

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY AUGUST 13, 2008

MOVE TO EXECUTIVE SESSION:

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

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

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

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

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

Councilman Burns entered the meeting at 7:09 p.m. and Councilman Di Pentima entered the meeting at 7:23 pm.

Discussion ensued over personnel matters and negotiations regarding Heritage Hills.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Szabo at 8:06 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; Brian Chewcaskie, 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.

MAYOR'S REPORT: Mayor Szabo advised that he is working with Assemblymen Rumana and Russo and Senator O'Toole on legislation to reverse A500. He explained that Bill A500 has to do with affordability controls and COAH regulations for the municipality. There are new requirements and RCA's have been eliminated. This will add additional burden to taxpayers. By combining forces with cities that are also affected, we may be able to get a larger constituent to support. Mayor Szabo advised that the Eden project is progressing and there are new businesses coming to the community.

OPENED FOR PUBLIC DISCUSSION:

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

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

Jack Tauber, 152 Iroquois Ave., spoke about the "greening of Oakland". Mayor Szabo advised he will be meeting with the Environmental Commission. There will be a public forum in the fall. The Borough must evaluate its needs and come up with a carbon footprint. There must be an analysis of energy usage. P.S.E.& G. and the BPU have grants available for energy audits. Mr. Tauber commented that the Stream House should be torn down. Mayor Szabo explained that the Stream House and the Van Allen House have been linked together by the State. The Borough must have a historic plan for the site. The Stream House has been shored up in order to preserve options. Mr. Tauber questioned how much was spent. Councilwoman Stagg advised that the cabling cost \$ 13,000 and there was a matching grant from the County so they reimbursed us for half of the cost. Mr. Tauber invited the Mayor and Council to a pizza party that the Senior Club will hold on August 28th.

Mike Guadagnino, 34 Hopper and Recreation Commissioner, advised that the Recreation Commission has been working on health and safety issues at the Rec fields. For instance, the Rutgers safety courses and background checks have been instituted and batting cages have been installed. The next thing to be worked on is the fresh air zone at the Recreation Complex by banning smoking. Second hand smoke goes against the promotion of health and fitness. He asked the Mayor and Council to support their request for a ban on smoking. Mayor Szabo explained this is to be discussed in work session. He thanked Mr. Guadagnino for reinforcing the Rec Commission's position. The Mayor and Council value the Commission's input.

Charles McCormack, 161 Manito Ave, questioned if anyone contacted Wyckoff on the repairs they did to their tennis courts. He commented that Wyckoff used the town resources to keep costs down. Mayor Szabo replied he doesn't know what the conditions were in Wyckoff. Councilman Burns explained that the DPW in Wyckoff put up light poles and put in drainage. However, Wyckoff does not have the strata problem that Oakland has. Wyckoff's DPW also has more resources than Oakland does. Councilman Burns advised that a meeting was recently held concerning the tennis court project and the DPW will help when they can in this project. Mr. McCormack commented that the Rec Stand should be improved on the outside. It is an investment that will make a return. He mentioned outdoor eating for restaurants. Mayor Szabo commented that if something is not specifically permitted, it is prohibited. The new ordinance that will be introduced will permit outdoor eating. He advised that we want to promote life in the downtown.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Burns, 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.

APPROVAL OF MINUTES: JULY 23, 2008

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of July 23, 2008 be approved as amended on page 2.

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

APPROVE REQUEST OF EDEN OAKLAND

Mayor Szabo commented that Eden Oakland is requesting another extension of the waiver of work hours. He explained they are under a deadline for the opening of the Walgreens. On motion of Councilman Di Pentima, seconded by Councilman Pignatelli, approval be granted to extend the waiver for Eden Oakland.

Councilman Burns commented that this was done previously by resolution so there should be another resolution. Mayor Szabo agreed and a resolution will be done tonight.

RESOLUTION 08-145 EXTEND GRACE PERIOD FOR TAX PAYMENTS

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 County of Bergen delayed certification of the Borough of Oakland's 2008 tax rate; and

WHEREAS, this delayed the issuance of tax bills until August 15, 2008; and

WHEREAS, State Law requires a twenty-five day period from the date of mailing before payment is due.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Oakland establishes a no interest grace period for the third quarter tax payment until September 10, 2008. Payments remitted after that date will accrue interest from August 1, 2008 as mandated by State Law.

