

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY NOVEMBER 13, 2013

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, seconded by Councilwoman Coira, 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, 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.

Mayor Schwager entered meeting at 7:12 pm.  
No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:35 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; James Mangin, Chief Financial Officer.

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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APPOINTMENT TO VOLUNTEER FIRE DEPARTMENT:

Mayor Schwager gave the Oath of Office to Donald Kanarr who joined the Oakland Volunteer Fire Department.

MAYOR'S REPORT:

Mayor Schwager congratulated Councilman Jensen and Councilman-elect Eric Kulmala for their victory. Mayor Schwager advised that the former owner of the Hansen House is celebrating her 105<sup>th</sup> birthday. On Saturday December 7<sup>th</sup>, the Toys for Tots train will stop in Oakland and will be accepting new, unwrapped gifts. There was a terrible fire on Skyline Drive two weeks ago. Our Fire Department was incredible with what they had to do to fight the fire. On November 2<sup>nd</sup>, OEM had a cleanup at Potash Lake. There was a Veteran's Day service at Veteran's Park on November 11<sup>th</sup>.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilwoman Stagg, 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.

Mike Kozak, 24 Cayuga Ave, advised that the Holiday lighting ceremony will be held on Monday December 2<sup>nd</sup> at 6 pm. He feels the Borough should consider sending more people to the League of Municipalities Conference because there is a lot of valuable information there. Mayor Schwager responded that it is an incredible experience because of the networking and great seminars. Mr. Kozak advised that the new traffic pattern on Ramapo Valley Road has too much zigzagging.

Mike Guadagnino, 34 Hopper Street, congratulated Councilman Jensen and Councilman-elect Kulmala. He advised there will be an election to name the new park. It will be held November 21<sup>st</sup> through December 5<sup>th</sup>. The three choices are Pleasureland Park, Great Oak Park and Carmine Parete Memorial Park. There will be online voting and ballot boxes will be placed throughout town.

**CLOSED FOR PUBLIC DISCUSSION:**

On motion of Councilman Pignatelli, seconded by Councilman Jensen, 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 23, 2013**

On motion of Councilwoman Stagg, seconded by Councilman Jensen, the minutes from the Mayor and Council meeting of October 23, 2013 be approved.

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

**APPROVAL OF MINUTES: OCTOBER 23, 2013 EXECUTIVE**

On motion of Councilwoman Stagg, seconded by Councilman Jensen, the minutes from the Mayor and Council Executive Session of October 23, 2013 be approved.

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

**PROCLAMATION-HUMAN TRAFFICKING AWARENESS DAY**

On motion of Councilman Pignatelli, seconded by Councilwoman Coira, the Council consents to the following proclamation:

WHEREAS, human trafficking is a borderless crime against individuals that violates the most basic human rights and deprives victims of every shred of personal freedom; and

WHEREAS, human trafficking occurs when a person is recruited, harbored, obtained, or exported through force, fraud, or coercion for the purposes of sexual or labor exploitation, involuntary servitude, and other types of mental and physical abuse; and

WHEREAS, human traffickers target impoverished and marginalized children, women and men, isolating them from society and supportive networks and exploiting them for personal and monetary gain; and

WHEREAS, human trafficking is the fastest growing criminal enterprise in the world today, and is tied with arms smuggling as the second largest international criminal industry, falling only behind the illicit drug trade; and

WHEREAS, the United Nations' International Labour Organization has estimated that at least 12.3 million adults and children worldwide are currently in forced labor, bonded labor, or forced prostitution; and it is estimated that more people are now harmed by Human Trafficking worldwide than have been at any other point in human history. Approximately 80% of the victims are women and girls, and 50% are younger than age 18; and

WHEREAS, many victims trafficked into the U.S. do not speak or understand English and are unable to communicate to seek rescue. Under New Jersey and U.S. law, any person under 18 involved in the commercial sex industry is considered a Human Trafficking victim; and victims include U.S. citizens and documented immigrants; and

WHEREAS we recognize that New Jersey is a prime location for Human Trafficking because it is a major national and international transportation corridor and a culturally diverse state; and

WHEREAS, human trafficking is modern-day slavery, a practice that is in direct opposition to the fundamental principles of liberty and human rights upon which our nation was founded; and

WHEREAS, on February 1, 1865, President Abraham Lincoln signed the 13th Amendment to the United States Constitution. Once ratified, it officially outlawed slavery and involuntary servitude except as punishment for a crime; and

