

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY JUNE 11, 2008

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Di Pentima, seconded by Councilwoman Marcalus, 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:
Potential 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, Stagg, Visconti.

CLOSE EXECUTIVE SESSION:

On motion of Councilwoman Stagg, 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 8:17 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 the Valley Middle School Council conducted their meeting earlier this evening. The students had a wonderful time touring the Borough. The Borough is fortunate to have a strong and well-rounded educational program. The Mayor and Council recognized Dr. Christopher Lane who has decided to retire after many years of service. Valley Middle School has blossomed under his leadership. The charitable work that the students of VMS do stands out. That is such an important aspect in what we are trying to teach our children. Mayor Szabo advised he wanted to recognize the students who worked to raise money for various charities for their 8th Grade project. He wanted to give the community a sense of the student's charitable efforts. He commends the children for their service and applauds Valley Middle School for supporting the students. Mayor Szabo advised that the Council is dealing with personnel issues and finalizing aspects of the budget.

OPENED FOR PUBLIC DISCUSSION:

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

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

John Schaus, 408 West Oakland Ave, advised that there will be a ceremony for Flag Day sponsored by the Elks on June 14th at 7 pm. They bring flags from the Revolutionary War to current times.

Jack Tauber, 152 Iroquois Ave, mentioned that the Borough had unclaimed property according to the paper and questioned what the unclaimed property was. Mr. Kunze is contacting the Treasury Department for information. Mr. Tauber spoke of the Bergen Energy Cooperative and questioned why Oakland is not a part of this. Mayor Szabo responded this requires a cost benefit analysis first. Mr. Tauber has been an advocate of energy savings for the schools. He looks forward to the Mayor establishing a committee to come up with ways to make Oakland greener. Mayor Szabo responded that he has a couple of ideas on this subject: 1. Create an ad-hoc committee to assess sustainability. 2. Meet with the Environmental Commission in order for them to take charge and make a "green plan" for Oakland. Councilwoman Stagg is certified and needs to take charge. Mayor Szabo hopes to meet with her soon to discuss this issue. He advised that he would like to sponsor a green fair, implement certain policies and utilize green purchasing. Mr.

Tauber commented that perhaps the Environmental Commission could have a sub-committee to allow residents to participate. Mr. Tauber advised that the Senior Club will be holding a Senior picnic on Thursday June 26th at 12 pm and he invited the Mayor and Council and Borough Administrator to attend.

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, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

APPROVAL OF MINUTES: APRIL 23, 2008

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of April 23, 2008 be approved.

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

APPROVAL OF MINUTES: MAY 14, 2008

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of May 14, 2008 be approved.

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

APPROVAL OF MINUTES: MAY 15, 2008 SPECIAL MEETING

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council special meeting of May 15, 2008 be approved.

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

APPROVAL OF MINUTES: MAY 21, 2008 BUDGET MEETING

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

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

APPROVE REQUEST TO WAIVE PERMIT FEES-OLPH

Our Lady of Perpetual Help Church has submitted a request to have permit fees waived for their renovation project. Councilman Di Pentima advised that he will recuse himself because he sits on the Finance Board. He commented that the information received in the packet indicates the Council has not waived fees in the past but that is not the case. Councilwoman Stagg confirmed that the Council has waived Borough fees but not State fees. Mayor Szabo recalled that fees were recently waived for the Ramapo Bergen Animal Refuge Inc. Mayor Szabo commented that other communities waive the entire package including State fees for churches. He commented that OLPH struggled to raise funds for the project. Mr. Chewcaskie advised that the Council has waived the Borough fee in the past. Councilman Burns reiterated that only Borough fees can be waived. He commented that several Council members are members of OLPH and asked if they

have to recuse themselves. Mr. Chewcaskie responded that the mere fact that a Council person is a member of a religious institution does not create a conflict. Councilman Di Pentima is a member of an operating committee so he should recuse himself. Councilman Pignatelli advised his wife is employed by OLPH so he will recuse himself. Councilman Visconti advised he is a trustee so he needs to recuse himself..

