

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

MOVE TO EXECUTIVE SESSION:

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

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

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

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
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 personnel matters. The Attorney gave an update on NJ Capital litigation. Councilwoman Stagg entered the meeting at 7:43 pm.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Pignatelli, seconded by Councilman Di Pentima, 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 8:03 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; Steven Muhlstock, 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 reminded residents that school is in session and to drive carefully. He advised that there is an increase of bear activity. The DEP will have a presentation on bear awareness on September 30th at 7:30 pm at the Council Chambers. Mayor Szabo advised that he will make a presentation to the County regarding the Pinnacle tract on September 15th. The Mayor and Council is still seeking to preserve the ridgeline. He advised that the construction with Eden Oakland is proceeding. He is hoping they meet their deadline to open. Mayor Szabo is anxious to see the streetscape that Eden promised in their site plan. Mayor Szabo will attend an economic development summit on Friday at Rutgers.

PUBLIC HEARING FOR MUNICIPAL CONSENT FOR CABLEVISION, LLC

Gary Shaw, Government Affairs Officer for Cablevision, was in attendance. He explained that this public hearing is part of the renewal process. The first step was filing the application for municipal consent. Mr. Shaw is interested in addressing questions from the public and the Mayor and Council on Cablevision's past performance. Cablevision is seeking a 10-year non-exclusive franchise agreement. Cablevision is continuing with the municipal process unlike its competitor, Verizon, who sought a statewide franchise agreement. Cablevision is local to Oakland and looks forward to continuing to serve the residents of Oakland.

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

No comments from the public.

CLOSED FOR PUBLIC DISCUSSION:

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

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

Councilman Di Pentima thanked Mr. Shaw for attending the meeting. He commented that it appears that Cablevision is changing Channel 77 to a digital signal. This change will occur around September 16th. This is different than the federal change in February 2009 and is strictly related to the PEG channel. For people who don't use a cable box, they will have to pick up a box in order to view the PEG channel. Mr. Shaw advised that 85% of Cablevision customers have digital converters. On approximately August 14th, all analog customers were sent a postcard to call a number for this issue. The box is free of charge as long as that customer remains an analog customer. Councilman Di Pentima questioned what happens in February. Mr. Shaw responded that the free box will continue to work in February. Cablevision is taking care of the federal conversion on its end. If a viewer is not a cable subscriber or a satellite subscriber, they would have to take part in the Federal government's coupon program.

Councilman Burns questioned why Cablevision is converting the PEG channel to digital before the February deadline. It would seem that Cablevision should wait until February. Mr. Shaw explained that the signal is being moved from an analog platform to a digital platform. Councilman Burns questioned why he would need a box if he is a Cablevision customer. Mr. Shaw explained that Cablevision will still offer 60 channels for analog viewers but those viewers will need a box to view Channels 76, 77 or 78. Councilman Burns commented that analog customers will lose the PEG channel on September 16th. He questioned what customers will lose with the conversion in February. Mr. Shaw advised that Cablevision customers will lose nothing in February. Councilman Burns questioned why the PEG channels cannot be converted in February as well. Mr. Shaw advised it is probably because of the setup of channels. There is equipment in each of the sites. Councilman Di Pentima commented that the municipal station is a single line feed. If there are 90 municipalities with PEG channels, then Cablevision needs to do 90 conversions. He asked if Cablevision owns the channels. He also asked if Verizon can carry Channel 77. Mr. Shaw responded that Cablevision has held several meetings with Verizon to negotiate an agreement regarding the PEG channels. An agreement has not happened. This matter was transferred to the Office of Cable Television and a ruling may come down soon. He commented that Verizon has five times the revenue of Cablevision and they should have enough money to install their own equipment to get a signal.

Councilwoman Marcalus questioned if the Communications Commission has weighed in on the renewal. She asked what suggestions other communities had to improve service. Mr. Shaw responded that the next step would be to meet with the Cable Committee to discuss their needs for the next ten years. Cablevision is looking to continue the relationship with the Borough. Mayor Szabo acknowledged that technology changes. The Borough has the OCC and they know what their needs are to improve delivery of programs. Councilman Pignatelli commented that he has noticed small boxes in his cable picture. Mr. Shaw responded that is called "tiling" and should not be happening. That is usually caused by a household problem or a wire on the street. He advised that digital signals are more susceptible to loose connections.

