

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY JULY 9, 2008

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, 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:
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, Marcalus, Pignatelli, Stagg, Visconti.

The labor attorney advised the Council on personnel matters. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Szabo at 8:03 pm.

ROLL CALL: Mayor Szabo called the meeting to order and the Clerk called the roll. Present: Mayor Szabo, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti. Absent: Councilman Di Pentima. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Steven Muhlstock, Borough Attorney; Borough Engineer Kevin Tichacek; James A. Mangin, Chief Financial Officer.

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 reported on the death of Brenda Jacobsen. She and her husband, Mike, are very active members of the community. Everyone is greatly saddened by her loss. Mayor Szabo advised that Councilman Di Pentima was not here this evening because there was a death in his wife's family. The Council extends sympathy to his wife, Darlene, and her family. Mayor Szabo did introduce the new Chief Financial Officer, James Mangin, and wished him well. The Council looks forward to working with him. Mayor Szabo advised this is the first time the Borough has had a full-time CFO.

OPENED FOR PUBLIC DISCUSSION:

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

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

Charlie McCormack, 161 Manito Ave, commented that there were no security cameras at the library and believes that would be a prudent purchase. He commented that Verizon is not doing a service to residents by not offering Channel 77. They are offering other services at a cost. Mayor Szabo responded that a lot of people who got FIOS are disappointed they don't get Channel 77. He will have to read the franchise law and he will contact Senator O'Toole and Assemblyman Rumana for help. Mr. McCormack spoke of an ordinance to allow restaurants to put tables outside. Mayor Szabo advised it is part of the package for the downtown. We have to create an environment that people will want to sit outside. He advised that Starbucks will have outdoor seating. Councilman Visconti advised that the security camera has been brought up by the Library Director and it is something that needs to be addressed. He advised Mr. McCormack to go to a Library Board meeting and voice his opinion about the security camera.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: JUNE 11, 2008

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of June 11, 2008 be approved.

ROLL CALL: All Yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

APPROVAL OF MINUTES: JUNE 17, 2008 SPECIAL MEETING

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council special meeting of June 17, 2008 be approved.

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

APPROVE RAFFLE LICENSE RL1021

On motion of Councilwoman Stagg, seconded by Councilman Burns, approval be granted for Raffle License RL1021 for the Greyhound Friends of NJ Inc. to hold an on-premise raffle for merchandise on August 2, 2008 from 7 to 11 pm at the Holiday Bowl, 29 Spruce Street.

Councilman Pignatelli questioned the organization. Mayor Szabo responded they are an organization that rescues greyhounds and puts them up for adoption.

ROLL CALL: All Yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

APPOINTMENT TO BOARD OF HEALTH

Mayor Szabo nominated Mark Ostapczuk to fill the unexpired term on the Board of Health. On motion of Councilman Pignatelli, seconded by Councilman Burns, the Council consented to the appointment of Mark Ostapczuk to fill an unexpired term on the Board of Health which is due to expire on December 31, 2010.

ROLL CALL: All Yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 08-99 AUTHORIZE GRANT APPLICATION VAN ALLEN SITE

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

WHEREAS, a Bergen County Open Space Trust Fund application in the anticipated amount of \$ 10,000 has been proposed by the Mayor and Council for the Municipal Restoration Improvement to the endangered Van Allen House Site; and

WHEREAS, pursuant to the State Interlocal Services Act, such funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Oakland.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Oakland hereby confirms the endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that the Governing Body is committed to providing a dollar for dollar cash match for the project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Division of Community Development so that implementation of the aforesaid project may be expedited.

Councilwoman Stagg explained that the Borough applied to Bergen County for a \$ 10,000 grant for the Stream House. We did not pass the resolution required so we are doing that tonight. Councilwoman Marcalus clarified that it should be the Van Allen House site and not just the Stream House. Councilwoman Stagg confirmed that was correct. She advised that we need to have planning documents for that site so we are applying for grants to help supplement the cost.

ROLL CALL: All Yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 08-133 AUTHORIZE MODIFICATION TO LEASE AGREEMENT

Remove from Table:

On motion of Councilman Visconti, seconded by Councilwoman Stagg, Resolution 08-133 be removed from the table.

