

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY FEBRUARY 26, 2014

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Coira, seconded by Councilman Kulmala, 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, PBA Negotiations
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 Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

Discussion ensued over PBA negotiations and potential litigation. No action taken.

CLOSE EXECUTIVE SESSION:

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

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

MEETING CALLED TO ORDER: By Mayor Schwager at 7:33 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti. Absent: None. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Mayor Schwager 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 Schwager reminded residents she has office hours at Borough Hall on Wednesdays before Council meetings. Tonight she gave Girl Scout Troup 94140 from Manito School a tour of Borough Hall. The Green Team will hold its first meeting on March 5th at 7 pm at Borough Hall. Mayor Schwager advised that as part of the Mayors' Wellness Program, the Borough will be joining the Bergen County Weight Loss Challenge. It is a 12-week program and will help the Borough with Sustainable New Jersey. Mayor Schwager thanked Borough Engineer Kevin Boswell for advising that the cover photo of the New Jersey Agriculture handbook is of the Borough's Ramapo River stream bank project. Mayor Schwager advised that Ramapo College will hold classes for the GRE prep course. Bergen County Open Space will hold hearings on grant requests on March 17th and Oakland is being considered for \$1,455,000 for flood buyouts and \$28,619 for the walking path. Ramapo Conservancy is being considered for \$225,000 for the roof replacement at the Van Allen House. Mayor Schwager gave kudos to the Valley Middle School Future Cities team, under the direction of Judith Vihonski, which won second place in the National competition. The Indian Hills mock trial team came in second in Bergen County. Mayor Schwager congratulated Indian Hills sophomore Julia Guerra for being named athlete of the week by The Record. Julia, Chris Evans and Matt Tuohy will run in the State Championships on Saturday. The Indian Hills Junior Varsity ice hockey team won the League championship. The Indian Hills Varsity boys bowling team will be bowling tomorrow in the State finals tournament. Mayor Schwager advised these young students are the future of Oakland.

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

Frank Monaco, 60 Thackeray, spoke about his suggestion to change the ending time of the schools to alleviate traffic through town. Mayor Schwager advised that she and Councilman Kulmala will be attending a school board meeting to discuss the issue. Mr. Monaco spoke about cleaning snow from sidewalks and fire hydrants. Some people are concerned because they are not physically able to shovel. He suggested that the Borough put together a list of Valley Middle School and Indian Hills students as volunteers who can shovel snow. Councilman Pignatelli advised he is going to put together a committee to address the problems for next year.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

APPOINT MICHAEL SCHWANER TO OAKLAND VOLUNTEER FIRE DEPARTMENT

Mayor Schwager administered the Oath of Office to Michael Schwaner. She advised that Oakland is lucky to have these volunteers on the Fire Department.

PROCLAMATION-NATIONAL NUTRITION MONTH

Mayor Schwager read the following Proclamation:

WHEREAS food is the substance by which life is sustained; and

WHEREAS the type, quality, and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

WHEREAS there is a need for continuing nutrition education and a wide-scale effort to enhance healthy eating practices;

NOW, THEREFORE, I, Linda H. Schwager, Mayor of the Borough of Oakland, New Jersey;

DO HEREBY PROCLAIM the month of March 2014 as

NATIONAL NUTRITION MONTH

in Oakland, New Jersey, and I encourage all citizens to join the campaign and become concerned about their nutrition and the nutrition of others in the hope of achieving optimum health for both today and tomorrow.

APPROVE RAFFLE LICENSE RL1211

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, approval be granted for Raffle License RL1211 for Dogwood School PTO to hold an on-premise 50/50 raffle on April 4, 2014 at Dogwood School, 25 Dogwood Drive.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

APPROVE RAFFLE LICENSE RL1212

On motion of Councilwoman Stagg, seconded by Councilman Jensen, approval be granted for Raffle License RL1212 for Oakland-Franklin Lakes Rotary to hold an off-premise 50/50 raffle on June 24, 2014 at Portobello, 155 Ramapo Valley Road.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

