

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY DECEMBER 11, 2013

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Visconti, seconded by Councilwoman Marcalus, 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, Visconti.

Discussion ensued over personnel issues.

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, Visconti.

MEETING CALLED TO ORDER: By Mayor Schwager at 7:33 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Coira, Jensen, Marcalus, Pignatelli, Visconti. Absent: Councilwoman Stagg. 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.

EXCUSE ABSENCE:

On motion of Councilman Jensen, seconded by Councilman Pignatelli, the absence of Councilwoman Stagg be excused.

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

MAYOR'S REPORT:

The Public Events Committee did an excellent job with the Holiday Lighting Ceremony. The Oakland Communications Commission needs volunteers. Last week, Mayor Schwager attended the WOLF meeting. Mayor Schwager advised that the Sustainable New Jersey certification is due to expire. We need to start working on that again. The certification helps us obtain grant money. We need to reinstate the Green Team. Mayor Schwager will be starting a Mayors Wellness campaign.

PRESENTATION TO COUNCILWOMAN MARCALUS

Senator Cardinale, County Executive Kathy Donovan and the Mayor and Council presented certificates to Councilwoman Marcalus to thank her for her years of service.

OPENED FOR PUBLIC DISCUSSION:

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

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

Mike Guadagnino, 34 Hopper Street, introduced special guests: Kevin Heffernen, Grove Street; Chris Walker, Yawpo Ave; Joe Moromaco, North Haledon-owned Pleasureland in the 1960's and 1970's; Mike Fressin, Pompton Lakes-owned Pleasureland in the 1970's and 1980's. Mr. Guadagnino explained that an election was held to pick a name for the new park. Over 2000 votes were received. The winning name is Great Oak Park which received 991 votes. He explained that the Committee wants to preserve the Pleasureland name. Mr. Heffernen commented that he sponsored the Pleasureland name but the winner is Oakland since so many people were involved in choosing the name. Mayor Schwager thanked the whole Committee for working together. Mr. Guadagnino responded that it is the whole town that is working together.

Mike Kozak, 24 Cayuga Ave, thanked everyone who participated in the Holiday Lighting ceremony. The Public Events Committee needs more volunteers. He advised that the Green

Team is in need of volunteers. There are three Environmental Commission members that are committed to working on the Green Team. He thanked Councilwoman Marcalus for her dedication to the Borough.

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, Marcalus, Pignatelli, Visconti.

APPROVAL OF MINUTES: NOVEMBER 13, 2013

On motion of Councilman Pignatelli, seconded by Councilman Jensen, the minutes from the Mayor and Council meeting of November 13, 2013 be approved.

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

APPROVAL OF MINUTES: NOVEMBER 26, 2013

On motion of Councilman Jensen, seconded by Councilwoman Coira, the minutes from the Mayor and Council meeting of November 26, 2013 be approved.

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

APPROVAL OF MINUTES: NOVEMBER 13, 2013 EXECUTIVE SESSION

On motion of Councilman Pignatelli, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council Executive Session of November 13, 2013 be approved.

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

APPROVAL OF MINUTES: NOVEMBER 26, 2013 EXECUTIVE SESSION

On motion of Councilman Jensen, seconded by Councilwoman Coira, the minutes from the Mayor and Council Executive Session of November 26, 2013 be approved.

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

APPROVE RAFFLE LICENSE RL1203

On motion of Councilman Visconti, seconded by Councilman Jensen, approval be granted for Oakland Fathers Club to hold an off-premise raffle for merchandise on March 7, 2014 at the Knights of Columbus, 7 Courthouse Place.

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

APPROVE SOCIAL AFFAIRS PERMIT-OAKLAND ELKS CLUB

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, approval be granted for a Social Affairs permit for the Oakland Elks Club to hold a fundraiser on January 24, 2013 from 7 pm to 11:30 pm.

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

APPROVE RAFFLE LICENSE RL1204

On motion of Councilman Visconti, seconded by Councilwoman Coira, approval be granted for Indian Hills PTSO to hold an on-premise 50/50 raffle on January 25, 2014 at Oakland Elks Club, 33 Ramapo Valley Road.

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

APPROVE RAFFLE LICENSE RL1205

On motion of Councilman Jensen, seconded by Councilwoman Coira, approval be granted for Indian Hills PTSO to hold an on-premise raffle for merchandise on January 25, 2014 at Oakland Elks Club, 33 Ramapo Valley Road.