ROLL CALL: All Yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

Councilwoman Stagg had asked for the resolution to be tabled at the last meeting because she was not sure if the location would interfere with a potential pump station. Assistant DPW Superintendent Marcucilli advised the Borough Administrator that the area does not pose a conflict.

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

WHEREAS, Sprint Spectrum, L.P. entered into a lease with the Borough of Oakland dated September 24, 2002 for premises located at the rear of Thornton Road, known as Block 3204, Lot 7.01; and

WHEREAS, Sprint Spectrum, L.P. has requested a modification of the lease to include an additional 595 square feet; and

WHEREAS, negotiations have ensued between the Borough of Oakland and Sprint Spectrum; and

WHEREAS, the Borough of Oakland and Sprint Spectrum have agreed to enter into a lease Modification Agreement (copy attached) setting forth the terms of their agreement;

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

1. The Mayor and Borough Clerk are hereby authorized to execute the Lease Modification Agreement between the Borough of Oakland and Sprint Spectrum.
2. A certified copy of this resolution shall be provided to Sprint Spectrum.

ROLL CALL: All Yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 08-138 AUTHORIZE PROFESSIONAL AGREEMENT-ATTORNEY

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

WHEREAS, the Borough of Oakland has contracted with the firm of Gittleman, Muhlstock and Chewcaskie, LLP to provide the services as **Borough Attorney** for 2008; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the account 8-01-20-155-027; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough has fully complied with the “fair and open” process set forth under the State “Pay to Play” law, N.J.S.A. 19:44A-20.1 et seq.; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Oakland that the contract between the Borough and Gittleman, Muhlstock and Chewcaskie, LLP for legal services is hereby amended by the establishment of a monthly retainer of \$ 4,000 to be paid on voucher in lieu of a retainer of \$3,500 paid as salary; and

BE IT FURTHER RESOLVED, that compensation for said Borough Attorney for the year 2008 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to sign the amended agreement with the firm of Gittleman, Muhlstock and Chewcaskie, LLP for legal services.

Councilman Burns questioned the change. Mr. Muhlstock advised that the law changed with respect to the Attorney and Engineer being a part of the pension system. The retainer amount is the salary amount plus the amount taken for taxes. Councilman Burns commented that there was a proposal at the beginning of the year and he was not aware that Brian was an employee. Mr. Muhlstock advised that they have been on payroll since their appointment in 2002. Previous Borough attorneys were allowed to be on payroll. The attorneys were allowed to be on payroll for pension purposes. Councilman Burns questioned if the Borough contracted for a certain amount, why is the amount going to change. Councilman Visconti responded it is part of the money the Borough was paying to the pension system for the Attorney. Mayor Szabo confirmed that we paid 5% to pension for the Attorney. Councilman Burns commented he understands why this is being done but doesn't understand the increase in the amount. Mayor Szabo responded we would be penalizing the Attorney for the pension payments the Borough used to make.

ROLL CALL: All Yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 08-139 AUTHORIZE ENGINEER PRELIMINARY FLOOD ASSESSMENT
Borough Engineer Tichacek wanted to clarify that Boswell has already done the preliminary damage assessment. This will be for scoping sessions with the DEP, FEMA and the Army Corps of Engineers to get a scope for the full plan.
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 is desirous of conducting a preliminary damage assessment of the Ramapo River; and

WHEREAS, Boswell McClave Engineering has submitted a proposal dated March 31, 2008, delineating various damage sites and to conduct scoping meetings; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Oakland does hereby retain Boswell McClave Engineering to conduct a preliminary damage assessment of the Ramapo River and to conduct scoping meetings, pursuant to the proposal dated March 31, 2008; and

BE IT FURTHER RESOLVED, that the fee for the preliminary investigation and report shall not exceed \$2,500, to be billed at the Engineer's municipal hourly rates; and

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

BE IT FURTHER RESOLVED, that Mayor shall execute an appropriate agreement in memorialization of this award of contract; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified in writing, the availability of proceeds for the payment for the services to be rendered in account number 8-01-20-165-100; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall maintain a copy of this resolution and the contract with Boswell McClave Engineering for public inspection.

