

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY OCTOBER 14, 2015

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Visconti, seconded by Councilman Jensen, 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:
Borough Attorney Contract; Tax Appeal Settlement
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

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

Councilman Talamini entered at 7:02 pm.
Borough Attorney entered at 7:12 pm.

No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Kulmala, seconded by Councilwoman Coira, the Executive Session be closed.

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:31 pm.

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

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

APPOINTMENT OF JUNIOR FIREFIGHTER:

On motion of Councilman Pignatelli, seconded by Councilman Jensen, Justin Quiles be appointed as a Junior Firefighter to the Oakland Volunteer Fire Department.

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

PRESENTATION OF CERTIFICATES TO LIBRARY VOLUNTEERS:

Certificates were presented to this year's teen volunteers at the Oakland Public Library:

Arabella Benducci	Julianna Benducci	Talia Benducci	Shayne Birks
Victoria Boyce	Danielle Di Pentima	Gabriel Franco	Tara Haymon
Winston Hsiao	Kaila Irizarry	Natalya Kozlovski	Aly McCormick
Evan Pappas	Cole Phillips	Julian Pikulinski	Julie Shields
Christopher Supko	T.J. Supko	Megan Swenson	

PRESENTATION OF CERTIFICATES TO 12U GIRLS SOFTBALL TEAM:

Certificates were presented to the 12U A Girls Softball Team. They were winners of the Midland Park 12U Blast off Tournament and they finished the season with the best record in the history Bergen County 12U softball for a town-only travel program.

Abby Amarusio	Deidre Campbell	Kaylyn Caruso	Haley Lenzetti
Emma Lockowitz	Alyssa Mosconi	Theresa Murphy	Jackie Nappi
Gabby Paravati	Jules Roessler	Ashley Saab	Meg Sears
Neil Malmud, Mgr.	Tim Roessler, Coach	Drew Caruso, Coach	Mike Wos, Coach

PRESENTATION OF CERTIFICATES TO 9U CHAMPION BASEBALL TEAMS:

Certificates were presented to the 9U Gold and Blue Baseball Teams for each winning the NJSBL 9U Championship.

GOLD TEAM:

Cole Babaian	Joseph Brugna	Owen Caufield	Joseph Cortese
Landon DePrima	Brody Diers	Anthony Franchina	Sean Monaghan
Alex Paravati	Jake Scalabrini	Nicholas Vitelli	Jason Brugna, Mgr.
Rich Scalabrini, Coach	Eric Stierle, Coach	Greg Caufield, Coach	

BLUE TEAM:

Dominick Cruciata	Andrew Eckhardt	Owen Fadini	Mitchell Folina
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Mikey McCormick	Jack McFaul	Connor Moriarity	Ryan Pulice
Nick Sendrowski	Henry Pulice, Coach	Steve Fadini, Coach	Jim Zwolinski, Coach
Matthew Folina, Coach	Bryan Sendrowski, Coach		

MAYOR'S REPORT:

Oakland has such wonderful children and we are all lucky to be residents of such a wonderful town. On Sunday, the volunteer organizations got together at the Knights of Columbus. On Monday, the Fire Department held an Open House. On October 18th, the Ladies Auxiliary of the Oakland Fire Department will hold a Pancake Breakfast from 8 am to noon. Mayor Schwager reminded everyone that garbage pick up is back to once per week. Mayor Schwager congratulated Maria Belladino and Stephanie Oldano of Girl Scout Troop 70613 for receiving the Gold Award.

