

April 23, 2014

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY APRIL 23, 2014

MEETING CALLED TO ORDER: By Mayor Schwager at 7:35 P.M.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg, and Visconti. Also Present: Deborah Krebs, Deputy Borough Clerk; Richard Kunze, Borough Administrator; Steven Muhlstock, 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.

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Mayor Schwager stated Borough Clerk Lisa Duncan is working with the School Board Elections tonight and Deputy Borough Clerk Debbie Krebs is here in her absence. Deputy Clerk Krebs has recently announced her retirement and she has worked for the Borough of Oakland for eighteen years. She stated it has been a pleasure to work with her and thanked her for all her help.

MAYOR'S REPORT: Mayor Schwager stated they had a meeting tonight at 5:30 with residents who contacted her about the Bi-County project off of Long Hill Road. Information was exchanged. Residents can go on the website for information about the project as to what is occurring and what can be done.

Friday, April 25, 2014 is Arbor Day. A ceremony will be held at the Valley Middle School at 11:30 A.M. The Shade Tree Commission will be planting trees at the site. The Commission is very active throughout the year planting a variety of trees around town, at Veterans Park and the Recreation Complex. Oakland earned recognition as a 2013 Tree City USA for our commitment for effective urban forest management. She thanked Chairman John Schaus and his Commission members for all their efforts.

Mayor Schwager stated there will be applications at both the Ramapo and Indian Hills High School Guidance Office for the Summer Intern Program. Any student who will be entering their Senior year and who is interested in public government is eligible for the intern program. The intern will be assisting for a few weeks at the Borough Hall.

There will be a Ceremony at Stewart Woods on Saturday, May 10<sup>th</sup> at 10:00 A.M. Stewart Woods is the Park on Route 202 across from the First Aid Building. It is named after Dorothy Stewart whose determination made the purchase of this property a reality. A matching grant from the County helped purchase this property. She thanked the members of the Environmental Commission, Eagle Scout Matthew Richards of Troop 249, the Shade Tree Commission, the

April 23, 2014

Oakland DPW and Vanderbeck Tree Service for all the work that was done. The park has a walking trail, benches and picnic tables. The ceremony will be followed by a guided tour of the trail. It is open for anyone from the public to visit.

This Saturday, April 26<sup>th</sup> from 10:00 A.M. to 2:00 P.M. Operation Take Back New Jersey will be taking place. This is for the collection of unwanted and expired medications that you bring to the Oakland Police Department. The medications will be disposed of properly. Prescriptions can also be brought to Fair Lawn, Wayne, Bergenfield, Ridgefield, Clifton, and Hawthorne. These medications need to be disposed of in order to discourage children from finding them in the medicine cabinets and using them.

The Mayor's Wellness Program is continuing. The signups are taking place at the gym next to the Post Office. It is a twelve-week program that is free. There are regular weigh-ins and various classes including a weight-loss support program. There is a grocery tour with the nutritionist at Shop Rite. The next sign up is Thursday, April 24<sup>th</sup> 11:00 A.M. There is a Juice Workshop on Wednesday April 30<sup>th</sup> at 7:00 P.M. and Thursday May 1st at 11:00 A.M. The only requirement of this program is that you try to lose a pound in 12 weeks. For more information you can call 201-337-3900 – Extension 276 and speak to Michelle at Shop Rite.

Mayor Schwager stated she attended the meeting for the Great Oak Park last night. There will be cleanup on Saturday April 26<sup>th</sup> at 11:00 A.M. You can park your car at the Bowling Alley.

#### OPENED FOR PUBLIC DISCUSSION:

On motion of Councilwoman Stagg, 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.

William and Annette Terocka, 1 Tuscarora Drive stated they have a problem because they are trying to sell their house. Their house has been on the market. They have a pump station that is located on an easement on their property. They had one commitment but it fell through because the potential buyer could not get answers from the town as to when this pump station will be removed. They have not been able to get an answer but they have been told there is money earmarked to remove the pump station. Their neighbor does not want it moved over to his property and he understands this because it is an eyesore, it is noisy and there is an odor that emanates from it. There used to be trees and bushes that hid the station but one of the bushes fell over during Hurricane Sandy and needed to be removed.

