

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

MOVE TO EXECUTIVE SESSION:

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

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

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

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

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

Discussion ensued over library litigation and personnel issues.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Council President Pignatelli at 8:02 pm.

ROLL CALL: Councilman Pignatelli called the meeting to order and the Clerk called the roll.
Present: Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Visconti. Absent:
Mayor Szabo, Councilwoman Stagg. 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: Councilman Pignatelli announced this meeting is being held in
accordance with the Open Public Meetings Law duly announced and included in the
schedule of regular meetings.

CERTIFICATE TO BETTE WALPOLE:

Councilman Pignatelli presented a certificate of appreciation to Bette Walpole for her years of
service to the Oakland First Aid Squad and the Board of Health.

RESOLUTION 08-143 PERMANENT APPOINTMENT OF OFFICER KERN

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

WHEREAS, Police Officer Daniel Kern has completed his required probationary
working test period; and

WHEREAS, Officer Kern has satisfactorily performed the work, duties and obligations
of a Police Officer and Chief Kasper is recommending that Officer Kern be permanently
appointed as a Police Officer in the Borough of Oakland;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of
Oakland hereby appoints Daniel Kern to permanent status as a Police Officer in the Oakland
Police Department; and

BE IT FURTHER RESOLVED that the Mayor and Council extend to Police Officer
Kern their sincere congratulations and continued best wishes for a successful career as Police
Officer in the Borough of Oakland.

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

Councilman Pignatelli issued the oath of office to Officer Kern.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Burns, 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.

Frank Monaco, 60 Thackeray, questioned the status of library litigation. Borough Attorney Muhlstock advised that the discovery phase of the litigation has been extended by the Court because not all depositions have been taken. The discovery is due October 12th. The expert reports are due 60 days after that date. Realistically a trial date should be set for February 2009. Mr. Monaco commented that the Borough is paying an employee who has not been working. Mr. Muhlstock advised that the Council cannot comment until the disciplinary hearing takes place next week. Mr. Monaco spoke about the Stream House roof. He commented it is dangerous and hopes no one gets hurt. Councilman Pignatelli commented that the Construction Official has submitted a report to the State with several recommendations regarding the Stream House. Mr. Kunze commented that the Council has spoken previously about the urgent need to take action on the Stream House. Bergen County has advised that the Borough needs a historic preservation plan. The Borough has \$ 30,000 for the plan and we have applied for additional funding from the State and County so we can do a plan. Then the Council can take action. Mr. Monaco advised that someone has to make a decision on this. Councilman Pignatelli commented that the Stream House has been cabled for safety reasons. The Council is not sure that the Stream House is going to be preserved. It depends on the decision from the State. Councilman Di Pentima advised that the Council had a presentation from the Bergen County Historic Preservation division. Councilman Di Pentima had asked what would happen if the Borough does not want to fix the Stream House. Ms. Brown from the County had advised because the property is considered joined, both buildings were considered historic. Ms. Brown also advised the Council if the Borough wants money for the Van Allen House, the historic preservation plan must be completed. The Council hopes that the historic preservation plan would allow more say in what to do with the building instead of Bergen County Historic Trust dictating what should be done. Councilman Visconti commented that because the County put the two properties together, Ms. Brown said the Borough wouldn't get a cent for the Van Allen House if the Stream House was taken down. Councilman Visconti asked Mr. Monaco if it would be acceptable to use taxpayer's money to take on the responsibility of maintaining the Van Allen House if the Borough took the Stream House down against the County's wishes. Mr. Monaco commented that the taxpayer's money is already being spent on engineers. Councilman Visconti advised that Engineer Mike McNally volunteered his services for the Stream House. Mr. Monaco commented that for the past six years, the Council has done nothing. Councilman Pignatelli responded that the Borough has to deal with beauracracy as well. The Council does care but does not want to make a decision and then give the taxpayers the responsibility of taking care of the Van Allen House. Mr. Monaco commented that the Council has allowed the Van Allen House to deteriorate. Councilman Burns commented that he does not know why the Borough is not moving ahead with the historic preservation plan. His hope is that the plan would say that the Stream House is not historic and can be taken down. Mr. Monaco questioned how much is being spent on the tennis court project. Councilman Di Pentima advised that the quotes have been anywhere from \$ 250,000 to \$ 750,000. Councilman Burns commented that \$ 250,000 was put aside to do three courts. Mr. Monaco commented that the project is now between \$ 400,000 and \$ 750,000. He asked the Council if they think the citizens want this done. Councilman Pignatelli commented that the tennis program is a big program in town. Mr. Monaco commented it is not the economic times to spend money on pleasure. Councilman Burns advised that there is a meeting scheduled with the Engineer to look at cutting down costs for the tennis court project while still providing a good product for the community.