OPENED FOR PUBLIC DISCUSSION:

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

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

Kevin Heffernen, 40 Grove Street, asked people on three separate Facebook pages to make recommendations for a better Oakland. He has received 18 suggestions which he will be bringing forth and asking specific Council members to review. The issue he is bringing up tonight is speeding in Oakland. The speeding in Oakland must be addressed because of concerns for the safety of children. There needs to be far better enforcement. There should be a comprehensive review of the laws and the speed limits should be lowered even along County roads. He is looking forward to accountable responses. Mayor Schwager advised that this will be looked into by the Public Safety Committee consisting of Councilman Kulmala and Councilman Pignatelli. Mr. Chewcaskie responded that he understands Mr. Heffernen's frustration. However, there is a Statute known as the Police Chief Bill of Rights. That statute states that the Police Chief is solely responsible for running the Police Department. The Mayor and Council can make suggestions but cannot direct the Police Chief on how to run the Police Department. Fortunately, the Police Department works cooperatively with the Borough. Mr. Chewcaskie advised that the Borough can request the County to lower speed limits but they will want to obtain traffic studies. Mr. Heffernen commented that the safety of the children is paramount. Mayor Schwager assured Mr. Heffernen that the Public Safety Committee will meet on the issue.

Dave Richardson, 320 Ramapo Valley Road, also commented that the speed limit needs to be lowered on Ramapo Valley Road. He feels the County should lower the speed limit to 25 mph.

Don Sena, 47 Thackeray Road, advised that the information presented at the last Council meeting regarding the pipeline was incorrect. The Federal government only regulates hazardous pipelines if they cross over federal lands. The State and local laws govern pipelines. FERC does not have jurisdiction over construction of pipelines. The ordinance will strengthen Oakland's zoning laws and protect the property values of residents as well as the drinking water. Mr. Chewcaskie advised he has looked at the material given to the Mayor and Council. Today he received material forwarded from the Environmental Commission which he has not had a chance to review yet. Mr. Chewcaskie explained that the proposed ordinance was an outright ban of pipelines. Most other ordinances regulate them. An outright ban would be problematic. He is researching whether an ordinance can be done to regulate pipelines. This must be discussed further, possibly at the next meeting.

Mike Pritchard, 23 Calumet Avenue, advised that the Borough's ordinance cannot ban pipelines. He also advised that the Borough cannot refer to the BPU in the ordinance. He explained that the State of New Jersey signed off on the Federal regulations. Mr. Pritchard has since found out that a zone can be set up to put the pipeline through. There is the possibility of a lot of land being taken. Mayor Schwager responded that the Council wants to do this ordinance correctly. This will be listed on the agenda when the Borough Attorney's review is completed.

Frank Monaco, 60 Thackeray, asked if there are areas of town that could be monitored for speeding. He commented that this is a key election year and is surprised there is no debate. Mayor Schwager responded that this is up to the campaign managers for both parties to work out.

Ken Dolski, Parsippany, spoke about PHMSA's responsibilities regarding pipelines. He refuted statements made by Mr. Pritchard at the last Council meeting. He doesn't understand Mr. Pritchard's references to the BPU. He understands the pipeline ordinance hasn't been put to test in Court but still feels it should be adopted by the Mayor and Council. He feels there is no risk to passing the ordinance.

Mike Pritchard, 23 Calumet Avenue, advised that someone should contact the Office of Pipeline Safety to find out more about pipeline safety.

Bill Woolford, 162 Lakeshore Drive, thanked the Mayor and Council for the past four years and what has been accomplished by everyone.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: SEPTEMBER 30, 2015

On motion of Councilman Jensen, seconded by Councilwoman Coira, the minutes from the Mayor and Council meeting of September 30, 2015 be approved.

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

APPROVAL OF MINUTES: SEPTEMBER 30, 2015 EXECUTIVE SESSION

On motion of Councilman Jensen, seconded by Councilwoman Coira, the minutes from the Mayor and Council Executive Session of September 30, 2015 be approved.

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

APPROVE RAFFLE LICENSE RL1256

On motion of Councilman Jensen, seconded by Councilwoman Coira, approval be granted for Raffle License #RL1256 for Wyckoff Torpoedoes Soccer Club to hold a Texas Hold 'Em Tournament for merchandise on November 14, 2015 at 7 Fir Court, Oakland.