Administrator Kunze stated he spoke to the realtor about the project. Councilwoman Stagg stated they are aware of the situation and Boswell Engineering has been directed to look into a design. It is being treated as an emergent situation. She hopes that it will be approved by the DEP in order to move forward.

Anne Bernhardt, 101 East Oak Street, REMAX, Realtor, stated she and also the potential buyer called but they were not able to get an answer. The Mayor stated the issue is under discussion and they hope to have an answer by next week.

David Schwarz, 800 Hunters Run. stated he works for Stewart Business Systems and they are the company that provided the copy machines for the Borough. He objected to the bid process that was recently done by the Borough Clerk in her search for new copy machines. When the town

April 23, 2014

contracted with him four years ago, the town received a \$1.00 buyout option. He surveyed all the locations, DPW, Senior Center and the Fire Department and the feedback was positive. As a resident he objects to the town spending money on new copy machines. In addition, the bid process was not done properly because there were no specifications and he has not been able to find out what the results were. The bid process needs to be revisited as the present copiers can be purchased for \$1.00 and an ongoing service contract. Administrator Kunze stated the Borough Clerk reviewed several offers on copy machines to find what would best fit the Borough's needs. The Borough didn't do a formal bid solicitation as they are purchasing them through the State Contract. Attorney Muhlstrock asked Mr. Schwartz if he consulted with the Borough Clerk and her concerns about keeping the present copy machines and continuing the contract. Mr. Schwartz stated he did consult with her and her concerns were how often the machines broke down. He offered her two price options for servicing. Administrator Kunze stated the Borough considered the ongoing service costs versus a new lease when making their decision. The Borough Clerk did a thorough review and the award of bid will be announced tonight under Resolutions.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

**APPROVAL OF MINUTES: MARCH 26, 2014**

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the minutes from the Mayor and Council Meeting of March 26, 2014 be approved.

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

**APPROVAL OF MINUTES: APRIL 9, 2014**

On motion of Councilwoman Stagg, seconded by Councilman Jensen, the minutes from the Mayor and Council meeting of April 9, 2014 be approved.

ROLL CALL: Yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Stagg. Councilman Visconti abstained.

**APPROVAL OF MINUTES: EXECUTIVE FEBRUARY 12, 2014**

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the Executive Minutes from the Mayor and Council Meeting of February 12, 2014 be approved.

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

**APPROVAL OF MINUTES: EXECUTIVE MARCH 26, 2014**

On motion of Councilman Jensen, seconded by Councilwoman Stagg, the Executive Minutes from the Mayor and Council Meeting of March 26, 2014 be approved.

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

April 23, 2014

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLE REQUESTS:

PROCLAMATION –MENTAL HEALTH MONTH

Mayor Schwager welcomed the attendees from the West Bergen Mental Health who were present. Councilman Pignatelli, as the Liaison to the Board of Health, read the Proclamation “Mind Your Health” into the record:

WHEREAS, West Bergen Mental Healthcare was founded in 1963 as a Child Guidance Clinic, and today is a full range community mental health center serving over 3,000 people a year, and

WHEREAS, the mental health is essential to everyone’s overall health and well-being; and

WHEREAS, all Americans experience times of difficulty and stress in their lives; and

WHEREAS, prevention is an effective way to reduce the burden of mental health conditions; and

WHEREAS, there is a strong body of research that supports specific tools that all Americans can use to better handle challenges, and protect their health and well-being; and

WHEREAS, mental health conditions are real and prevalent in our nations; and

WHEREAS, with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, each business, school, government agency, healthcare provider, organization and citizen shares the burden of mental health problems and has a responsibility to promote mental wellness and support prevention lives; and

WHEREAS, each business, school, government agency, healthcare provider, organization and citizen shares the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts.

