

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
TUESDAY NOVEMBER 23, 2010

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Visconti, seconded by Councilman Burns, 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:
Negotiations, 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.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER:

ROLL CALL: Mayor Szabo called the meeting to order and the Clerk called the roll. Present: Mayor Szabo, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Visconti. Absent: Councilwoman Stagg. Also Present: Deborah Krebs, Deputy Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney; James Mangin, Chief Financial Officer.

SALUTE TO THE FLAG:**MOMENT OF SILENCE:**

MEETING ANNOUNCEMENT: Mayor Szabo announced this meeting is being held in accordance with the Open Public Meetings Law duly announced and included in the schedule of regular meetings.

MAYOR'S REPORT:

Mayor Szabo stated the Knights of Columbus Coat Drive would take place this Saturday, November 27th from 10:00 A.M. to 4:00 P.M. In the spirit of Thanksgiving, he encouraged everyone to consider making such donations. Senator Kevin O'Toole has joined up with New Jersey Cares in an effort to collect coats. Borough Hall will be a drop-off point for the coats.

Construction of the weir in Potash Lake is going to commence in December.

Tonight the Council will address the issue of the Restructure of the Recreation Commission. Mayor Szabo welcomed everyone in attendance tonight and stated he is glad that they are here for this open discussion. The Borough Administrator's report was posted on the website and distributed to the Commission. The report is a draft and will be discussed later this evening during the work session. The public will have their opportunity to speak during the public portion. If this goes to the next step, there will be more opportunities for public input. There are many steps that need to take place in this process and the first step is tonight's discussion. Mayor Szabo asked everyone to keep his or her comments down to 3 to 5 minutes so everyone has an opportunity to speak. He asked that there be a level of respect, courtesy and decorum.

Mayor Szabo advised that the Council is not here to tell the community that the Recreation Commission failed nor to disparage the work the volunteers are doing. This is about reform of the system. The Council wants to see Recreation work efficiently without destroying the underlying structure. The Mayor and Council have always expressed appreciation and acknowledged the need for the volunteer core. The issue is about addressing the problems that occur year after year. Problems have existed for as long as he has been in office and even for previous Mayors. The Council does not expect any volunteer who has a full-time life with family obligations to keep up with the procedures that are required by the government for purchasing and audit purposes. There must be accountability in how money is spent and how the programs are implemented and it must be in accordance to the State's policies and laws. Over the years, the Council has thought about hiring a professional in order to take the burden off the volunteers. Most towns have gone in this direction because of the paperwork required. These requirements include ordering equipment within budgetary constraints and accounting for checks received.

They have received checks from Recreation nine months after a program has started. It is not the fault of the volunteers because they have other obligations.

The Council is looking towards hiring someone to have a level of accountability. The professional would handle purchase orders, coordinate background checks, place orders for equipment and schedule the fields. This person will work with Recreation but will leave the managing of programs and coaching to the volunteers. The program coordinator for each of the sports will do what they have done in the past. The professional will handle paperwork and answer to the Administrator. This person will not pick coaches or change programs.

The Borough Administrator has looked at salary ranges for surrounding towns. The maximum salary the borough would consider is \$65,000. The talk about a six-figure salary includes the cost for health benefits. The Borough Administrator's report listed worst case scenario for budget purposes. However, if the Borough has someone in charge of watching Recreation's money, managing the purchasing paperwork, bidding out equipment to get the best costs and seeking grants, the Borough will realize savings and Recreation will become more efficient. Mayor Szabo reiterated that this will not interfere with coaching or sports programs.

OPENED FOR PUBLIC DISCUSSION:

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

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

Frank Monaco – 60 Thackeray Rd., stated he felt the Commission has done a good job and felt they should hire a part-time worker to do similar work like Lorraine Murray did years ago. The Recreation Commission should be given the opportunity to correct the mistakes that have happened. He is against paying for a Director and doesn't feel the salary would stay at \$65,000. Mayor Szabo asked Mr. Monaco to read the report to better understand what the plans include.

Ed Messino - Ramapo Valley Road – asked the Council to look into the sequence of the traffic light on Ramapo Valley Road because it is continuing to back up traffic. He felt if they are able to run the Recreation Programs at no cost now, it should stay that way. Councilman Pignatelli stated he will ask the Police Chief and Traffic Officer to talk the County. He believes the problem is the timing of the light with the traffic coming off Route 287.

John Rowin- 8 Commanche Trail, stated he read the article about the Recreation Commission in the Suburban News. The Council wants to add to the bureaucracy by hiring a Director. He doesn't feel they should be adding to the Borough's expenses. There are members on the Commission who have been donating their time for years. If they are not complying, then someone should sit down with them and straighten it out. There may be a volunteer who could help them out so the Borough wouldn't need to hire someone. Mayor Szabo stated there have been countless meetings, reports, audits, memos and opportunities but these problems have occurred for a number of years.