Diane Beebe, 94 Iroquois Avenue, thanked the Council for fixing the sidewalks on Route 202.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: JUNE 25, 2008

On motion of Councilwoman Marcalus, seconded by Councilman Di Pentima, the minutes from the Mayor and Council meeting of June 25, 2008 be approved.

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

APPROVAL OF MINUTES: JULY 9, 2008

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of July 9, 2008 be approved.

Councilman Pignatelli announced that since he left the meeting early , he would abstain.

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

APPROVAL OF MINUTES: JANUARY 9, 2008 EXECUTIVE

On motion of Councilman Di Pentima, seconded by Councilman Visconti, the minutes from the Mayor and Council Executive session of January 9, 2008 be approved.

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

APPROVAL OF MINUTES: APRIL 9, 2008 EXECUTIVE

On motion of Councilman Visconti, seconded by Councilman Di Pentima, the minutes from the Mayor and Council Executive session of April 9, 2008 be approved.

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

APPROVAL OF MINUTES: APRIL 23, 2008 EXECUTIVE

On motion of Councilwoman Marcalus, seconded by Councilman Di Pentima, the minutes from the Mayor and Council Executive session of April 23, 2008 be approved.

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

APPROVAL OF MINUTES: MAY 14, 2008 EXECUTIVE

On motion of Councilwoman Marcalus, seconded by Councilman Di Pentima, the minutes from the Mayor and Council Executive session of May 14, 2008 be approved.

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

APPROVAL OF MINUTES: MAY 28, 2008 EXECUTIVE

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, the minutes from the Mayor and Council Executive session of May 28, 2008 be approved.

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

APPROVAL OF MINUTES: JUNE 11, 2008 EXECUTIVE

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, the minutes from the Mayor and Council Executive Session of June 11, 2008 be approved.

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

APPROVAL OF MINUTES: JUNE 25, 2008 EXECUTIVE

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, the minutes from the Mayor and Council Executive session of June 25, 2008 be approved.

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

APPROVAL OF MINUTES: JULY 9, 2008 EXECUTIVE

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, the minutes from the Mayor and Council Executive session of July 9, 2008 be approved.

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

Councilman Burns announced that there were a couple of Executive sessions where he recused himself from a portion of the meeting but he voted on the portion of the meeting that he attended. Mr. Mulstock advised that was acceptable as long as Councilman Burns made that statement where he was voting on the parts of the meeting he attended and cannot attest to the validity of the remainder of the meeting.

RESOLUTION 08-108 AUTHORIZE CREW ENGINEERS FOR SKYVIEW PROJECT

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

WHEREAS, the Water and Sewer Committee of the Borough has determined that the sand pit filter beds located at the Borough's Skyview-Hibrook Sanitary Treatment Plant are in need of restoration, as detailed in the Crew Engineers, Inc. letter dated April 8, 2008;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that effective August 4, 2008, Crew Engineers, Inc. is hereby authorized and directed to prepare a bid specification and plans for rehabilitation of the sand pit filter beds at the Skyview-Hibrook Sanitary Treatment Plant; and

BE IT FURTHER RESOLVED that the cost of such engineering work shall not exceed \$ 14,000, inclusive of laboratory expenses; and

BE IT FURTHER RESOLVED, that the CFO has certified the availability of monies necessary for this project, in Account C-04-55-924-003; and

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

BE IT FURTHER RESOLVED, that the Mayor shall execute a contract with Crew Engineers, Inc. for this project; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall maintain a copy of this Resolution and the contract in her offices, for public inspection.

