

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

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Visconti, 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:
Contract, 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.

CLOSE EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, 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 7:31 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.

APPOINT FIRE FIGHTER:

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, Jeffrey Pereira be appointed to the Oakland Volunteer Fire Department.

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

EAGLE SCOUT PRESENTATION-STEWART'S WOODS

Nancy Krause of the Environmental Commission introduced Eagle Scout Matthew Richards who will be doing a project at Stewart's Woods. Ms. Krause advised that the property is located across from the First Aid Building and adjacent to the Dogwood school property. She gave a background on some of the things the Environmental Commission are working on for that property. She explained that they need the help of the Scouts to finish the project in 2013.

Matthew Richards advised that he will be creating an upper trail by Dogwood School and a lower trail. There will also be a picnic area. He spoke of the benches to be used. Councilman Jensen asked if he will use other Scouts to help with the project. Matthew responded he will use 10 to 15 Scouts to help. Councilwoman Marcalus asked if he was going to anchor benches down and he responded he would. Councilman Jensen commented that this is a great idea. Councilman Pignatelli commented that Mrs. Stewart would be happy with the project. Mayor Schwager asked how long the project will take. Matthew advised it will be done in early September. Councilwoman Stagg advised that the project looks great. She reiterated that Dorothy Stewart would be very happy. Ms. Krause advised that the Environmental Commission is planning to plant Oak trees on the property by Ramapo Valley Road. Councilman Visconti asked if Matthew has talked to the Shade Tree commission about the project. Matthew responded that he is working with the Environmental Commission who is working with the Shade Tree Commission. Mayor Schwager commented that we need to authorize the project because the work is being done on Borough property.

MOTION TO AUTHORIZE EAGLE SCOUT PROJECT:

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, approval be granted for the Eagle Scout Project proposed by Matthew Richards for the property known as Stewart's Woods.

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

RECOGNITION OF INDIAN HILLS GIRLS SOFTBALL TEAM

Mayor Schwager advised that the 2013 Indian Hills Softball team were the Group 3 State Champions. They have a season record of 32 wins and 7 losses. At one point, they had a 26 game winning streak. They hold the second highest record in the State for number of wins in a season. They are only behind the 2010 Indian Hills softball team for that record. Coach Joe Leicht advised he is proud of what the girls did during the season. The team was honored when the Police, Fire and Ambulance Squads led them through Wyckoff, Franklin Lakes and Oakland after the State Championship win. It is great to represent Oakland. Mr. Leicht is proud of the Oakland Recreation program and the Indian Hills softball team helps by running clinics.

Certificates were given to the following team members and coaches:

Caitlyn Allen, Shelby Allen, Devin Durando, Julia Ferraro, CK Greulich, Karley Joe Gruelich, Nicole Leocata, Maddie Levine, Nicole Mellone, Lauren Menduke, Lindsay Pagano, Nicole Paiotti, Kristen Waters, Brittany Fitzgerald, Kelsey Coughlin, Jacqueline Connolly, Coach Phil Lomenzo, Coach Bob Alexander, Coach Joe Leicht.

APPOINTMENT TO PARK COMMITTEE

Mayor Schwager brought forth the nomination of Steve Saliani for appointment to the Park Committee for a one-year term.

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

MAYOR'S REPORT:

Mayor Schwager advised that the Park Committee is now a full committee. They met Monday at the Danny D'Elia building. She commented that this is an exciting project for all Oakland residents. Mayor Schwager advised that the Japanese school students toured the Municipal Building last week. She reminded residents that she has office hours at Borough Hall before Council meetings. The Borough will have interns working for the summer. Mayor Schwager congratulated Judith Sullivan and the Ramapough Conservancy. They received a grant for \$44,000 to be used for the Van Allen property. Mayor Schwager advised that last year the Council passed a resolution on the State takeover of utility taxes. The tax was once collected by utilities and then the State took over collecting the money. She urged everyone to contact Senator Cardinale to support legislation to give that money back to the municipalities.

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.

Pat Tirri, 15 Huron Avenue, thanked everyone for their support of the new Public Events Committee. He advised that the carnival was a success. He thanked the many volunteers who helped. He thanked the Police, First Aid Squad, and the DPW who did an outstanding job. All the financial reports are not complete but it looks like the carnival did just as good as previous years.