Councilman Di Pentima explained that the rates just came in from the County last Monday. The Tax Department worked diligently to get the bills printed and sent out. He explained that the overall increase is 3.8% which is the lowest increase since 2001. The increase for the average assessed home is \$ 388. The increase on the municipal portion of the taxes is 7.5% which is the lowest since 2004.

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

RESOLUTION 08-147 AGREEMENT -EMERGENCY NOTIFICATION SYSTEM

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

WHEREAS, there exists a need for the County of Bergen, Office of Emergency Management, Department of Public Safety to provide an automated telephone alerting system service (hereinafter called "system") to be available 24 hours a day, seven (7) days a week, and all days per year to the seventy (70) municipalities comprising the County of Bergen; and

WHEREAS, the Bergen County Board of Chosen Freeholders adopted Resolution No. 147 on February 20, 2008, authorizing the County to award a purchase contract to C3: Citizen Communication Center, 155 Franklin Avenue, Nutley, New Jersey 07110 (hereinafter known as the "service provider") to provide the above-referenced system to those municipalities so desiring; and

WHEREAS, the municipality wishes to utilize such a system for the benefit of its citizens; and

WHEREAS, an agreement is necessary to delineate the respective responsibilities of the parties in connection therewith; and

WHEREAS, the County shall pay 100% of the cost initial installation, testing, and training of the system and 100% of the cost of the annual maintenance, testing and training of the system; and

WHEREAS, the municipality shall pay the combined costs of the combination of options as outlined above and in corresponding subsequent Agreement(s) with the County of Bergen.

NOW, THEREFORE, BE IT RESOLVED that the municipality be and is hereby authorized to enter into an Agreement with the County of Bergen to utilize an automated telephone alerting system service at any time during the County's contract period with the service provider (July 1, 2008-June 30, 2009 with an option for an additional year); and be it further

RESOLVED that the Mayor be and is hereby authorized to execute said Agreement in a form to be approved by the Borough Attorney.

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

RESOLUTION 08-148 AUTHORIZE CONTRACT FOR GASOLINE

On motion of Councilwoman Marcalus, seconded by Councilman Di Pentima, 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 #07-114, Gasoline, to Allied 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 Assistant 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 \$62,700; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 8-01-31-460-001-\$49,700 and 8-05-55-508-000-\$ 13,000.

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 \$62,700, through the Bergen County Cooperative Pricing System, contract # 07-114, Gasoline, awarded to Allied Oil Co., 25 Camplain Rd, Hillsborough, NJ .

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

RESOLUTION 08-149 AUTHORIZE AGREEMENT NEW HOSPITAL NETWORK

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 provides medical, prescription, dental and vision benefits through a partially self-funded plan administered through a Third Party Administrator (TPA); and

WHEREAS, the Borough Benefits Consultant, in coordination with the TPA, has identified the Health Care Payer's Coalition, (HCPC) as an in-hospital network that obtains notable discounts over and above the existing network for NJ based hospitals; and

WHEREAS, the Consultant's analysis of the HCPC Network identified additional discounts in relation to the hospital claims incurred by the Borough Plan for the years 2007 and 2008 to date, of which analysis (attached herewith) was also reviewed by the Insurance Committee; and

WHEREAS, the proposed HCPC Network would be an additional Network for capturing savings for the Borough and would be seamless to the participants of the plan and more specifically, has no impact on the contractual requirements of the various collective bargaining unit agreements within the Borough.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, Bergen County, State of New Jersey that the HCPC Network is recognized to serve as

an additional In-Hospital Network for claims discounts in accordance with the recommendation of the Insurance Committee and the Benefit's Consultant; and

BE IT FURTHER RESOLVED, the Mayor is hereby authorized to execute the necessary contract documents for a pro-rated period of August 1, 2008 through May 30, 2009 for a monthly flat fee of \$1,000.; and

BE IT FURTHER RESOLVED, the Borough Administrator and Benefits Consultant are hereby authorized and directed to take the appropriate steps necessary for implementation, in accordance with the terms and conditions within the Agreement; and

BE IT FURTHER RESOLVED, the contract award for these services is directly to a not for profit 501 (c) 6 entity domiciled within the State of NJ and therefore, such award is exempt from the requirements set forth by P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51) N.J.S.A.19:44A-20.5 et seq.

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to IDA, Third Party Administrators to the Program, and Professional Insurance Associates, 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ Benefits Consultant to the Borough.