THEREFORE, I, Linda H. Schwager, do hereby proclaim May 2014 as Mental Health Month in the Borough of Oakland. As the Mayor, I also call upon the citizens, government agencies, public and private institutions, businesses and schools in the Borough of Oakland to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health and the need for appropriate and accessible services for all people with mental health conditions.

REQUEST TO WAIVE PERMIT FEES FOR “SAVE THE CAGED PROJECT” AT THE RAMAPO BERGEN ANIMAL REFUGE, INC.

Mayor Schwager stated that the Ramapo Bergen Animal Refuge is requesting a waiver for the Permit Fee of \$70.00 for the replacement of a window. The Governing Body reviewed the request from the Ramapo Bergen Animal Refuge for work to be done during the week of May 5<sup>th</sup>. The estimated date of completion is May 10<sup>th</sup>. They will be submitting a signed and sealed plan for the window. They are also requesting a waiver on an electrical permit, if needed, which is presently under review by Construction Official Daniel Hagberg

April 23, 2014

On motion of Councilwoman Stagg, seconded by Councilman Visconti the request for the waiver of the Construction Permit be approved.

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

#### RESOLUTIONS:

##### RESOLUTION 14-114 AUTHORIZE REFUND 2012 TAXES DUE TO TAX COURT JUDGMENT BLOCK 3201 LOT 4

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

WHEREAS, a Tax Court Judgment was entered on March 21, 2014 in the matter of 8 Thornton Road LLC v. Oakland Borough, Docket No. 005664-2012, reducing the assessment of Block 3201, Lot 4, 8 Thornton Road to \$4,925,000.00 for the Tax Year 2012; and

WHEREAS, a refund of the 2012 property taxes is now due to 8 Thornton Road LLC, c/o Paul Tannenbaum, Esq., in the amount of \$13,855.54;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon the advice of the Tax Collector, do hereby authorize a check be issued to 8 Thornton Road LLC, c/o Paul Tannenbaum, Esq., in the amount of \$ 13,855.54.

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

##### RESOLUTION 14-117 AUTHORIZE FILING PETITIONS TO INCREASE TAX ASSESSMENTS-TABLED

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

Attorney Muhlstock explained that the only way to raise an assessment after a sale is for the municipality to file a complaint or petition with the County Tax Board to seek the increase. The Assessor recommended that with these five properties that the Borough file petitions to increase these assessments based on the sale prices that were in excess of these assessments. Councilman Pignatelli questioned if this was done because improvements were done. Attorney Muhlstock stated the Assessor examines every sale to see if the assessment is correct. Mayor Schwager stated this would indicate that the sale was a substantial increase over the assessment. Councilman Jensen felt they need more information from the Assessor.

#### MOTION TO TABLE:

On motion of Councilman Jensen, seconded by Councilman Visconti the motion to adopt Resolution 14-117 be rescinded and Resolution 14-117 be tabled for further explanation.

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

April 23, 2014

#### RESOLUTION 14-118 ADOPT PERSONNEL POLICY

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

WHEREAS, it is the policy of the Borough of Oakland to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all municipal officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by municipal employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Oakland.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough of Oakland shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that Matthew J. Giacobbe of the firm of Cleary, Giacobbe, Alfieri, Jacobs LLC was as Labor Counsel for the Borough of Oakland to advise the Borough of Oakland in personnel matters.

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Labor Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

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

April 23, 2014

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**PUBLIC HEARING ON BUDGET AMENDMENT:**

On motion of Councilman Jensen, seconded by Councilman Visconti the Meeting be opened for a Public Hearing on the Budget Amendment.

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

No one from the Public wished to speak.

On motion of Councilman Jensen, seconded by Councilwoman Stagg the Meeting be closed for a Public Hearing on the Budget Amendment.