APPROVE RAFFLE LICENSE RL1213

On motion of Councilwoman Stagg, seconded by Councilman Jensen, approval be granted for Raffle License RL1213 for Indian Hills PTSO to hold an on-premise 50/50 raffle on March 13, 14, 15 and 16, 2014 at Indian Hills High School, 97 Yawpo Avenue.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

APPROVE REQUEST TO EXTEND LICENSED PREMISES-BISTRO 202, LLC (VALLEY STABLES)

On motion of Councilwoman Stagg, seconded by Councilman Visconti, approval be granted to Bistro 202, LLC (Valley Stables) to extend the licensed premises for a St. Patrick's party on Sunday March 16, 2014.

Discussion ensued. Councilman Pignatelli asked who is doing security. He asked about parking. Councilman Jensen questioned traffic control. Councilman Visconti suggested approving this with conditions. Mr. Chewcaskie advised that the Council can pose conditions on approval of liquor licenses. The Council can indicate that the permit should be issued subject to conditions. Councilman Pignatelli commented that the issues are security, parking and traffic control. Mr. Chewcaskie advised that the conditions can request that security needs to be done by an off-duty police officer and the applicant should provide something to ensure there is adequate parking. Councilwoman Stagg questioned the ending hour and advised there are residents in the area. The consensus of the Council was to hold this discussion later in the evening after getting clarifications from applicant.

APPOINTMENTS TO GREEN TEAM

Mayor Schwager brought forth the nomination of Roberta Wilgus as the Board of Health representative, Ed Clark as the Shade Tree representative and Jack Tauber as a citizen representative to the Green Team. All terms are for one year.

MOTION TO APPROVE:

On motion of Councilman Pignatelli, seconded by Councilman Jensen, the Council consented to the appointments of Roberta Wilgus, Ed Clark and Jack Tauber to the Green Team.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

Councilman Visconti advised that the Council liaisons are Councilwoman Stagg and Councilman Pignatelli.

RESOLUTION 14-63 ADOPT SURPLUS POLICY

On motion of Councilman Jensen, 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 desires to set a policy for the unreserved, undesignated fund balance; and

WHEREAS, after careful consideration the Mayor and Council has determined that the fund balance on January 1 of any given year should be between 10 percent and 15 percent of the previous year's operating budget net of non-cap operations, grants, capital, debt service, deferred charges and the reserve for uncollected taxes; and

WHEREAS, the Borough of Oakland desires to establish an appropriate strategy if the fund balance drops below the 10 percent minimum or exceeds the 15 percent maximum.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the policy for the reserved, undesignated fund balance ("Fund Balance") shall be as follows:

1. The fund balance on January 1 of any given year should be between 10 percent and 15 percent of the previous year's operating budget net of non-cap operations, grants, capital, debt service, deferred charges and the reserve for uncollected taxes;
2. If the fund balance drops below the 10 percent minimum, the Governing Body shall take such action, aided by an economic plan developed by the Chief Financial Officer and Borough Administrator to restore the fund to the acceptable level within two (2) years.
3. The Chief Financial Officer and Borough Administrator shall devise an economic plan to be submitted to the Finance Committee from a mixture of the following elements designed to restore the fund balance:
 - a. Decrease the amount of surplus anticipated in the current and/or succeeding year's budget;
 - b. Increase the amount appropriated for the reserve for uncollected taxes;
 - c. Reduce the amount of appropriation reserves for salaries and wages transferred at year-end to the Accumulated Absence Trust, provided the Trust is at least 50 percent funded;
 - d. Reduce certain items of Miscellaneous Revenue in the current and/or succeeding year's budget;
 - e. Any other step designed to result in a replenishment of surplus regenerated.
4. If the fund balance exceeds the 15 percent maximum of the previous year's operating budget, the portion over the ceiling limit shall be added to the amount of surplus anticipated in the current fund budget and specifically ear-marked to reduce short-term debt over the amount that would have been appropriated and/or to increase the expenditure for the Capital Improvement Fund over the amount that would have otherwise been appropriated.
5. After the Annual Financial Statement has been filed, the Chief Financial Officer shall report to the Borough Administrator and Finance Committee on the status of the fund balance as it relates to this policy, which report shall be considered during budget deliberations.