Mike Guadagnino, 34 Hopper Street – Vice Chairman Recreation Commission, stated he wants to talk about controls vs. controlling. Page 3 in the document mentions an issue of two Commissioners who sought legal advice and attempted to gain support for their position by appealing directly to the parents of participants. The report states that such actions, if done by paid employees, would have resulted in discipline. He and Steve Wagoner were the two people.

To him the statement in the report sounds more like controlling than control. Controls are in place. The Mayor and Council approve all their budgets and all sport signup checks are made out to the Borough. Purchasing procedures are in place – paperwork is done in triplicate. When he needed to buy pitch counters, it was a two-week process for a purchase of \$66.00. They have to go through the WOLF process to buy equipment; they just can't just buy things. They needed help with the bathrooms, they had to come to the Mayor and Council. They had a score board for the roller hockey which was paid for and they had someone who would do the work but it took nine months to get approval. They asked for a smoking ban and they had to come to the Council. They are putting up a sign for the tennis courts and that is going through the Council. All grievances have to come to the Mayor and Council. His understanding is that Commissions, in general, are independent bodies as not to have political interest. They are an independent body but they cannot do much independently. Recreation members don't always agree and the Council members don't agree and that's normal. Regarding the field usage, as the Baseball Commissioner, he has never had problems. Nobody came to him and told him there was a problem. Instead they got the Borough Attorney involved. The Commissioners schedule the fields based on what goes on in Oakland and Oakland kids always come first. He schedules two weeks in advance because of the weather. They know who the qualified coaches are and who are the discipline problems. He has spoken to a couple of his friends who are coaches in other towns that have Directors. They were told by their Director to change the rosters to 14 players instead of 12 in order to save money. Money should not be the issue, a team should only have 12 players so that every member gets a chance to play. The last meeting when the full Recreation Commission met with the Mayor and Council was a Saturday afternoon, February 2006. There has not been a full Council/Commission meeting since then. In their budget, the Commission requested a Secretary at a salary of \$15,000 and they would like assistance in finding that person.

Dave Altana - 39 Chuckanutt Trail, stated he is a CPA and has been a Recreation volunteer for long-time. The Council is talking about the burden that is put on the volunteers but he is thinking about the burden of putting a new employee on the taxpayers. The proposal talks about increasing the costs for individuals to participate in the sports programs. His son plays three sports: Football which would increase by \$13; Hockey would go up \$27; and Basketball \$6. If you have three children playing three sports, the cost increase is substantial. His taxes have doubled in the last ten years and residents are getting less service. If it is that easy to find \$100,000 to fund this position, maybe they should put the money towards reducing taxes. A salaried person will get raises and need an assistant. This could double in cost. Overall, it is a minor issue of how to correct paperwork that could be done by a part-time person not a Director. He would be willing to volunteer his time and experience in budgeting and working with the checks and balances.

Caren McCormack - 161 Manito Avenue, President/Chair of the Sports Association, stated the Association is offering some assistance so they would not have to hire a full-time Director. They will create three new posts – an accounting assistant, an administrative assistant and a person to act as a liaison/mediator when needed. They have prepared a draft and it is their hope that the Council will give this full consideration before increasing the cost of living, increasing taxes, adding an additional pension and health benefits cost, and increasing the participant fees to families.

Jeannine Tuveson - 12 Hannah Road, stated that present here tonight at this meeting are some of the best coaches that you could ever find. Her children have been in the recreation program for the past four years. They have benefited from the services they have received from these volunteers. Neil Malmud is a mentor and a great coach. She is

not in favor of micromanaging volunteers because she has a great deal of trust in the coaches and programs being run. She also doesn't want to have to pay higher costs for the programs and doesn't see a problem with how things are run. Water bills have increased 10% each year – going up 50% by the third year. Sports programs for the children shouldn't have to be increased. She questioned if the Borough will they subsidize families who can't afford the fee increase. Mayor Szabo commented the costs are increasing on everything but nothing will change with the coaches. This is a management issue. The Borough will most likely subsidize the costs for the recreation programs because the budget that was submitted had increases over last year. Ms. Tuveson stated costs for the volunteer does not increase.

Bill Savage - 11 Arrowhead Road, stated he has been a coach for numerous sports and involved in the program for fifteen years. He has never had an issue with the Recreation Commission; everything was run smoothly and done on time. With a new person, it will all be red tape. If it is working right they should not change it. He felt this problem is personal and political and has been this way for the last few years. It is between one or two members of the Council and one or two members on the Recreation Commission. It started with the Tennis Courts, evolved into the Carnival and now it is Baseball. He has heard that the Borough has a person for the position. Mayor Szabo stated nobody has the job, as they have not done anything with the position. The position will be advertised and it will be an open process of selection.

Mark Durando - 65 Pawnee Avenue – Summer Camp Program Director, stated the Recreation Commissioners should be allowed to do their job. As it is right now, there is nothing but friction. As a volunteer, he does everything he can for kids to have a great time for the six-week Summer Camp Program. Numerous families have asked him for help with the costs to send their children to camp because they need to work and can't afford the babysitting costs. It is a tough scenario and he covers it. He questioned if a Recreation Director would do this.