Councilman Di Pentima commented that the Borough's Risk Manager brought the new hospital network to the attention of the Insurance Committee. This does not change the benefit to the employees but it afford a greater savings to the Borough. There is a monthly cost but the Borough will still save money. Mr. Kunze commented that the Borough can potentially save over \$ 100,000 per year which is always a good thing.

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

RESOLUTION 08-150 CHAPTER 159-DOT GRANT

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

WHEREAS, N.J.S.A.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 budget adoption; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for 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 2008 in the sum of \$150,000.00, which is now available from a grant from the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the like sum of \$ 150,000.00 is hereby appropriated under the caption "Public and Private Programs Offset by Revenues-NJ DOT Grant-2008"; and

BE IT FURTHER RESOLVED that the above is the result of funds from a New Jersey Department of Transportation grant.

Councilman Di Pentima explained that there is no impact on the budget. This grant came in after the budget was adopted. This resolution allows the Borough to utilize the grant funds. Councilman Burns advised this is the grant for Page Drive. Mr. Kunze advised that work will be done soon on that project. Mr. Tichacek advised that the work is scheduled to begin on August 18th and should be completed by the end of that week. Councilman Burns questioned what section on Page Drive. Mr. Tichacek advised this project covers Page Drive from Yawpo Avenue to just before Dogwood Drive.

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

RESOLUTION 08-151 CHAPTER 159 PRIVATE DONATIONS SENIOR CITIZEN CENTER
On motion of Councilman Di Pentima, seconded by Councilman Burns, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, N.J.S.A.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 budget adoption; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for 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 2008 in the sum of \$ 1,009.00 which is now available from "Private Donations-Senior Citizens Center."

BE IT FURTHER RESOLVED that the like sum of \$ 1,009.00 is hereby appropriated under the caption "Public and Private Programs Offset by Revenues-Private Donations-Senior Center"; and

BE IT FURTHER RESOLVED that the above is the result of funds from private donations to the Oakland Senior Citizen Center.

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

Mayor Szabo announced that Resolution 08-152 will be carried to the September 10th meeting.

RESOLUTION 08-153 AUTHORIZE AGREEMENT FOR BERGEN COUNTY GRANT
On motion of Councilwoman Stagg, seconded by Councilman Burns, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Mayor and Council wish to enter into a grant agreement with the County of Bergen awarding the Borough a \$ 1,500,000.00 grant for its acquisition of property identified as Block 3101, Lot 8 (formerly Block 3105, Lot 3) known as the NJ Capital property;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby authorizes Mayor John P. Szabo, Jr. and the Borough Clerk to execute the grant agreement.

Councilman Burns commented that the Council is memorializing funding that was already promised. Mayor Szabo commented that \$ 1.5 million from the County is a generous grant to receive. Oakland is lucky to be getting money from the County for Open Space.

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

RESOLUTION 08-154 RESOLUTION TO SUPPORT BILL S1976/A2982

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

WHEREAS, Governor Corzine's Fiscal Year 2009 budget reduced State Police funding for municipalities; and

WHEREAS, municipal budgets will be negatively impacted by the requirement to pay for State Police services and thus be forced to raise local property taxes; and

WHEREAS, many Mayors and other elected and appointed municipal officials met with the Attorney General and State Police offering a solution to the State Police budget shortfall, namely, increasing surcharges on fines levied by the State Police; and

WHEREAS, charging those who violate State laws would fund the shortfall in lieu of relying on New Jersey property taxpayers is a sensible solution to address the problem; and

WHEREAS, Senate Bill No. 1976, sponsored by Senator Van Drew, and Assembly companion, A-2982 (Milam) impose a \$ 40 surcharge on all motor vehicle violations to defray some of the costs of providing local police services; and

WHEREAS, S-1976/A-2982 establish two funds into which revenues from the surcharge will be divided equally between the "Rural Police Services Property Tax Relief Patrol Services Fund" and the "Police Services Property Tax Relief Fund".

WHEREAS, S-1976/A-2982 provide that monies in these Funds are to be used exclusively to reduce the amount a municipality is required to raise through property taxation to cover the costs of providing police services.

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, County of Bergen, does hereby endorse the sensible solution and appropriate surcharge rates as proposed in S-1976/A-2982 and support its adoption thereof.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Governor, the members of the State Legislature and the New Jersey League of Municipalities.