BE IT FURTHER RESOLVED that it shall be the policy of the Borough of Oakland to maintain an adequate fund balance at all times, which fund is necessary to provide the cash

required to meet the Borough's obligations and operations during those periods between tax collection cycles.

BE IT FURTHER RESOLVED it shall be the policy of the Borough of Oakland to maintain a constant adequate balance of surplus for the purposes set forth herein and no amount of the proceeds which exceed the amount regenerated from the previous year shall be specifically designated.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-76 APPOINT COMMUNITY DEVELOPMENT REPRESENTATIVES

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

WHEREAS, in order to conduct Community Development Grant Meetings in conjunction with the monthly Share Service Meetings, the H.U.D./County regulations require that each municipality appoint by Resolution two representatives to the N.W. Regional Board; and

WHEREAS, Mayor Schwager has designated Borough Administrator Richard Kunze to serve as the Mayor's representative to the Community Development Program for a one-year term, July 1, 2013 through June 30, 2014;

BE IT RESOLVED, that the Borough Council hereby appoint Councilwoman Elizabeth Stagg to serve as the Council's representative for a one-year term, July 1, 2013 through June 30, 2014;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby appoint Borough Clerk, Lisa Duncan as the alternate.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-77 AUTHORIZE REFUND RECREATION FEE

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

WHEREAS, the Borough of Oakland has received a request for a refund of Baseball Registration Fees in the amount of \$108.00; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Oakland hereby authorize a refund to:

Stephen Allen, 20 Spear Street, Oakland, NJ 07436 refund due \$108.00.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-78 AUTHORIZE TAX REFUND BLOCK 5501, LOT 42

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

WHEREAS, the Borough of Oakland has received a request for a refund of 2013 overpayment due to a County Board Judgment;

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon advice of the Tax Collector do hereby authorize a refund as follows:

<u>BLOCK/LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
5501/42	Gabriana, Materna	\$1,185.49

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-79 AUTHORIZING AGREEMENT WITH SPORTS ASSOCIATION

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

WHEREAS, the Mayor and Council of the Borough of Oakland and the Sports Association of Oakland wish to enter into an agreement to provide fundraising opportunities for the development and improvement of Great Oak Park; and

WHEREAS, after consideration by both parties, the Borough of Oakland and the Sports Association have come to an agreement, which has been memorialized in writing, a copy of which is attached hereto; and

WHEREAS, the Borough of Oakland and the Sports Association of Oakland desire to enter into this Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland authorizes the Mayor and Clerk to execute the Fundraising Agreement between the Borough of Oakland and the Sports Association of Oakland on behalf of the Borough.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Sports Association of Oakland.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-80 AUTHORIZE CONTRACT-SPECIAL COUNSEL FOR SEWERS

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

WHEREAS, the Borough of Oakland is interested in pursuing discussion with the Northwest Bergen County Utilities Authority for sewer service; and

WHEREAS, it is necessary to seek special counsel to represent the Borough of Oakland in this matter; and

WHEREAS, the Borough has received a proposal from John Napolitano and the firm of Cleary, Giacobbe, Alfieri & Jacobs, LLC at a cost not to exceed \$15,000.00; and

WHEREAS, the Chief Financial Officer has certified funds are available in account #4-01-20-155-028; and

WHEREAS, this contract is for professional service for which no public bidding is required; and

WHEREAS, Cleary, Giacobbe, Alfieri and Jacobs, LLC has complied with the Borough's Pay-to-Play requirements as outlined in Ordinance 12-CODE-669 adopted July 11, 2012;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award a contract to John Napolitano of Cleary, Giacobbe, Alfieri and Jacobs, LLC in an amount not to exceed \$15,000.00; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to sign the agreement on behalf of the Borough.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-81 AMEND TEMPORARY BUDGET

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

WHEREAS, NJSA40A:4-20 of the Local Budget Law provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget, the governing body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the adoption of the budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that, based on the recommendation of the Chief Financial Officer, that the following emergency temporary appropriations be made and that a certified copy of this resolution be filed with the Director of the Division of Local Government Services:

<u>Current Fund</u>		Original	
Account #	Description	Temporary Budget	Replacement Amount
4-01-20-165-000	Engineering-Other Expenses	\$ 8,750	\$ 61,000
4-01-31-460-000	Gasoline-Other Expenses	\$ 20,000	\$ 68,000

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-82 AUTHORIZE CONTRACT-TAX MAP MAINTENANCE

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

WHEREAS, the Borough must update its tax maps annually; and

WHEREAS, the Tax Assessor and Borough Administrator have recommended that Civil Solutions be retained to provide tax map updates, in accordance with their proposal; and

WHEREAS, the Mayor and Council of the Borough of Oakland wishes to award a contract to Civil Solutions to provide 2014 Tax Map Maintenance services for the Borough; and

WHEREAS, Civil Solutions will provide the services at a cost not to exceed \$ 5,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 4-01-20-150-104; and

WHEREAS, 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;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Oakland hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Civil Solutions to provide Tax Map Maintenance Services for an amount not to exceed \$ 5,000.00.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-83 AUTHORIZE CONTRACT TAX APPEAL ASSISTANCE

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

WHEREAS, the Borough wishes to appoint an expert for 2014 Tax Appeal Assistance; and

WHEREAS, the Tax Assessor and Borough Administrator have recommended that Value Research Group, LLC be retained to provide Tax Appeal Assistance, in accordance with their proposal; and

WHEREAS, the Mayor and Council of the Borough of Oakland wishes to award a contract to Value Research Group, LLC to provide 2014 Tax Appeal Assistance services for the Borough; and

WHEREAS, Value Research Group, LLC will provide the services at a cost not to exceed \$ 20,000; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #4-01-55-904-001; and

WHEREAS, 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;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Oakland hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Value Research Group, LLC to provide Tax Appeal Assistance services for an amount not to exceed \$ 20,000.00.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-84 AUTHORIZE CONTACT-ADDED ASSESSMENT WORK

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, 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 #4-01-20-150-029; 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 2014; and

BE IT FURTHER RESOLVED, that Mr. Townsend shall be paid the sum of \$ 50.00 per hour, the total fee not to exceed \$ 7,000;

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute an appropriate contract; 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.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-85 ENDORSE EXTENSION OF 2% CAP ON INTEREST ARBITRATION AWARDS

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

WHEREAS, on December 21, 2010, Governor Christie signed into law reforms to the Arbitration process that took effect January 1, 2011; and

WHEREAS, the reforms capped arbitration awards on economic factors to no more than 2%, provided for random selection of arbitrators, expedited the determination of awards, required the arbitrator to provide a written report detailing the weight accorded to each of the required considerations and expedited the appeal process; and

WHEREAS, these reforms marked a dramatic change to the arbitration process and have helped municipalities to control the never-ending rise in public safety personnel costs; and

WHEREAS, a key element of the reforms, capping arbitration awards on economic factors to no more than 2% of the property tax levy will expire on April 1, 2014; and

WHEREAS, while municipalities are statutorily limited to raise their property tax levy by no more than 2%, with very limited exceptions, failure to extend the 2% cap on interest arbitration awards will force municipalities throughout the State to further reduce or even eliminate crucial services, personnel, and long-overdue infrastructure improvement projects in order to fund an arbitration award; and

WHEREAS, the 2% Interest Arbitration cap has controlled one of the largest municipal expense, public safety salaries, not only through arbitration awards but through contract negotiations; and

WHEREAS, absent further action by the Legislature, any contract that expires on or after April 1, 2014, will be subject to all new procedures and requirements, EXCEPT the 2% awards cap; and

WHEREAS, without those limits, arbitrators will be able to impose awards that do not account for the 2% limit on the property tax levy, which would immediately threaten funding for all other municipal services; and

WHEREAS, without the 2% cap on Interest Arbitration Awards but with the 2% cap on property tax levy local budget makers could be forced to reduce other essential municipal services to fund an arbitration award;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Oakland strongly urges the Legislature to permanently extend the 2% cap on interest arbitration awards prior to the April 1, 2014 sunset; and