APPOINTMENT TO FIRE DEPARTMENT:

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the appointment of James De La Rosa to the Oakland Volunteer Fire Department be approved.

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

OPENED FOR PUBLIC DISCUSSION:

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

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

Alex Kuffel, soon to be resident, commented that his parents live at 102 Andrew Avenue and he will be purchasing 120 Andrew Avenue. Mr. Kuffel is concerned because there is no sidewalk in front of the Borough's water tower property. He wants to understand the sidewalk repairs that the Borough has made. Mayor Szabo explained that the Borough has a sidewalk program where sidewalks in need of repair are prioritized. The priority is the sidewalk going north on Ramapo Valley Road and repairs as needed when there is funding left. Councilman Burns commented that the Borough is not responsible to maintain sidewalks in front of residences. The Borough will repair a sidewalk if a shade tree has pushed up the sidewalk. Mayor Szabo commented that the Borough is responsible for the right of way. He advised that there are many portions of the community that do not have sidewalks. Mayor Szabo advised that RSIS standards dictate that sidewalks are now required. At the time these developments went in, the developers put in only what the approval granted. Mr. Kuffel is concerned that it is a safety issue that there is no sidewalk in front of the water tower. Mayor Szabo advised that there is nothing in the budget to put in a sidewalk this year. The Council can consider this item for next year's budget.

Frank Monaco, 60 Thackeray, commented that the banner about the Business Week article was taken down and not put back up. Councilman Di Pentima advised that the banner was taken down in order to hang the banner for the Oakland carnival. He advised Mr. Monaco that the sign cost \$ 700 not \$ 2700 as Mr. Monaco indicated at the last meeting. He also advised Mr. Monaco that the banner was not intended to be a permanent structure. Mayor Szabo commented that the banner was up for quite some time. Councilwoman Marcalus thought she would ask the schools if they want to use the banner. Mr. Monaco commented that, regarding the smoking ordinances, he is against taking rights away from people. This smoking law is picking on a certain group. Mr. Monaco asked if the issue of the clerk who made the BAN payment was resolved. Mayor Szabo advised that a disciplinary hearing has been held. Mr. Monaco commented on the library project. Mayor Szabo commented he would rather take longer with the litigation and ensure that the construction is done right.

Ed Vanderbeck, 165 Page Drive, questioned the legality of the retroactive water bill. Mayor Szabo commented that the rates are based on the 2008 budget. The Borough must keep the water utility solvent. The budget was passed in June so the new rates had to be established at that time. Mr. Vanderbeck commented he thought that would be done by emergency appropriation. Councilman Di Pentima advised that the utility works differently than the regular budget. An emergency appropriation could be done with the regular budget. However, a utility must be kept solvent and there was a shortfall. The State wanted the increase retroactive to January 1, 2008 so that it did not produce a shortfall for next year as well. Councilman Di Pentima commented that no municipality could strike their budget until the State passed their budget at the end of June. If the budget could have been passed in April, the shortfall would not have been nearly as bad and could have been addressed earlier. However, the State reviews the municipalities' budgets line by line. Mayor Szabo advised that the residents are paying the same amount over 2008 whether it was paid up front or billed retroactively.

Ben Cascio, attorney representing Ray Mullen. Mr. Mullen is the owner of property in the Oakland Industrial Park and is a contract purchaser of Dewey Electronics property. This

property is one of two properties not included in the Highlands designation of specially planned area of the Industrial Park. Mr. Cascio is asking that these lots be included in that specially designated area. Mr. Cascio made a submission to the Planning Board with this presentation but was advised to appear before the Mayor and Council because the Planning Board had already submitted their Master Plan recommendations. Mr. Cascio is asking the Mayor and Council to make a recommendation to the Highlands Council to be included in the specially planned area. He believes the municipality has to update the Master Plan to be consistent with the Highlands Plan. Mr. Cascio understands that ultimately the decision is up to the Highlands Council. Mayor Szabo advised that the Planning Board has adopted a reexamination report. One finding is that the Borough needs a new Land Use Element. As part of the land use analysis, this item will be taken into consideration. There will be an open public process so Mr. Cascio will be involved. He advised Mr. Cascio to speak to the Planning Board.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Pignatelli, 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, Stagg, Visconti.