Steve Wagoner – 16 Arrowhead Road, Chairman of the Oakland Recreation Commission, stated that the Council wanted to make changes without destroying the underlying structure, but it will. When a paid Recreation Director is hired with an Assistant and Secretary, you will still get coaches but you will not get the Coordinators. He spoke to Wyckoff and it happened there and also happened in Franklin Lakes. He spoke to someone in Wyckoff today who told him they don't do the scheduling or signups because there is a Director and Assistant Director who are paid and receive benefits. He feels volunteers in Oakland, who now do it for free, won't do it for a Recreation Director. This change will destroy the fabric of the Oakland Recreation Volunteerism. The Council wants to promote change but change is supposed to be for the better. Change is not good for the sake of change unless it improves the programs and he doesn't foresee it. The Commission needs bookkeeping help. Since he has been the Chairman, for almost five years, the full Commission has not sat down with the full Mayor and Council. The Mayor and Council have never asked the Recreation Commission how they can help them to fulfill their fiduciary responsibility. What they do receive is a phone call on what they did wrong and what they need to do. He stated Dave Altana is a CPA and he has offered to sit with each Commissioner and help them with their budget preparation. He offered to do this for Commissioners but not for a paid Director. He read in the Bergen Record a couple weeks ago that towns are now considering going back to having volunteers to run the sports programs and getting rid of the Directors to save money. With this draft proposal, each Coordinator will answer to the Recreation Director, Business Administrator, and Mayor and Council. Mayor Szabo clarified that there will also be an Advisory Committee of residents. Steve Wagoner stated an Advisory Committee does not act in the same capacity as a Recreation Commission. As an

autonomous body, they can design and run their programs, which is why Oakland is one of the best Recreation Programs in the country. A Recreation Director will get advice from the Advisory Committee but he doesn't have to take their recommendations. Mr. Wagoner stated he has personal friends who have written checks for children to go to the Summer Camp. Organizations and people have also given donations to pay for children of families who cannot afford the fees for the children to play sports. He questioned whether they would continue to do this with working with a Recreation Director.

Mayor Szabo questioned why the volunteers would not continue to assist or be involved. This would only happen if you let happen. Mr. Wagoner stated the Borough will get coaches but they will not get the level of volunteer support that the Commissioners give.

Mr. Wagoner stated that in the last the four years since he has been the Commissioner, he has submitted a reduced budget. They instituted a new purchasing procedure in August and there hasn't been any mix up since then. Mr. Wagoner just sent the CFO an e-mail asking him what the problems are. He doesn't feel there is any problem that can't be taken care of by a part-time bookkeeper. The Commission requested part-time help to work three days a week at a salary of \$15,000. Accounting procedures that were approved by the CFO and Administrator are now in place and working. He feels that with this extra help the problems will be resolved.

Mayor Szabo stated that Mr. Wagoner complains about the red tape, the paperwork and the bureaucracy. We have discussed and gone over these issues. Mayor Szabo questioned who would be coordinating the background checks. Mr. Wagoner stated it is time consuming and right now they differ on how it should be done. The Recreation Commission discussed and decided that they want to do background checks using Drivers' Licenses. The Administrator wants the coaches to go to Paramus to be fingerprinted because according Chief Kasper, it is the only accurate way to determine who that person is. Each Coach will have to go to Paramus and it costs \$35.00. He doesn't think an Oakland resident volunteering to be a coach would go through the trouble of getting a fake Drivers' License. With the Drivers License checks, the coaches would go to the Recreation Building and an outside agency checks the license at a cost of \$25.00.

James Berrian - 111 Doty Road - Recreation Commissioner, stated he welcomes the opportunity to meet with the Mayor, Administrator and CFO. This has not happened in five years. He has been asking for a procedural list on the purchase orders but has not received one in five years. The Commissioners need to know whatever documentation and information is required by the Borough. Once it is provided, if a Commissioner doesn't follow the requirements, the Council has grounds to remove that person. The Commission needs guidance and they need to meet to discuss the issues. Once they have been provided with whatever is needed, they will continue to run the programs properly. The second issue is if a Director is hired, he also agrees that the volunteers and Commissioners will no longer be involved. He doesn't foresee a Director being able to fit 150 football players and account for all the needed equipment without additional help.

Mayor Szabo stated the Recreation Chairman has met with the CFO and has had this conversation. He doesn't want the public to have the opinion that there has not been communication or help. Mr. Berrian felt they should be provided with the information that is required and let them to continue to run the programs.

Neil Malmud, 14 Commanche Trail – Commissioner, stated he is the Senior Member of the Recreation Commission having served seventeen years. He is also the Treasurer and has done the Budgets for the past six years. It was late this year but it took time for him to get all the information. This year for the first time he worked on the formal budget submission with help

from the Administrator and CFO. He is concerned about having a Recreation Director because he coaches travel programs and talks to other towns. He has heard comments about how the Directors stick their noses in everything and cause a lot of problems. He feels there are volunteers who will continue to help but there will be others who won't. The Commission has come along way with accountability since the days when Recreation kept a checkbook. He recalled their first meeting with the Auditor and Attorney when they were told there would no longer be a checkbook and everything would have to go through the Borough.