WHEREAS, Although the federal government and the State of New Jersey have enacted laws to prosecute human traffickers and protect the victims of human trafficking, traffickers use techniques to keep their victims enslaved that severely limit self-reporting and that require broad public awareness of human trafficking issues for enforcement and prevention to occur; and

WHEREAS, the New Jersey State Constitution declares that all persons are by nature free and independent and have certain natural and unalienable rights; and

WHEREAS, the people of New Jersey, regardless of political persuasion, creed, race, or national origin, stand together with the global community to protect the fundamental freedoms and rights of all persons, to fight the proliferation of human trafficking in all of its forms, and to assist survivors of modern day slavery; and

WHEREAS, the Borough of Oakland stands committed to protecting human rights and individual freedom by eliminating human trafficking.

WHEREAS, the Borough of Oakland is resolved to support the goals and ideals of observing a National Day of Human Trafficking Awareness on January 11 of each year and to support all efforts by individuals, businesses, organizations, and governing bodies to raise awareness of and opposition to Human Trafficking.

WHEREAS, the Borough commends the work of the NJ Coalition Against Human Trafficking for its statewide efforts to end human trafficking through education, advocacy, and assistance to survivors and to increase coordination and visibility of New Jersey's commitment to end human trafficking.

NOW, THEREFORE, I, Linda H. Schwager do hereby proclaim January 11 of each year as: Human Trafficking Awareness Day in the Borough of Oakland, to raise awareness about the signs and consequences of human trafficking, to promote opposition to human trafficking in all of its forms, and to encourage support for the survivors of human trafficking throughout the State of New Jersey and across the world to put an end to this criminal activity and restore freedom and dignity to its survivors.

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

#### APPROVE RAFFLE LICENSE RL1200

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, approval be granted to Raffle License #RL1200 for Ramapo Youth Soccer Association to hold an on-premise 50/50 raffle on January 31, 2014 at Portobello Restaurant.

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

**APPROVE RAFFLE LICENSE RL1201**

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, approval be granted to Raffle License #RL1201 for Ramapo Youth Soccer Association to hold an on-premise raffle for merchandise on January 31, 2014 at Portobello Restaurant.

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

**RESOLUTION 13-262 HIRE LABORERS FOR DEPARTMENT OF PUBLIC WORKS**

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

WHEREAS, the Borough of Oakland has two vacant full-time laborer positions in the Borough of Oakland; and

WHEREAS, the Department of Public Works Superintendent has interviewed potential candidates and recommends the appointment of John Morrisroe and Daniel Flynn to fill the two positions; and

WHEREAS, the Borough Council believes such action to be in the best interest of the Department of Public Works and the community;

NOW, THEREFORE, BE IT RESOLVED that the Borough does hereby hire John Morrisroe and Daniel Flynn as laborers for the Department of Public Works effective November 14, 2013, at an annual salary each of \$32,369.00 as per the Blue Collar Labor Agreement.

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

**RESOLUTION 13-263 HIRE PART-TIME CLERK-MUNICIPAL COURT**

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

WHEREAS, the Deputy Court Administrator has resigned; and

WHEREAS, there is a need to hire a part-time Clerk Typist to assist the Court Administrator with daily operation of the office; and

WHEREAS, the Municipal Court Judge and Court Administrator have interviewed candidates and recommend the hiring of Catherine Matuscsak for the position; and

WHEREAS, the Borough Council believes such action to be in the best interest of the Municipal Court and the community;

NOW, THEREFORE, BE IT RESOLVED that the Borough hires Catherine Matuscsak as a part-time Clerk Typist with an hourly rate of \$17.00 per hour for up to twenty-five (25) hours per week effective November 18, 2013.

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

**RESOLUTION 13-264 ADJUST SALARY-CHRIS WALTHOUR**

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

WHEREAS, the Borough's Electrical Inspector has resigned; and

WHEREAS, Chris Walthour will be doing electrical inspections in addition to his duties of plan review and associated administrative tasks; and

WHEREAS, Mr. Walthour's salary needs to be adjusted to reflect the increase in work hours;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize that Mr. Walthour's annual salary is hereby set at \$16,098 effective October 21, 2013.