Ann Marie Cristiani, 62 Seminole Ave., spoke about the money in the Chamber of Commerce bank account. She was asked to be a signer on the account in October and has since done investigation on the dissolution of the Chamber. She has forwarded information to the Police Department and this is under criminal investigation. She commented that no one should use that

money without threat of being sued. Mayor Schwager responded that no one is touching the money in the bank. The matter will be pursued.

Frank Monaco, 60 Thackeray, commented that people are talking about this Chamber of Commerce money and making accusations that are not true. It is time to put this issue to rest. Mr. Monaco commented that Public Events and the organizations did an excellent job with the carnival. He thanked all volunteers.

Chris Bazciewski, 131 Yawpo Avenue, commented he resigned as vice-president from the Chamber of Commerce in 2009. He was contacted in 2011 by Linda Schwager about a new business organization being formed. He knew nothing of the dissolution of the Chamber. He questioned why his name was on the dissolution papers when he was not on the Board at the time.

Ann Marie Cristiani, 62 Seminole Ave, advised she spoke to Michael Fox, former President of the Chamber of Commerce. He had nothing to do with the Chamber since 2010 and knew nothing of the dissolution even though the State has his e-signature on the paperwork. She reiterated this is under criminal investigation. Mayor Schwager advised she should stop talking about the matter if it is under investigation.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: JUNE 12, 2013

On motion of Councilman Jensen, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of June 12, 2013 be approved.

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

APPROVAL OF MINUTES: JUNE 12, 2013 EXECUTIVE

On motion of Councilman Jensen, seconded by Councilwoman Coira, the minutes from the Mayor and Council Executive Session of June 12, 2013 be approved.

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

RESOLUTION 13-170 AMEND CONTRACT-BERGEN COUNTY HEALTH DEPT.

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 had authorized a contract with the Bergen County Department of Health for public health services for 2013 in the amount of \$91,634.48; and

WHEREAS, it appears that additional services are required for the remainder of the year which will require an additional \$5,950.00;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough hereby increases the original contract amount by \$5,950.00 so the total amount authorized for services of the Bergen County Department of Health for 2013 will be \$97,584.48.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in Account #3-01-27-330-160; and

BE IT FURTHER RESOLVED that this contract was awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(2); and

BE IT FURTHER RESOLVED that the provisions of the prior resolution retaining the Bergen County Department of Health are hereby ratified and confirmed except to the extent of the increase of the contract amount set forth above.

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

RESOLUTION 13-171 CHANGE ORDER –LEHIGH WAY WATER MAIN PROJECT

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

WHEREAS, a contract was awarded to D.R. Mullen Construction for the Lehigh Way and West Oakland Avenue Water Main Project; and

WHEREAS, a request was made for the following change order:

Change Order 1 – Provide additional pavement work to rectify a substandard existing pavement on Lehigh Way - \$13,050.14

WHEREAS, the change order has been reviewed and recommended by Crew Engineers Inc.; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-06-56-681-200;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Change Order 2 in the total amount of \$13,050.14

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

RESOLUTION 13-172 CANCEL GRANT BALANCES

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

WHEREAS, certain Grant Receivable balances remain on record in the Borough of Oakland Federal / State Grant Fund dedicated to projects which have been completed; and

WHEREAS, certain Grant Appropriated reserve balances remain on record in the Federal / State Grant Fund dedicated to projects which have been completed; and

WHEREAS, these balances are no longer necessary for the purposes originally created;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey that, based on the recommendation of the Chief Financial Officer, the following unrealized and unexpended Grant Receivable and Grant Appropriated Reserve balances be cancelled as follows:

Grant Receivables

• Community Development Block Grant	\$ 37,603.34
• Bergen County – ADA Ramps	\$ 5,000.00
Total	\$ 42,603.34

Grant Appropriated Reserves

• Community Development Block Grant	\$ 37,604.28
• Bergen County – ADA Ramps	\$ 5,000.00
• H1N1 Flu Grant	\$ 210.78
Total	\$ 42,815.06

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

Mr. Kunze explained that the Resolutions 13-173 to 13-176 all are related to the extra time for the construction of the DPW Building. The project remains ongoing. He explained that the contracts for the Architect and Owners representative have already been extended through July. The contracts have to be extended again. He explained that Resolution 13-175 is a deduct to Tekton's contract because the Borough is holding Tekton accountable for any delays past June 21st. The extra costs for the contracts and the trailer rentals are being paid by reducing Tekton's contract.

