

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY SEPTEMBER 25, 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:
Litigation, 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, Visconti.

No action taken.

CLOSE EXECUTIVE SESSION:

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

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

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

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Coira, Jensen, Marcalus, Pignatelli, 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 OF COUNCILWOMAN STAGG:

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

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

MAYOR'S REPORT:

Mayor Schwager advised that there will be a New Friends of the Library fundraiser on September 29th from 2 to 5 pm. Mayor Schwager gave a tour of Borough Hall to Cub Scout Den #369. She reminded residents that she has office hours before every Council meeting. There is a meeting scheduled in a couple of weeks between the Borough and RML regarding the gates. The Crossroads publication will be going out to residents in October.

PRESENTATION OF CERTIFICATES TO TEEN LIBRARY VOLUNTEERS

Mayor Schwager and Ned Von Lindern from the Library presented certificates to the teen Library volunteers. Mr. Von Lindern advised that the volunteers really help the Library.

OPENED FOR PUBLIC DISCUSSION:

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

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

Howard Rubenstein, 7 West Court, questioned the term of the referendum. The first two referendums were five-year terms and now the Council is asking for a ten-year term. He commented that the purpose of the Open Space Trust is to purchase properties. He asked if the properties the Borough has purchased will be paid off in five years or do we need more than five years to pay off the properties. He asked what the Borough would do with the money still being collected if the properties were paid off in less than ten years. Mr. Kunze responded that there are two changes to this referendum question-the change from a five to ten year term and the variable rate of a half of a cent to one cent per \$100 of assessed value. The half-cent rate allows the Borough to still get grant money. The ten-year term is tied to the payback period for NJ Capital and Heritage Hills properties. Mr. Kunze explained that the Borough has applied for funding for flood buyouts and that grant could require local funds. Mr. Kunze advised that five years would not allow the Borough to retire the debt for purchases. The purpose of the trust has not changed. Councilman Visconti advised that the purpose of the Open Space Trust is to create

a fund to be used for open space purchases. It began in 2003 and in the past ten years, the Borough has collected \$ 2 million. The Borough is leveraging the money in the Open Space Trust to get grants from the State and County. The Borough has received \$ 4 million in grants so far. Councilman Visconti understands that Mr. Rubenstein has concerns over extra funds but he explained there is a mechanism to reduce the collection rates. If the voters do not pass the open space referendum, the Borough still has to pay the money for the open space purchases. If the referendum is voted down, the Borough will not have the ability to get grant money. Mr. Rubenstein advised that he doesn't know who will be in office in ten years so he cannot vote for a ten-year term.

Frank Monaco, 60 Thackeray Road, has said that the Council should leave the referendum at five years. The Mayor and Council made a mistake. If this gets voted down, is the town still going to keep that money to pay off open space purchases. Councilman Visconti responded that if the referendum gets voted down, it is not going to decrease taxes. Instead of paying for the open space purchases from the open space trust, it will come from the general budget so taxes will not go down. Councilman Pignatelli commented that the Council had said the Land Conservancy would give a presentation on the open space trust. Mr. Kunze responded that he is working with them on information to distribute. Councilman Pignatelli believes it would be beneficial to have a presentation. He explained that the Council changed the term to ten years because we have 7 or 8 years left to pay off the debt. Then the Borough can stop collecting. Mr. Chewcaskie advised that the Borough could stop collecting but we would need to collect the half cent in order to get grants. Councilman Pignatelli reiterated that after the debt is paid off, the Council at the time can stop collecting with public input. Mr. Monaco advised he is telling taxpayers to vote it down.

Don Burns, 10 Whittier Lane, commented that he had said previously that he thought it was a mistake to change the term to ten years and do a variable rate. The Mayor and Council should have left the term at five years. Then it could have been extended again. One of the reason that the debt is not going to be paid off in five years is because the Borough bought more property than we could pay with the current open space fund. He commented that taxes will not go down if this is voted down.

Ms. Koslovsky, 19 Barnard Drive, commented that the Van Allen House is very important to her and important to the community.