Mayor Szabo asked why there is the assumption that volunteers will leave. Mr. Malmud reiterated that he is basing his opinion on experiences and conversations with other towns who have Recreation Directors.

Will Lenzetti 21 – Chickasaw, stated he is a parent and three seasons of the year he is on a court or at a field. He has listened to what everyone has said and they are not looking at how this will benefit the children. They have a group of volunteers who have far exceeded everyone's expectations. The kids are having a great time and they are never denied anything in this town. The residents pitch in and the parents have no complaints on how the programs are run. What he sees is a control issue and this is obvious with the dialogue he is hearing. He manages projects and in businesses you have to communicate and have regular meetings. The Commission and the Council have not met since 2006. What the Council is proposing to do is extreme. They have issues so they want to get rid of the Commissioners. This is not about a budget over-run, or embezzlement of funds, so it can be worked out. If the problems are still there after they meet, then it is a different story. He is not going to support spending \$65,000 plus health benefits, for a Recreation Director when he, as a resident, has garbage sitting on the side of his house for a week waiting to be picked up.

Gary Hoffman, 38 Wenonah, said his children haven't been involved with recreation for seventeen years but he is present as a taxpayer. He can see that people have already made up their mind. He can't get his garbage picked up but we can pay somebody to schedule ballfields. He doesn't know where the priorities are but he does not agree with them.

Ron Wright - 24 Dogwood Drive, resident for fifty years, doesn't feel you should just do what you want. The taxpayers should come first. They should not be considering hiring someone for \$65,000 plus benefits. The volunteer commission has been in town for fifty years, and now they have all these problems. He felt that before they spend taxpayer's money, they should sit down work out the problems and leave it the way it is because too much central control is not good for anyone. He does want to raise taxes or spend more money.

John Ranaudo - 30 Whittier Lane, stated he has been a volunteer coach for twenty-two years. He felt it is a communication gap. The Commissioners have done a fantastic job and they deserve a chance to work out a solution.

Mary Ann Gurney, 10 Lakeshore Drive, stated she was on the Recreation Commission and every so often the conversation would come up about getting an outsider or a bringing in a professional. The problems have always been worked out. She knows there were issues about auditing and finances. She felt if there were a dispute with the volunteers and the Director, the Council would back their own paid professional, because they would not want that person to quit.

V. King - 113 Hiawatha Blvd., stated she has read the proposal and questioned the following items: On Page 1 it states they are already subsidizing the programs. On Page 3 it states that every year the Recreation Commission has failed to submit a budget proposal that was

sufficiently detailed with justification. She questioned if there is surplus and where does it go? On Page 4 it states there was no information on field use permits provided to Finance. She has seen the Wildcats using the Recreation Field and asked if they comply. On Page 7- It mentions Shared Services. She thought they were doing this.

Mayor Szabo stated the Borough will probably subsidize the Recreation Department for less than \$30,000 this year and last year it was \$46,000. Generally, they do subsidize the programs and the budget is being reviewed now. Eventually the Commission does arrive at a justified budget and there is no surplus from year to year. With the field use permits, the situation has improved and the Borough is now getting the paperwork, which is needed because there is a liability issue. The Wildcats do submit their application and their insurance certificate. As far as Shared Services, they did one collective order last year and they are going to continue with it this year.

Ms. King said her son plays lacrosse and when she signed him up in Franklin Lakes she asked the Director if she would be receiving an email from the Coach. The Director said he would send her the information because he handles everything. She thinks it is going to turn into being much more than a \$65,000 job. She felt the Mayor and Council should consider a part-time person and come to an agreement with the Commissioners.

John Anderson - 54 Oneida Avenue, stated he had three boys who played three sports each and he never had any problem. If he did, it was taken care of and they appear to all get along. If you bring someone in above them, invariably there will be friction.

John Hickey - 9 Concord Lane, stated he has been living in Oakland for sixteen years. The town has a great school system, a great sports program and he loves this town but his taxes could drive him away from Oakland. He is working every year to bring his budget down and he has been cutting back. He is asking his family to make sacrifices and it infuriates him that the Council is talking about hiring a Director and possibly raising taxes again. They seem to all agree that it is not going to be a \$65,000 position for long. He questioned how you could propose adding a new position when he has a garage full of garbage and company is coming on Thanksgiving. He felt they should find out what is behind the problems and resolve it. They have been fortunate to have the people volunteer and do it so well. He trusts the Commissioners with his children so he has to believe the Commissioners when each one of them gets up and says they have not had a full meeting. You are elected officials and every couple years we look at the job and services you are providing and we assess you and what you have done and whether it has been in our best interest. The Commissioners are dedicated and do everything to make it special for the kids.