RESOLUTION 13-173 CONTRACT AMENDMENT -EPIC

On motion of Councilman Jensen, seconded by Councilman Visconti, 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 July 9, 2013; and

WHEREAS, it is necessary to amend Epic's contract in order to extend an additional month at a cost of \$10,000 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 Epic Management's contract for an additional month to August 9, 2013 at a total cost of \$10,000.00.

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

RESOLUTION 13-174 CONTRACT AMENDMENT-S & L ARCHITECTURE

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

WHEREAS, a contract was issued to S & L Architecture Studio, LLC 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 in order to continue providing needed services while construction continues; and

WHEREAS, the Chief Financial Officer has certified 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 July 1 through July 31, 2013 at a total cost of \$ 5,500.00.

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

RESOLUTION 13-175 CHANGE ORDER 16 DPW BUILDING PROJECT

On motion of Councilman Jensen, seconded by Councilman Visconti, 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 Orders:		
Change Order 16	Contract price reduction in conjunction with	
	Contract completion date extension for additional	
	Costs incurred by Borough	\$ -22,192.00

WHEREAS, the Change Orders have 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 16 for a contract price reduction of \$ -22,192.00 to Tekton Development Corp.

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

RESOLUTION 13-176 CHANGE ORDER 17 DPW BUILDING PROJECT

On motion of Councilman Jensen, seconded by Councilman Visconti, 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 Orders:
Change Order 17 Time Extension to June 21, 2013 \$ 0

WHEREAS, the Change Orders have 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 17 for a time extension with a total amount of \$ 0 to Tekton Development Corp.

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

RESOLUTION 13-177 APPOINT RALPH PORRINO FIRE SUBCODE OFFICIAL

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

BE IT RESOLVED that the Mayor and Council hereby appoints Ralph Porrino as Fire Subcode Official at an annual salary of \$ 5,200 effective July 10, 2013

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

RESOLUTION 13-179 AUTHORIZE RECREATION REFUND

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

WHEREAS, the Borough of Oakland has received a request for a refund of Summer Camp Registration Fees in the total amount of \$ 372.48; 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 authorize a refund to:

Lisa Duncan, 44 Seton Hall Drive , refund due \$ 330.00
Linda Heberling, 29 Crosby Lane, refund due \$ 42.48

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

RESOLUTION 13-181 HIRE CAMP COUNSELOR

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

BE IT RESOLVED that the Mayor and Council authorize the hiring of Marisa Caponi as Camp Counselor at a rate of \$7.75 per hour effective July 10, 2013.

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

RESOLUTION 13-178 CERTIFICATION OF AUDIT

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

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Councilman Visconti advised that the Borough received the audit for 2012. The Finance Committee met with the Auditor to review the comments. There were two comments. One is for the GASB45 report of retirement benefits which the Borough's risk manager is putting together now. The other comment is that there are issues with the Council not signing vouchers in a

timely manner and interrupting the flow of documents. Councilman Visconti advised that we finally completed the fixed assets inventory which has been an audit comment for many years.

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

OPEN SPACE REFERENDUM

Councilman Visconti advised that there are three options for the open space referendum that were being looked at: another five-year term at one cent, a ten-year term with a range from half a cent to one cent, and an unlimited open-ended term. Councilman Visconti explained that the Borough has expended the money that is in the Trust fund. It is committed to property that was already purchased. If we want to continue funding these properties, the voters need to approve the referendum. He explained that a five-year term is not enough to fulfill the Borough's financial obligations. He would prefer an open-ended term but ten years is acceptable. He explained that the Borough uses the Trust fund money as leverage with the County and State for grant money for open space.

Councilman Pignatelli feels the ten-year term is most beneficial to the town. Mr. Mangin advised that if the rate is variable between a half-cent and one cent, the Council could set the rate each year as needed. It would take the Borough until 2019 to satisfy the current obligations and then the Mayor and Council could set the rate downward. It would be the best of both worlds. Mayor Schwager commented that it would unless it was voted down. Mr. Mangin advised if the referendum were voted down, there are currently \$1.2 million in obligations that would fall on the Borough. Councilman Visconti advised that voting down the referendum would not decrease the tax bills. Mr. Kunze responded that the taxpayers will have to pay the money one way or another. Councilman Visconti reiterated that the Borough uses the open space trust fund to leverage money from the County and State. He explained that if valuations go up, the Mayor and Council can adjust the rate.