Councilman Pignatelli commented that he brought this up at the last meeting. The initial synopsis of the bill did not say the money was going to the State to be reimbursed back to the municipalities. The Council should carefully consider this since the money is going to the State and Councilman Pignatelli is not sure the Borough is going to get this money back. Councilman Di Pentima echoed Councilman Pignatelli's concerns. The information initially said the money

would be kept in the Borough. Councilman Di Pentima is not going to support this because the money is going to the State. The bill calls for five awards of \$ 1 million each then awards of \$ 5,000 after. The money is not going back to Oakland so he opposes this bill. Councilman Burns commented he would oppose this anyway. The Governor is not willing to take the hard line with cutting costs and is putting the burden on the backs of a few people. Mayor Szabo commented that he does not think the Borough will see a dime of this money. Councilwoman Marcalus commented she is not interested in giving more money to the State and she is not interested in going to the Attorney General if the Borough wants to hire additional police officers. Councilman Pignatelli commented he does not think this will be beneficial to Oakland.

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

Resolution 08-154 was defeated.

RESOLUTION 08-155 AUTHORIZE CONTRACT FOR DIESEL FUEL

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

WHEREAS, the Borough 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 #07-116, 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 Assistant Superintendent of Public Works have recommended that the Borough of Oakland purchase diesel fuel through the Bergen Morris County Cooperative Pricing Council in an amount not to exceed \$32,300; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 8-01-31-460-001-\$19,300 and 8-05-55-508-000-\$ 13,000.

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 \$32,300, through the Bergen County Cooperative Pricing System, contract # 07-116, 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 08-156 AUTHORIZE DEVELOPERS AGREEMENT-PYRAMID ENTERPRISES

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

WHEREAS, the Planning Board of the Borough of Oakland adopted a Resolution approving a development by Pyramid Enterprises (formerly known as Steve Gelewski & Sons, Inc.) for property located at Block 3205, Lot 2.03, commonly known as 111 Long Hill Road, Oakland, New Jersey; and

WHEREAS, the Resolution was conditioned upon Pyramid Enterprises entering into a Developers Agreement with the Borough of Oakland and the posting of the necessary performance guarantees; and

WHEREAS, a Developers Agreement has been prepared by the Borough Attorney; and

WHEREAS, such Developers Agreement has been executed by Pyramid Enterprises and the necessary performance guarantees, cash deposits and insurance certificate has been reviewed and approved by the Borough Attorney;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Mayor and Borough Clerk be and are hereby authorized to execute the Developers Agreement with Pyramid Enterprises.

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

RESOLUTION 08-157 AUTHORIZE GRANT APPLICATION

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

WHEREAS, the Borough of Oakland wishes to evaluate the condition, restoration needs and potential uses of the Van Allen House/Vygeborg Farm site; and

WHEREAS, the New Jersey Historic Trust, through the Garden State Historic Preservation Trust Fund, offers historic site management grants to assist municipalities in completing such preservation plans; and

WHEREAS, the development of a preservation plan is in the best interest of the people of the Borough of Oakland.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Oakland that it authorizes the submittal of a 2008 Historic Site Management Grant application to the Garden State Historic Preservation Trust Fund; and

BE IT FURTHER RESOLVED that the Governing Body agrees to provide a dollar for dollar cash match for the project up to \$40,000; and

BE IT FURTHER RESOLVED that the Borough Administrator, Richard Kunze, is authorized to sign the Applicant and Owner Assurances sections of the grant application; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Garden State Historic Preservation Trust Fund Offices as part of the grant application.

Councilwoman Stagg explained that this is memorializing the application already sent to the State. Councilman Pignatelli commented that we will probably not see the award of this grant

until 2009. Councilwoman Stagg commented that both she and Mr. Kunze spoke to the State today. They have begun the analysis and review of the application. Councilman Visconti questioned the cash match. Councilwoman Stagg responded that the Borough already has \$ 30,000 from the County and are asking the County for an additional \$ 10,000. That money would be the cash match. Mr. Kunze commented that he anticipates a cost of \$ 80,000 for the plan.

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

RESOLUTION 08-158 AUTHORIZE EXTENSION OF VARIANCE-EDEN OAKLAND

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

WHEREAS, the Mayor and Council adopted a Resolution approving EDEN Oakland Realty Partners' request for a variance respecting hours of operation for construction in accordance with the project known as Oakland Crossroads; and

WHEREAS, the approval of Mayor and Council is valid, by the Resolution's terms, through August 21, 2008; and

WHEREAS, the Developer has requested the Council to grant a further 60 day extension up to and through October 20, 2008;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough hereby extends the variance given to Oakland Crossroads, on the same terms and conditions as stated in Resolution 08-131 for the period August 21, 2008 through October 20, 2008.