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

APPOINTMENT FOR COMMUNITY RATING SYSTEM PROGRAM

Mayor Schwager nominated Lew Levy to the position of C.R.S. Coordinator.

On motion of Councilman Pignatelli, seconded by Councilman Jensen, the Council consented to the appointment of Lew Levy to the position of C.R.S. Coordinator.

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

APPROVE RAFFLE LICENSE RL1206

On motion of Councilman Pignatelli, seconded by Councilman Jensen, approval be granted for Oakland Education Foundation to hold an off-premise 50/50 raffle on March 1, 2014 at Portobello, 155 Ramapo Valley Road.

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

APPROVAL OF NEW PARK TRAIL PROJECT

On motion of Councilman Jensen, seconded by Councilwoman Marcalus, approval be granted for the Eagle Scout trail project for the new park.

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

RESOLUTION 13-285 AUTHORIZE BOSWELL-CONCEPTUAL PLAN FOR NEW PARK

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

WHEREAS, there is a need to prepare conceptual plans for the new park being proposed at the former Heritage Hills site; and

WHEREAS, Boswell McClave Engineering submitted a proposal dated November 11, 2013, for the services needed at a cost not to exceed \$4,000; and

WHEREAS, this contract is for a professional service for which no public bidding is required; and

WHEREAS, Boswell has complied with the Borough of Oakland's Pay-to-Play requirements; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 3-01-20-165-100;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Boswell to prepare the conceptual plan for the Great Oak Park in the amount not to exceed \$4,000 as specified in their proposal dated November 11, 2013; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute the agreements on behalf of the Borough.

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

RESOLUTION 13-286 AUTHORIZE BOSWELL-CULVERT REPLACEMENT

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

WHEREAS, there is a need to replace a culvert on Lakeshore Drive; and

WHEREAS, Boswell McClave Engineering has submitted a proposal dated November 11, 2013, for the engineering work required in an amount not to exceed \$8,000; and

WHEREAS, this contract is for a professional service for which no public bidding is required; and

WHEREAS, Boswell has complied with the Borough of Oakland's Pay-to-Play requirements; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-690-201;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Boswell to prepare the construction plans and specifications for the culvert replacement on Lakeshore Drive in the amount not to exceed \$8,000 as specified in their proposal dated November 11, 2013; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute the agreements on behalf of the Borough.

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

RESOLUTION 13-287 AUTHORIZE POLICE REPLACEMENT VEHICLES

On motion of Councilwoman Marcalus, seconded by Councilman Jensen, 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) 2014 Police Interceptor vehicles; and

WHEREAS, Winner Ford of Cherry Hill, New Jersey has State Contract No. 82925 for the Police Interceptors as per the specifications desired; and

WHEREAS, the cost for Vehicle One with options is \$23,915.00 and the cost for Vehicle Two with options is \$24,025.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #3-01-25-240-051;

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, New Jersey for the purchase of two (2) Police Interceptor vehicles at a total cost of \$47,940.00.

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

RESOLUTION 13-288 ACCRUED TIME PAYOUT-RAY FULLER

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

WHEREAS, N.J.A.C. 5:30-15 establishes rules that govern how local government units manage and finance compensation for accumulated absence time for their respective employees, and

WHEREAS, accumulated absence includes any sick days, vacation days, personal days, compensatory time or any other absence time authorized as part of an employer agreement, which is not used by the employee during the allowed period and which is permitted to accumulate over time to the benefit of the employee, and

WHEREAS, the Chief Financial Officer has certified that the funds and authority exists to pay the accumulated absence, as per the attached schedule, to Ray Fuller who retired from the service of the Borough effective December 1, 2013, in the amount of \$30,179.25, and

WHEREAS, the attached certification and documentation are presented to comply with the rules and regulations established by the Local Finance Board.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the total sum \$30,179.25 composed of 165 hours of vacation time and 600 hours of sick time be paid out to Ray Fuller. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose.