ROLL CALL: All Yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 08-140 SALARY INCREASE FOR NON-UNION PERSONNEL

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

BE IT RESOLVED that the following non-union based salaries be established effective January 1, 2008

NAME	POSITION	2007 BASE	3.9% INC	2008 BASE
Amorino	Tax Collector	\$62,000	\$ 2,418.00	\$ 64,418.00
Buonocore	Prosecutor		\$ -	\$20,848
Burik	Senior Citizens Director	\$36,780	\$1,500.00	\$ 38,280.00
Cellini	Building Inspector	\$18,720	\$ 730.08	\$19,450.08
Burns	Municipal Court Administrator	\$49,872.00	\$ 1,945.01	\$51,817.01
Conte	Judge		\$ -	\$30,477
Davis	Police Chief's Secretary	\$37,187	\$1,500.00	\$38,687.00
Dillon	Fire Sub-Code	\$5,388	\$ 210.13	\$ 5,598.13
Duncan	Borough Clerk	\$54,406	\$ 2,121.83	\$ 56,527.83
Fortunato, R.	Public Defender	\$8,372.00	\$ 326.51	\$8,698.51
Hagberg	Construction Official	\$41,000	\$ 1,599.00	\$ 42,599.00
Hagberg	Fire Official	\$9,000	\$ 351.00	\$9,351.00
Kasper	Police Chief	\$122,000		\$128,000.00

Holzhauser	Tax Assessor	\$40,415	\$ 1,576.19	\$ 41,991.19
Krebs	Administrative Secretary	\$47,434.00	\$ 1,849.93	\$ 49,283.93
Kunze	Borough Administrator		\$ -	\$120,000
Mangin	Treasurer/CFO		\$ -	\$80,000
Montemarano	Building Subcode official	\$8,800		\$ 8,800.00
Marcucilli	Asst. Public Works Supt.	\$90,986	\$ 3,548.45	\$ 94,534.45
Tabback	Zoning/Property Maintenance	\$18,720	\$ 730.08	\$ 19,450.08
Porrino	Fire Inspector	\$ 26.00/hour	\$ 1.00/hour	\$ 27.00/hour
Walthour	Electrical Inspector	\$13,997	\$ 545.88	\$ 14,542.88
Zaconie	Plumbing Sub-Code	\$19,572.00	\$ 763.31	\$20,335.31
Crossing Guards	Step 1/Starting Pay	\$13.00	\$ 0.51	\$13.51
	Step 2/Top Pay	\$14.59	\$ 0.57	\$15.16

Councilman Burns explained that there a couple of new people in the positions. It is his assumption that the 2008 salary is a 3.9% increase applied to the 2007 salary for the person who held the position previously. He would like the CFO to verify that information. Councilwoman Marcalus questioned if the crossing guard issue was resolved. Councilman Visconti responded the money has been budgeted for the crossing guards.

ROLL CALL: All Yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 08-141 USE OF COAH TRUST FUND FOR HOUSING ELEMENT

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

WHEREAS, on December 17, 2007, COAH proposed revised third round regulations that require municipalities with pending petitions to adopt a revised Housing Element and Fair Share Plan in conformance with the revised third round regulations and petition in accordance with the deadlines prescribed in the proposed procedural rules; and

WHEREAS, COAH's current regulations at N.J.A.C. 5:94-6.12(e), allow 20 percent of monies deposited in a municipal housing trust fund account to be expended on administrative costs, which includes, but is not limited to, consultant fees necessary to develop or implement a Housing Element and Fair Share Plan in accordance with COAH's proposed third round; and

WHEREAS, Oakland petitioned the Council on Affordable Housing (the Council) for substantive certification of a third round Housing Element and Fair Share Plan on April 3, 2006; and

WHEREAS, pursuant to N.J.A.C. 5:94-6.29 (c), a municipality under the Council's jurisdiction shall not spend development fees unless the Council has approved a plan for spending such fees and until the municipality has received substantive certification or a judgment of compliance; and

WHEREAS, on March 25, 2008 the COAH issued a blanket waiver from N.J.A.C. 5:94-6.2 (c) for municipalities with COAH approved development fee ordinances and an established housing trust fund account to allow the expenditure of up to 20 percent of housing trust funds prior to the grant of certification and/or approval of a spending plan, on the cost of developing a

revised Housing Element and Fair Share Plan in accordance with COAH's new third round rules; and

