

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY OCTOBER 23, 2013

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, seconded by Councilwoman Stagg, 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:  
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 Coira, Jensen, Marcalus, Pignatelli, Stagg, Visconti.

Discussion ensued over various personnel matters. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:30 pm.

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

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

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MAYOR'S REPORT:

Mayor Schwager asked anyone interested in serving on Boards, Commissions and Committees to please submit Citizen Leadership Forms. The Halloween Parade will be held Saturday. Mayor Schwager attended the North Jersey AAA Traffic Safety Awards luncheon today along with Chief Kasper and Traffic Officer Frank Fiore. Oakland received an award of merit for our safety programs. The Bergen County Health Department is sponsoring Red Ribbon Week to raise awareness for substance abuse. They will have a table set up at Walgreens on October 24<sup>th</sup> with information.

OPENED FOR PUBLIC DISCUSSION:

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

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

Peter Kikot, 20 Minnehaha Blvd, advised that the Crossroads newsletter will be ready for delivery tomorrow. November 5<sup>th</sup> is Election Day and he encouraged everyone to vote.

Eric Kulmala, 41 Page Drive, is looking for volunteers for the CERT team. The CERT team helps first responders during an emergency. He advised that applications will be available at Borough Hall. Councilwoman Stagg asked if classes will be held in Oakland or at the facility in Mahwah. Mr. Kulmala responded that if there are enough people signed up, the classes can be held here in Oakland. Councilman Pignatelli commented that the CERT team is a tremendous asset.

Gina Steele, 39 River Road, thanked everyone for the installation of the additional stop sign on River Road. Councilman Pignatelli advised that additional striping will be done.

Howard Rubenstein, 7 West Court, commented on the D.R. Mullen work. He said that Councilwoman Stagg was worried about it being an eyesore when you look at it from 287 but there already is an eyesore there with cranes sitting along 287. He voiced concern about trucks leaking hydraulic fluid which is a pollutant. He spoke about the use of vegetable oil which is biodegradable. He commented that the Council should insist that D.R. Mullen change to vegetable oil before the Council endorses the resolution. Mr. Rubenstein asked that monitors be

installed in the Council chambers so people in the audience can see presentations. Councilman Visconti advised the OCC has been looking into that.

Fred Birks, 171 West Oakland Ave, spoke of ideas about the monitor. He will look into various options.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

**APPROVAL OF MINUTES: OCTOBER 9, 2013**

On motion of Councilman Jensen, seconded by Councilwoman Stagg, the minutes from the Mayor and Council meeting of October 9, 2013 be approved.

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

**APPROVAL OF MINUTES: SEPTEMBER 25, 2013 EXECUTIVE**

On motion of Councilman Jensen, seconded by Councilwoman Stagg, the minutes from the Mayor and Council Executive Session of September 25, 2013 be approved.

ROLL CALL: Yeas, Councilmembers Coira, Jensen, Marcalus, Pignatelli, Visconti.  
Abstain, Councilwoman Stagg.

**APPROVAL OF MINUTES: OCTOBER 9, 2013 EXECUTIVE**

On motion of Councilwoman Stagg, seconded by Councilman Jensen, the minutes from the Mayor and Council Executive Session of October 9, 2013 be approved.

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

**APPROVE RAFFLE LICENSE RL1199:**

On motion of Councilwoman Stagg, seconded by Councilman Jensen, approval be granted to Raffle License RL1199 for Dogwood Hill School PTO to hold an on-premise 50/50 raffle on November 22, 2013 at Dogwood Hill School, 25 Dogwood Drive.

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

**REQUEST FOR EXTENSION OF WORK HOURS-13 SIOUX AVENUE**

On motion of Councilwoman Stagg, seconded by Councilman Jensen, approval be granted to extend the work hours until 8 pm on weekdays and on Saturdays from 8 am to 6 pm for a four month period.