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

WORK SESSION:

MUNICIPAL POD:

Councilman Pignatelli advised there are two scenarios regarding emergency preparedness: protection through vaccination and through distribution of pills. The question is to do this locally or regionally. Councilman Pignatelli tried to get in touch with the County Health Officer to speak about this issue but he was unavailable today. Councilman Pignatelli suggested holding off doing the survey for the County. He would like to meet with the Board of Health President and with Borough Administrator Kunze before bringing this forth to the Council. This item will be carried to the September 10th agenda.

SMOKING ORDINANCE:

Mr. Chewcaskie commented that there are two ordinances. One ordinance surfaced in regard to the school issue. The second ordinance is for any other public property. The Recreation Commission's comments need to be taken into account. Mr. Kunze commented that Sgt. Eldridge has also submitted comments which he forwarded to Steve Muhlstock for review. Mr. Chewcaskie advised that fine tuning of the ordinance must be done but it would not affect the intention of the ordinance.

Councilman Di Pentima commented that he supports this ordinance. The Recreation Commission took a position on this matter. It is important to create a buffer zone for children and other adults that do not smoke. We know that second-hand smoke kills. Councilman Burns commented that he is not in favor of the smoke-free school zone. He does not think it is right that someone who lives on Yawpo Avenue cannot smoke in front of their own house. People have to be responsible for their own actions. Councilman Burns commented that the Council has not seen anything from the schools that they would support this ordinance. Councilman Pignatelli reminded Councilman Burns that the ordinance applies to age 19 and under.

Councilman Burns commented that he supports the other ordinance to a point. He understands that at the Recreation complex, we need to set an example for the children. He would support the ordinance only for the Recreation areas. He received 7 or 8 emails including one from Recreation Chairman Steve Wagoner which summed up their recommendations. Councilman Burns will forward them to the rest of the Governing Body. Councilman Burns is not in favor of the smoking ban at the Raymond property but would support the ban at the Recreation facilities only. Councilwoman Stagg commented that the ordinance should include a ban on all tobacco products. Mayor Szabo responded that the language in the ordinance covers that.

Councilman Pignatelli commented he agrees with the wording of the ordinance even though it includes property other than the Recreation facilities. He commented that there is not one good thing to say about smoking. Children are very impressionable. He advised that second-hand smoke can be more dangerous than smoking because the contamination in the air latches onto the smoke particles and gets into a non-smoker's lungs. He commented that litter is also a problem with smoking. Councilman Di Pentima commented that the reason he is in favor of the ban beyond the Recreation facilities is because town events are held at Veteran's Park and children attend those events. The Van Allen House is a historic building that is several hundred years old and we want to save that property. Councilman Di Pentima commented that there is no good benefit to smoking.

Councilman Visconti commented that this comes down to the issue of public health versus public freedom. This ordinance would inhibit some people's rights. However, the Council must look at the benefit of the entire population. He commented that the Vice-Principal of Indian Hills High School spoke to the Municipal Alliance in support of an ordinance. In regards to Councilman Burns' concerns, anyone over the age of 19 can smoke on their own property or in the right of way. Councilman Visconti did comment that the verbiage needs to be cleaned up. Regarding the Recreation Fields, Councilman Visconti would like to hear more from the public. The majority of feedback he has heard so far has supported the ban. He suggested a possible compromise would be to say there will be no smoking when children are present.

Councilman Burns commented that there does not need to be an ordinance to prohibit smoking in the Van Allen House. The Historical Society can put up no smoking signs. He commented that as long as the Federal Government gives subsidies to grow tobacco, the Council should not be putting restrictions on smoking. The Mayor and Council should not legislate everything. There are possibilities that some people could be affected by this ordinance. He gave the example of a 19-year old who may be home from Iraq would not be able to smoke at his or her own house according to this ordinance. As long as the Federal government subsidizes tobacco and the State benefits from taxation of tobacco products, then the Mayor and Council should not be legislating this issue. It is incumbent upon the Federal and State governments to act upon this.

Mayor Szabo commented that there are two draft ordinances before the Council. The Council cannot keep carrying these on work session. Mayor Szabo is a proponent of this smoking ban. He would like to move forward with the ordinances. He asked if the Council is comfortable with the form of the ordinances. Councilwoman Stagg questioned if this included private schools or only the public schools. She asked if the Council has the right to legislate non-public property. Mr. Chewcaskie responded this covers all schools just like the drug free school zone. Mayor Szabo commented he is not too concerned that the private schools would be in opposition to this ordinance. Councilman Di Pentima advised that the comments from the PBA need to be reviewed. Mr. Chewcaskie responded that the language needs to be tweaked but the context of the ordinance will not change. Councilman Burns commented that copies of the ordinances should be provided to the schools.