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

**RESOLUTION 14-119 BUDGET AMENDMENT**

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

WHEREAS, the local municipal budget for the year 2014 was approved on the 12<sup>th</sup> Day of March, 2014; and amended on the 17<sup>th</sup> day of April, 2014; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said amended budget;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, in the County of Bergen, State of New Jersey, that the following amendments to the amended budget of 2014 be made:

**CURRENT FUND**

**FROM**

**TO**

- **Anticipated Revenues**

Miscellaneous Revenue – Section G: Special Items of Revenue Anticipated With Prior Written Consent of Director of Local Government Services – Other Special Items:

Pension Reimbursement from Library	\$ 46,250.00	\$ 48,150.00
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Total Section G:	\$ 771,254.00	\$ 773,154.00
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Total Miscellaneous Revenues:	\$3,800,965.20	\$ 3,802,865.20
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- **Miscellaneous Revenues – Section F: Special Items of Revenue Anticipated With Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:**

Sub-total General Revenues	\$3,817,965.20	\$3,819,865.20
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- **Amount to be Raised by Taxes for Support of Municipal Budget**

April 23, 2014

Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes:	\$13,277,206.11.	\$13,280,789.11
Total Amount to be raised by Taxes for Support Of Municipal Budget:	\$14,050,406.11	\$14,053,989.11
<b><u>TOTAL GENERAL REVENUES:</u></b>	\$17,868,371.31	\$17,873,854.31
	<u>FROM</u>	<u>TO</u>

- General Appropriations

(E) Operations – Within “CAPS”

(2) Statutory Expenditures

Contribution to:

Public Employees Retirement System	\$ 341,237.00	\$ 347,455.00
Police and Firemen’s Retirement System	\$ 716,996.00	\$ 716,261.00

Total Deferred Charges and Statutory Expenditures – Municipal within “CAPS”	\$ 1,534,233.00	\$ 1,539,716.00
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(H-1) Total General Appropriations for Municipal Purposes within “CAPS”	\$ 14,310,993.00	\$ 14,316,476.00
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(L) Sub-Total General Appropriations (H-1) + (O)	\$ 17,683,371.31	\$17,688,854.31
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<b><u>TOTAL GENERAL APPROPRIATIONS</u></b>	\$ 17,868,371.31	\$17,873,854.31
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BE IT FURTHER RESOLVED, that the Governing Body of the Borough of Oakland does hereby approve this amendment to the approved budget for the Fiscal Year 2014.

BE IT FURTHER RESOLVED, that two certified copies of this Resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the Fiscal Year 2014 local municipal budget so amended.

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

#### RESOLUTION 14-120 ADOPT 2014 BUDGET

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:



April 23, 2014

(a) \$13,277,206.11	for municipal purposes, and
(d) \$ 217,397.96	for Open Space, Recreation, Farmland and Historic Preservation
(e) \$ 773,200.00	Minimum Library Tax

#### SUMMARY OF REVENUES

1. <u>General Revenues</u>	
Surplus Anticipated	\$ 570,000.00
Miscellaneous Revenue Anticipated	\$ 3,232,865.20
Receipts from Delinquent Taxes	\$ 17,000.00
2. Amount to be Raised by Taxation for Municipal Purposes	\$ 13,280,789.11
3. Amount to be Raised by Taxation for Schools Type I	\$ 0.00
4. Amount to be Raised by Taxation for Schools Type II	\$ 0.00
5. Amount to be Raised by Taxation – Library Levy	\$ 773,200.00
Total Revenues:	\$ 17,873,854.31

#### SUMMARY OF APPROPRIATIONS

6. <u>General Appropriations</u>	
Within "CAPS"	
(a&b) Operations including Contingent	\$ 12,776,760.00
(e) Deferred Charges and Statutory Expenditures	\$ 1,539,716.00
Excluded from "CAPS"	
(a) Operations	\$ 1,187,111.20
(c) Capital Improvements	\$ 400,000.00
(d) Municipal Debt Service	\$ 1,353,667.11
(e) Deferred Charges – Municipal	\$ 431,600.00
(m) Reserve for Uncollected Taxes	\$ 185,000.00
Total Appropriations	\$ 17,873,854.11

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

#### RESOLUTION 14-121 APPROVE PROMOTION TO CONFIDENTIAL ASSISTANT

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 a need to fill the position of Confidential Assistant to the Borough Administrator; and

WHEREAS, the position was posted for all employees of the Borough of Oakland; and

WHEREAS, the Borough Administrator has recommended that Kathlyn Gurney be appointed as Confidential Assistant;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that Kathlyn Gurney is appointed to the position of Confidential Assistant at an annual salary of \$52,000 effective May 1, 2014.