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

**RESOLUTION 13-256 AUTHORIZE RFQ'S FOR PROFESSIONALS**

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

WHEREAS, as of January 1, 2006, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, enacted by the New Jersey State Legislature became effective; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., a municipality may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the said municipality’s political parties or to any candidate’s committee of any person serving in an elective public office of the said municipality when such contract was awarded, unless said business entity is awarded a contract under a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, a “fair and open process” constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter the “RFQ”) with ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly open and announce the qualifications when awarded; and

WHEREAS, it has become necessary for the Borough of Oakland (hereinafter the “Borough”) to engage legal, financial and engineering professionals and the Borough desires to appoint such professionals for 2013 by a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et seq. and in accordance with the Borough’s Pay To Play Ordinance, Ordinance No. 12-Code-669.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Oakland, County of Bergen and State of New Jersey that requests for RFQs for professional services for the following professional services for the Borough and its agencies are hereby authorized:

1. Borough Attorney
2. Labor Attorney
3. Borough Auditor
4. Bond Counsel
5. Borough Engineer
6. Borough Prosecutor
7. Public Defender
8. Planning Board Attorney
9. Board of Adjustment Attorney
10. Borough Risk Manager
11. Borough Planner
12. Water and Sewer Engineer
13. Planning Board Engineer
14. Planning Board Planner
15. Board of Adjustment Engineer
16. Board of Adjustment Planner

BE IT FURTHER RESOLVED, that all of the RFQs for the professional services as set forth hereinabove shall be prepared and published in accordance with N.J.S.A. 19:44A-20.1 et seq. and all such RFQs shall be evaluated on the basis of the most advantageous RFQ, all factors

considered, including, but not limited to: (1) experience and reputation in the profession; (2) knowledge of the subject matter to be addressed under contract; (3) availability to accommodate any required meetings of the Borough or Borough Agency; (4) and any other factors if demonstrated to be in the best interest of the Borough or Borough Agency.

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

#### RESOLUTION 13-257 SUPPORT FUGITIVE SAFE SURRENDER PROGRAM

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

WHEREAS, on November 6 through November 9, 2013, the New Jersey State Attorney General's Office, in collaboration with various state agencies and in cooperation with the New Jersey Judiciary, will be sponsoring a Fugitive Safe Surrender Program designed to offer an opportunity for individuals wanted for nonviolent offenses in New Jersey to turn themselves in and, in the same day, remove any warrant filed against them and to adjust the underlying municipal or state summons or complaint filed against them; and

WHEREAS, individuals that qualify for this program must report to the Evangelismos Greek Orthodox Church at 661 Montgomery Street, Jersey City, NJ between the hours of 9:00 am and 4:00 pm on those days; and

WHEREAS, a Hotline has been established so that residents may get more information as to how they may avail themselves of this opportunity at [www.FSSNJ.com](http://www.FSSNJ.com) or by calling 855-FSS-NJ12; and

WHEREAS, this governing body supports the Attorney General's Office and the Fugitive Safe Surrender Program, as it will allow many otherwise law abiding citizens to resolve warrants and outstanding complaints and criminal cases against them so that they may no longer live under the cloud of being a fugitive and to get a fresh start.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland does hereby support the Fugitive Safe Surrender Program, the New Jersey State Office of the Attorney General and all other program collaborators and participants based upon the significant benefit afforded to the residents of the State.

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

#### RESOLUTION 13-258 ENDORSE HIGHLANDS COUNCIL REDEVELOPMENT DESIGNATION PETITION FOR D.R. MULLEN

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

WHEREAS, D.R. Mullen Construction Company, 33 Edison Avenue, Oakland, New Jersey submitted an application to the Planning Board requesting a recommendation from the Planning Board to the Mayor and Council that certain property located in portions of Lots 1, 2, 3, 4 and 5 of Block 201 and a portion of Lot 2, Block 202, as depicted on the Tax Assessment Map of the Borough of Oakland, be redesignated from a Highlands Preservation Area to a Highlands Redevelopment Area; and

WHEREAS, a public hearing of the Planning Board was held on Thursday, March 14, 2013; and

WHEREAS, after the conclusion of the public hearing, the Planning Board determined to recommend to the Mayor and Council that portions of Lots 1, 2, 3 4 and 5 in Block 201 and a portion of Lot 2 of Block 202, Edison Avenue, be redesignated from the Highlands Preservation Area to the Highlands Redevelopment Area; and

WHEREAS, the Planning Board adopted a memorializing resolution on April 11, 2013, which was forwarded to the Mayor and Council; and