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

PROCLAMATION:

Mayor Schwager read the following proclamation:

WHEREAS, Dysautonomia is a group of medical conditions that result in a malfunction of the autonomic nervous system, which is responsible for “automatic” bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more;

WHEREAS, some forms of dysautonomia are considered rare diseases, such as Multiple System Atrophy and Pure Autonomic Failure, while other forms of dysautonomia are common, impacting millions of people in the U.S. and around the world, such as Diabetic Autonomic Neuropathy, Neurocardiogenic Syncope and Postural Orthostatic Tachycardia Syndrome;

WHEREAS, dysautonomia impacts people of any age, gender, race or background, including many individuals living in Bergen County;

WHEREAS, some forms of dysautonomia can be very disabling and this disability can result in social isolation, stress on the families of those impacted, and financial hardship;

WHEREAS, some forms of dysautonomia can result in death, causing tremendous pain and suffering for those impacted and their loved ones;

WHEREAS, increased awareness about dysautonomia will help patients get diagnosed and treated earlier, save lives and foster support for individuals and families coping with dysautonomia in our community;

WHEREAS, Dysautonomia International, a 501(c)(3) non-profit organization that advocates on behalf of patients living with dysautonomia, encourages communities to celebrate Dysautonomia Awareness Month each October around the world;

WHEREAS, we seek to recognize the contributions of the professional medical community, patients and family members who are working to educate our citizenry about dysautonomia in Bergen County;

NOW, THEREFORE, I, Linda H. Schwager, Mayor of the Borough of Oakland, do hereby proclaim the month of October as DYSAUTONOMIA AWARENESS MONTH.

RESOLUTION 15-232 APPOINT SUBSTITUTE CROSSING GUARD

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

WHEREAS, the Police Chief has requested the appointment of a substitute crossing guard and all necessary background checks have been completed;

BE IT RESOLVED, that the Mayor and Council hereby appoints Margaret Simmons as a substitute crossing guard at a salary of \$15.72 per hour effective October 15, 2015.

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

RESOLUTION 15-233 AUTHORIZE RECREATION FEE REFUND

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

WHEREAS, the Borough of Oakland has received a request for a refund of Wrestling Registration Fees in the amount of \$170.00;

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

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

Jay Kovalcik, 55 Minnehaha Blvd., Oakland, NJ 07436 refund due \$170.00

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

RESOLUTION 15-234 AMEND CONTRACT-S & L ARCHITECTURE

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

WHEREAS, a contract was awarded in the amount not to exceed \$7,500 to S&L Architecture for architectural services for the Fire Company #2 renovations; and

WHEREAS, the scope of the project has changed and additional work is required; and

WHEREAS, the contract must be amended by an additional amount not to exceed \$6,300 broken down as follows:

Phase I – Schematic Design	\$5,000
Phase II – Municipal Approvals	\$1,300

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-691-403;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize an amendment to the contract for S&L Architecture in an amount not to exceed \$6,300.

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

RESOLUTION 15-235 AUTHORIZE TAX REFUND DUE TO JUDGMENT

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

WHEREAS, a Tax Court Judgment was entered on September 18, 2015, in the matter of Mishra, Vinay & Hemlata v. Oakland Borough, Docket NO. 016373-2013, reducing the

assessment of Block 2301, Lot 15, 12 Hemlock Street to \$1,435.27 for the Tax Year 2013 and the application of the Freeze Act for the years 2014 and 2015;

WHEREAS, a refund is now due to the Trust Account of Robert Spiotti, Esq., in the amount of \$1,435.27;

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 the Trust Account of Robert Spiotti, Esq., in the amount of \$1,435.27.

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

WORK SESSION:

ACCESS FOR ALL:

Mr. Kunze advised that a revised draft ordinance was distributed after the comments were made at the last meeting. He asked if there were any more comments before the ordinance is listed for introduction at the next meeting. Councilman Jensen questioned that no Council liaison was listed in the ordinance. Mr. Chewcaskie responded he didn't provide for one in the draft ordinance. That is up to the Council. He explained that it was discussed at the last meeting that the first ordinance was cumbersome with 11 members. This ordinance took it down to 5 members. He does not think the ordinance specifically needs to provide for a liaison but he can do so if the Council wishes. This will be listed for introduction at the next meeting.