Mayor Schwager commented that people might have a fear of a ten-year term. Councilman Jensen is concerned that if the referendum were voted down, we would still have the obligation. He asked if the referendum could be structured for either five or ten years. Mr. Chewcaskie responded that the referendum is one question with no alternative. If there were an alternative, there would need to be two questions. He advised that the Mayor and Council have to make a decision on the term. Councilman Pignatelli asked if the Land Conservancy could educate residents on the benefit of the open space trust fund. Councilman Visconti commented that the Mayor and Council cannot lobby for the passing of a referendum. He asked if the Land Conservancy would be able to lobby the residents since they are agents of the Mayor and Council. Mr. Chewcaskie responded that the Land Conservancy could present the facts but cannot lobby for the referendum. The consensus of the Council was to ask for a ten-year term. Councilman Pignatelli asked if the statement on the ballot will tell people how much the tax would be. Mr. Mangin responded it will be included in the interpretive statement.

2013 CAPITAL PROGRAM:

Mr. Kunze advised that the last time this was discussed, the Council asked for information on the maintenance history of the Fire Department pumpers. Mr. Mangin provided an analysis from 2010 to the present. Councilman Visconti advised that he met with the Fire Department. A compromise was reached. The new fire truck would be included in the capital plan but the truck would not be ordered until December which would require a deposit. The delivery of the truck would not take place until 2015. This would save one year on capital outlay for the trucks. He commented that the trucks are very well maintained and the repair cost is not a fair evaluation.

He suggested maybe doing a usage evaluation. He advised that the Fire Department is trying to work with the Mayor and Council. Mr. Kunze explained that we do not pay a deposit for the fire truck but must make a progress payment on the build. Then the company gives a deduction on the cost. Councilman Pignatelli commented this would save two price increases by ordering in December. Councilwoman Marcalus commented it is a good compromise.

Mr. Kunze advised that we have already done the ordinance for fully-funded purchases. This ordinance would include the fire truck, Recreation field lighting, 2013 Road program and the sidewalk program. Councilman Pignatelli asked if we are going to continue the sidewalk north on Ramapo Valley Road. Mr. Kunze responded that the Council wants to do that project but had stated that the higher priority was the sidewalks around the schools. Councilman Visconti advised that the Engineer did a study of the paths around the schools. The Council voted as a whole to work on safe routes to school as a priority. Mr. Kunze advised that this year we were working around Heights and Dogwood schools. Mayor Schwager commented that the Ramapo Valley Road sidewalk project was going to be very difficult because it is not just paving sidewalks. Mr. Kunze advised it would require removing trees and even residents' fences. Councilwoman Stagg commented that the situation is the same on Long Hill Road and that there are places where there is no sidewalk left. She commented that Long Hill Road and Franklin Avenue sidewalks need to be addressed. Councilman Pignatelli suggested that the Council revisit the Engineer's report. Mr. Kunze responded he will provide an update according to the priorities the Mayor and Council had given.

Mr. Kunze explained that the library renovations are going to be pulled from this ordinance but everything else will remain. He explained that the Borough took bids on the new siren system. There is only \$150,000 in funding and we are short \$33,000. We may need to add additional funding in this ordinance for the siren system. Mr. Kunze advised that the Borough was successful in getting a grant from Bergen County for phase 2 of the backstop replacement project. We will need to authorize the \$54,000 of funding in this ordinance. Mr. Kunze explained that the Recreation lighting project is a big ticket item. When it was proposed, we had decided to fund it in phases. This year would be phase 2 of the project. We recently learned that we can undertake the project in colder weather when the fields are not in use and the Engineer feels the Borough can save money by doing it as one big project. Mr. Kunze advised he is proposing to fund phase 3 of that project this year as well at a cost of \$480,000. Mr. Mangin explained that in terms of the overall capital plan, even the Recreation lighting project does not affect it. He explained that we are planning to borrow the money and pay it off early anyway.

FLOOD BUYOUT UPDATE:

Mr. Kunze advised that the Land Conservancy contacted residents on Roosevelt Boulevard to gauge interest. So far, there has been a positive response from six residents. Due to the grant deadline, the Land Conservancy suggested asking for funding for five parcels. The public hearing on the grant application is scheduled for July 24th. The County requires appraisals be done on the properties. The money for the appraisals could come from the open space trust. Councilman Jensen asked if we need to have the properties reappraised. Mr. Kunze responded that the grant application requires actual appraisals.