Gina Steele, 39 River Road, advised that the Farmers Market has exciting events upcoming in the next couple of weeks. This week there will be crafters and restaurant day will be October 5th. Ms. Steele would like to revisit the River Road traffic issue. Mayor Schwager suggested that Councilman Pignatelli work with the Police Department on this issue. Councilman Pignatelli advised that they had looked into speed bumps. However, people slow down to go over the speed bump and then speed up. Ms. Steele would like the road closed for local traffic only. She asked what grants the Borough would not be eligible for if the open space referendum gets voted down. Councilman Visconti advised that the State Green Acres program gives the Borough \$400,000 per year. He explained that Oakland is a prime community for open space money.

Scott Fenton, 9 Woods End, commented that the new safety surface on the playground is terrible and is a safety hazard because the playground had to be closed down for weeks. He is offended that he is not given a chance to sell the backstops to the Borough and he will do the work for free that the Borough is going to pay Boswell Engineering for. He is not opposed to open space but he is opposed to misuse of funds when he would do the work free for the Borough. Mr. Fenton's company has a state contract. Mayor Schwager advised Mr. Fenton to speak with the Borough

Administrator regarding purchasing procedures. Mr. Kunze advised that the problem with the playground had nothing to do with the safety surface but with a piece of equipment. There is nothing wrong with the safety surface. After extensive review, the Borough decided to purchase the surface that we did. Mr. Kunze advised that the backstops needed engineering to design and then the project will be publicly bid. Mr. Fenton's company will be able to bid on the backstops.

Mike Guadagnino, 34 Hopper Street, told Mr. Fenton that he cannot circumvent the bid process. Mr. Kunze advised that the Borough does not have to use the State contract if we decide to do the bid process. Mr. Guadagnino reiterated that the playground repair did not have anything to do with the safety surface.

Peter Kikot, 20 Minnehaha Blvd, commented that the delay in getting Crossroads out was due to the interim School Superintendent, Dr. Pfeiffer. Dr. Pfeiffer deemed the Crossroads was in violation of a statute which among other things says the Board of Education cannot send out materials on glossy paper. The Board of Education pulled out their participation for the Crossroads. Mr. Kikot is trying to set up a meeting with the new Superintendent. Mr. Kikot advised that the Community of Commerce is holding a pizza contest. They are trying to help the Farmers Market with restaurant week. Mr. Kikot spoke about the business community and advised that he doesn't know if the business community wants to participate with the infrastructure that the Mayor and Council are moving forward with. He asked the Council to come to a Community of Commerce meeting.

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, Visconti.

APPROVAL OF MINUTES: SEPTEMBER 11, 2013

On motion of Councilman Jensen, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of September 11, 2013 be approved.

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

APPROVAL OF MINUTES: AUGUST 28, 2013 EXECUTIVE

On motion of Councilman Pignatelli, seconded by Councilman Jensen, the minutes from the Mayor and Council Executive Session of August 28, 2013 be approved.

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

APPOINTMENT TO ENVIRONMENTAL COMMISSION

Mayor Schwager nominated Alex Meyers to the Environmental Commission.

On motion of Councilman Visconti, seconded by Councilman Pignatelli, the Council consented to the appointment of Alex Meyers.

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

APPROVE RAFFLE LICENSE RL1193

On motion of Councilman Jensen, seconded by Councilwoman Coira, approval be granted to Knights of Columbus to hold an off-premise 50/50 raffle on December 20, 2013 at Knights of Columbus, 7 Courthouse Place.

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

APPROVE RAFFLE LICENSE RL1194

On motion of Councilman Visconti, seconded by Councilman Jensen, approval be granted to Sports Association of Oakland to hold an off-premise raffle for merchandise on November 23, 2013 at Knights of Columbus, 7 Courthouse Place.

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

APPROVE RAFFLE LICENSE RL1195

On motion of Councilman Pignatelli, seconded by Councilman Jensen, approval be granted to West Milford Highlanders Football Booster Club to hold an on-premise raffle for merchandise on November 12, 2013 at Portobello Banquet, 155 Ramapo Valley Road.

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

APPROVE RAFFLE LICENSE RL1196

On motion of Councilman Pignatelli, seconded by Councilman Jensen, approval be granted to West Milford Highlanders Football Booster Club to hold an off-premise 50/50 raffle on November 12, 2013 at Portobello Banquet, 155 Ramapo Valley Road.