April 23, 2014

**RESOLUTION 14-122 APPOINT DEPUTY BOROUGH CLERK**

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that Kathlyn Gurney is appointed to the position of Deputy Borough Clerk at an annual salary of \$5,000 effective May 1, 2014.

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

**RESOLUTION 14-123 AUTHORIZE HIRING OF CHIEF FINANCIAL OFFICER – CARRIED**

This resolution will be carried.

**RESOLUTION 14-124 OPPOSE BI-COUNTY/DEP SETTLEMENT AGREEMENT**

Administrator Kunze stated the Resolution was put on the agenda subject to further discussion. Mayor Schwager stated at this time this item is subject for further discussion. At this time, the Borough's hands are tied due to a signed settlement agreement from a former administration. Mayor Schwager stated this issue is not over.

Attorney Muhlstock stated he has been instructed by the Council to look into the circumstances by which Bi-County reached a settlement agreement with the NJ Department of Environmental Protection which would allow the project to move forward. The Council has authorized the Attorney to submit an OPRA request to DEP to get documents and to move to extend the comment date for the settlement agreement. Mayor Schwager stated the settlement agreement between Bi-County and DEP was signed in January 2014 but the Borough was not notified until April 9, 2014.

**RESOLUTION 14-125 AUTHORIZE HIRING OF SEASONAL LABORERS FOR DPW**

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

BE IT RESOLVED that the Mayor and Council hereby authorize the hiring of the following seasonal laborers for the Department of Public Works:

NAME	EFFECTIVE DATE	SALARY
Jake Morgan	June 25, 2014	\$10.50/Hour
Michael La Bruna	June 25, 2014	\$10.50/Hour
Kevin Pol	April 24, 2014	\$10.00/Hour

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

**RESOLUTION 14-126 AUTHORIZE LEASE OF COPIERS**

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

April 23, 2014

WHEREAS, the Borough's current copier leases are due to expire; and

WHEREAS, the Borough has solicited and reviewed proposals from multiple vendors;  
and

WHEREAS, Tritec Business Solutions of East Hanover, New Jersey has offered the best price and has a State Contract #A51465 for Ricoh copiers; and

WHEREAS, the monthly lease price for a 48 month lease on eight (8) copiers is \$1,096.00, and the cost per copy for black and white copies is approximately \$.008 and the cost per copy for color copies is approximately \$.055; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #4-01-20-106-103;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Oakland hereby authorize a 48 month lease of eight (8) copiers from Tritec Business Solutions at a monthly lease price of \$1,096.00.

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby authorized to sign the lease agreements for the Borough of Oakland.

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

#### RESOLUTION 14-127 SELF EXAMINATION OF THE BUDGET

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

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound financial condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30 – 7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30 – 7.2 through 7.5 the Borough of Oakland has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2014 budget year.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that in accordance with N.J.A.C. 5:30- 7.6a & 7.6b and based upon the Chief Financial Officers certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law as such in the budget:

April 23, 2014

- a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Any inclusion of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4 – 45.2 and appropriations for exemptions to limits on appropriations found at N.J.S.A. 40A: 4 – 45.3 et seq., are fully met
3. That the budget is in such form, arrangement, and content as required by the local Budget Law and N.J.A.C. 5:30- 4 and 5:30-4-5,
4. That pursuant to Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of Appropriation are properly set forth,
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised In accordance with the relevant provisions of the Local Budget Law, except that Failure to meet the deadlines of N.J.S.A. 40A: 4-5 shall not prevent such certification
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

#### ORDINANCES:

FINAL PUBLIC HEARING: ORDINANCE NO. 14-CODE 701- LEFT TURN RAMAPO VALLEY ROAD TO ELM STREET-TABLED

The Clerk was directed to take from the table Ordinance No. 14-CODE 701 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "LEFT TURN RAMAPO VALLEY ROAD TO ELM STREET – AN ORDINANCE AMENDING SECTION 7-32 OF THE BOROUGH OF OAKLAND CODE ENTITLED LANE USE RESERVATIONS"

#### OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

#### CLOSED FOR PUBLIC DISCUSSION:

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

April 23, 2014

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending Section 7-32 Of The Borough Of Oakland Code Entitled "Lane Use Reservations", be adopted;

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

Councilman Jensen questioned where the section was in the Ordinance for the enforcement. Attorney Muhlstock stated it would be in a different section of the Ordinance. It would be the same penalties for a violation. Councilman Jensen asked what kind of violation it would be. Mayor Schwager stated it is either 2 or 3 points and there is always a minimum and maximum fine. No matter where you make an illegal left-hand turn, the fine is the same. It is a motor vehicle violation and it is according to State Statute.

Councilwoman Coira stated she thought this Ordinance was going to be discussed further. Mayor Schwager recalled the concern was regarding the striping and signage. Councilwoman Coira stated there hasn't been enough notice and it would be confusing for residents. Councilwoman Stagg stated she felt it would need white arrows directing the change. Administrator Kunze stated it was pending further discussion. Mayor Schwager stated it is a County Road but they can table it for discussion. Attorney Muhlstock stated they have to put up signs. If they don't have signs, anyone could go to court and win. :

#### MOTION TO TABLE:

On motion of Councilwoman Coira, seconded by Councilman Jensen, Ordinance No. 14- Code 701 was tabled for further discussion.

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

#### WORK SESSION AGENDA ITEMS:

##### CO-SPONSORSHIP AGREEMENT WITH R.B.A.R.I. FOR CARNIVAL BIDS FOR CARNIVAL

Councilman Jensen stated this is the first time he is seeing this. Administrator Kunze stated it is the same agreement that was used in 2013. The Public Events Committee is recommending that RBARI run the games of chance as the Rotary did last year. If there is no objection, a Resolution will be prepared for the next meeting.

##### BIDS FOR RECREATION COMPLEX LIGHTING PROJECT

Administrator Kunze stated they recently took bids for this project. They received six bids. The low bidder is Quality Electrical Company with a bid of \$1,067,000. The original estimate was \$1.2 million. They will prepare a Resolution award the bid to Quality Electrical Company for the next meeting.

#### SENIOR CENTER BUILDING POLICY

Councilman Pignatelli stated that he met with the Senior Director and reviewed the use policy for the Senior Center. It discusses insurance and limits as well as what the facility can be used for. Attorney Muhlstock asked if the Borough wants to ask for a security deposit. Administrator Kunze stated this has been discussed in the past. Administrator Kunze stated they are limiting the use of the facility to adults only. Councilwoman Stagg stated she understands why they are not allowing alcoholic beverages because they were having problems with certain parties but there are some functions such as an art show where it would be appropriate to serve wine. Councilman Pignatelli stated past experiences have shown that there has been damage due to alcohol use. Mayor Schwager stated the Seniors have requested alcohol for events such as St. Patrick's Day. Councilman Pignatelli stated the Seniors are very strict about the usage of the facility and can't have it both ways. Administrator Kunze stated they may want to restrict alcohol to only Borough-sponsored events. Attorney Muhlstock stated he felt the Borough's Risk Manager would be very unhappy if the Borough did not have restrictions on the use of alcohol. Mayor Schwager stated she respects the recommendation of the Senior Director and Councilman Pignatelli. Councilman Pignatelli knows that the Director wants a blanket policy where everybody abides by the same rules so she is not put in an awkward spot. Councilman Visconti asked if there could be an approval process for an event such as the Library's Art Show. Administrator Kunze felt it puts the Council in a difficult position. He will make adjustments for further discussion.