WHEREAS, the waiver issued by the Council requires that Oakland shall pass a resolution stating the current balance in the municipal housing trust fund account and the amount proposed to be spent on developing a Housing Element and Fair Share Plan in accordance with COAH's proposed third round rules, shall not exceed 20 percent allowed for administrative costs.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Oakland, in the County of Bergen, State of New Jersey, that Oakland commits to petition COAH for substantive certification of a newly adopted Housing Element and Fair Share Plan in accordance with COAH's new third round regulations; and

BE IT FURTHER RESOLVED that Oakland's current balance in the municipal housing trust fund account is \$ 748,935.16 and the amount proposed to be spent on developing a Housing Element and Fair Share Plan in accordance with COAH's proposed third round rules is not to exceed \$ 20,000.00, which does not exceed the 20 percent allowed for administrative cost; and

BE IT FURTHER RESOLVED that this resolution shall be submitted to COAH within seven days of the municipal governing body action.

ROLL CALL: All Yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 08-142 AWARD BID PAGE DRIVE SECTION 2:

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

WHEREAS, on July 1, 2008 the Borough of Oakland received six bids for the 2009 Road Improvement Project for Page Drive-Section 2; and

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the bid from Smith-Sondy Asphalt Construction, Wallington, New Jersey, in the amount of \$ 120,791.25 and have found it to be the responsible low bid; and

WHEREAS, the Chief Financial Officer has certified that the funds are available.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the bid from Smith-Sondy Asphalt Construction of \$120,791.25 for the 2009 Road Improvement Project for Page Drive-Section 2 is hereby awarded.

BE IT FURTHER RESOLVED that the Borough of Oakland will prepare an appropriate contract for the same; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute the agreement on behalf of the Borough of Oakland.

Councilman Burns questioned the Engineer's estimate for the job. Mr. Tichacek responded that the estimate is between \$130 to 140,000. He advised there were six responsible bidders for the job. Mayor Szabo commented that because of the crisis with oil, paving is expensive. Councilman Burns commented he is pleasantly surprised that the bid is less than the Engineer's

estimate. Mr. Tichacek responded that there was greater competition. Mayor Szabo commented that municipalities are cutting paving projects.

ROLL CALL: All Yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg, Visconti.

INTRODUCTION: ORDINANCE NO.08-CODE-578

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

The Clerk then read by title Ordinance No. 08-Code-578 entitled: "AN ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTION RETIREMENT PROGRAM"

On motion of Councilman Visconti, 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 For Determining Positions Eligible For The Defined Contribution Retirement Program", be introduced;

That said Ordinance be considered for final adoption at a meeting on July 23, 2008 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 8:00 P.M.

That said Ordinance be published in full in The Record on or before July 16, 2008 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

Mayor Szabo explained that there were pension changes mandated by the State. Municipalities are required to adopt this ordinance defining positions in the DCRP. Mayor Szabo commented that there was a question about Library Director and Court Administrator being included in the ordinance. Mr. Kunze will check with Labor Attorney Giacobbe for clarification.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 08-CODE-574

The Clerk was directed to take from the table Ordinance No.08-Code-574 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AUTHORIZING BINDING MUNICIPAL REFERENDUM ON CONTINUATION OF AN ANNUAL LEVY FOR OPEN SPACE TRUST FUND"

OPENED FOR PUBLIC DISCUSSION:

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

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

Charlie McCormack, 161 Manito Ave., commented that the surrounding towns envy Oakland for what it has accomplished with open space.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Burns, 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, An Ordinance Authorizing Binding Municipal Referendum On Continuation Of An Annual Levy For Open Space Trust Fund", 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.

Mayor Szabo explained that there is going to be no change from the current tax and will continue for another five years.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 08-BOND-575

The Clerk was directed to take from the table Ordinance No. 08-Bond-575 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY PROVIDING FOR VARIOUS IMPROVEMENTS TO THE BOROUGH'S SEWER UTILITY AND APPROPRIATING \$232,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$232,000 BONDS OR NOTES OF THE BOROUGH OF OAKLAND TO FINANCE PART OF THE COST THEREOF"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Burns,, 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 Of The Borough Of Oakland, In The County Of Bergen, New Jersey Providing For Various Improvements To The Borough's Sewer Utility And Appropriating \$232,000 Therefor And Authorizing The Issuance Of \$232,000 Bonds Or Notes Of The Borough Of Oakland To Finance Part Of The Cost Thereof", 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.