APPROVAL OF MINUTES: AUGUST 13, 2008

On motion of Councilman Visconti, seconded by Councilwoman Stagg, the minutes from the Mayor and Council meeting of August 13, 2008 be approved as amended on page 14.

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

APPROVAL OF MINUTES: JULY 23, 2008 EXECUTIVE

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, the minutes from the Mayor and Council Executive Session of July 23, 2008 be approved.

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

APPROVAL OF MINUTES: AUGUST 13, 2008 EXECUTIVE

On motion of Councilwoman Marcalus, seconded by Councilwoman Stagg, the minutes from the Mayor and Council Executive Session of August 13, 2008 be approved.

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

APPROVE REQUEST OF OAKLAND-FRANKLIN LAKES ROTARY-PEDDLER'S FAIR

On motion of Councilman Burns, seconded by Councilman Pignatelli, the request of the Oakland-Franklin Lakes Rotary Club to mow the lawn for the Peddler's Fair to be held on October 4th at the Korean Presbyterian Church, 222 Ramapo Valley Road be approved.

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

APPROVE EXTENSION OF LICENSED PREMISES:

On motion of Councilman Burns, seconded by Councilwoman Stagg, approval be granted for an Extension of Licensed Premises permit for Hansil's to hold the 15th annual Pig Roas on September 27th between the hours of 11 am and 10 pm.

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

RESOLUTION 08-152 AUTHORIZE ARCHITECT FOR LIBRARY LITIGATION

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

WHEREAS, the Mayor and Council of the Borough of Oakland wishes to appoint an expert witness necessary in connection with litigation involving the Oakland Library; and

WHEREAS, L & C Design Consultants has the necessary expertise to provide the services to the Borough of Oakland; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 8-01-20-110-044; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that a professional services contract is awarded to L & C Design Consultants to serve as expert witness for the Borough of Oakland in connection with litigation involving the Oakland Library; and

BE IT FURTHER RESOLVED that the fee for this work shall not exceed \$30,000 without further authorization of the Governing Body; and

BE IT FURTHER RESOLVED that the aforesaid award of contract is an exemption to the public bidding laws and one for professional services, for which no public bidding is required; and

BE IT FURTHER RESOLVED that the Borough Attorney be and is hereby authorized and directed to prepare, and the Mayor to execute, an appropriate contract.

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

RESOLUTION 08-162 EMPLOYEE PROMOTION

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

WHEREAS, Sue Eisenmann currently holds the position of Purchasing Assistant; and

WHEREAS, Ms. Eisenmann has successfully completed the purchasing classes required to be a Registered Public Purchasing Specialist; and

WHEREAS, the Borough held a promotional process in accordance with the guidelines established by the New Jersey Department of Personnel for the position of Senior Purchasing Assistant; and

WHEREAS, through a review of her education and experience, the New Jersey Department of Personnel has certified that Ms. Eisenmann is qualified for the position of Senior Purchasing Assistant; and

WHEREAS, the Borough Administrator has recommended that Ms. Eisenmann be promoted in accordance with the Department of Personnel's determination.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that Ms. Eisenmann is hereby promoted to position of Senior Purchasing Assistant, effective July 17, 2008; and

BE IT FURTHER RESOLVED that Ms. Eisenmann's compensation be increased by \$2750 dollars to a new annual salary of \$40, 125; and

BE IT FURTHER RESOLVED that the Mayor and Council send their congratulations to Ms. Eisenmann and wish her continued success with the Borough.

Councilman Burns commented that the \$ 2750 is prorated. Councilman Di Pentima offered congratulations to Ms. Eisenmann and commented she is hard-working and dedicated.