GASOLINE, DIESEL AND ROCK SALT CONTRACTS:

Mr. Kunze explained that the Borough buys these items from the Bergen County Cooperative. It is time to renew the contracts. Mr. Kunze advised that Rachles Michele is the vendor for gasoline and diesel and the price will fluctuate according to the market. The vendor for rock salt is Cargill and the price is higher than last year. Mr. Kunze explained that the price increase is industry wide. The contracts will be for the same amounts as last year.

AMEND PUBLIC DEFENDER CONTRACT:

Mr. Kunze explained that a request was made by the Public Defender to amend the contract to provide for compensation for briefs. He advised that the Council can wait and discuss this with the RFQ's in January. Councilman Pignatelli felt this should wait until January. The consensus was to wait.

NEW BUSINESS:

Councilman Pignatelli commented that Copper Tree Mall put into effect a fee of \$180 for commuter parking. People are upset. He called Coach USA and asked whether they would consider an alternate pick up place. He would like the Council to think about putting the commuter stop at the small parking lot at the end of Oak Street. It is out of the way and won't impact Recreation games. Mayor Schwager advised that she was going to suggest contacting Shop Rite as an alternate bus stop. She thanked Councilman Pignatelli for contacting the bus company. However, she is concerned about the safety of the children on Oak Street since it is by the school and the Rec field. Councilman Pignatelli asked if the Mayor spoke to Shop Rite. Mayor Schwager advised she can contact them. Councilman Talamini commented there could be the same problem potentially at Shop Rite with charging commuters. Councilman Kulmala asked if we know how many parking places we need to find. Mayor Schwager responded that Copper Tree stopped issuing permits because there weren't enough spaces. She advised they charge \$ 180 for Oakland residents and \$ 400 for non-Oakland residents. The merchants were

complaining about the amount of parking spaces being used. She has heard that people are parking by the defunct gym and also that a Police Officer told someone to park at the municipal lot by Remax. She advised that they need to find a solution. Having commuter parking will attract new residents. Councilman Pignatelli wants to start a dialogue for suggestions. Mayor Schwager asked residents for suggestions.

Councilman Pignatelli asked what model the FLOW area Mayors are using for their drug program. Mayor Schwager responded that everything is a draft right now. The three towns want to work together to help the drug problem. Mayor Schwager is not doing anything alone because she needs help from the Council. Councilman Pignatelli advised that he would like to help because he has been in public health for 35 years. The Governor's Council on Alcohol and Drug Abuse gave a report in 2014. He has some recommendations that he would like to make to the other Mayors. Mayor Schwager asked if Councilman Pignatelli has spoken to the Municipal Alliance about this report. Councilman Pignatelli commented that he just downloaded the report yesterday and hasn't finished reading the entire report yet. He spoke of various suggestions in the report. He would like to turn over the information after he reads the report. He advised that the Mahwah Municipal Alliance is holding a Town Hall meeting on the heroin problem. The meeting will be held Tuesday November 10th at 7 pm at the Sheraton in Mahwah. This is a terrible epidemic and he urged parents to attend.

Mayor Schwager commented that at the last meeting, there was a question about procedures and bylaws. She asked that the Borough Attorney and Borough Clerk always have a copy of the bylaws at the Council meetings. The bylaws were adopted in February 2006. She requested that next year, the bylaws should be reviewed and updated. Mr. Chewcaskie agreed that the bylaws need to be amended. He advised that the format of our agenda is contrary to what the order of business states in the bylaws. Mayor Schwager commented that all Council members should review the bylaws.

COUNCIL REPORTS:

Councilman Talamini: The Halloween Parade will be held on October 31st at 9:30 am. The next meeting of the Public Events meeting will be held November 9th at the Senior Center. There will be a Parent University held at Valley Middle school on October 21st. Councilman Talamini advised that the Veterans Drive exit from the Municipal parking lot will be closed from 2:30 to 3:00 pm every school day for the safety of the school children. Regarding the FLOW drug problem, Councilman Talamini advised that the Oakland schools have the DARE program for students in Grade 5 to make them aware of the risks of drugs.