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

APPROVE RAFFLE LICENSE RL1197

On motion of Councilman Jensen, seconded by Councilwoman Coira, approval be granted for Raffle License RL1197 for Community Options Inc. to hold an on-premise raffle for merchandise at Holiday Bowl, 29 Spruce Street.

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

RESOLUTION 13-233 AUTHORIZE HIRE OF DPW LABORER

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

WHEREAS, the Borough of Oakland is in need of a replacement full-time DPW laborer;
and

WHEREAS, the DPW Superintendent received various applications and conducted interviews with candidates; and

WHEREAS, the DPW Superintendent has recommended the hiring of Andrew DeNero;

NOW, THEREFORE, BE IT RESOLVED, that the Borough does hereby hire Andrew DeNero as Department of Public Works laborer, effective September 26, 2013, at a yearly salary of \$32,369.00 and subject to a 90-day probationary status, as per contract.

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

RESOLUTION 13-234 TAX APPEAL SETTLEMENT-BLOCK 1202, LOT 1

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

WHEREAS, Michael and Andrea Prell, the owners of property known as Block 1202, Lot 1, located at 20 Timberline Lane, have appealed the 2012 and 2013 real property tax assessments; and

WHEREAS, the Borough Assessor, Borough Appraiser and Tax Appeal Attorney have recommended a settlement of the litigation, which is in the best interests of the Municipality;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to effectuate a settlement of the appeal entitled Prell vs Borough of Oakland wherein the 2012 complaint would be withdrawn, and the assessment of \$636,600 would remain intact, and the 2013 assessment of \$636,600 would be reduced to \$616,600, resulting in a refund of \$513; and

BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon waiver of payment of interest on any refund.

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

RESOLUTION 13-235 AUTHORIZE BOSWELL-ROOF REPLACEMENT CO.#3

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

WHEREAS, the Borough of Oakland needs to replace the roof at Fire Company #3; and

WHEREAS, there is a need for engineering services for the project; and

WHEREAS, Boswell McClave Engineering has submitted a proposal dated August 27, 2013, in an amount not to exceed \$3,000 for the design phase and \$5,000 for the construction phase; and

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

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

WHEREAS, Boswell McClave has submitted all necessary paperwork to comply with the Borough of Oakland's Pay-to-Play Ordinance;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award the contract for the roof replacement project at Fire Company #3 to Boswell McClave Engineering at a total amount not to exceed \$8,000; and

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

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

RESOLUTION 13-236 AUTHORIZE SPECIAL ASSESSMENT-37 RIVERSIDE DRIVE

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

WHEREAS, the Borough of Oakland Zoning Officer has advised that the property located at 37 Riverside Drive and identified as Block 2005, Lot 1 on the Tax Assessment Map of the Borough of Oakland was in violation of the Borough's property maintenance code; and

WHEREAS, the property owner of the premises was notified by the Borough on several occasions respecting the condition of the property and the need to remedy same consistent with the requirements of the Borough's property maintenance code 10-3.1 et seq.; and

WHEREAS, the Borough was compelled to provide labor and expend significant costs totaling \$7,119.34 in order to clean up the property at 37 Riverside Drive; and

WHEREAS, the property maintenance code of the Borough of Oakland permits the imposition of the lien in the nature of additional taxes in such case; and

WHEREAS, a report dated September 4, 2013 detailing the work performed and expenses incurred has been provided to the Borough Administrator who has approved the cost and expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Tax Collector be and is hereby directed to charge as additional real property taxes to the owner of the property located at 37 Riverside Drive the sum of \$7,119.34 being the amount due pursuant to the report dated September 4, 2013.

BE IT FURTHER RESOLVED that a copy of the report and this resolution approving the expenses and costs shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection of same.

BE IT FURTHER RESOLVED that a copy of the report, along with a certified copy of this resolution, shall be sent to the owner of the property of 37 Riverside Drive by certified mail, return receipt requested.

BE IT FURTHER RESOLVED that the Tax Collector shall take whatever actions are necessary and reasonable in accordance with statutory law.