MOTION:

On motion of Councilman Burns, seconded by Councilwoman Stagg, approval be granted to waive the Borough's portion of permit fees for Our Lady of Perpetual Help Church.

ROLL CALL: Yeas, Councilmembers Burns, Marcalus, Stagg.

APPROVE EXTENSION OF WAIVER-EDEN PROJECT

Mayor Szabo commented that Eden has asked that the waiver for working hours be extended. Mr. Kunze advised there are no issues with the project so far. Councilman Burns commented that this is just an extension of the waiver not an increase in the hours. Councilman Pignatelli questioned how long the extension would be for. Mr. Chewcaskie responded the extension should be 60 days or the same as the original waiver. It should be under the same terms and conditions as the last waiver. The extension should be valid for 60 days from the expiration date of the original waiver.

MOTION:

On motion of Councilwoman Stagg, seconded by Councilman Burns, approval be granted to extend the waiver of hours for the Eden Oakland project for 60 days according to the terms and conditions of the original approval granted April 23, 2008.

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

RESOLUTION 08-118 AUTHORIZE SERVICES ADDED ASSESSMENT WORK

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

WHEREAS, it is necessary for the Borough to obtain the services of a Certified Tax Assessor or Appraiser in order to perform added assessment investigations; and

WHEREAS, the yearly added assessment investigations have been performed by outside professionals, and is not within the contractual arrangement between the Borough and its Assessor; and

WHEREAS, the Assessor has obtained three quotations for the added assessment work, which includes, but is not limited to, site inspections, recommended valuations and determinations of the added assessment amount and updating the Borough's computerized records; and

WHEREAS, the funding for the added assessment work is within the Assessor's budget; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #8-01-20-150-029; and

WHEREAS, Brian Townsend, a Certified Tax Assessor, has submitted the lowest quotation for conducting the added assessment work;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough does hereby retain the services of Brian Townsend to conduct the Borough's added assessment work for the tax year 2008; and

BE IT FURTHER RESOLVED, that Mr. Townsend shall be paid the sum of \$ 50.00 per hour, the total fee not to exceed \$ 8,000;

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute an appropriate contract, to be prepared by the Borough Attorney; and

BE IT FURTHER RESOLVED that the Borough Clerk is directed to maintain copies of the three quotations and the contract with Mr. Townsend, for public inspection.

Councilman Burns commented that there is not a comment on the certification of funds that it is subject to adoption of the 2008 budget. He asked if the Council needs to wait to award the contract. Councilman Di Pentima advised there was money put in the temporary budget for this purpose. Mr. Kunze advised if a professional services contract is being encumbered when operating under a temporary budget and the amount of the contract exceeds the temporary budget, the statement is included in the certification to require the amount be put in the final budget. Mr. Kunze advised that the total amount of work is not known but we put a not to exceed amount based upon the Tax Assessor's estimate.

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

RESOLUTION 08-119 AUTHORIZE APPRAISAL

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

WHEREAS, the Borough of Oakland has acquired title to the former New Jersey Capital Partners property, otherwise known as Block 3101, Lot 8 (formerly Block 3105, Lot 3); and

WHEREAS, in order to complete the funding from the New Jersey Green Acres Program, the Borough requires a current fair market value appraisal, to be written accordance with the requirements of Green Acres; and

WHEREAS, Robert McNerney, a certified appraiser, has submitted a proposal to the Borough for such an appraisal, at a fee of \$ 5,500;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that Robert McNerney is retained by the Borough of Oakland to prepare a fair market valuation of real property know as Block 3101 Lot 8, in accordance with the rules and regulations promulgated by New Jersey Green Acres Program; and

BE IT FURTHER RESOLVED that the fee for such appraisal will be \$ 5,500; and

BE IT FURTHER RESOLVED that the award of this contract is one for a professional service, for which no public bidding is required, although quotations were obtained; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available, in account # C-04-55-923-001.