Bob Fabrizio - 824 Ramapo Valley Road, stated that volunteerism is the core of every organization in every town but there is a problem when there is no communication because personalities get involved. He is the Chairman of the Oakland Public Events Committee and he has a conflict with the Recreation Chairman, Steve Wagoner. He stated Chairman Wagoner degrades the carnival that the Public Events Committee runs every year in town. The Chairman has stated he doesn't want "carny" people on the fields. Mr. Fabrizio stated he has known these professionals for thirty years and they run a multi-million dollar business. It is a professional organization and to hear them degraded is ridiculous. Maybe it is time for someone who is more professional to run the Recreation Commission. In addition, he has a hard time communicating with the Recreation Chairman for field usage. The carnival is structured for local organizations to make money, all of which goes back to the children. One year he had to ask the Council to intercede to get the field usage for the carnival. On the last night of the carnival, after the fireworks are done, the field is policed and cleaned off so it can be ready baseball the next day. He personally stays there every minute until everything is done. When the Public Events

scheduled the Egg Hunt, Recreation decided to close the bathrooms on that day to paint the floors. Mr. Fabrizio stated he would appreciate having better communication with the Recreation Commission so that he doesn't have to go through his Liaison. He thanked the DPW for all their help with the carnival especially Joe Ferrarella and Anthony Marcucilli. He would also like to credit the Fathers' Club and especially Jason Duncan for getting the scoreboard up.

Jeannine Tuveesson - 12 Hannah Road, wished everyone a Happy Thanksgiving.

Dennis Flynn - 65 Loyola, stated he came to the meeting with an open mind to hear both sides. It is about change in order to improve something. He has not heard anything how this will improve the programs.

Mayor Szabo stated that what he is trying to impress on people is that a Recreation Director could handle the problems that the Commission is burdened with on a daily basis. The Director will handle all problems. The Recreation Department will become more efficient which will result in savings. They could look at having a lacrosse program in Oakland. There are special needs children and handicapped residents and that person could look into programs for them as well. It is a proposal that the Council will debate and discuss. It is never been about the volunteers but about becoming more accountable and being structured.

Andy Haas -5 Wellsley Drive, stated he is the Director for Roller Hockey and he will not volunteer if the Borough hires a paid Director. He volunteers his own time to clear the snow off the rink. With a Director, he will not attend League Meetings or order shirts. He doesn't think that a Director will have the care in handling what he does. He sees Steve Wagoner at night checking the Recreation Complex. He questioned if a Director would do that? He hasn't heard one person present say they thought it was a good idea and he is unclear as to why the Council who is supposed to represent the residents, is in favor of this.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: NOVEMBER 10, 2010

On motion of Councilman Di Pentima, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of November 10, 2010 be approved as amended.

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

APPROVAL OF MINUTES: OCTOBER 27, 2010 EXECUTIVE

On motion of Councilman Di Pentima, seconded by Councilman Burns, the minutes from the Mayor and Council meeting of October 27, 2010 be approved.

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

APPROVE RAFFLE LICENSE RL1066

On motion of Councilman Burns, seconded by Councilman Pignatelli, approval be granted for Raffle License RL1066 for Wayne Council of PTO's to hold an off-premise 50/50 on February 17, 2011 at Portobello Restaurant, 175 Ramapo Valley Road.

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

APPROVE RAFFLE LICENSE RL1067

On motion of Councilman Burns, seconded by Councilman Pignatelli, approval be granted for Raffle License RL1067 for the Wayne Council of PTO's to hold an on-premise 50/50 on February 17, 2011 at Portobello Restaurant, 175 Ramapo Valley Road.

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

RESOLUTION 10-198 PURCHASE POLICE CAR-WINNER FORD

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

WHEREAS, the Borough of Oakland is in need of purchasing a total of two (2) police cars; and

WHEREAS, the Police Department wishes to purchase one (1) Ford Crown Victoria police car; and

WHEREAS, Cherry Hill Winner Ford of Cherry Hill, NJ has State Contract No. A72467 for the Ford Crown Victoria as per the specifications desired at a cost of \$20,549.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 0-01-25-240-051;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Purchasing Agent is hereby authorized to issue a Purchase Order to Winner Ford of Cherry Hill for the purchase of one (1) Ford Crown Victoria police car at a cost of \$20,549.00.

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

RESOLUTION 10-199 PURCHASE POLICE CAR-CHAS.S.WINNER/CHAPMAN CHEVROLET

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

WHEREAS, the Borough of Oakland is in need of purchasing a total of two (2) police cars; and

WHEREAS, the Police Department wishes to purchase one (1) Chevrolet Impala 9C1 police car; and

WHEREAS, Chas S. Winner/Chapman Chevrolet of Cherry Hill, NJ has State Contract No. A72469 for the Chevrolet Impala as per the specifications desired at a cost of \$19,550.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 0-01-25-240-051;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Purchasing Agent is hereby authorized to issue a Purchase Order to Chas S. Winner/Chapman Chevrolet of Cherry Hill for the purchase of one (1) Chevrolet Impala 9C1 police car at a cost of \$19,550.00.