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

RESOLUTION 13-289 ACCRUED TIME PAYOUT-ED KIMMEL

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

WHEREAS, N.J.A.C. 5:30-15 establishes rules that govern how local government units manage and finance compensation for accumulated absence time for their respective employees, and

WHEREAS, accumulated absence includes any sick days, vacation days, personal days, compensatory time or any other absence time authorized as part of an employer agreement, which

is not used by the employee during the allowed period and which is permitted to accumulate over time to the benefit of the employee, and

WHEREAS, the Chief Financial Officer has certified that the funds and authority exists to pay the accumulated absence, as per the attached schedule, to Ed Kimmel who retired from the service of the Borough effective December 1, 2013, in the amount of \$26,191.35, and

WHEREAS, the attached certification and documentation are presented to comply with the rules and regulations established by the Local Finance Board.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the total sum \$26,191.35 composed of 273 hours of vacation time and 510 hours of sick time be paid out to Ed Kimmel. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose.

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

RESOLUTION 13-290 AUTHORIZE MODIFICATION TO FSA PROGRAM

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

WHEREAS, this amendment to the Borough of Oakland Cafeteria Plan (the "Plan") is adopted by the Borough of Oakland effective as of the dates set forth herein.

NOW, THEREFORE, effective as set forth below, the Plan is amended as follows:

- A. Effective January 1, 2013 pursuant to Internal Revenue Service Notice 2013-71, the Plan is hereby amended to allow Participants to carry over up to five hundred dollars (\$500.00) of unused Health FSA amounts at the end of the Plan Year to their Health FSA balance for the subsequent Plan Year. For avoidance of doubt, the carryover of up to \$500.00 does not impact the subsequent maximum Health FSA Participant Salary Reduction amount set by the IRS.

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

RESOLUTION 13-292 AUTHORIZE REFUNDS TAX OVERPAYMENTS

On motion of Councilwoman Marcalus, seconded by Councilman Jensen, 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 third or fourth quarters 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 refunds as follows:

| <u>Block/Lot</u> | <u>Owner</u> | <u>Amount</u> |
|------------------|-----------------------------------|---------------|
| 5403/12 | Delano, Peter G. & Anson, Staci R | \$ 854.48 |
| 4507/3 | Andree, Kevin R. & Ann C. | \$ 868.48 |
| 3804/18 | Carestia, Kevin A. & Jennifer A. | \$2,077.49 |

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

RESOLUTION 13-293 AUTHORIZE REFUND TAX COURT JUDGMENT BL 1202, L 1

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

WHEREAS, a Tax Court Judgment was filed on November 15, 2013, in the matter of Michael B. Prell and Andrea S. Prell v. Oakland Borough, Docket No. 014696-2013, reducing the assessment of Block 1202, Lot 1, 20 Timberline Lane, to \$616,600.00; and

WHEREAS, a refund of the 2013 property taxes is now due to Michael B. Prell and Andrea S. Prell, c/o Geraldine E. Beers, Esq., Dunn Lambert, LLC in the amount of \$513.20;

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 Michael B. Prell and Andrea S. Prell, c/o Geraldine E. Beers, Esq., Dunn Lambert, LLC in the amount of \$513.20.

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

RESOLUTION 13-294 AUTHORIZE 2012 REFUND TAX COURT JUDGMENT BL 3301, L 6

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

WHEREAS, a Tax Court Judgment was filed on November 15, 2013, in the matter of The Wrong Way, LLC v. Oakland Borough, Docket No. 001127-2012, reducing the assessment of Block 3301, Lot 6, 16 Wright Way to \$3,170,400.00; and

WHEREAS, a refund of the 2012 property taxes is now due to The Wrong Way, LLC, c/o Amber N. Heinze, Esq., The Irwin Law Firm, PA, in the amount of \$7,581.00;

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 The Wrong Way, LLC, c/o Amber Heinze, Esq., The Irwin Law Firm, PA, in the amount of \$7,581.00.

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

RESOLUTION 13-295 AUTHORIZE 2013 REFUND TAX COURT JUDGMENT BL3301, L 6

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

WHEREAS, a Tax Court Judgment was filed on November 15, 2013, in the matter of The Wrong Way, LLC v. Oakland Borough, Docket No. 006032-2013, reducing the assessment of Block 3301, Lot 6, 16 Wright Way to \$3,170,400.00; and

WHEREAS, a refund of the 2013 property taxes is now due to The Wrong Way, LLC, c/o Amber N. Heinze, Esq., The Irwin Law Firm, PA, in the amount of \$7,698.00;

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 The Wrong Way, LLC, c/o Amber Heinze, Esq., The Irwin Law Firm, PA, in the amount of \$7,698.00.