BE IT FURTHER RESOLVED that the Borough shall maintain a copy of this Resolution on file for public inspection.

Councilwoman Stagg questioned if Mr. McNerney is certified for the Green Acres Program. Mr. Chewcaskie responded he was.

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

RESOLUTION 08-120 ODD-EVEN WATERING

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

WHEREAS, there is increased demand on the Borough of Oakland's water system during the summer months; and

WHEREAS, the Borough must maintain adequate water storage for emergency situations;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Odd/Even watering restrictions will go into effect as of June 15, 2008 through September 15, 2008 for outside watering.

BE IT FURTHER RESOLVED that this regulation will apply to both commercial and residential properties.

Discussion ensued. Councilman Burns advised he is going to oppose this resolution as he has done in the past. The DPW has monitoring equipment to monitor the tanks. He doesn't think the Mayor and Council should restrict usage unless there is a specific requirement. The Borough has reverse 911 to notify residents if needed. The Borough has a water utility and we need to raise income to cover expenses. The water restriction limits the income the utility would have. He is not in favor of the restriction. Councilman Di Pentima commented that he is not supporting this resolution because he agrees with Councilman Burns' thoughts. This resolution is just a request for residents. It is not enforceable and residents cannot be fined. People are not adhering to the restrictions anyway. He does not see the need for restrictions until there is a problem. Councilman Pignatelli agreed. He would only agree to restrictions if we were in a state of drought emergency. If the need arises, the restriction could be put in place. However, Councilman Pignatelli does not see a need unless the water level in the tanks drop. Mayor Szabo responded that this is not a supply issue but a pressure issue. There is no relation to drought but to the amount of people using the system at one time. He commented that this is not a difficult request to comply with nor is it punitive. However, it would ensure enough pressure in an emergency. Councilman Visconti responded he feels it is important to conserve water as a resource. He doesn't feel that residents need to water every day. He supports the odd-even restriction. Councilwoman Marcalus commented that the issue is conservation. Councilman Pignatelli commented that he has seen Borough sprinklers being used on the wrong days. Mayor Szabo responded that will be looked into. Councilman Di Pentima commented that if it is a conservation issue, it needs to be done year round. By looking at the revenues, revenues have not declined so that people are not cutting back. There is no indication that there is a pressure

problem. Councilman Burns commented that water is a renewable resource so it is not a conservation issue. The DPW monitors the levels in the water tanks. If there is a problem, we can send a message through reverse 911. Councilman Burns advised that the restriction has not impacted revenues because the rates were raised. Councilwoman Stagg commented that the DPW has been in favor of the water restriction and it has worked for the last 15 years. The borough does not have a supply problem or a pressure problem at the moment. However, there is a storage problem and we don't want to build more water tanks. Councilwoman Stagg doesn't agree that residents should waste water so the Borough could make money. Water is a major issue and people have to be judicious in the use of water.

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

Mayor Szabo broke the tie and vote affirmatively. The resolution passed.

RESOLUTION 08-121 AUTHORIZE GRANT APPLICATION-ROID

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 New Jersey Department of Community Affairs offers matching grants for Recreational Opportunities for Individuals with Disabilities (ROID); and

WHEREAS, it is the wish of the Mayor and Council to make application for such a grant in an amount of \$ 10,000; and

WHEREAS, the grant program requires a 20% cash match by the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough Administrator be and he is hereby authorized and directed to complete an application to be submitted to the New Jersey Department of Community Affairs in connection with Recreational Opportunities for Individuals with Disabilities Grant Program in the amount of \$ 10,000.

Councilman Burns advised this is the program that Jonathan Blake runs. Some of the programs he will be offering are wheelchair basketball, swimming, horseback riding and bocce. This year's grant only requires a 20% match so it is a good opportunity. Mayor Szabo commented it is a wonderful program and he thanked Jonathan Blake. Councilman Burns thanked Borough Administrator Kunze and his secretary Debbie Krebs for their hard work on the application.

