HIGHLANDS CONFORMANCE:**

Mayor Szabo advised that the Council must adopt a resolution by December 8<sup>th</sup> for the Highlands for the preservation area only. Studies are being done right now that are being paid for by the Highlands Council. This will guide the future of Oakland. A sample resolution has been distributed to the Council. A power point presentation from Eileen Swan of the Highlands Council was distributed to the Council as well. Mayor Szabo advised that Steve Lydon and Joe Burgis of Burgis Associates have been invited to the November 10<sup>th</sup> meeting to give a

presentation. Eventually it will be up to the Council whether to opt in or opt out. Mr. Kunze also provided a matrix cone by Steve Lydon in order to help the Council with their decision.

#### NEW BUSINESS:

Mayor Szabo advised that the Council received a cost proposal from Petro Science to do a Phase 1 analysis on the Heritage Hills property. The consensus of the Council was to do a resolution on November 10<sup>th</sup>.

Councilman Di Pentima advised that he needs the Water and Sewer Committee to come up with a plan on sewer rates that the Council can review. The goal is to get the rates in effect for January. Mr. Kunze advised that Councilman Burns forwarded information to be reviewed by Mr. Kunze and CFO Mangin. A meeting needs to be set up with Councilmembers Burns and Stagg.

Councilman Burns asked for the status of the application to the State about reinstating the right turn on red at West Oakland Ave. Councilman Di Pentima advised he reached out to Congressman Garrett's office to help with that request. Councilman Pignatelli commented that it helps to have a Congressman to expedite it.

Councilman Burns commented that the Council has not gotten reports from the Police Department for awhile. Councilman Pignatelli advised that there was an issue with the computers but the reports will be reinstated shortly.

Councilwoman Marcalus asked why we need an Engineer for the roof at the Senior Center. Mayor Szabo responded that the roof has to be designed to meet current building codes. Mr. Kunze advised that Boswell has offered to assist with the specifications at a reasonable cost and the Construction Official official will help as well. Councilman Visconti commented that we need the specifications in order to go out to bid.

Councilwoman Marcalus asked if it is possible to give the Van Allen property to the County. Councilwoman Stagg advised that the County doesn't want it. Mayor Szabo advised that the Borough got a grant to do a study of that site. The Borough is required to do a detailed study because the Stream House was joined with the Van Allen House. That study can determine if the Stream House should be saved or if it does not need to be saved. However, the Council must wait for that study to be done.

#### COUNCIL REPORTS:

Councilwoman Marcalus: The Planning Board meets on November 12<sup>th</sup> at 7 pm at the Senior Center. There will be a continuation of the Burgis presentation on Highlands conformance. Councilwoman Marcalus advised that the Levine family cooked at the Senior Center.

Councilman Visconti: No report.

Councilwoman Stagg: No report.

Councilman Burns: He advised that Shade Tree Commission will be meeting this week. They will check on the status of the Forestry Plan.

Councilman Di Pentima: He advised that the 40<sup>th</sup> YES Cleanup was held this past Sunday. He gave kudos to Judith Vihonski who runs the event.

Councilman Pignatelli: He attended the Fire Department meeting. They discussed specifications for the Fire Truck and safety issues. The Board of Health is conducting a special needs survey for people who are unable to evacuate without emergency assistance. This is an important survey because it could save lives.

**BILLS TO BE PAID:**

On motion of Councilman Di Pentima, seconded by Councilwoman Marcalus, 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 Councilwoman Stagg, seconded by Councilwoman Marcalus, the meeting be adjourned at 9:55 pm.

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

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Lisa M. Duncan, Borough Clerk  
November 24, 2009

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Mayor John P. Szabo, Jr.

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Date Approved