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

**RESOLUTION 13-265 AUTHORIZE CDBG GRANT APPLICATION-ROAD RESURFACING**

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

WHEREAS, a Bergen County Community Development Grant of \$108,000 has been proposed by the Borough Administrator for the repaving of Spruce Street in the Borough of Oakland; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Oakland; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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

**RESOLUTION 13-266 AUTHORIZE CDBG GRANT APPLICATION-SENIOR CENTER IMPROVEMENTS**

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

WHEREAS, a Bergen County Community Development Grant of \$96,000 has been proposed by the Borough Administrator for renovations to the Oakland Senior Center in the Borough of Oakland; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Oakland; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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

#### RESOLUTION 13-267 CANCEL OUTSTANDING CHECKS

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

WHEREAS, there exists certain outstanding checks from several bank accounts of the Borough that have remained outstanding for more than six months;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that, based upon the recommendation of the Chief Financial Officer, the following outstanding checks be voided and the funds returned to the cash account of the applicable fund:

#### Current Fund Bank Account #70100918

Check #	Date	Amount
82001	03-14-12	\$ 170.00
82031	03-14-12	\$ 532.00
82338	05-23-12	\$ 26.25
82768	08-08-12	\$1,295.00
83435	12-19-12	\$ 70.00
83447	12-19-12	\$ 26.00
83513	01-09-13	\$ 223.29

Total                    \$2,342.54

#### Payroll Fund Bank Account #70101159

Check #	Date	Amount
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23189	08-10-12	\$509.10
23942	12-14-12	\$647.53
24067	12-28-12	\$ 83.00

Total	\$1,239.63
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Water Operating Account #70100934

Check #	Date	Amount
31636	08-08-12	\$560.00

Total	\$560.00
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Health Benefits Bank Account #4241524457

Check #	Date	Amount
16658	02-14-12	\$205.00
17097	07-27-12	\$100.00

Total	\$305.00
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ROLL CALL: All yeas, Councilmembers Coira, Jensen, Marcalus, Pignatelli, Stagg, Visconti.

**RESOLUTION 13-268 BUDGET TRANSFER RESOLUTION**

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

WHEREAS, it has become necessary to expend funds in excess of the amounts approved in the Fiscal 2013 budget of the Borough of Oakland; and

WHEREAS, there exist certain budget expenditures with funds available in excess of the amounts approved in the Fiscal 2013 budget of the Borough of Oakland; and

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of such funds during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that based on the recommendation of the Chief Financial Officer, the following transfers be made to the Fiscal 2013 Current Fund budget:

<u>Current Fund</u>		From	To
3-01-20-135-028	Audit – Other Expenses	\$ 1,000	
3-01-25-265-026	Fire Dept. – Other Expenses	\$ 1,000	
3-01-26-315-028	Vehicle Maint – Other Expenses	<u>\$ 2,000</u>	
Sub-total		\$ 4,000	
3-01-20-120-021	Municipal Clerk – Other Expenses		\$ 1,000
3-01-20-121-013	Elections – Salaries & Wages		\$ 2,000
3-01-25-265-013	Fire Dept. – Salaries & Wages		<u>\$ 1,000</u>
Sub-total			\$ 4,000



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

**RESOLUTION 13-269 APPROVE PARK COMMITTEE BYLAWS**

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

WHEREAS, a committee was established to develop a public park on the land formerly known as the Pleasureland Property; and

WHEREAS, the Park Committee has established By-laws that must be formally approved by the Mayor and Council;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby approve the By-laws for the Park Committee.

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

**RESOLUTION 13-270 MEMORIALIZE TRANSFER OF TITLE**

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

WHEREAS, Dorothy L. O'Connor, the owner of property located on Hemlock Street within the Borough of Oakland known as Block 2301, Lot 25, offered to donate this property to the Borough of Oakland; and

WHEREAS, Ms. O'Connor indicated that it was her family's wish that the property be kept in its natural state; and

WHEREAS, the land is located in the Borough's flood plain and is encumbered with a storm water easement which runs diagonally across the property, rendering the property unbuildable; and

WHEREAS, the Mayor and Council considered the offer made for the donation and deemed it in the best interest of the Borough to accept the property; and

WHEREAS, the Mayor and Council directed the Borough Attorney to take all necessary steps to enable the conveyance of the property to the Borough, which occurred by Ms. O'Connor executing a Deed dated March 13, 2013 and recorded in the Office of the Bergen County Clerk on April 9, 2013 in Deed Book 01348, at Pages 1956-1960.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough of Oakland ratifies its acceptance of the donation of the property located on Hemlock Street, in the Borough of Oakland and more commonly known as Block 2301, Lot 25.