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

RESOLUTION 08-122 LIQUOR LICENSE RENEWALS

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

WHEREAS, the licensees, herein named, filed applications for renewal of their Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses for the period from July 1, 2008 to June 30, 2009, and

WHEREAS, the said applicants have deposited the required fee of \$2,000.00 for said licenses, with the exception of the Club Licenses which are \$150.00, and a \$200.00 check or money order made payable to the Alcoholic Beverage Control Commission, Trenton, New Jersey, and

WHEREAS, the premises of said applicants have been inspected and approved by the Board of Health, Police Department and the Fire Prevention Bureau, Tax and Water Departments.

NOW, THEREFORE, BE IT RESOLVED that the renewals be issued to the following licenses, pending receipt of all required paperwork from the NJ State Division of Taxation, for the period from July 1, 2008 to June 30, 2009:

NAME	LOCATION	STATE NUMBER
Long Hill Bar & Liquors	14 Post Road	0242-44-004-005
Valen Associates, LLC (Elm Street)	20-A Elm Street	0242-33-007-010
Cousins Hospitality LLC (Valley Pub)	588 Ramapo Valley Rd.	0242-33-005-009
Cenzino Enterprises, Inc.	589 Ramapo Valley Rd.	0242-33-003-006
Beviamo, Inc. (Portobello)	155 Ramapo Valley Rd.	0242-33-010-003
Holiday Spirits (Bowling alley)	29 Spruce Street	0242-33-012-003
Wolfpack, Ltd. (Timbers)	110 W. Oakland Ave.	0242-33-008-008
Hansil's Bar & Grill, Inc.	7 Ramapo Valley Road	0242-33-011-004
K.S. Oakland Corp. (Hillside Diner)	72 Ramapo Valley Road	0242-33-009-004
Valley Spirits, Inc. (Oakland Wine & Liquor)	390 Ramapo Valley Rd.	0242-44-006-004
Ruga Restaurant, LLC	4 Barbara Lane	0242-33-001-010
Elks Lodge, B.P.O.E. 2167	33 Ramapo Valley Road	0242-31-014-001
American Legion Post 369	65 Oak Street	0242-31-013-001
Knights of Columbus 5846	7 Courthouse Place	0242-31-017-001
Buona Fortuna, Inc. (new Portobello)	175 Ramapo Valley Road	0242-33-002-004

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to send one copy of a certified resolution to the Alcoholic Beverage Control Commission, Trenton, together with \$200.00 checks made payable to the Alcoholic Beverage Control Commission and one certified copy of this resolution to the State of New Jersey, Department of the Treasury, Beverage Tax Bureau, Trenton, New Jersey.

Discussion ensued over the license for Buona Fortuna (Portobello). Mayor Szabo heard they are going to get a temporary certificate of occupancy in order to open at the end of the month. Borough Engineer Tichacek advised that there is a decorative landscape wall encroaching the County's right-of-way. The County will allow the TCO if Portobello applies to the County immediately for permission. It is a decorative wall and can be removed. Mr. Tichacek advised that he and the Construction Official feel the TCO can be issued. Mr. Chewcaskie advised that the TCO can be conditional on the filing of the application to the County. Mr. Tichacek advised that the application must be filed by June 15th. If the County denies access to the right-of-way, then Portobello will have 90 days to remove the wall. If the County allows access, then Portobello has to come before the Planning Board because the wall was not on original plans. Mr. Chewcaskie asked that he be kept apprised of the situation. Councilman Burns questioned if Portobello could apply to the Planning Board at the same time as the County and Mr. Tichacek

responded they could. Mayor Szabo commented that the Planning Board would probably defer to the County.