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

RESOLUTION 10-201 REFUND TAXES DUE TO TAX COURT JUDGMENT

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

WHEREAS, a Tax Court Judgment was filed on October 29, 2010, in the matter of Marc R. Picinich v. Oakland Borough, Docket No. 015819-2009, reducing the assessment of Block 402, Lot 55, 155 Skyline Drive, to \$454,900.00; and

WHEREAS, a refund of the 2009 property taxes is now due to Marc R. Picinich, c/o William McClure, Esq. in the amount of \$1,350.22;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon the advice of the Chief Financial Officer and the Tax Collector, do hereby authorize a check be issued to Marc R Picinich, in care of William McClure, Esq., in the amount of \$1,350.22.

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

RESOLUTION 10-202 REFUND TAXES

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

WHEREAS, the Borough of Oakland has received requests for refunds of 2010 tax overpayments; and

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 the advice of the Chief Financial Officer and the Tax Collector, do hereby authorize refunds as follows:

Block/Lot	Owner	Amount
802/12	Birnbaum, Marc & Ingrid L.	\$2,456.76
802/34	Infinity Holding Co. LLC	\$1,840.84

3001/6	Wachsman, Chaim A & Boruch	\$4,659.58
4304/5	Carretta, Nicholas	\$ 692.34
4401/31	Enright, Joseph M. & Ingrid L C	\$3,179.01
5503/1	Hadshinow, Robert & Nancy	\$2,897.62
5402/11	Martello, Charles & Kallie c/o Allied Title	\$2,814.00

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

RESOLUTION 10-203 APPROVE LIQUOR LICENSE TRANSFER

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

WHEREAS, the application has been made to transfer Person-to-Person, Plenary Retail Consumption License No. 0242-33-005-009 presently in the name of Cousins' Hospitality, LLC heretofore located at 588 Ramapo Valley Road, Oakland, New Jersey to the corporation known as Cenzino Enterprises Inc. trading as Cenzino located at the same address.

WHEREAS, an application for such Person-to-Person Transfer has been published in The Record on September 6, 2010 and September 13, 2010; and

WHEREAS, the Division of Alcoholic Beverages Control has requested that a resolution adopted by the Mayor and Council approving such transfer complying with N.J.A.C. 13:2-7.10, and

WHEREAS, the said applications have been filed along with the required fee of \$200 for said license with the Borough and a \$200.00 check made payable to the Alcoholic Beverage Control Commission, Trenton, New Jersey, and

WHEREAS, the necessary background checks have been completed by the Oakland Police Department and the Alcoholic Beverage Retail Licensee Clearance Certificate (Transfer) from the State of New Jersey, Department of the Treasury, Division of Taxation has been received.

NOW, THEREFORE, BE IT RESOLVED said Person-to-Person Transfer is approved and the Borough Clerk be directed to send a certified copy of this resolution to the Alcoholic Beverage Control Commission, Trenton, New Jersey together with a \$200.00 check made payable to the Alcoholic Beverage Control Commission.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 10-CODE-632

The Clerk was directed to take from the table Ordinance No. 10-Code-632 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59-63 OF THE BOROUGH OF OAKLAND CODE ENTITLED "SIGNS" TO PROVIDE FOR TEMPORARY SIGNS FOR PUBLIC AND CHARITABLE PURPOSES"

OPENED FOR PUBLIC DISCUSSION:

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

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

CLOSED FOR PUBLIC DISCUSSION:

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

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

Mayor Szabo stated the Planning Board reviewed the proposed sign ordinance and did have one recommendation. However, the language is not going to be inserted in the ordinance. Attorney Chewcaskie clarified that the language is not necessary and if it were to be added, it would be binding. Councilman Pignatelli stated they should be able to monitor the sign usage themselves. Councilman Di Pentima stated they have never received a request for more than one sign by an entity. Councilman Visconti felt they could always grant an exception. Councilman Burns felt they should limit it to one sign and leave the language as is.

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing Chapter 59-63 Of The Borough Of Oakland Code Entitled "Signs" To Provide For Temporary Signs For Public And Charitable Purposes, be adopted;

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

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

WORK SESSION AGENDA ITEMS:**DRAFT ORDINANCE TENNIS COURT REGULATIONS**

The consensus of the Council was to approve the wording in the regulations. This will be scheduled for Introduction for the next meeting.

CAPITAL ORDINANCE (R. Kunze)

Councilman Pignatelli congratulated the Department Heads, CFO and Administrator as most of the Departments reduced their budgets. The DPW is replacing the motor and using the old chassis instead of buying a new mower in order to save money. Councilman DiPentima stated he has not gotten an explanation about the two upgrades

that are listed for the Water Dept. Administrator Kunze stated the Pelemetry System monitors the entire water system. A new system has to be put in because there are no more replacement parts available. The Walnut Street Pump Station has booster pumps that are over forty years old, past the end of their life span and need to be replaced.

Consensus of the Council was to prepare a Capital Ordinance for Introduction.

PURCHASE OF SCOTT PACKS FOR FIRE DEPT.