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

RESOLUTION 08-109 AUTHORIZE CREW ENGINEERS SKYVIEW PROJECT

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

WHEREAS, the Water and Sewer Committee of the Borough has determined that the manholes at the Borough's Skyview-Hibrook Sanitary Treatment Plant are in need of restoration, as detailed in the Crew Engineers, Inc. letter dated May 14, 2008;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that effective August 4, 2008, Crew Engineers, Inc. is hereby authorized and directed to prepare a bid specification and plans for installing rubber seals in the concrete manholes at the Skyview-Hibrook Sanitary Treatment Plant; and

BE IT FURTHER RESOLVED that the cost of such engineering work shall not exceed \$ 8,250; and

BE IT FURTHER RESOLVED, that the CFO has certified the availability of monies necessary for this project, in Account C-04-55-924-003; and

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

BE IT FURTHER RESOLVED, that the Mayor shall execute a contract with Crew Engineers, Inc. for this project; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall maintain a copy of this Resolution and the contract in her offices, for public inspection.

Councilman Burns explained that this is a measure to cut down on the inflow to the Skyview treatment plant because there are limits that have been set by the State. The Water and Sewer Committee hopes these measures help to take care of the problems. He advised that these two projects combined are less than the original plan for an equalization tank.

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

RESOLUTION 08-144 AUTHORIZE SNOW PLOW AGREEMENT

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

WHEREAS, as part of its snowplowing operations, the Borough of Oakland clears various county roads located within the Borough; and

WHEREAS, the Borough is entitled to be reimbursed by the County of Bergen for such services;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor be and is hereby authorized and directed to execute an agreement by and between the County of Bergen and the Borough of Oakland, in the form annexed hereto and made a part hereof, with respect to the snowplowing operations by the Borough on County roads, including compensation therefor.

Councilwoman Marcalus explained that the Borough will take care of plowing County roads during a storm. Councilman Pignatelli advised we will be reimbursed at a higher rate than last year.

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

RESOLUTION 08-146 AUTHORIZE PART-TIME AIDE AT SENIOR CENTER

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 hire temporary help in the Senior Citizen Center; and

WHEREAS, the Senior Center Director has made a recommendation to the Borough Administrator to appoint Linda Dale to work for the Borough of Oakland on an "as needed basis" for the Senior Center as a part-time Program Aide at a rate of \$ 10.00 per hour.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby appoints Linda Dale to the position of part-time Program Aide at a salary rate of \$ 10.00 per hour effective Monday July 21, 2008.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that said funds are included in the 2008 budget.

Councilwoman Marcalus explained that the Senior Center uses Ms. Dale on a per diem basis but it was determined that she needed to be an employee. Mr. Kunze explained that Ms. Dale was being paid on voucher. However, her services were not specialized enough to be paid by voucher. Therefore, she needed to be put on payroll. Councilman Burns commented that because Ms. Dale is part-time, the resolution should state something about maximum hours. Mr. Kunze advised that the Senior Center will work within the budget allocation.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 08-CODE-572

The Clerk was directed to take from the table Ordinance No.08-Code-572 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 59, ARTICLE VII OF THE OAKLAND CODE ENTITLED "ZONING"

OPENED FOR PUBLIC DISCUSSION:

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

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

Frank Monaco, 60 Thackeray Road, asked what the modifications are. Mr. Muhlstock replied there were modifications in the definition of building coverage and impervious coverage. The Planning Board found that the prior ordinance was ambiguous between those terms.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending Chapter 59, Article Vii Of The Oakland Code Entitled "Zoning", be adopted;

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

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

FINAL PUBLIC HEARING: ORDINANCE NO.08-CODE-578

The Clerk was directed to take from the table Ordinance No.08-Code-578 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM"

OPENED FOR PUBLIC DISCUSSION:

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

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

Mr. Kunze explained that last year, the legislature created the DCRP as an alternative to the Public Employee Retirement System. Certain positions were mandated to go into the DCRP. The State has mandated that municipalities do an ordinance to specify what those positions are. Certain positions are exempt because they are licensed. There are essentially four positions that the Borough is designating. Elected officials must go into the DCRP.