BE IT FURTHER RESOLVED that as a result of the donation, this property shall be removed from the tax rolls of the Borough of Oakland as of March 13, 2013.

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to cancel any and all taxes that may be due for the property as of March 13, 2013.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Tax Collector and Tax Assessor of the Borough of Oakland.

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

RESOLUTION 13-271 WILL BE HELD UNTIL THE NEXT MEETING.

**RESOLUTION 13-272 REFUND DUPLICATE TAX PAYMENTS**

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

WHEREAS, the Borough of Oakland has received requests for refunds of 2013 overpayments due to duplicate payments of the fourth quarter 2013;

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 Tax Collector, do hereby authorize a refund as follows:

<u>BLOCK/LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
4306/4	Calviello, David & Amanda	\$ 577.35
3502/8	Turner, Rosemarie R	\$2,547.69

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

**RESOLUTION 13-273 CHANGE ORDER 28 DPW BUILDING PROJECT**

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

WHEREAS, on August 25, 2012 a contract was awarded to Tekton Development Corp. for the renovations and additions to the DPW facility in the amount of \$2,579,000; and

WHEREAS, requests were made for the following Change Order:

Change Order 28	Masonry wall to support slop sink	\$1,477.43
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WHEREAS, the Change Order has been reviewed and recommended by the Borough's architect, Keith Lesser of S&L Architecture Studio LLC; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-55-922-003

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Change Order 28 in the total amount of \$1,477.43.

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

**RESOLUTION 13-274 CHANGE ORDER 29 DEDUCT CHANGE ORDER**

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

WHEREAS, on August 25, 2012, a contract was awarded to Tekton Development Corp. for the renovations and additions to the DPW facility in the amount of \$2,579,000; and

WHEREAS, requests were made for the following Change Order:

Change Order 29	Contract price reduction in conjunction with	
	Contract completion date extension for additional	
	Costs incurred by Borough	\$ -6,644.10

WHEREAS, the Change Order has been reviewed and recommended by the Borough's architect, Keith Lesser of S&L Architecture Studio LLC;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Change Order 29 for a contract price reduction of \$-6,644.10 to Tekton Development Corp.

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

**RESOLUTION 13-275 CONTRACT AMENDMENT FOR EPIC**

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

WHEREAS, a contract was issued to Epic Management, Inc. of Piscataway, New Jersey for Owner's Representative Services for the DPW Building Renovation Project and the contract is due to expire on November 9, 2013; and

WHEREAS, it is necessary to amend Epic's contract in order to extend an additional month to continue providing needed services while construction continues; and

WHEREAS, no additional compensation is required beyond the amount already authorized:

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the amendment to Epic Management's contract for an additional month to December 9, 2013.

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

**RESOLUTION 13-276 CONTRACT AMENDMENT FOR S & L ARCHITECTURE**

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

WHEREAS, a contract was issued to S&L Architecture for construction administration for the DPW Building Renovation Project; and

WHEREAS, it is necessary to amend S&L Architecture Studio's contract by an additional \$5,500.00 to continue providing needed services while construction continues; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account C-04-56-684-100;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the amendment to S&L Architecture Studio's contract for the period of November 1 through November 30, 2013 at a total cost of \$5,500.00.

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

**INTRODUCTION: ORDINANCE NO. 13-CODE-694**

The Clerk was directed to take from table Ordinance No.13-Code-694 and read by title for its first reading.

The Clerk then read by title Ordinance No.13-Code-694 entitled: " AN ORDINANCE REVISING, AMENDING AND REENACTING PARAGRAPHS 1 THROUGH 12 OF ORDINANCE NO-13-CODE-692 TITLED "THE CODE OF THE BOROUGH OF OAKLAND, COUNTY OF BERGEN, STATE OF NEW JERSEY, ENTITLED "SALARIES OF MUNICIPAL EMPLOYEES"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Revising, Amending And Reenacting Paragraphs 1 Through 12 Of Ordinance No-13-Code-692 Titled "The Code Of The Borough Of Oakland, County Of Bergen, State Of New Jersey, Entitled "Salaries Of Municipal Employees", be introduced;

That said Ordinance be considered for final adoption at a meeting on November 26, 2013 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before November 16, 2013 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

**WORK SESSION:**

**FILMING ORDINANCE:**

Mr. Kunze advised that he met with the CFO, Police Chief and Borough Clerk to discuss a film ordinance. Ordinances from other towns were reviewed and most of the ordinances were similar in content. The ordinance covers insurance requirements, notice to residents, etc. Mayor Schwager commented she was confused on the fee for permits. Mr. Kunze explained the regular permit fee would be \$200 and if it needed expedited processing, the fee would be \$300.