#### SAFE ROUTES FOR SCHOOLS

Engineer Rebecca Mejia stated the deadline to submit the application has been extended to June 30<sup>th</sup>. After reviewing the grant criteria, she feels our grant application would be stronger with focus on the original area discussed which was around Heights School. Long Hill Road and Ramapo Valley Road may not meet the requirements of the grant. Boswell is recommending that the Borough engage a grant writing firm due to the specific requirements of the grant. Councilman Pignatelli would not want to jeopardize getting the grant for the area around Heights School but he would still like to see the Borough commit to doing something for Long Hill Road. The blacktop deteriorates much faster than cement sidewalks. If they are going to do drainage projects on Long Hill then maybe that would be a good time to also consider putting in sidewalks. It is very dangerous to walk but there are walking paths. Councilwoman Stagg stated it would be a very expensive undertaking. Councilman Pignatelli asked if the right-hand side would be a better place to put sidewalks. Councilwoman Stagg felt the grade is smoother on the right side but they would have to discuss whether they would want sidewalks on Long Hill Road, how many people would actually use the sidewalks and who would maintain them. The Borough would need to do an engineering study.

#### COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilman Kulmala: He stated the Crossroads is going to print and it will be in the resident's mailboxes by April 28<sup>th</sup>. Last week he attended the Firefighter #1 Graduation and Gregg Imhoff received his diploma. County Officials were in attendance. There is a Thank Hank Memorial Barbeque on May 10<sup>th</sup> at 1:00 P.M. Councilman Visconti stated Hank Roth was a long-time member of the OCC who just passed away. He was an intricate member of the community. The funds will help his family in their time of need.

Councilman Visconti: He stated they did not have a Flood Commission Meeting this month. The Park Committee met last night down at the Senior Center. With the weather starting to break, they have things that will start happening. This Saturday at 11:00 A.M., there will be a meeting with people who are interested in cleaning up the Park. They will be meeting at the Bowling

April 23, 2014

Alley. Tree trimming is taking place in the next two weeks. The sign to the Mueller's Park was taken down and the poles have been painted. A new sign will be manufactured in the next couple weeks. The Scouts are willing to help but they have to wait for the tree trimming to be completed. The DEP was supposed to be in town tomorrow to do their walk thru on the property. The conceptual plan done by Boswell is complete and the DEP has received it. The next Park Committee meeting will be on May 13<sup>th</sup> at 8:00 P.M. at the Danny D'Elia Building.

Councilwoman Stagg: She stated she would like to see the Master Plan for the Great Oak Park. Councilman Visconti stated they will post it on the website so everyone can see it. Water and Sewer met today and they are continuing the discussions on sewerage the downtown as well as improving our water meter readings. They are moving forward on a couple different issues. Boswell was in Executive Session tonight to discuss sewerage with the Council.

Councilman Pignatelli: He reiterated what the Mayor said about the disposal of the medications. This is part of the nation-wide effort to provide safe and easy way to dispose of unwanted drugs. This is very important because children have access to medications that adults take that the children should not be taking. In years past, people used to flush medications down the toilet. These drugs eventually find their way to the water supply and they are finding the results of this in children's blood and urine. He and Councilman Jensen have been attending the Fire Department Meeting and the Fire Department Personnel are continuing to train and update their operating procedures. He also attended the Board of Health Meeting.

Councilwoman Coira: She stated Soccer, Football Cheerleading, Mountain Biking signups are taking place. There are only five slots open for Summer Camp. Adult women's softball signups are also taking place. Tennis Court Badges are for sale. You must wear your badge when you play on the courts. The tennis courts are locked and you need the combination to use the courts. All of the information is available on the Recreation Commission website. Arbor Day Ceremony will take place this Friday at 11:00 A.M. at the Valley Middle School.

**OPENED FOR PUBLIC DISCUSSION:**

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

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

No comments made.

**CLOSED FOR PUBLIC DISCUSSION:**

On motion of Councilman Pignatelli, seconded by Councilman Stagg, 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)

April 23, 2014

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 Visconti, seconded by Councilwoman Coria, the meeting was adjourned at 9:16 P.M.

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

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Deborah Krebs, Deputy Borough Clerk  
May 29, 2014

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Mayor Linda H. Schwager

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Date Approved