Frank Monaco, 60 Thackeray Road, questioned if we are covering elected officials. Councilman Pignatelli advised this is for the retirement system. Mr. Monaco commented he does not begrudge that because the elected officials put their time in. Mr. Kunze clarified that any elected official that takes office after July 1, 2007 must enter the DCRP.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, "An Ordinance For Determining Positions Eligible For The Defined Contribution Retirement Program", be adopted;

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

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

WORK SESSION:

SMOKING ORDINANCE:

Mr. Muhlstock advised he drafted two ordinances because one seemed to fit in the code dealing with Recreation facilities. The second ordinance is guidance to extend the area around the schools as a no smoking zone for minors. Councilman Pignatelli commented that Detective Piercy is in attendance to answer any questions. Councilwoman Marcalus asked Detective Piercy what he had to say on the topic of smoking when he made his presentation to the Municipal Alliance. Detective Piercy advised that he attends crisis management meetings at the high school each month. Ramapo High School has an issue of students walking off of school property to smoke. Franklin Lakes passed an ordinance. They are asking the FLOW towns to have a similar ordinance. Councilwoman Marcalus advised that the Franklin Lakes ordinance states that students under age 19 cannot smoke in public places. It does not say anything about private property. Detective Piercy advised that the town cannot govern private property. Councilwoman Marcalus questioned the 1000' distance in the draft ordinance. She questioned if this is school policy. Mr. Muhlstock responded he took that out of the statute for drug free school zones. Councilwoman Marcalus questioned what the school policy is. Detective Piercy commented the school policy only refers to school property. Councilman Burns commented that

it is interesting that the smoking problem is at Ramapo and not Indian Hills. Detective Piercy advised there is a resident on Page Drive that put an ash bucket on his property because students were walking on the street to smoke and throwing cigarettes on his property.

Mr. Muhlstock commented that the way the Franklin Lakes ordinance reads, the violations are done through a series of offenses. Councilwoman Marcalus commented that the Franklin Lakes ordinance was rather toothless. Mr. Muhlstock asked how many offenses the Police Department has dealt with. Detective Piercy advised he will check with the Court to see how many complaints were signed. Councilman Pignatelli commented in the ordinance from Franklin Lakes, it needs to be violated five times before a court appearance is required. He advised that the students must be educated. However, Municipal Alliance asked the Council to address this. Detective Piercy spoke of the lack of severity of the penalty in the draft ordinance. Mr. Muhlstock advised if the Detective feels the penalty is too light, he could make it more severe.

Councilman Burns questioned if the Police Department is going to set up a separate patrol to enforce this ordinance. Detective Piercy responded they would not. Councilman Burns commented that there is nothing illegal about a 19-year old smoking. He thinks the Police Department has better things to do than worry about patrolling for smoking. Detective Piercy advised that the Police do patrol the schools. If students are leaving school property, that poses a danger. There is an issue at hand that needs to be addressed. Councilman Pignatelli commented if a resident wants to complain about an issue, then it should be addressed. When the Council is called by a resident for action, there should be something on the books. Councilman Burns questioned if the resident on Page Drive complained. Detective Piercy commented that calls have come in to the Police Department to complain. Councilman Pignatelli commented that it causes a litter problem.

Councilman Di Pentima commented that the Council needs to do something. He recommended leaving the age at 18 because it is legal for a 19 year-old to use cigarettes. Councilman Di Pentima agreed with Detective Piercy that the penalties are light. There needs to be a deterrent. Councilman Visconti thanked Detective Piercy for attending the meeting tonight. He asked if Detective Piercy supports this issue. Detective Piercy responded that he is a DARE officer and this is a health issue so he definitely supports this.