Councilman Pignatelli questioned why the Fire Chief was not included because of pyrotechnics. Mr. Kunze explained that only the ordinance from Ridgewood referenced pyrotechnics and we wanted to include that in our ordinance. Councilman Pignatelli is very concerned about the use of pyrotechnics. Mr. Kunze responded that if the application is flagged by the Fire Official, the permit can be denied.

Councilman Pignatelli questioned the waiver procedure on page 9. Mr. Mangin responded that all the other ordinances that were reviewed designate one person who can issue waivers. Mr. Kunze advised that the intent was to have a vehicle to waive certain requirements if a particular circumstance warranted it. Councilman Pignatelli thinks the hours of 7:00 am to 9:00 pm are too long. The Borough Clerk responded that time was given to allow for the film crews to set up in the morning before filming starts. The end time was picked to give consideration for filming night scenes. Mr. Kunze advised that the notification requirements for residential areas are extensive.

Mr. Chewcaskie advised that the first municipality to have a filming ordinance was Allendale. Most of the ordinances are similar. We combined the best parts of all the ordinances reviewed. Councilman Pignatelli would like this forwarded to the Fire Chief for his input. Councilwoman Marcalus thought the ordinance was well done. Councilmembers Stagg and Visconti agreed. Councilman Jensen wants a definition of filming that is less broad. Councilwoman Coira commented that this ordinance is nine pages and it is too broad. She feels that non-profits should not have to pay at all. She spoke of the costs involved. Mr. Kunze advised that the costs that the filmmakers will be required to pay are to protect the public from bearing the costs. Mr. Chewcaskie advised that there is a tremendous disruption if there are film crews in town. That is what this ordinance is intended to capture. The issue is to parcel out what is insignificant. Mayor Schwager responded that the filming on Patriot's Way was definitely disruptive.

Councilwoman Coira commented that the ordinance is written too broadly. Councilman Jensen felt that permits should be issued on a case-by-case basis. He did not want to penalize someone who wants to take photographs for commercial purposes. Mayor Schwager responded that we need an ordinance to protect the Borough financially. Councilman Pignatelli commented that Council members should forward their concerns to Mr. Chewcaskie. Mr. Kunze advised this ordinance is not meant for photographers but for filming for commercial purposes. Councilwoman Coira questioned political ads. Mr. Chewcaskie responded that they would be exempt. Mayor Schwager asked that the draft ordinance be forwarded to the Fire Department for review and that Council members should give their comments to the Borough Attorney.

#### ADVERTISING BID-FIELD 2 SCOREBOARD

Mr. Kunze advised there will be four advertising signs on the scoreboard. One will be given to Fathers Club for their work to install the scoreboards. There will be three signs to sell. It will be done through a sealed bid and the bid will be awarded to the highest bidder. The minimum bid amount will be \$1500. That would recapture the cost to purchase the scoreboard. The term will be five years and payment will be required up front. Mr. Kunze wants to make sure the Council agrees with the terms before he crafts the bid document. Councilman Jensen commented that it was fine as long as it is uniform in policy.

#### AMEND TRAFFIC CODE:

Mr. Kunze advised this ordinance needs to be done to formally adopt the left turn lane from Ramapo Valley Road onto Elm Street and the other lane as a through lane. He advised that the striping by the shopping center is confusing. The County is going to come back and address this

issue. Councilwoman Stagg is in favor of the left turn lane. She commented that Ramapo Valley Road is too wide for just one lane and people weren't sure if they could pass someone who was making a left into the shopping center. She thinks it is a good idea.

Councilman Visconti advised that the Council would understand this more clearly if a map is attached. He commented that Councilwoman Coira had been a proponent of safe streets and he asked if a bicycle lane could be put in there. Mayor Schwager responded that the Police advised that Ramapo Valley Road is too narrow on the south end of town to have a bicycle lane. Councilman Jensen asked if there will be increased enforcement. Mr. Kunze responded there will be a break-in period. This will be listed for introduction on November 26<sup>th</sup>.

#### WATER AND SEWER RATES:

Mr. Kunze advised that the Finance Committee looked at what revenues may be necessary to support the water and sewer utilities next year. They don't feel an increase in sewer rates is necessary. They do feel it is necessary for a 1.5% increase on water rates which amounts to roughly \$ 5.00 per household.