BE IT FURTHER RESOLVED, that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, the legislators of the Borough of Oakland's State Legislative representatives, Governor Chris Christie, and the New Jersey State League of Municipalities.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-86 RESCIND RESOLUTION 14-65

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

WHEREAS, the Mayor and Council and Jersey Professional Management mutually desire to alter the contractual arrangement entered into by adoption of Resolution 14-65;

BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that Resolution 14-65 is hereby rescinded.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-87 AUTHORIZE TEMPORARY ACCOUNTING HELP

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

WHEREAS, there is a temporary need for accounting and finance services due to the recent resignation of the CFO; and

WHEREAS, the Borough has considered how best to fill this need until a new, permanent CFO is hired and determined that the use of services offered by Jersey Professional Management will be the most cost effective for the Borough; and

WHEREAS, Jersey Professional Management will provide personnel to undertake duties associated with the operation of the Borough's Finance Department, in the area of accounting, budget development assistance and other tasks as defined in the Borough code and under State Law; and

WHEREAS, compensation would be at the rate of \$100 per hour plus a \$500.00 placement fee and it is anticipated to utilize the services of Jersey Professional Management for between 20 and 25 hours per week, on a schedule to be determined by the Borough Administrator; and

WHEREAS, the initial not to exceed amount for Jersey Professional Management's services is set at \$ 13,500 and funds are available in Account #4-01-20-130-020;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize the agreement with Jersey Professional Management for accounting and finance services; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the Proposal with Jersey Professional Management.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

RESOLUTION 14-88 APPOINT TEMPORARY CFO

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

WHEREAS, there currently exists a vacancy in the position of Chief Financial Officer;
and

WHEREAS, N.J.S.A. 40A:9-140.10 requires such position to be filled by a Borough employee; and

WHEREAS, N.J.S.A. 40A:9-140.13 (f) permits individuals without a CMFO license to be appointed as Temporary CFO for a period of up to one year; and

WHEREAS, the Borough Administrator, Richard Kunze, has agreed to serve as Temporary CFO;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, that Richard Kunze is hereby appointed as Temporary CFO until a permanent CFO is hired or until the end of the statutory period, whichever is sooner.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

**RESOLUTION 14-89 AUTHORIZE BOSWELL FOR LSRP SERVICES FOR DPW
UNDERGROUND STORAGE TANKS**

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

WHEREAS, there is a need for Licensed Site Remediation Professional engineering services for site investigation of the UST fuel tanks at the Department of Public Works; and

WHEREAS, Boswell McClave Engineering has submitted a proposal dated January 10, 2014, for the services required at a cost not to exceed \$22,750.00; and

WHEREAS, Boswell McClave has submitted necessary paperwork to comply with the Borough of Oakland's Pay-to-Play requirements; and

WHEREAS, this is for a professional service for which no public bidding is required; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #4-01-20-165-100;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Boswell McClave to provide the services as outlined in their January 10, 2014, proposal at a cost not to exceed \$22,750.00; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute the agreement on behalf of the Borough.

Councilman Kulmala had questioned if any records were found on the tanks. Councilman Pignatelli commented that we were supposed to be looking to see if we had already done sampling. Kevin Boswell responded that he is going to make every effort to save the Borough money but he hasn't located any information yet. Councilman Pignatelli advised to check the Health Department records.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

INTRODUCTION: ORDINANCE NO. 14-CODE-699

The Clerk was directed to take from table Ordinance No. 14-Code-699 and read by title for its first reading.