Administrator Kunze said this is a Capital Item from the 2009 Capital Budget. In order to save money, rather than buy all new Scott Packs, they Fire Chief has submitted a purchase requisition to refurbish nine self-contained breathing apparatus air packs under state contract for a cost of \$27,346.98. A resolution will be prepared for the next meeting.

2010 BUDGET FREEZE

Councilman DiPentima recommended enacting a freeze on spending as we have done in past years effective December 1st. Any expenditure, other than contractual obligations, would have to the CFO or the Administrator for approval.

On motion of Councilman DiPentima, seconded by Councilman Pignatelli the Budget Freeze will go into effect as of December 1st, 2010.

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

ACCELERATED TAX SALE

Councilman Burns stated he was contacted by a senior resident who received a notice in the mail. The last tax bill was due in November. The resident was waiting for a Social Security check to come in so they could pay their taxes. Councilman Burns felt the notice should have been worded differently.

RFQ REVIEW COMMITTEE

Administrator Kunze said last week they received the RFQ Proposals for the professional services. They need to form a committee to review them. Upon discussion, the Committee to review the proposals will consist of Councilman Visconti, Councilwoman Marcalus and Mayor Szabo.

RECREATION RESTRUCTURING

Mayor Szabo stated he feels he has expressed his opinion on the Recreation Restructuring during the hour and half discussion. He asked if anyone else wished to make a comment or would they like to just carry this to the next meeting. Councilman Burns stated as he indicated at the last meeting he is not in favor of doing this. There have been problems with Recreation. Meetings have been held with the Administrator, Attorney, CFO, Auditor and Finance Chairman. Councilman Burns was present at these meetings. He thinks the biggest problem has been a lack of communication. The Recreation Commission has at times carried the designation of being an autonomous body too far. The Commission thinks this allows them to do what they want whenever they want. Unfortunately there are State Regulations and the Commission has to follow and these requirements. At times, it has been a question of controlling and controls. There are

controls that have been put in place and things have improved. There has to be an attempt to resolve the problems. Councilman Burns is against disbanding the Commission. As far as controls, there was an issue about the Budget for Football because there are two kinds of football, flag and regular. The Recreation Commission was asked to provide a further breakdown because of a concern about the fees being charged. As far as the subsidy, he doesn't feel it is a subsidy. People pay their taxes for services and he feels Recreation, the Senior Center, Department of Public Works and the Police Department and all the other Departments provide services. The subsidy for Recreation has decreased year after year to make it self-sufficient. Councilman Burns feels Summer Camp is the only program that should be self-sufficient. He questioned if they should be charging the seniors for attending programs and functions in order to pay for their Director. He feels all these programs are services for all the residents. As the Liaison to Recreation, the CFO and Administrator asked for information from Recreation, which he was not advised of. As the Liaison, he is supposed to be an advocate for the Recreation Commission. He supports Recreation and feels it is one of the services the Borough provides. He doesn't know if the present volunteers will drop out of the program if they have a Director but hopes they do not. Volunteers have helped refurbish the fields. The Fathers' Club put up the scoreboard. He feels the Commissioners can and will continue to work with the Mayor and Council. Football is the most expensive sport and their fees are high because of the costs, such as re-certifying the helmets every year. The law says that Recreation must stay within their budget. The Budget Statute is that Recreation must stay within its budget. As long as they stay within their budget, it doesn't matter if they overspend on T-Ball and under spend on Soccer. There has to be some leeway. Councilman Burns stated if the decision to hire a Recreation Director needs to be made this year, he will vote against it.

Councilman Visconti stated that although he hasn't been directly involved with Recreation in a long time, he does know what has happened from a Finance perspective. Everyone here says to leave everything as it is but they don't know what happens behind the scenes. The Recreation Commission hired a part-time person to work at Borough Hall and she was under-utilized. Somebody has to assign work and make sure it gets done. They have volunteers now who cannot do this with the people they have. The Commission has volunteers that cannot do this now. Councilman Visconti stated he is open to any ideas to see this resolved. Last year, budget meetings were held with all the large departments but the Recreation Commission did not show up for their meeting. It is the Council's job to watch the money and how it is spent and make sure the laws are followed. There has been the idea of having Recreation go private and having the town provide the fields. It was discussed but the Commission didn't want that either. We cannot continue the way it is now. Not providing the necessary insurance certificates is a huge liability to the Borough. Councilman Visconti knows the volunteers are upset but the Council must come up with a solution. The problem has been that the Recreation Commission does not have direct communication or responsibility to the Borough. Councilman Visconti stated he does not feel a part-time bookkeeper is not going to solve the problem.