Councilman Pignatelli questioned the article in the paper about the money received for the Stream House. The Council did not authorize any more work done on the Stream House. Mr. Kunze responded that it was Ramapough Conservancy who got the funding for the Van Allen and Stream House not the Land Conservancy. Councilman Pignatelli commented that he thought the Council asked them not to include the Stream House. Mr. Kunze responded there were discussions with the County about what to include in the application. Councilman Pignatelli

wants the Stream House down because it is a blight on the community. Councilwoman Stagg agreed. Mayor Schwager suggested that Ramapough Conservancy should come to the next meeting. Councilman Pignatelli commented that there was a lady that came to a Council meeting and said that the Council could take the Stream House down if it wants to. Mayor Schwager advised that the County said if the Borough removes the Stream House, we would not get any more money for the Van Allen House. Councilman Pignatelli commented the Stream House distracts from the Van Allen House. Councilwoman Stagg commented that the grant is a matching grant. She asked if the Borough can accept only the part of the grant for the Van Allen House. Mayor Schwager commented that they were led to believe the money for the Stream House was going to be used for removing the temporary fence and putting up a decent fence.

Mr. Kunze asked if there was any feedback on the flood buyout program. The Land Conservancy is projecting an acquisition cost of \$ 1.6 million. They are proposing to go to the County for 75% of the funding. The additional money could be picked up by Green Acres funding, some local money and potentially some money from the Land Conservancy. Councilman Pignatelli would like to see a breakdown of the money. Mr. Kunze responded that as the process moves along, the numbers will get refined. Councilwoman Stagg commented that it was her understanding that the only way the State or County would be interested is if we try to obtain the whole tract. She thinks that is a lot of money for five properties. Mr. Kunze explained that the Land Conservancy suggested making a special request to the County for this funding. There is money at the County level. The Land Conservancy thinks it is worth having discussions with the County.

COUNCIL REPORTS:

Councilwoman Marcalus: No report.

Councilman Visconti: The Park Committee held a meeting and it was a good meeting. The next meeting will be held on August 7th at 8:00 pm at the Danny D'Elia building. The Committee elected a Chairman and a co-chairman. They are trying to form a 501c3 as a separate funding arm. The Committee is desperate for the help of an accountant. He spoke of how the Committee is going to proceed. He thanked the Committee members and the community for their support.

Councilwoman Stagg: No report.

Councilman Pignatelli: There will be an AARP driver safety program at the Oakland Senior Center. This will save people money on auto insurance. Councilman Pignatelli would like to investigate a lightning detection system because lightning can be dangerous. He asked if there are any plans to replace the evergreen tree that was dedicated to Frank Scardo and was knocked down in the Hurricane. Councilwoman Coira will ask Shade Tree. Councilman Pignatelli commented that Frank Scardo was an asset to Oakland and he would like to see the tree replaced.

Councilman Jensen: No report.

Councilwoman Coira: The Planning Board will meet tomorrow at 7:00 pm.

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.

Frank Monaco, 60 Thackeray Road, thinks the Council should put information about the referendum in the next issue of Crossroads. He spoke about the change orders for the DPW building. Mr. Kunze spoke about the delays. Mr. Monaco asked if anyone has an exact figure of what this is costing the Borough. Councilman Visconti advised that to date, we are over by 4.5% of the project or \$100,000. He explained that there was asbestos found which stopped construction. There was a concrete slab that was revealed during excavation and had to be removed. There was a septic system uncovered that was not on the plans. The additional costs for the architect and owners representative will be deducted from the contractor. Mr. Monaco agreed with Councilman Pignatelli that we should get rid of the Stream House. He spoke of the cost of the Recreation lights.

Bob Knapp, 38 Lakeshore Drive, thanked the Council for the cooperation on the fire truck. It was a give and take on both parts. Councilman Pignatelli commented that we should thank all firemen because they risk their lives.

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.

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.

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Visconti, seconded by Councilman Pignatelli, 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 several personnel matters.

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.

REGULAR MEETING RECONVENED:

On motion of Councilman Jensen, seconded by Councilman Visconti, the regular meeting be reconvened.

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

MEETING ADJOURNED:

On motion of Councilman Jensen, seconded by Councilman Pignatelli, the meeting be adjourned at 10:02 pm.

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

Lisa M. Duncan, Borough Clerk
July 24, 2013

Mayor Linda H. Schwager

Date Approved