The Clerk then read by title Ordinance No. 14-Code-699 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND CHAPTER II, ADMINISTRATION, SUBCHAPTER 10, ENTITLED "PAYMENT OF CLAIMS", SECTION 2-10.2 ENTITLED "APPROVAL PROCEDURE"

On motion of Councilman Jensen, seconded by Councilman Visconti, 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 REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND CHAPTER II, ADMINISTRATION, SUBCHAPTER 10, ENTITLED "PAYMENT OF CLAIMS", SECTION 2-10.2 ENTITLED "APPROVAL PROCEDURE", be introduced;

That said Ordinance be considered for final adoption at a meeting on March 12, 2014 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before March 3, 2014 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. Mayor Schwager advised she is opposed to this ordinance. She thinks Council should be signing vouchers. She is asking the Council to make sure they keep reviewing vouchers for their Departments. Councilman Pignatelli thought they would still be getting copies of vouchers. Mr. Kunze responded that the Council can still get copies but we are removing Council from the approval process. Councilman Pignatelli thought that the Council was signing vouchers over \$500. Councilman Visconti advised that the Council approves large purchases by resolution. Everyday items are approved through the budget process. The Council relies on the staff to certify goods received and the Administrator and CFO to ensure funds are available and approve for payment. There are cross-checks done in Borough Hall. There is no additional oversight with Council signing the vouchers. Councilman Pignatelli thought that they were changing the ordinance so that Council didn't have to sign under \$ 1000. Councilman Visconti advised that previously Council signed vouchers over \$ 1000. In 2012, it was changed to a \$ 500 threshold. However, whatever the amount is, the Council doesn't have authority in the approval process other than to approve the bills list. Mr. Kunze advised that the bills list is in alphabetical order by vendor. There is a way to do the list by budget code that the Council may find more useful. Councilman Pignatelli advised that he does look at his departments in detail in the bills list. It would expedite the payment process if the Council does not have to sign the vouchers. The Council does approve the budget. It is up to our professionals to spend the money that the Council approves in the budget process. Mayor Schwager commented that she personally thinks it is important for the Council people to follow up and review the bills list in detail. Councilman

Jensen thought that everyone was clear on this topic when it had been discussed previously. There was a comment in the audit that the delay in paying bills was due to Council not signing vouchers in a timely manner. There is redundancy in having Council sign vouchers because the Department Head, Borough Administrator and CFO must sign off for payment. We want to make the system more efficient and get rid of the audit comment. Councilman Jensen does not want to see vendors held up for payment because Council members did not sign vouchers. Council members should be reviewing the bills list if voting on the bills resolution. Councilman Pignatelli asked if there is a law that bills have to be paid in a certain amount of time. Mr. Kunze responded there is the prompt payment law for construction contracts. Mayor Schwager commented that Councilman Jensen had a good point. If the Council is voting on the bills resolution, they should be reviewing the bills list.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

INTRODUCTION: ORDINANCE NO. 14-CODE-700

The Clerk was directed to take from table Ordinance No.14-Code-700 and read by title for its first reading.

The Clerk then read by title Ordinance No.14-Code-700 entitled: "ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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

BE IT RESOLVED that an Ordinance entitled, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14), be introduced;

That said Ordinance be considered for final adoption at a meeting on March 12, 2014 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before March 3, 2014 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.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

**WORK SESSION:
RECREATION BYLAWS**

Councilwoman Coira advised that every January, the Recreation Commission reviews the bylaws. This year, they made a couple of changes. Mr. Chewcaskie advised he thinks this should be listed for action by resolution. He will send this to the labor attorney for suggestions on language for personnel and conduct. Councilman Visconti commented that when the Recreation Commission makes a disciplinary decision, it could have ramifications. Before discipline is implemented, maybe the Commission should consult the Borough Attorney. Recreation Chairman Mike Guadagnino advised that if there are issues, he goes to the Administrator and Attorney.

Councilwoman Coira advised there was an issue last year and the Attorney provided guidance to the Commission.

EAGLE SCOUT PROJECT FOR GREAT OAK PARK

Councilman Visconti advised that the Park Committee heard a presentation by Eagle Scout Will Fern for a project to clean the entrance to the Park off of Doty Road. Will Fern from Troop 49 advised that his project will make the Doty Road entrance to the Park more attractive and welcoming. He plans on cleaning up as much of the property as possible and removing invasive species that won't allow trees to grow. He plans on installing a sign in a location that would be approved by the town. Councilman Pignatelli commented that he attended the Park meeting when Will presented his project. It is a good, extensive project. Councilman Visconti advised that all Scouts have done a great job helping with the project. He advised that Will did a great job with his presentation.