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

RESOLUTION 08-163 AUTHORIZE 2006 GRANT AGREEMENT

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

WHEREAS, the Mayor and Council wish to enter into a grant agreement with the County of Bergen, subject to review by the Borough Attorney, awarding the Borough a \$ 30,000 grant to help fund a historic preservation plan for the Van Allen House and Stream House site;

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

Councilwoman Stagg advised that this grant was awarded to the Borough in 2006 but we must execute the agreement in order to get the money.

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

RESOLUTION 08-164 APPOINT PER DIEM DISPATCHER

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

WHEREAS, the Police Chief has requested the appointment of a per-diem dispatcher;

BE IT RESOLVED, that the Mayor and Council hereby appoints Joseph Gallup as per-diem dispatcher at a salary of \$ 16.24 per hour effective September 10, 2008.

Councilwoman Marcalus commented that she didn't see backup on a background check. Mr. Kunze responded that the Chief has recommended this appointment and has done the prerequisite checks. Mr. Kunze has requested a copy of this paperwork be on file in his office.

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

RESOLUTION 08-165 APPOINT SUBSTITUTE CROSSING GUARDS

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

WHEREAS, the Police Chief has requested the appointment of Substitute Crossing Guards;

BE IT RESOLVED, that the Mayor and Council hereby appoints Cheryl M. McDonough as Substitute Crossing Guard at a salary of \$ 13.51 and Margeurite Kasmier as Substitute Crossing Guard at a salary of \$ 15.16 per hour effective September 10, 2008 subject to background checks as required for approval.

Councilwoman Marcalus voiced concern over background checks. Councilman Burns questioned the different rates. Mayor Szabo responded there is a different rate scale based on longevity.

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

RESOLUTION 08-166 AUTHORIZE ASSIGNMENT CONSENT FOR SPRINT SPECTRUM

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

WHEREAS, the Borough of Oakland entered into a Lease Agreement with Sprint Spectrum in or about 2002, whereby the Borough as Lessor, receives certain payments in connection with the wireless telecommunications facility at the Thornton Road Water Tank; and

WHEREAS, Sprint Spectrum is in the process of conveying assets to a related entity; and

WHEREAS, the Lease provides that the Borough shall cooperate in connection with proposed assignments and execution of tenant estoppel letters, as long as the tenant is not in default; and

WHEREAS, it has been confirmed that there are no defaults in connection with payments or other maintenance of the wireless facility;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough Administrator is authorized to execute an assignment consent and estoppel certificate dated August 29, 2008 and previously reviewed by the Borough Attorney, in connection with the Sprint Spectrum Lease Agreement.

Councilman Visconti explained that the Borough is letting Sprint sublet some of its facility to another tenant. Mr. Muhlstock explained this estoppel certificate says that as landlord, there is no default on the property. Mr. Tichacek advised that the related entity was approved at the Board of Adjustment meeting last night.

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

INTRODUCTION: ORDINANCE NO. 08-CODE-579 PROHIBIT SMOKING-SCHOOL ZONE

The Clerk was directed to take from table Ordinance No. 08-Code-579 and read by title for its first reading.

The Clerk then read by title Ordinance No. 08-Code-579 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH OF OAKLAND CODE, BY CREATING A SMOKE-FREE SCHOOL ZONE IN PUBLIC RIGHTS OF WAY IN THE VICINITY OF ELEMENTARY AND SECONDARY SCHOOLS WITHIN THE BOROUGH OF OAKLAND AND PROHIBITING UNDERAGE SMOKING IN SUCH AREAS.

On motion of Councilman Visconti, 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 And Supplementing The Borough Of Oakland Code, By Creating A Smoke-Free School Zone In Public Rights Of Way In The Vicinity Of Elementary And Secondary Schools Within The Borough Of Oakland And Prohibiting Underage Smoking In Such Areas, be introduced;

That said Ordinance be considered for final adoption at a meeting on October 15, 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 October 5, 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.