Councilman Kulmala: He advised that nothing is more important than the children. He explained that the Police Department is in tune to the complaints of residents. He explained that they recently dealt with complaints of speeding on Pawnee Ave. A meeting was held today concerning public safety. One issue discussed was the parking overflow for Indian Hills High School. The residents are upset. There is an ordinance going to be put on the next work session that will deal with that parking problem. He explained that ordinance will also deal with the top of Yawpo Avenue and not allowing left turns into the new entrance. Councilman Kulmala thanked the Fire Department for handling Fire Prevention Week. They did an outstanding job. At the last meeting, there was talk about preparing for a storm. Councilman Kulmala advised that the OEM is prepared to handle emergencies. He congratulated Mr. Sena who wants to take an active role with the Borough's CERT team.

Councilman Visconti: The Flood Commission met on Monday. The Borough received an approval letter from the DEP. There will be a meeting tomorrow on the last phase needed before

moving forth with getting the CRS rating. They expect the CRS to be done by early 2017. The river restoration project is moving forward slowly. Trout Unlimited will apply for the permits required. Boswell will prepare bid specifications. Last year, Councilman Visconti brought forth an idea to have a program to assist residents with raising their homes. He explained that 30% of affordable housing funds can be used for rehabilitation projects. He believes that the Borough should broker a program. Special assessments could be issued to get the money back. He asked the Flood Commission to put a committee together to look into this. Mayor Schwager thanked the Flood Commission and Lew Levy for all the time they have devoted to the CRS program. Councilman Visconti advised that the Water and Sewer Committee met two weeks ago. The DEP said that the Borough needs to do a problem statement. We need to obtain quantitative evidence for the problem statement. Boswell estimated that there are 300 houses to do. Boswell had the idea to go to Montclair State and have the students in their environmental program gather the evidence. Councilman Visconti spoke about looking into solar power. He asked Councilman Talamini to ask the school. Councilman Talamini responded that the school started looking into this issue already. They will research it at their convention. Councilman Visconti advised that the Library presentation is running on Channel 77. The architect provided a proposal on the next phase of the project.

Councilman Pignatelli: He congratulated the Fire Department for their Open House held for Fire Prevention Week. He stated that not only do the Fire Department members train, maintain the facility, and fight fires, they also do educational programs for the town. Councilman Pignatelli advised that OEM coordinator has come a long way with the utility companies and their response for storm emergencies. The Senior Center will host an Alliance luncheon on October 28th. The Senior Center supports Breast Cancer Awareness month. They will take up a collection and do a walk around the Recreation field on October 15th.

Councilman Jensen: The next Planning Board meeting will be held November 12th at the Senior Center.

Councilwoman Coira: Recreation Winter Sports sign ups are underway. Check the Recreation website for further information. The Shade Tree Commission met last Monday. When the walking path went up, some trees came down. Those trees are being replaced and additional trees are being planted. The Shade Tree Commission is looking at planting trees downtown.

OPENED FOR PUBLIC DISCUSSION:

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

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

Brian Tully, 26 Calumet Avenue, went and toured the Library with the Library Director. It is good that the town wants to take care of the Library. He commented that Library Director Peter Havel will elevate the Library to new heights.

Joshua Lurie, 29 Oneida, thanked Councilman Visconti for bringing up solar power. The residents would like solar power but there are so many trees here. He explained that many states have a cooperative where residents can buy into a solar power network. He asked Councilman Visconti to look into that.

CLOSED FOR PUBLIC DISCUSSION:

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

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

BILLS TO BE PAID:

On motion of Councilman Jensen, seconded by Councilwoman Coira, the following bills be submitted for payment:

(see following pages)

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

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

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Visconti, the meeting be adjourned at 9:20 pm.

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

Lisa M. Duncan, Borough Clerk
October 28, 2015

Mayor Linda H. Schwager

Date Approved