MOTION TO APPROVE

On motion of Councilman Visconti, seconded by Councilman Pignatelli, approval be granted for Will Fern's Eagle Scout Project to clean up the Doty Road entrance to Great Oak Park.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

HIGHLANDS PLAN CONFORMANCE

Borough Planner Steve Lydon advised that the Borough has filed a petition for Plan Conformance with the Highlands Council. The Highlands Council is ready to hold a hearing on the petition but they are waiting for the Borough to send a letter requesting a public hearing be held. If they receive that letter, they are ready to act at their April meeting. This will help the Borough with the Master Plan and with grant applications. Mr. Kunze advised that opting in to Plan Conformance helps with COAH as well. He advised that since we did a resolution to opt in to the Plan, there is an opt out provision. Mr. Lydon advised that everything in the Planning area is voluntary and the Borough can opt out. Councilman Jensen questioned the Preservation area and if we can opt out. Mr. Lydon responded that the Preservation area was set up by legislation and conformance is mandatory so there is no opt out.

Mayor Schwager asked how this will affect the sewer negotiations. Mr. Lydon responded it can only help the Borough in order to get regulatory roadblocks removed. The Highlands Council is backing us with money and assistance to tie in with NWBUA. Mayor Schwager asked if special counsel John Napolitano should be involved with this process. Mr. Lydon responded there will be a role for him later in the process. However, tonight all that is being requested is a letter be sent to the Highlands Council. Borough Engineer Kevin Boswell advised that the meeting at the Highlands Council was productive. The DEP was at that meeting and the DEP said we need an overall solution. Mr. Boswell advised that it is incumbent for the Borough to take advantage of the money to be invested here by the Highlands Council and the NWBUA.

Mr. Lydon asked if we know who is going to help draft the Wastewater Management Plan. Mr. Boswell responded that the NWBUA has budgeted to have their consultant do it. It would make sense for them to take the lead and we will cooperate. It will be less investment on behalf of the Borough and better tax investment for the Borough. The goal is to see what NWBUA will pay for.

Councilman Visconti asked if there is any community that ever pulled out of the Planning area. Mr. Lydon responded he does not think so. One thing that will have to be done if we opt in is to change the ordinance. Councilman Visconti asked if the Highlands institutes a regulation, are we

forced to adopt that regulation. Mr. Lydon responded that so far, the Highlands Council hasn't taken an approach like COAH did. The Highlands Council is trying to be proactive with solutions and funding.

Councilman Kulmala advised that Planning Board has been dealing with this for years and Steve has been giving monthly updates. He asked what makes Oakland unique with the Highlands Council. Mr. Lydon responded that Oakland greatly benefits because we are at an interface between the Planning and Preservation area.

MOTION TO APPROVE LETTER BE SENT TO HIGHLANDS COUNCIL:

On motion of Councilman Jensen, seconded by Councilman Kulmala, approval be granted for the Borough of Oakland to send a letter to Highlands Council requesting a public hearing on the petition for Plan conformance.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

REQUEST TO EXTEND LICENSED PREMISES-BISTRO 202, LLC (VALLEY STABLES)

Mr. Kunze spoke to the general manager of the Valley Stables. There will be a tented area with 65 seats in the parking lot. There will be two bands playing between the hours of 12 pm and 6 pm. The tent will be closed by 8 pm. As to parking, part of the lot will be open. The overflow parking will be at Cenzino's lot since they are closed on Sunday. There will be valet parking. Regarding security, they were going to have in-house staff perform security but they do not have a problem having an off-duty officer. Councilman Pignatelli commented that they should have at least one off-duty officer. Mr. Chewcaskie advised that if the Council is inclined to approve the application, the following conditions will apply: only access is through the main building, one off-duty officer must be utilized, parking must be valet and any entertainment shall cease by 9 pm. Councilwoman Coira agreed with all the conditions except the off-duty police officer. She doesn't think they should set a precedent by requiring an off-duty police officer. Councilman Jensen responded that this is a unique location and the parking situation warrants a police officer. Councilman Pignatelli would rather err on the side of safety. Councilwoman Coira responded that she would prefer a private business have private security. She does not think it is necessary to have one of our off-duty police officers perform security. Councilman Visconti agreed that the Council should not set a precedent on this point.