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

RESOLUTION 08-123 AUTHORIZE ENVIRONMENTAL SURVEY

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 has acquired title to premises located at Block 3101 Lot 8 (formerly Block 3105, Lot 3); and

WHEREAS, in order to complete the funding from the New Jersey Green Acres Program, the Borough requires an environmental survey of the property, pursuant to the requirements of New Jersey Green Acres Program; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that Petro Science, of Glen Rock, New Jersey, is retained in order to prepare an environmental survey of premises known as Block 3101 Lot 8, in accordance with the requirements of the New Jersey Green Acres Program; and

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

BE IT FURTHER RESOLVED, that Petro Science shall be paid a sum not to exceed \$ 3,500 inclusive of any and all testing; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the availability of funds in account # C-04-55-923-001; and

BE IT FURTHER RESOLVED that the Clerk shall maintain a copy of this Resolution for public inspection.

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

RESOLUTION 08-124 TEMPORARY EMERGENCY-DONATION

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

WHEREAS, an emergency condition has arisen with respect to various line items and no adequate provisions have been made in the 2008 temporary budget for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolution adopted in the year 2008 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, O.L. 1951 as amended) including this resolution total \$ 19,650.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland (not less than two thirds of all members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-20,

1. An emergency temporary appropriation be and the same is hereby made for the account listed in the amount of \$ 4,650.00

Donation-Oakland Fathers Club	\$ 4,650.00
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2. That said emergency temporary will be provided for in the 2008 budget under the title of 2008 Municipal Budget.

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

INTRODUCTION: ORDINANCE NO.08-CODE-572 MODIFICATION TO ZONING

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

The Clerk then read by title Ordinance No. 08-Code-572 entitled: "AN ORDINANCE AMENDING CHAPTER 59 ARTICLE VII OF THE OAKLAND CODE ENTITLED "ZONING"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending Chapter 59 Article Vii Of The Oakland Code Entitled "Zoning", 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 13, 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 this defines building coverage, lot coverage and impervious coverage. The percentages are fairly standard. This ordinance is needed to regulate development.

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

INTRODUCTION: ORDINANCE NO. 08-CODE-573 SALARY ORDINANCE

The Clerk was directed to take from table Ordinance No.08-Code-573 and read by title for its first reading.

The Clerk then read by title Ordinance No. 08-Code-573 entitled: "AN ORDINANCE REVISING, AMENDING AND REENACTING PARAGRAPHS 1 THROUGH 14 OF ORDINANCE NO. 07-CODE-562 TITLED "THE CODE OF THE BOROUGH OF

OAKLAND, COUNTY OF BERGEN, STATE OF NEW JERSEY, ENTITLED
“SALARIES OF MUNICIPAL EMPLOYEES”

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 Revising, Amending And Reenacting Paragraphs 1 Through 14 Of Ordinance No. 07-Code-562 Titled “The Code Of The Borough Of Oakland, County Of Bergen, State Of New Jersey, Entitled “Salaries Of Municipal Employees”, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 25, 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 June 18, 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.

Mr. Kunze advised he has reviewed the salary ordinance and there is a need to make revisions. This is to ensure the salary ranges are adequate for 2008. He advised that the range for CFO increases as we move toward hiring a full-time CFO. Some ranges for full-time positions didn't meet minimum wage so the amount was increased. Councilman Burns questioned if the maximum ranges were done through the end of the year or the end of the contracts. Mr. Kunze advised that there is no maximum specified in the white collar contract. With the DPW, they are at maximum because the contract expires this year. Mr. Kunze wants to revise the ordinance again at the end of this year or beginning of 2009. Councilman Di Pentima questioned the time for Recreation positions. Mr. Chewcaskie advised if the Council is inclined to introduce, the revisions should be marked. If camp is six weeks, it should be changed in the ordinance and positions defined. Mr. Kunze will speak to the Recreation Commission about the positions. He needs to do a more thorough review to this ordinance.