Mr. Mangin explained that three years ago, a plan was put together for the utilities. One goal was to make the utilities profitable without having a deficit at the end of the year. Another goal was to try to limit the use of surplus funds in the budget. A third goal is to continue budget for future operation and stabilization of rates. He explained that he did a sewer analysis with a history back to 2010. Overall the budget is flat. Next year, we need to step up the debt service. He explained that we have been using \$25,000 in surplus funds as revenue each year. He spoke about the projected 2014 budget and the rents anticipated and explained that we do not need a sewer rate increase next year.

The water utility budget is flat. However, there is a jump in capital for 2014 which is based on our commitment to water utility projects. He explained that we want to run the utility without relying on surplus but we want to have a cushion in case there is a problem. Mr. Mangin spoke about revenue. He explained that we cannot anticipate more revenue in 2014 than we took in 2013 but it will be short. He explained that the Council changed the rate structure in 2012. At that time, he said we wouldn't need an increase in 2013 but may need one for 2014. The average residential bill will increase \$ 5 with a 1.5% increase in rates. He explained that the goal of the plan is rate stabilization. There has not been a water rate increase since 2009. An ordinance will be listed for introduction on November 26<sup>th</sup>.

#### RESOLUTION 13-277 UNIVERSAL BROADCASTING

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

WHEREAS, the Borough of Oakland leases certain property to Universal Broadcasting of New York, Inc., pursuant to a written lease agreement, which has been modified and amended by virtue of subsequent agreements and a Stipulation of Settlement, dated on or about June 5, 2013; and

WHEREAS, Universal Broadcasting has asked for a deferral in its rent payments for November and December, 2013 until December 15, 2013; and

WHEREAS, the Chief Financial Officer and Borough Attorney are of the opinion that such an agreement is in the best interests of the Borough;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland does hereby authorize and approve the execution of a certain amendment agreement annexed hereto and made a part hereof, and the Mayor is hereby authorized and directed to execute the same.

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

**COUNCIL REPORTS:**

Councilwoman Marcalus: On November 17<sup>th</sup> at 4:30 pm, the New Friends of the Library will sponsor a marimba concert at the Korean Church. There will be a Reference USA networking breakfast on November 20<sup>th</sup>.

Councilman Visconti: The next meeting of the Park Committee will be held December 4<sup>th</sup> at 8 pm at the Danny D'Elia Building. There are three names that people can vote on for the park: Carmine Parete Memorial Park, Great Oak Park and Pleasureland Park. There will be paper ballots and online voting. The winning name will be announced at the December 11<sup>th</sup> Council meeting. The OCC will meet next week and they are in need of a new commissioner. There was an error in Crossroads about the WIPP program. It is not active yet because there was a problem in implementation.

Councilwoman Stagg: The Water and Sewer Committee and the Environmental Commissions met in the last couple of weeks. We are continuing to plot the future of Oakland with sewerage.

Councilman Pignatelli: This past Sunday, he and Councilman Jensen met with the Fire Department to review their concerns. He advised there is a heating duct which will interfere with the new truck and that must be moved. He advised that when next year's truck is delivered, a wall will need to be moved in the fire house to accommodate the truck. He is not sure if it is a load-bearing wall. If it can't be moved, we may have to put on an addition so the truck can fit.

Councilman Jensen: The Public Events Committee will hold the Holiday lighting ceremony on December 2, 2013 at 6 pm. The Public Events Committee still needs volunteers. There will be a charity event on November 17<sup>th</sup> and all proceeds will go to the First Aid Squad.

Councilwoman Coira: Recreation will sponsor a volleyball clinic along with Indian Hills High School for 7<sup>th</sup> and 8<sup>th</sup> grade girls. Recreation is working with Indian Hills to upgrade the wrestling facility at the high school. The next Recreation meeting will be November 25, 2013 at 8 pm. The next Planning Board meeting will be tomorrow at 7 pm at the Senior Center.

**OPENED FOR PUBLIC DISCUSSION:**

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

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

No comments made.

**CLOSED FOR PUBLIC DISCUSSION:**

On motion of Councilman Pignatelli, seconded by Councilman Visconti, 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 Visconti, the meeting be adjourned at 8:57 pm.

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

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Lisa M. Duncan, Borough Clerk  
December 11, 2013

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Mayor Linda H. Schwager

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Date Approved