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

RESOLUTION 13-296 AUTHORIZE REFUND TAX COURT JUDGMENT BL4305, L22
On motion of Councilwoman Marcalus, seconded by Councilman Jensen, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, a Tax Court Judgment was filed on November 15, 2013, in the matter of Craig D & Allyson Englishman v. Oakland Borough, Docket No. 017231-2012, reducing the assessment of Block 4305, Lot 22, 12 Maple Drive, to \$525,000.00; and

WHEREAS, a refund of the 2012 and 2013 property taxes is now due to Craig D & Allyson Englishman, c/o Margaret A Steffen, Esq, Horn Law Group, LLC, in the amount of \$2,062.67;

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 Craig D & Allyson Englishman, c/o Margaret A Steffen, Esq, Horn Law Group, LLC, in the amount of \$2,062.67.

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

RESOLUTION 13-297 ENDORSE CDBG GRANT APPLICATION-ARC OF BERGEN AND PASSAIC COUNTIES
On motion of Councilwoman Marcalus, seconded by Councilman Jensen, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, a Bergen County Community Development grant of \$106,296.00 has been proposed by The Arc of Bergen and Passaic Counties, Inc. for modifications to 3 Post Road in the municipality of Oakland in order to accommodate a new Adult Day Program for individuals with developmental disabilities; 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 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 Governing Body 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, Visconti.

INTRODUCTION: ORDINANCE NO. 13-CODE-697 AMEND RECREATION FEES

The Clerk was directed to take from table Ordinance No. 13-Code-697 and read by title for its first reading.

The Clerk then read by title Ordinance No. 13-Code-697 entitled: " AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND CHAPTER IX, RECREATION FACILITIES AND RECREATION AREAS, SUBCHAPTER 9-2.3, ENTITLED "FEE SCHEDULE FOR ACTIVITIES," TO PROVIDE FOR THE USE OF FACILITIES AND THE FEE SCHEDULE THEREOF.

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing The Revised General Ordinances Of The Borough Of Oakland Chapter IX, Recreation Facilities And Recreation Areas, Subchapter 9-2.3, Entitled "Fee Schedule For Activities," To Provide For The Use Of Facilities And The Fee Schedule Thereof, be introduced;

That said Ordinance be considered for final adoption at a meeting on December 23, 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 December 14, 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, Visconti.

INTRODUCTION: ORDINANCE NO. 13-CODE-698 AMEND FEES-MUNICIPAL COURT DISCOVERY

The Clerk was directed to take from table Ordinance No.13-Code-698 and read by title for its first reading.

The Clerk then read by title Ordinance No. 13-Code-698 entitled: " AN ORDINANCE REPEALING AND REPLACING ARTICLE II, SECTION 11.2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND, ENTITLED "MUNICIPAL COURT DISCOVERY"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Repealing And Replacing Article Ii, Section 11.2 Of The Revised General Ordinances Of The Borough Of Oakland, Entitled "Municipal Court Discovery" , be introduced;

That said Ordinance be considered for final adoption at a meeting on December 23, 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 December 14, 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, Visconti.

FINAL PUBLIC HEARING: ORDINANCE NO. 13-CODE-696 AMEND WATER RATES

The Clerk was directed to take from the table Ordinance No. 13-Code-696 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIII, SECTION 10 OF THE OAKLAND CODE, ENTITLED "WATER AND SEWER - FEE SCHEDULE" AND SECTION 13 ENTITLED "CHARGES AND FEES"

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, Marcalus, Pignatelli, Visconti.

No comments made.

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, Marcalus, Pignatelli, Visconti.

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

BE IT RESOLVED that an Ordinance entitled, Ordinance Amending And Supplementing Chapter XIII, Section 10 Of The Oakland Code, Entitled "Water And Sewer - Fee Schedule" And Section 13 Entitled "Charges And Fees", 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 Coira, Jensen, Marcalus, Pignatelli, Visconti.

WORK SESSION:

2014 MEETING SCHEDULE

The Council set the Oath of Office meeting date for Sunday January 5, 2014 at noon. The Council consented to the draft meeting schedule for 2014. It will be listed on the January 5th agenda for approval.