Councilwoman Marcalus commented that she is now looking at the Franklin Lakes ordinance and it does address the issues. She commented that the ordinance should be redrafted to be more in line with the Franklin Lakes ordinance. Councilman Pignatelli advised the Council to put their comments in writing and forward to the Borough Clerk. Councilman Di Pentima questioned if the Council was going to discuss the ordinance regarding Recreation because there are two properties missing-Wells Field and the Van Allen House. Mr. Muhlstock advised that he tried to be specific so that offenders couldn't get away in Court by saying that the ordinance was too vague. He tried to list only recreational facilities. He asked if the Council wanted to extend the ordinance to include any public property. Councilman Burns advised there is a Recreation meeting next week.

Al DiGiacomo, Long Hill Rd., questioned how long the record would follow someone if they were arrested for this. Mr. Muhlstock advised they would be issued a summons and there is no record. Mr. DiGiacomo commented that tobacco is a legal substance that has penalties such as emphysema and cancer. Mr. DiGiacomo commented that the Council cannot pass a law to make someone do the right thing,

Frank Monaco, 60 Thackeray Road, commented that if an 18 year old can go to war, it should be fine for smoking. Councilman Pignatelli commented that it is against the law for people to walk in public with an open container of alcohol. He asked Mr. Monaco what the difference is between alcohol and smoking.

COUNTYWIDE EMERGENCY NOTIFICATION:

Mr. Kunze commented he did discuss this with Emergency Management Coordinator Roy Bauberger in order to get clarification. By joining into the system, the Borough will have the option of letting the County make the calls or managing the system ourselves. In most cases, Mr. Bauberger will use the County OEM but he understands the value of being able to manage the system ourselves when needed. A resolution will be listed for the next meeting.

CONTRACTS FOR FUEL:

Mr. Kunze advised that we have been notified by Franklin Lakes that they can no longer charge us for fuel while our system is down. The State held up their budget because they said that Franklin Lakes is not a commodity reseller. Mr. Kunze advised that we will buy our own fuel and have it shipped to Franklin Lakes and will monitor the usage. The vendors that he is recommending are the ones that Franklin Lakes is currently using. Borough Engineer Tichacek advised that there will be a kickoff meeting with Mr. Kunze and Assistant Superintendent Marcucilli for the DPW tank replacement project to ensure there is no impact to operations of the DPW. That meeting will take place next week and construction would begin that day. The project should be complete by mid-fall. Councilman Pignatelli questioned if the tanks are empty. Mr. Tichacek advised that will be the first step.

2008 CAPITAL:

Councilman Di Pentima advised that Mr. Kunze and CFO Mangin are looking at where we are with all capital projects. For instance, there is a request for the Court for a security system which they requested last year as well. Mr. Kunze and Mr. Mangin will review and will come back with recommendations on the 2008 capital projects. Councilman Di Pentima advised that the Council also needs to start thinking about water tank replacement and water main replacement. He advised that the largest item for dollar amount is the DPW refurbishment project with a request of \$ 2.5 million. Councilman Di Pentima knows there are things that need to be done at that building. This item needs to have more input. He does not know the Council's opinion but he does not want to spend the entire amount on that project. However, there are not adequate conditions there for the employees such as the changing locker room.

Councilman Burns commented that last year, the renovation of the lights at the Recreation complex was brought up. He commented that several towns are trying to save money by turning the lights off at night. We have a bad situation. The tennis court lights are all on one switch so if only one court is being used, all are lit. Several fields are lit at the same time. The lights that are left on are difficult to turn off. He asked the Council to reconsider the renovation project.

Councilman Di Pentima advised that this must be factored in. The Council has done a good job in the past years of not burdening the taxpayers with too much debt. However, we must keep up with the infrastructure. He reminded that we also must pay off the NJ Capital property. The Finance Committee will give a report to the Council.

Councilman Pignatelli commented that when you talk about \$ 10 million, that is a substantial debt. Some projects don't have to go to the full extent and the scope can be cut. Regarding the lights at the Recreation complex, we may not have to replace everything. He advised that the Council does need to be conscious of the amount of debt.