Councilwoman Stagg explained that the Borough had actually bonded previously for an equalization tank for Skyview. That was cancelled since the Borough is not putting in an equalization tank. The Borough is now rebonding for the exact projects being done at Skyview. Councilman Pignatelli spoke about the importance of prohibiting surface water to enter into the treatment plants. Councilwoman Stagg advised that the Borough has a flow limit set by the State and we will get fined if that is exceeded.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 08-CODE-576

The Clerk was directed to take from the table Ordinance No.08-Code-576 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13, SECTION 10 OF THE BOROUGH OF OAKALND CODE, ENTITLED "WATER AND SEWER-FEE SCHEDULE"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

Councilwoman Stagg commented that she believes there is an error in Section II. She thinks the rate should be \$ 5.78 since that is 5% increase. Councilwoman Stagg explained she was against the introduction of this ordinance because Water and Sewer Committee hadn't been consulted. However, the Auditor felt that the Borough had to move forward with this rate increase. Therefore, Councilwoman Stagg will support this ordinance in order to get the budget settled. The Water and Sewer Committee will review the other fees so this ordinance may need to be amended. Mayor Szabo explained that the rate is what affects the budget at this time. Councilman Burns commented that the ordinance should have been prepared to replace Sections I, II and III. There was no other change to the fees. Mr. Muhlstock confirmed that Councilman Burns is correct. This is just a reiteration of the current ordinance for Sections IV to IX since

there was no change to those sections. Mayor Szabo commented that the ordinance should be adopted tonight and then the language could be cleaned up with the amended ordinance.

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 Amending And Supplementing Chapter 13, Section 10 Of The Borough Of Oakland Code, Entitled "Water And Sewer-Fee Schedule", 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, Marcalus, Pignatelli, Stagg, Visconti.

FINAL PUBLIC HEARING: ORDINANCE NO. 08-CODE-577

The Clerk was directed to take from the table Ordinance No. 08-Code-577 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13, SECTION 13 OF THE OAKLAND CODE, ENTITLED "SANITARY SEWERS-CHARGES AND FEES"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

Councilwoman Stagg explained that there will be a 4% increase for Section I. Commercial properties will now have to pay the same minimum as residential. It is increasing from \$ 290 to \$ 1400. Councilman Burns commented that very few commercial properties pay the minimum. Councilwoman Stagg responded that it could happen and it will make it more equitable. Councilman Burns feels that minimum should be reviewed. He questioned if it is fair to charge a small business the same as residential when they don't have the same water usage. Mayor Szabo responded that the Auditor has advised that we need to make the utility solvent and balanced and these are the changes required. The Water and Sewer Committee can review and make their recommendations.

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, An Ordinance Amending And Supplementing Chapter 13, Section 13 Of The Oakland Code, Entitled "Sanitary Sewers-Charges And Fees", 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, Marcalus, Pignatelli, Stagg, Visconti.

WORK SESSION:

SMOKING ORDINANCE:

Councilman Burns explained that the Recreation Commission spoke about eliminating all smoking at the Recreation Fields. He knows that this ordinance is primarily being done for the schools but he feels the schools have to police this issue themselves. Councilman Visconti explained that the issue is the school cannot enforce their smoking policy off of school property. The students are stepping off of school property to smoke. Councilman Visconti commented there is a ban on sale of tobacco to minors but there is no ban on tobacco usage. This is a health issue. Councilman Visconti believes that the ban at the Recreation Fields makes sense but he has a problem with a ban on other public property. Councilwoman Marcalus asked if Detective Piercy would make his presentation to the Mayor and Council. Councilman Visconti explained that Franklin Lakes has this ordinance but Oakland does not. The students go to the Oakland side of the parking lot because there is no enforcement for smoking. Councilwoman Marcalus commented there is a problem if students go on private property to smoke. Councilman Burns commented there the Council has no ordinance from Franklin Lakes or Wyckoff. Councilwoman Marcalus commented that the Council was given the ordinance from Franklin Lakes already. Mayor Szabo responded that the Council did not like the wording on the ordinance from Franklin Lakes. He asked the Attorney to draft an ordinance in coordination with the Municipal Alliance and make this a health issue. Councilman Visconti advised that the Health Department has also given a memo supporting the ban. Councilman Burns commented that the Federal Government says that it is ok to use tobacco but yet municipalities are trying to regulate that use. Councilman Burns believes that people should have the ability to use tobacco and the Police should not have to determine age of smokers. Councilman Visconti responded that the Police have asked for this ordinance. He will get Detective Piercy in to speak at the next meeting. Councilman Burns would like to know how many arrests have been made on this issue in Franklin Lakes and Wyckoff. Councilwoman Marcalus commented that there are many cases in Oakland Municipal Court for violating school policy. Mayor Szabo responded that we are discussing a ban off school property. This will be listed on the next agenda.