Discussion ensued. Councilwoman Marcalus suggested adding another Whereas paragraph stating that the Oakland Municipal Alliance and Oakland Police Department have requested said ordinance. Mayor Szabo advised this ordinance is to cover a loophole in the law when the police cannot enforce smoking outside of school property. This ordinance talks about any person under age 19. It is consistent with sample ordinances around the State. Councilman Burns asked what the legal smoking age is. Mr. Muhlstock commented that the ordinance refers to the definition of a minor. Councilman Burns commented that it is supposed to be oriented toward school age. He questioned what right the Council has to stop a 19-year old from smoking. He is opposed to this ordinance because the Council is trying to social engineer. Councilman Visconti asked if there is a legal age for smoking. Councilman Burns commented he assumed it was for purchase. Councilman Visconti advised there is a law that states what age you can purchase tobacco but there is no law that says it is illegal to smoke under a certain age. He questioned Section 3.1 and discussion of private property. Mayor Szabo advised that the ordinance does not apply to smoking in one's own home. The problem is with students smoking on private property. Councilman Visconti commented that we are trying to keep the school zone smoke free. Once a student crosses the street from the school property to smoke, the police cannot do anything. He understands Councilman Burns' point about the age but the age is due to the fact that there are 19-year old seniors. It is a public safety issue. Mayor Szabo commented that bicycle helmets and seatbelts are mandatory by law and they are safety issues. Councilman Burns commented that those items are legislated by the State and not local municipalities. He commented that Section 3.1 talks about possession and not just smoking. Councilman Visconti commented that many communities in Bergen County have adopted a form of this ordinance.

ROLL CALL: Yeas, Councilmembers Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.
No, Councilman Burns.

INTRODUCTION: ORDINANCE NO. 08-CODE-580

The Clerk was directed to take from table Ordinance No. 08-Code-580 and read by title for its first reading.

The Clerk then read by title Ordinance No. 08-Code-580 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IX OF THE BOROUGH OF OAKLAND CODE, ENTITLED "RECREATIONAL FACILITIES AND RECREATION AREAS", SO AS TO PROHIBIT SMOKING IN OR ON ANY BOROUGH PUBLIC PARK OR RECREATIONAL AREA"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing Chapter Ix Of The Borough Of Oakland Code, Entitled "Recreational Facilities And Recreation Areas", So As To Prohibit Smoking In Or On Any Borough Public Park Or Recreational Area", be introduced;

That said Ordinance be considered for final adoption at a meeting on October 15, 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 October 5, 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.

Discussion ensued. Councilwoman Marcalus suggested another Whereas to indicate that the Recreation Commission has requested such an ordinance for recreation areas. Councilman Burns commented that the Recreation Commission only requested for recreation areas but we expanded this to include other areas. Councilman Burns said he would support this ordinance for recreation areas but areas such as the boat launch are being included. This ordinance is expanding to much beyond what was intended and once again, the Council is social engineering. There is nothing illegal about smoking and this ordinance applies to all people, not just minors. Councilman Di Pentima commented he thinks people are more educated now about the effects of smoking. He commented that either the Council is for or against the ordinance. It is about getting the ordinance into the public's hands for comment.

ROLL CALL: Yeas, Councilmembers Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.
No, Councilman Burns.

WORK SESSION:

VACATE WALKWAY EASEMENT:

Mr. Muhlstock advised that this issue emanated from litigation with the property owner at Block 5503, Lot 3. As part of the settlement, the Borough agreed to vacate an unused portion of a walkway easement. Mr. Muhlstock has drafted an ordinance to vacate a 20-foot walkway easement. Councilwoman Stagg questioned what happens to the property once the easement is

vacated. Mr. Muhlstock responded that the property owner would then have use of that 20 feet. Councilman Burns commented he is in favor of having this passed as soon as possible. He would like this listed on the next agenda for introduction. Mr. Muhlstock advised that the portion of easement being vacated was never used. Mayor Szabo commented that the Council is bound by agreement to do this. The Clerk was directed to list the ordinance for introduction at the September 24th meeting.

COMMUNITY PLANNING MONTH:

Mayor Szabo asked to Council to do this ceremonial proclamation which proclaims October as Community Planning Month. The consensus was to list this on the September 24th agenda.