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

WORK SESSION:

SMOKING ORDINANCE:

Councilman Visconti advised that the Municipal Alliance asked him to bring this forward. Enclosed in the packets was a sample ordinance from Franklin Lakes which prohibits tobacco use on public property by anyone 19 and under. Currently the police can only arrest for selling to a minor. The problem is that kids leave the schools to go on public property to smoke. Councilwoman Marcalus commented that this ordinance does not read well. It makes no sense and has no “teeth”. Mayor Szabo asked whether the Council was opposed to the concept of regulating underage tobacco use. Councilwoman Marcalus questioned why not limit smoking in public for everyone. Councilman Pignatelli commented that he has been advised by Detective Piercy that part of the Indian Hills parking lot is in Franklin Lakes and part is in Oakland. Kids go on the Oakland part of the parking lot to smoke. He suggested that perhaps Detective Piercy could come to explain to the Mayor and Council. Councilman Visconti explained there is a no smoking policy at the schools. However, it is hard to enforce at school because the kids leave school property to smoke. This ordinance would be reinforcing the idea that we don't want tobacco in the hands of children. Mayor Szabo commented he supports making it more difficult

for kids to smoke. Councilman Burns commented he does not believe the Council should dictate to people how to live their lives. The Federal Government should stop subsidizing tobacco companies. Councilman Burns commented he hates targeting specific groups. He is not in favor of an ordinance. Councilman Visconti responded that he doesn't think the Council can take on the Federal Government or the tobacco companies. This would be to protect the health of the children. Councilwoman Marcalus feels the ordinance should apply to everyone. Councilman Di Pentima questioned if an ordinance could be drafted and the Council could see how it reads. Mr. Chewcaskie asked for guidance. Is the issue age limitation or is the concept that it is an offense to smoke in public areas. Councilman Di Pentima commented he would want to target public areas such as the Recreation Fields and Vets Park. He doesn't want Police to chase people down. Mr. Chewcaskie suggested to carry this to the next work session. He advised that the Council may want to cut back on the definition of public property. He questioned if the Council wants to cover age. Mayor Szabo suggested the Council make comments before the next meeting.

ORDINANCE ESTABLISHING POLICY FOR DEFINED CONTRIBUTION RETIREMENT PROGRAM

Mr. Kunze advised that last year there was a change to the Pension system. The Defined Contribution Retirement Program was set up for certain positions. The State is mandating an ordinance. However, they have not yet provided a model to consider. Mr. Kunze commented he has to go through the positions the Borough currently has and define them.

OPEN SPACE REFERENDUM:

Councilwoman Stagg commented she would like to place a referendum on the ballot for a continuation of the open space tax that is currently in place. She would like it on the ballot so the residents can vote on this issue. This open space tax has opened the door for the Borough to getting Green Acres Funding. If the Borough does not have an open space tax and trust fund, it will be much harder to get money from the State and County. We have to find a way to prevent heavy development. The open space tax has worked so far and Councilwoman Stagg will promote this. Mayor Szabo commented that he has learned through conversations with people at Green Acres that if the Borough doesn't have an open space tax, we no longer become a preferred community. We would then need to apply each year for specific funds and would only receive 25%. Currently we don't have to apply to receive the money and we receive 50% match. The Borough residents voted to approve the Green Acres Bond issue. If the residents approved that, then the community needs to take advantage of that funding source. Councilman Di Pentima commented that the Mayor is correct. Without the open space tax, it becomes increasingly harder to get funds and get the higher contribution. An open space tax is far less than the tax increase that would be needed to support infrastructure needs of new developments. Oakland is a small community and we have to invest in it. Councilwoman Marcalus asked the Mayor to explain. Mayor Szabo explained that the referendum that was passed was for a 1 cent tax per \$ 100 levy. That was passed for a period of five years and the five years lapses this year. In order to renew, the Council must pass a resolution to place a referendum on the ballot. The voters get to vote on the issue. This is not an increase in the amount of the tax but a continuation of what is currently in place. Councilman Burns commented that in order to take advantage of State funds, the Borough needs its own tax. He asked if the Council was required to pass an ordinance. Mr. Chewcaskie confirmed that Council needs to extend a 2004 ordinance. Councilman Burns would like the Attorney to prepare an ordinance for the next meeting.