TRAFFIC CODE AMENDMENT

Mr. Kunze advised that the Council had tabled the ordinance. Mike Kozak had sent an email to the Council with suggestions. Mayor Schwager asked what happens if the Council does not pass an ordinance. Councilman Pignatelli responded that the Police cannot enforce any summonses.

Mayor Schwager commented that she was bothered that the County did not inform anyone from the Borough before they made the left turn only lane on Ramapo Valley Road. There should have been a discussion first. There was no warning so this is more of a hazard than a help.

Councilwoman Marcalus agreed. She does not think it is right that the Borough did not have input. Mr. Kozak had brought up a good point that we have the 2006 approved Downtown Plan. She asked how we are going to work this out with the County. Mr. Chewcaskie advised that the Borough is required to have an ordinance in order to enforce any summonses that are issued.

Councilman Jensen proposed that a meeting be held with Police, Fire and DPW to discuss this and come to a consensus. Then we can go to the County. Mr. Kunze advised the Engineer's office should be included in the meeting as well.

AGREEMENT WITH OAK CREST CONDO ASSOCIATION

Mr. Kunze advised that the contract expires at the end of the year. The condo association is entitled to certain services. The Borough worked out an agreement with them for street lighting and snow removal. The contract will need to be re-negotiated. Mr. Chewcaskie advised that the CFO will provide actual costs so we can see if the contract amount needs to be adjusted.

2014 AGREEMENT WITH LAND CONSERVANCY OF NEW JERSEY

Mr. Kunze provided the Mayor and Council with the Land Conservancy's proposal for 2014. He thought they were knowledgeable and skilled in helping with applying for the grant for flood buyouts. Councilman Jensen advised that the Land Conservancy committed \$200,000 to Oakland because of our open space fund. Councilman Pignatelli commented that they provided a valuable service to the Borough.

NEW BUSINESS:

Borough Engineer Rebecca Mejia advised that Boswell submitted a proposal for services for fuel tank remediation. She explained that there was contamination at the DPW site where the former tanks were located and the Borough is required to remediate. There are three forms that need to be filed with the DEP. This is a proposal to do the work required. Mr. Kunze explained that this was a case file that was not closed out. Testing standards have since changed. Councilman Visconti advised this goes back to 1993. Ms. Mejia confirmed that it was from 1993 and 1998.

COUNCIL REPORTS:

Councilwoman Marcalus: She spoke about childrens programs at the Library.

Councilman Visconti: The WIPP site is up and running. The next meeting of the Park Committee will be held January 14, 2014 at 8:30 pm at the Danny D'Elia building. He thanked people involved with the park naming contest. The next OCC meeting will be held Wednesday December 18, 2013 and we are looking for volunteers. He thanked Karen Marcalus for her service.

Councilman Pignatelli: No report. He thanked Karen Marcalus. She has been a valuable colleague and he enjoyed her candid opinions.

Councilman Jensen: He asked residents not to leave vehicles on the street during a snow event so the DPW can plow the streets. He also asked residents to check on Senior Citizens in cold weather and during snow events. Santa will go around on the fire truck on December 21st and 22nd.

Councilwoman Coira: She advised the next Rutgers Safety Course will be held on December 20th. The next Recreation Commission meeting will be held December 16th at 8 pm. The Planning Board will meet on December 12th at 7 pm. She thanked Karen Marcalus for her service and advised it has been a pleasure serving with her for the past two years.

Mayor Schwager also thanked Karen Marcalus for her service.

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, Visconti.

Mike Kozak, 24 Cayuga, advised if anyone is interested in joining the Green Team, send an email to oaklandec@gmail.com.

Frank Di Pentima, 6 Mountain Lakes Road, thanked Karen for her service. He is glad the Council is looking into the striping on Ramapo Valley Road. He asked if the Police Department requested the striping be done. Councilman Jensen responded that the Police Chief advised they did not know about the striping.

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, Visconti.

Councilman Jensen advised that his first Election he ran with Karen Marcalus. He learned a lot from her. He thanked her and wished her the best of luck.

BILLS TO BE PAID:

On motion of Councilman Visconti, seconded by Councilwoman Marcalus, 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, Visconti.

MEETING ADJOURNED:

On motion of Councilman Jensen, seconded by Councilman Pignatelli, the meeting be adjourned at 8:30 pm.

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

Lisa M. Duncan, Borough Clerk
December 23, 2013

Mayor Linda H. Schwager

Date Approved