MOTION TO APPROVE:

On motion of Councilman Pignatelli, seconded by Councilman Jensen, the Request to Extend the Licensed Premises for Bistro 202 LLC (Valley Stables) for March 16, 2014 with a raindate of March 17, 2014, subject to the conditions.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

NEW BUSINESS:

Councilman Pignatelli questioned the policy for Senior Facility use. Mr. Kunze responded that he asked the Senior Center Director to work on a draft policy with the Attorney.

COUNCIL REPORTS:

Councilman Kulmala: The Planning Board meeting was cancelled due to snow. The OCC did have a reorganization meeting. The deadline for submissions for the next Crossroads is March 31st. He advised that OCC is trying to meet with the Board of Education to get their input for the Crossroads. He received a request from a resident to explore social media. Policies need to be put in place but the Borough does need to move forward with that.

Councilman Visconti: The next Park meeting is March 11th at 8 pm at the Danny D'Elia building. He thanked Will Fern for his presentation. The Flood Commission will meet Monday March 10th at 7:30 pm. The Flood Commission is working on getting a mailer out. The Borough took RFQ's for the Library architect. We had over 30 firms do the walk through. The next step is to create a matrix to evaluate firms in order to bring a recommendation forth to the Council. Once we get an architect, they will help come up with a program on how to best utilize the money we have to spend on the project.

Councilwoman Stagg: OEM met last night. They are planning new drills and training. The Water and Sewer Committee meet Tuesday morning. Boswell was appointed the new Water & Sewer Engineer so they were brought up to date on projects and plans for the future.

Councilman Pignatelli: AARP will hold a smart driver course. There is a constituent service at the Senior Center the 4th Thursday of the month. The Oakland Police will hold a program at the Senior Center to advise how to safeguard and dispose of prescription drugs. The Police Chief will also speak about Senior fraud and scams on Wednesday March 12th at 1 pm.

Councilman Jensen: There will be a budget meeting on March 6, 2014 at 7 pm at Borough Hall. The budget should be introduced at the next meeting.

Councilwoman Coira: The Recreation Commission met Monday. The next Rutgers course will be held March 14th at the Senior Center. Summer Camp, Golf and Tennis signup information is now on the Recreation website. The next Shade Tree Commission meeting will be Monday March 3rd. The Municipal Alliance will meet March 10th at 12 noon.

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

Frank Monaco, 60 Thackeray, commented that if the Borough is going to implement a snow removal program, they have to help Seniors and the disabled. He asked if the cost for the DPW tanks was in addition to the project. Mr. Kunze advised the tank issue goes back to 1993 and DEP is now requiring paperwork be filed. Mr. Monaco asked about grants for the Van Allen House. Mr. Monaco commented that while the schools were closed for break, you could get through town easily.

Don Burns, 22 Whittier Lane, commented that for many years, he signed vouchers when he was a Councilman. He doesn't understand why it is so much trouble to sign. That is a responsibility of Council members. He is surprised the Council is passing an ordinance to eliminate signatures.

Frank Monaco, 60 Thackeray, does not understand why the Council wants to give up the right to sign vouchers. He spoke of the incident of the payment of the BAN's years ago. Mr. Kunze responded that at that time, you would not have seen the payment on a bills list because there are exclusions for wire transfers and debt. Now, there are two signatures required for wire transfers which was put in place for control and oversight.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

BILLS TO BE PAID:

On motion of Councilman Jensen, 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 Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

MEETING ADJOURNED:

On motion of Councilman Jensen, seconded by Councilman Visconti, the meeting be adjourned at 9:38 pm.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, Visconti.

Lisa M. Duncan, Borough Clerk
March 12, 2014

Mayor Linda H. Schwager

Date Approved