NEW HOSPITAL NETWORK:

Mr. Kunze advised that the Borough has received a proposal from our Risk Manager, Frank Covelli, on a new network for hospitals. Mr. Covelli compared the networks using last year's actual costs. The Borough would have received an additional \$ 138,211 of savings. There is a \$ 1,000 per month service fee and the savings would vary from year to year. Councilman Di Pentima commended Mr. Kunze for working with the Risk Manager to try to get savings for the Borough. Councilman Visconti commented that there would be no change for employees and is a win-win situation pending contract review. Councilman Burns questioned if we were dropping PPO Next? Mr. Kunze advised this would be in addition to the network currently in place. Councilman Burns questioned if the new network just included the hospitals listed on the proposal sheet. Mr. Kunze responded it includes all hospitals in NJ. Councilman Burns questioned if PPO Next includes less hospitals and why they do not have the same discounts. Mr. Kunze responded he does not know why the discounts are greater. Councilman Burns questioned if PPO Next would have more competitive discounts this year. Mr. Kunze commented he will verify the discounts for PPO Next. Councilwoman Marcalus asked how long the contract would be. Mr. Kunze responded it was a one-year contract. Councilman Di Pentima commented it would be done as part of the annual insurance renewal.

NEW BUSINESS:

Mr. Kunze advised that Cablevision has filed their application for municipal consent and the Borough has received procedures set forth by the BPU. The Borough Clerk explained that the hearing must be held between 60 and 90 days after the application was filed and the hearing must be advertised at least 45 days prior. The consensus of the Council was to schedule the hearing at the September 10th meeting.

COUNCIL REPORTS:

Councilwoman Marcalus: She read the Oakland residents who made the Dean's list at Ramapo College and offered them congratulations. The DPW is beginning its annual storm drain inspection requirement. The DPW must inspect every storm drain for litter or anything harmful to the environment. Assistant Superintendent Marcucilli asked residents to never throw anything into the storm drains. The Finance Committee made a presentation at the Senior Center and did an excellent job explaining the budget to over 40 Seniors. Councilwoman Marcalus advised that Senior Karl Blunke participated in an art show and won. He will now be representing Bergen County in the State show. Residents are invited to stop in to the Senior Center to view the artwork.

Councilman Visconti: He welcomed the Lenape Valley Grille who recently opened. He spoke about investigating the use of LED street lights. The Borough learned it is too late to get involved with the study being done by P.S.E. & G. Assistant Superintendent Marcucilli pursued this with Rockland Electric but there is nothing at the moment. We have asked P.S.E. & G. for more information.

Councilman Burns: The Recreation Commission meets next week and the Shade Tree Commission meets the first week of August.

Councilman Di Pentima: The Communications Commission met last week. There has been a question about Verizon's ability to carry channel 77. We will be working with Verizon. The OCC is working on doing streaming on the website. He thanked Councilwoman Marcalus for setting up the budget presentation with the Seniors. The Finance Committee will do a similar presentation for the entire town and put it on channel 77. Councilman Di Pentima thanked the Public Events Committee and everyone involved with the carnival. Chairman Bob Fabrizio did a

great job. The carnival was a great success and \$ 13,000 was raised for the Public Events Trust Fund.

Councilman Pignatelli: He advised there is a new bill proposed in the legislature to impose a \$ 40 surcharge on all motor vehicle violations to help defray costs of police services. He thinks this is a great idea to offset costs. Bill number S1976/A2982 would allow the municipalities to collect the \$ 40 surcharge up to \$ 1 million to offset police costs. He would like a resolution to endorse this legislation. Councilman Pignatelli did not attend the Board of Health meeting and their next meeting will be held in September.

BILLS TO BE PAID:

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

(see following pages)

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

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

MEETING ADJOURNED:

On motion of Councilman Di Pentima, seconded by Councilman Visconti, the meeting be adjourned at 10:00 pm.

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

Lisa M. Duncan, Borough Clerk
August 13, 2008

Mayor John P. Szabo, Jr.

Date Approved