Councilman DiPentima stated he agrees with points made by both Councilman Burns and Councilman Visconti but he does not agree with what Councilman Burns budget scenario. He knows budgets do get overspent which is why the Council authorized a budget freeze and why transfers are made. Since he has been on the Council in 2006, he has had no less than twelve procedural meetings with key people in Recreation. He has worked with two other past Chairmen and Neal Malmud has been present at many of

these meetings. They talked about baseball and there were a lot of issues about travel baseball. He doesn't want to have to rehash these things because people are doing their jobs and they care. There are personality conflicts because any time people are passionate about anything they do, there is going to be these conflicts. Excellent points were made tonight. They could hold more meetings as a group but there is a reason why they have a Liaison. The Liaison is there for specific reasons. The Council doesn't vote at these Meetings with Recreation because they are there to listen to the concerns and share ideas. Councilman Di Pentima stated he is open to suggestions. The Council may have to have a meeting and layout the issues and tell the Commissioners if they do not comply, they have to step down. From a professional perspective, he does not feel a part-time bookkeeper is going to get what they need done. As volunteers, just being a coach is hard enough. The Commissioners have to order uniforms and to scheduling. They have had numerous meetings. The Borough Attorney, who is the foremost authority, has explained the rules and regulations but they have not been followed. We have the legal responsibility to make sure things work and are done correctly. Councilman Di Pentima stated he has just read the proposal from the Sports Association but having them as a third mediator is not going to work. As far as the Carnival, we have never had one incident and Bob Frabizio is there for the entire week. Mr. Frabizio was there from the initial setup to the last night when clean up the grounds for the next morning. Steve Wagoner's comments in the newspaper stating he has to do what he feels is best and does not want "carny people" on the field, was not his decision to make. The Attorney explained to the Commission that the Governing Body has the ultimate say on who uses the fields. For the past two years, the Council had to ask for the proof of people's insurability in order to use the field. When you send the check send for the usage of the field, you must also send a copy of the insurance. But it doesn't happen. Councilman Di Pentima is open to hearing anything that will help to resolve this to foster the communication and get everything in compliance. Procedures are in place. He doesn't want to only be #9 in the Country, he would like to be #1. They have a new Football Coach in Indian Hills and he would like our Recreation Program to provide him with a champion team.

Councilman Pignatelli stated at the last meeting he suggested that they have an Open Public Meeting with the Oakland Recreation Commissioners and Members of the Governing Body. He knows meetings have taken place but not all together. They can discuss the problems, find the solutions and agree what has to be done. If people are not going to follow the rules, then they should have to step down. They have to uphold the laws of the State and follow all the requirements. He is not favor of a full-time Director but he can see it in the future, when economics improve. He has seen this change in other towns and it has worked. With a Director, they may be able offer additional programs. He suggested that the meeting be televised.

Councilwoman Marcalus stated she wanted to thank all the people for coming out tonight. A lot of people got up to speak and it was wonderful to hear from them and what they had to say was meaningful.

Mayor Szabo felt they should continue to talk about this. He would like to arrange a joint meeting. He will work with Administration to see if they could arrange this. This item will be listed on the next agenda. He agrees that the meeting should be televised. They have tried to rectify things quietly in the Borough Hall but now he thinks the public needs to know where the issues lie. He also wanted to thank the residents for giving their

opinions. He hopes they have gained a better viewpoint as to what the whole situation is about. It is not a personality issue but a structural problem.

NEW BUSINESS:

Administrator Kunze stated they have been notified that the repaving of Ramapo Valley Road will take place on December 11th. Councilman Burns felt it will be an impact on traffic.

COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilman Pignatelli stated the Health Department will be conducting blood pressure screening programs beginning in 2011 on the 2nd and 4th Monday of each month from 1:00 to 3:00 P.M. at the Senior Center. He reminded the residents that it is not too late to get a flu shot.

Councilman DiPentima stated Public Events has scheduled the annual Menorah and Tree Lighting Ceremony at Veterans Park on Sunday, December 6th at 6:00 P.M.

As a reminder to the Seniors, on December 2nd the Annual Tree Trimming Gathering will be held at 11:00 A.M. On December 9th the Annual Holiday Lunch for the Members of the Senior Club will take place. On December 16th a Show "The Fourth Dimension of Mind Power", which is a comedy will be held at the Center.

The Food Bank of New Jersey will be at the Senior Center on Monday, December 13th. The program is available to anyone in the community who needs food stamps and it is done confidentially. The documents required are identification, Social Security Numbers for members in your household, Utility Bills, a Mortgage Statement, Rent Receipts and proof of income.

The Finance Committee has scheduled Budget Hearings to begin next week with the larger Budget Departments.

Councilman Burns stated the Recreation Department Meeting is scheduled next week. Shade Tree and Municipal Alliance will be holding their meetings the first week in December. The Municipal Alliance has listed on their Agenda that there will be a discussion about having a curfew for Halloween.

Councilman Visconti – No Report

Councilwoman Marcalus stated the Planning Board Meeting would be held on Thursday, December 9th.

BILLS TO BE PAID:

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

(see following pages)

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

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

Mayor Szabo wished everyone a Happy Thanksgiving.

MEETING ADJOURNED:

On motion of Councilman Di Pentima, seconded by Councilman Pignatelli, the meeting be adjourned at 10:55 P.M.

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

Deborah N. Krebs, Deputy Borough Clerk

Mayor John P. Szabo, Jr.

December 22, 2010
Date Approved