NEW BUSINESS:

Councilman Burns advised that a resident brought to his attention that there is now a No turn on Red from West Oakland Avenue to Ramapo Valley Road south. He was not aware of that. Mr. Muhlstock advised that the road is under jurisdiction of the County. Mayor Szabo commented that we need an ordinance because the Borough will need to give tickets to enforce. Councilman Pignatelli commented that cars that were turning right on Ramapo Valley Road but then waiting to get in the lane to make a left onto Yawpo were holding up traffic. Mr. Kunze will do some research on this matter. Mayor Szabo commented that Traffic Officer Pianettini should be involved.

COUNCIL REPORTS:

Councilwoman Marcalus: The Planning Board will meet on September 11th at the Senior Center and the agenda is routine. The K-8 Board of Education will meet on September 16th at 7:30 at Valley Middle School. The opening of schools went well. The Regional Board of Education will meet on September 22nd at Indian Hills. The Board decided to put on interim Superintendent in to replace Mr. Saxton who is leaving in October. Councilwoman Marcalus advised that Senior Karl Blunk won the art show in New Jersey representing Bergen County.

Councilman Visconti: He welcomed V. Capelli salon on Terhune Street. The Library will hold a Doo-wop benefit to help the Library Growth Foundation. On October 5th, West Bergen Mental Health will hold a grand opening at its new Oakland facility.

Councilwoman Stagg: She complimented Senior Karl Blunk and he advised that he does outstanding work. It is great for the Borough to have such a talented Senior.

Mayor Szabo advised that the Borough survived storm Hannah very well. The flood gates were operational and no flooding occurred. Mayor Szabo spoke to the DEP the Friday before the storm and was assured there would be manual operation of the gates if needed.

Councilman Burns: The Shade Tree Commission will meet the beginning of next month. The Borough should be getting additional funding from the County for the tennis court project. Councilman Burns wants to make sure the Borough goes out to bid before the end of the year. Resident Roger Marchese did a survey of tennis players and the majority of players believe the courts should be repositioned. Councilman Burns would like the Council to approve Boswell to upgrade the bid specifications in order to reposition the courts.

Councilman Di Pentima: He advised there is not enough money in the budget to do the entire tennis court project. He does not want to move forward until the Council is given the final specs. Councilman Burns is asking for authorization to have Boswell do the final specs. Mayor Szabo commented that these courts have to be addressed for next season and construction must begin by

March. Mayor Szabo commented that the Council needs to determine how much they are willing to spend on this project. Councilwoman Marcalus commented that the lights from the baseball fields affect the courts more than the sun. Councilman Di Pentima advised that the Public Events Committee held a meeting and planning is underway for the Halloween Parade which will be held on October 25th. The Knights of Columbus will hold a horseshoe tournament on September 20th. The Fathers Club will hold a Pancake Breakfast on Saturday September 13th at the Danny D'Elia building. The Finance Committee met this evening. There was a problem noticed with the retroactive water billings for the 4th quarter. The retroactive billing included the end of 2007 and was only intended for 2008. The Finance Committee will figure out how to adjust the bills for those residents. Councilman Di Pentima advised that the CFO and Administrator are putting the final touches to the capital analysis for the Mayor and Council.

Councilman Pignatelli: The Board of Health met Monday. They discussed the blood drive that was held on August 26th and thanked everyone who donated blood. The Board discussed the ordinance on sanitary conditions at nail salons but they found out the State has jurisdiction over nail salons. Councilman Pignatelli will attend the Fire Department meeting on September 22nd. He advised that a tentative date was set up with OEM to meet to discuss the POD.

Mayor Szabo advised that on September 12, 2009, the Fire Department will hold its 100th Anniversary celebration.

Councilman Burns commented that the Council needs to have the Attorney determine if the No turn on Red signs at West Oakland Avenue are enforceable. Mayor Szabo commented that the Police Chief should work with the Borough Attorney to get a legal clarification.

BILLS TO BE PAID:

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

(see following pages)

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

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

MEETING ADJOURNED:

On motion of Councilman Visconti, seconded by Councilwoman Marcalus, the meeting be adjourned at 10:20 pm.

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

Lisa M. Duncan, Borough Clerk
September 24, 2008

Mayor John P. Szabo, Jr.

Date Approved