WHEREAS, the Mayor and Council has reviewed the resolution and requested the Borough Planner, Burgis Associates, to prepare a report regarding same; and

WHEREAS, a report was submitted to the Mayor and Council dated August 28, 2013; and

WHEREAS, the Mayor and Council have reviewed the Planning Board resolution and the report; and

WHEREAS, the Mayor and Council believe it is in the best interests of the Borough of Oakland to recommend to the Highlands Council that portions of Lots 1, 2, 3, 4, and 5 in Block 201 and a portion of Lot 2 in Block 202, Edison Avenue, be redesignated from a Highlands Preservation Area to a Highlands Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland as follows:

1. The Mayor and Council endorse the recommendation of the Planning Board and hereby recommends to the Highlands Council that portions of Lots 1, 2, 3, 4 and 5 of Block 201 and a portion of Lot 2 of Block 202 as set forth on that certain map entitled *West Oakland Industrial Park Redevelopment (Area No. 1) Edison Avenue in the Borough of Oakland, Bergen County, New Jersey*, prepared by Conklin Associates, last revised March 14, 2013, incorporated herein by reference, be redesignated from the Highlands Preservation Area to a Highlands Redevelopment Area.
2. This recommendation is subject to that any development on the proposed property be adequately buffered, including, but not limited to adequate landscaping to be determined by the Borough Engineer and Borough Planner.

Councilwoman Stagg commented that she has not seen any revised plans and she thinks Mr. Rubenstein's idea is excellent. She would like to hold this one meeting. Councilman Jensen asked if there is a reason to hold this. He commented that the Mayor and Council are not approving the work. Mayor Schwager advised that the Council is just endorsing D.R. Mullen's petition to the Highlands Council. This was already supported by the Planning Board. It is subject to buffering. Mr. Chewcaskie commented that, assuming the Highlands Council changes the designation, D.R. Mullen must go through the site plan approval process with the Planning Board. Councilman Pignatelli suggested the Council liaison should bring the idea of using vegetable oil to the Planning Board so that can be part of the approval. Councilwoman Coira

advised that process is too far in the future yet. Councilman Visconti questioned whether the Council has the authority to demand the use of vegetable oil instead of hydraulic fluid. Mayor Schwager reiterated that the Council is just endorsing the petition for redesignation not approving the site plan.

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

#### RESOLUTION 13-259 REFUND OF RECREATION FEES

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

WHEREAS, the Borough of Oakland has received a request for a refund of Recreation Fees in the amount of \$247.00; and

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

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Oakland hereby authorizes refunds to:

Jeffrey Carlson, 7 Harvard Way, Oakland, NJ 07436 refund due \$63.00

Jennifer Vernieri, 389 Sawmill Rd, North Haledon, NJ 07508 refund due \$116.00

Robert Bergen, 29 Andrew Avenue, Oakland, NJ 07436 refund due \$43.00

A League of Our Own, Inc., P.O. Box 135, Park Ridge, NJ 07656 refund \$25.00

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

#### RESOLUTION 13-260 RATIFY LABOR AGREEMENT-WHITE COLLAR UNION

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

WHEREAS, the United Public Service Employees Union - White Collar Unit, (hereinafter "the Union") are the local union representative for all white collar employees of the Borough of Oakland excluding confidential, managerial, supervisory, seasonal or police employees within the meaning of the Public Employment Relations Act; and

WHEREAS, the Union and the Borough of Oakland have been negotiating the terms to a new collective bargaining agreement; and

WHEREAS, the parties' have negotiated and agreed upon the terms to a new collective bargaining agreement; and

WHEREAS, the Borough of Oakland is desirous of executing the new collective bargaining agreement for the term of January 1, 2011 through December 31, 2013.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Clerk are authorized to execute the Collective Bargaining Agreement between the Borough of Oakland and the United Public Service Employees' Union for the period of January 1, 2011 through December 31, 2013.