These ordinances will be listed for introduction on September 10th.

AWARD CONTRACT-ENGINEER:

Mr. Kunze advised that a meeting was held regarding the tennis court project. Other options are being looked at. The tentative time frame for that project is to go out to bid by the end of the year so the contract could be awarded in early 2009. There will need to be decisions made in the early fall by the Council on funding.

Mr. Kunze has advised that there are roads that should be paved. As he and the CFO go through old capital ordinances, they have found \$ 250,000 in unspent road funds. At this point, Lawlor Drive and Wright Way will be paved. The Engineer's proposal for their services is \$ 21,000. The resolution to award the contract for Engineering services will be on the next agenda.

Councilman Burns would like to support this project especially since the Borough got good prices on this year's road project. Now is the time to get bids. Mr. Tichacek advised that the estimate for construction on those two roads is \$ 150,000. There are some other roads that need to be done so another road or two can be added if money is available. Councilman Burns questioned if the roads being done are actually specified in the bid. Mr. Tichacek responded that the roads are specified. He advised that the construction estimate has taken into account inflation for asphalt. He suggested that we could bid a road as an alternate. Councilwoman Stagg advised that money must be kept aside for Lawlor Drive to be done after the tennis project. Mr. Tichacek advised that the contractors could access the tennis courts from Oak Street and it will not impact Lawlor Drive.

NEW BUSINESS:

Councilman Burns advised that Recreation Chairman Steve Wagoner would like to charge usage fees for the playground. Councilman Burns is not in favor of this. Mayor Szabo commented he will meet with Mr. Wagoner on this issue.

COUNCIL REPORTS:

Councilwoman Marcalus: The Planning Board will meet on August 14th. The Macarrio tract and Pinnacle are on the agenda for a one-year extension. The Board of Education appointed George Villard as the Valley Middle School principal. The Senior Center received a gift of a popcorn machine. Councilwoman Marcalus thanked Traffic Officer Pianettini for his diligence in the installation of the left turn signal by Oak Street when going north on Ramapo Valley Road.

Councilman Visconti: The Library is planning a DooWop concert as a fundraising event.

Councilwoman Stagg: The open space presentations to the County are being planned. The historical grants are moving through the review system. Councilwoman Stagg met with the County at the site and she has been in touch with the State. The Environmental Commission is still pursuing recycling efforts. They hope to move into green buildings.

Councilman Burns: The Shade Tree Commission held its meeting on August 4th. They planted eight trees at the entrance of Indian Hills High School. They planted three trees by the paper street and planted trees at various locations throughout the town. The Borough received a flag for Tree City USA. It might be a good idea to hang the flag at Bush Plaza. The Shade Tree Commission is looking at the ordinance with potential changes to tree removal fees. They are looking into a per acre fee. The Shade Tree Commission sends out letters to the homeowners on dangerous trees. This is legally binding. Councilman Burns thanked Rockland Electric for their help with removal of trees. They helped save the Borough thousands of dollars. Councilman Burns advised a tree came down in the river and someone should look at it. Shade Tree Commission asked the Engineer to coordinate with them regarding sidewalk projects. Councilman Burns advised there is money available from the County for tree farms. Councilman Burns requested a field usage report for Recreation.

Councilman Di Pentima: The Insurance Committee met and is working to save money without jeopardizing employee's contracts. Councilman Di Pentima advised that the grace period has been extended for payment of tax bills. He advised that the municipal rate has the lowest increase since 2004. The overall increase was the lowest since 2001. Councilman Di Pentima extended condolences to the Fabrizio family on the tragic loss of their son and nephew.

Councilman Pignatelli: He will meet with the Board of Health on the POD. He will attend the Fire Department meeting next month. In July, the Police had 729 enforcement actions.

Councilman Burns asked Mr. Kunze to verify that Shade Tree fees are deposited in Borough Hall. He commented that it was a real tragedy for the Fabrizio family.

BILLS TO BE PAID:

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

(see following pages)

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

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

MEETING ADJOURNED:

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

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

Lisa M. Duncan, Borough Clerk
September 10, 2008

Mayor John P. Szabo, Jr.

Date Approved