SNOW PLOW AGREEMENT:

Assistant DPW Superintendent Anthony Marcucilli has recommended signing this Agreement. Councilman Burns commented that this is the first increase in years. The County must be recognizing the increase in fuel costs. He commented we are better off plowing County roads rather than waiting for the County to plow. The Borough has a good relationship with the County because they provide us with salt. Mayor Szabo commented that the DPW does well keeping the streets safe and clear. He would like to keep this in-house. Councilwoman Marcalus commented that Oakland is famous for having clear roads right away. She would support the Agreement. The consensus was to move forward with a resolution on the next agenda.

COUNTYWIDE EMERGENCY NOTIFICATION:

Councilman Pignatelli commented he discussed this with OEM Coordinator Roy Bauberger. Mr. Bauberger is in favor of staying with the County OEM rather than dealing with the vendor. Councilman Burns commented it would be more work to maintain the database. Mr. Kunze would like to see if the Borough can make modifications. However, Councilman Burns thought with the system, we could set up various groups. Mayor Szabo commented that while Roy would like to stay with the County OEM, Mr. Kunze had recommended changing to the vendor. Mayor Szabo asked that this could be listed on the next agenda so Mr. Kunze can discuss.

COUNCIL REPORTS:

Councilman Pignatelli: He commented that the new appointment to Board of Health is a great asset. He read the following for Councilman Di Pentima:

Councilman Di Pentima thanked everyone who helped with the carnival which was a rousing success. He wanted to thank Bob Fabrizio for all his efforts. He thanked the DPW team who worked to clean up the fields so quickly. Councilman Di Pentima advised that the OCC is seeking volunteers. He offered condolences to former OCC Chairman, Mike Jacobsen, on the death of his wife, Brenda. Councilman Di Pentima welcomed James Mangin as CFO. The Finance Committee looks forward to working with Mr. Mangin.

Councilman Burns: The Shade Tree had purchased trees to plant around town. Trees will be put in the Borough's right of way by the Oak Street access. Councilman Burns advised that the Shade Tree Commission reviews all plans submitted to the Planning Board and Board of Adjustment. The Recreation Commission will hold its meeting at the end of the month. He advised that a couple of travel baseball teams won championships and will be presented certificates in the future.

Councilman Pignatelli left the meeting at 9:18 pm.

Councilwoman Stagg: The Borough received a notice from the DOT that they have filed a permit with the DEP for dredging under Route 287. The permit is limited to work directly under the bridge and the area immediately adjacent. This is a temporary solution. Councilwoman Stagg hopes to get a thorough study of all the impacts from Route 287. The consumer confidence reports went to all residents and Oakland has great water.

Councilman Visconti: He advised that residents can borrow a pass for the Museum of Natural History from the Oakland Library. He spoke about children's programs offered by the Library. He welcomed Frank's Pizza and Java Works which are new businesses in Copper Tree Mall.

Councilwoman Marcalus: She advised there is no Planning Board meeting scheduled until next month. She attended a patriotic salute at the Senior Center last week. It was heartwarming to see veterans. There will be a speaker at the Senior Center next week regarding shingles.

BILLS TO BE PAID:

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

(see following pages)

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

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

MEETING ADJOURNED:

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the meeting be adjourned at 9:25 pm.

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

Lisa M. Duncan, Borough Clerk
July 23, 2008

Mayor John P. Szabo, Jr.

Date Approved