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

**RESOLUTION 13-261 RATIFY LABOR AGREEMENT-BLUE COLLAR UNION**

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

WHEREAS, the United Public Service Employees Union - Blue Collar Unit, (hereinafter "the Union") are the local union representative for all blue collar employees of the Borough of Oakland's Department of Public Works; and

WHEREAS, the Union and the Borough of Oakland have been negotiating the terms to a new collective bargaining agreement; and

WHEREAS, the parties' have negotiated and agreed upon the terms to a new collective bargaining agreement; and

WHEREAS, the Borough of Oakland is desirous of executing the new collective bargaining agreement for the term of January 1, 2011 through December 31, 2013.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Clerk are authorized to execute the Collective Bargaining Agreement between the Borough of Oakland and the United Public Service Employees' Union for the period of January 1, 2011 through December 31, 2013.

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

**WORK SESSION:**

**PARK BYLAWS:**

Mr. Kunze explained that the Park Committee drafted bylaws. There was a change by the Borough Attorney. The Committee adopted those changes. The bylaws are now before the Mayor and Council for approval. Councilwoman Stagg asked if this includes all parks in Oakland. Mr. Kunze responded that this is just for the park at the former Pleasureland property. Councilwoman Stagg thinks that should be clarified in the bylaws. Mr. Chewcaskie suggested maybe in the mission statement.

**2014 CDBG GRANT SUBMITTAL:**

Mr. Kunze explained that the grant application is due in early December. He explained we would like to apply for two projects. The first project is paving of Spruce Street. He explained that there is a chance that Oakland will lose its CDBG designation for street repairs. Therefore, he would like to submit a second grant application for Senior Citizen upgrades which are eligible no matter what the designation.

**NEW BUSINESS:**

Mr. Kunze explained that the Council hired Millenium Strategies to assist with the desilting grant application. There was a project meeting held today. The consensus was to try to get funding for the Trout Unlimited project. The DEP is going to want to see a commitment from the Borough to the project before they award the grant. Based on the capital money that we currently have and the potential grant revenue, we are still in need of funding. The Council will need to demonstrate a funding commitment to the DEP in order to get the grant money. He advised this will be discussed at the next meeting.

**COUNCIL REPORTS:**

Councilwoman Marcalus: The Library will hold a seminar entitled The Plan of Your Life on October 24<sup>th</sup> and it will be given by the County surrogate. The Book sale will be held November 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup>.

Councilman Visconti: The OCC met last week. They are in desperate need of television volunteers. The Crossroads newsletter will be going out shortly. Don Burns resigned as Commissioner. He thanked Mr. Burns for his service. The Park Committee still needs a recording secretary. The Park naming will begin shortly at the website [www.newoaklandpark.com](http://www.newoaklandpark.com). The Finance Committee met yesterday. The proposed WIPP system is in testing phase. There has been a problem with the payment process. There will be two ways to pay bills-either by direct deposit or by third party for a small fee. He spoke about next year's budget. He advised there are certain things that the Finance Committee is trying to implement for next year's Best Practices such as holding monthly meetings, audit compliance and having a surplus policy.

Councilwoman Stagg: This weekend there will be a disaster drill at the County complex in Mahwah for CERT training. She advised it is a great program.

Councilman Pignatelli: The Board of Health is proposing a revision to the food handler's ordinance because there has been difficulty sending people to the County for training. The Board will revise the ordinance so people can take an online training course. He attended the Fire Department meeting and the new fire engine should be delivered next month. The Ladies Auxiliary pancake breakfast was a success. He gave information on a wellness seminar he attended.

Councilman Jensen: The Public Events Committee will hold their Halloween Parade on Saturday October 26<sup>th</sup> at 8:30 am. They still need volunteers to help with the Committee. On November 2<sup>nd</sup>, there will be a hazardous waste disposal collection at Campgaw.

Councilwoman Coira: Recreation has a new volleyball clinic in November for 7<sup>th</sup> and 8<sup>th</sup> grade girls. This is a shared service with Indian Hills High School. There will be an adult softball league for women with Mahwah. It will be held from May to August. The next Recreation meeting will be held Monday at 8 pm.

**OPENED FOR PUBLIC DISCUSSION:**

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

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

No comments from public.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

**BILLS TO BE PAID:**

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

(see following pages)

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

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

**MEETING ADJOURNED:**

On motion of Councilman Pignatelli, seconded by Councilman Jensen, the meeting be adjourned at 8:18 pm.

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

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Lisa M. Duncan, Borough Clerk  
November 13, 2013

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Mayor Linda H. Schwager

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Date Approved