Mayor Szabo commented that the Borough just received \$ 1.5 million from the County for the NJ Capital Property. The Borough can capture a lot of grant money. We already have an open

space plan which we need to receive funds as well. Mayor Szabo reiterated that the Council will introduce the ordinance at the next meeting.

NEW BUSINESS:

Councilman Di Pentima advised that the finance committee is moving forward with the budget. The Borough received approval from the State on payoff of the BAN issue over five years. The State is going to allow municipalities to adopt the budgets before the State adopts its own budgets which is good because the Council had concerns over estimated bills and TAN's. The cost to send out estimated bills is \$ 12,000. Our budget would not change on the expense side. The State may restore revenue although it doesn't look like they will. The Council will schedule a special meeting for Tuesday June 17th in order to pass a resolution to amend the budget. If that resolution is passed, the Council can adopt the budget on June 25th. Councilman Di Pentima explained that the amount to be raised by taxation has increased by \$ 937,000. There is an 8% increase which amounts to 3.7 tax points. Councilman Di Pentima advised that the biggest reduction in revenue is the elimination of \$ 170,000 of State Aid. He explained that the budget includes the first year correction of the BAN issue. He advised that the amount owed was brought down from \$3.8 million to \$3 million. The Council will cancel \$ 340,000 in projects and will use capital surplus. There will be no impact to the taxpayer for this year. Councilman Di Pentima advised that the increases in cap costs were \$ 247,000 in health insurance costs and \$ 449,000 in salary which included \$ 240,000 in retirement payments. The non-cap increases include an increase of \$ 440,000 in pension payments due to the pension phase-in the State is requiring. Councilman Di Pentima explained that operating expenses were held flat where possible.

The Borough Clerk was directed to advertise a special meeting for June 17th at 7 pm at the Council Chambers.

Councilman Burns mentioned letters that the Council received from Senator O'Toole and asked that they be listed on work session on June 25th.

Councilman Pignatelli commented he is pleased that the BAN situation has worked out as well as it could. There was a tremendous amount of work done by the Finance Committee. Mayor Szabo commended the Council for their work on budgets in the past because there was enough surplus developed to help cover the costs of the BAN issue. Councilman Pignatelli commended the Department Heads for being careful with their budget.

COUNCIL REPORTS:

Councilman Pignatelli: advised that the Board of Health met and Bette Walpole submitted her resignation. She was a tremendous asset to the Board. Councilman Pignatelli explained that the Valley Middle School students gave a donation this evening to the PBA. The PBA uses donations to give four \$ 1000 scholarships to Indian Hills High School students. The Police Department responded to 670 calls in May 2008.

Councilman Di Pentima: advised Councilman Burns, who brought up the issue of funding of background checks at the last meeting, that there is already money in the budget for background checks. The Public Events Committee will hold the carnival on June 26, 27 and 28th. All booths are for the non-profit organizations in the town.

Councilman Burns: No report.

Councilwoman Stagg: No report.

Councilman Visconti: No report.

Councilwoman Marcalus: advised that the Valley Middle School students toured the Borough last Friday for Student Government Day. She thanked the advisors Ms. Valdes and Ms. Nicolosi for their efforts in organizing the day. The Planning Board will meeting on June 12th at the Senior Center at 7:30 pm. There will be three industrial CO's on the agenda. Councilwoman Marcalus advised that electronic recycling is going well. She advised residents are supposed to call the DPW to arrange curbside pickup.

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.

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:
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, Stagg.

Discussion ensued over staffing at the Municipal Court and over the interviews for Chief Financial Officer.

CLOSE EXECUTIVE SESSION:

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

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

MEETING ADJOURNED:

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the meeting be adjourned at 11:00 pm.

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

Lisa M. Duncan, Borough Clerk

Mayor John P. Szabo, Jr.

Date Approved