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

RESOLUTION 13-239 AUTHORIZE ACCRUED TIME PAYOUT-T.MALONE

On motion of Councilman Jensen, seconded by Councilwoman Marcalus, 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 part of the accumulated absence, as per the attached schedule, to Terri Malone for sick, vacation, personal and compensatory time accumulated in the amount of \$3,661.68, 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 \$3,661.68 composed of 98 hours of sick, 28 hours of vacation, 7 hours of personal and 13 hours of compensatory time be paid out to Terri Malone. 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 13-240 APPOINT HEARING OFFICER FOR PERSONNEL MATTER

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

WHEREAS, the Borough of Oakland is in need of appointing a hearing officer for a personnel matter; and

WHEREAS, Frank Catania, Jr. of Catania & Ehrlich, P.C. submitted a proposal dated September 3, 2013 for an hourly fee of \$125; and

WHEREAS, the Borough Administrator has recommended a contract be awarded for a not to exceed amount of \$6,000; and

WHEREAS, the firm of Catania & Ehrlich, P.C. submitted all necessary paperwork to comply with the Borough's Pay-to-Play Ordinance; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 3-01-20-155-028;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award a contract to Frank Catania, Jr. and the firm of Catania & Ehrlich, P.C. in an amount not to exceed \$6,000; and

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

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

RESOLUTION 13-241 APPOINT PER-DIEM DISPATCHER

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

WHEREAS, the Police Chief has requested the appointment of a Per Diem Dispatcher and has completed all necessary background investigations and deemed the candidate to be qualified;

BE IT RESOLVED, that the Mayor and Council hereby appoints Jon Senft as a Per Diem Dispatcher at a salary of \$16.24 per hour effective September 26, 2013.

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

RESOLUTION 13-242 APPROVE MEMORANDUM OF UNDERSTANDING-NWBCUA

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

WHEREAS, the Northwest Bergen County Utilities Authority owns and operates a wastewater treatment plant (the "Plant") located in the Borough of Waldwick, New Jersey and provides wastewater treatment services to all or part of ten municipalities in the northwest corner of Bergen County, New Jersey; and

WHEREAS, the Borough of Oakland does not have any centralized sewage treatment facilities for the treatment of its wastewater. Domestic sewage treatment and disposal in the Borough is provided primarily by individually owned subsurface sewage disposal systems (septic systems). There also are six sewer service areas in the Borough which are served by package sewage treatment plants; and

WHEREAS, because of the very limited sewerage service available, development and redevelopment in the Borough has been hampered, especially in the business district; and

WHEREAS, the Authority and the Borough are desirous of undertaking a regulatory process which, if successful, will lead to (1) the Borough becoming a member municipality of the Authority, (2) the Authority and the Borough entering into a Service Contract (the "Prospective Service Contract") and (3) the Authority will providing wastewater treatment services to a portion of the Borough pursuant to the Prospective Service Contract; and

WHEREAS, the Authority and the Borough also are desirous of entering into this MOU which will outline (1) the respective responsibilities of each during the regulatory process and (2) the preliminary understandings which the parties have reached as to the terms and conditions of the Prospective Service Contract; and

WHEREAS, this MOU shall not be binding upon the Authority or the Borough, and nothing contained herein shall compel either party to enter into the Prospective Service Contract. Rather, the parties intend to work cooperatively together through the regulatory process to enable the Authority to provide wastewater service to a portion of the Borough and to enter into the Prospective Service Contract when further details of the necessary arrangements between the parties become available;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Oakland hereby authorizes the Mayor to execute and take the necessary actions to implement the terms and goals of the Memorandum of Understanding hereto attached.

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

RESOLUTION 13-243 AUTHORIZE GRANT AGREEMENT-ROAD RESURFACING

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

BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$122,000 in 2013-14 Community Development Block for Road Resurfacing Various Streets; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor Linda H. Schwager to be a signatory to aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Borough Administrator, Richard Kunze to sign all county vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Oakland is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

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

RESOLUTION 13-244 CHANGE ORDER 25-DPW BUILDING PROJECT

On motion of Councilman Jensen, 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 25	Additional Site Work	\$ 8,526.75
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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 20 in the total amount of \$ 8,526.73 to Tekton Development Corp.

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

RESOLUTION 13-232 AUTHORIZE BOSWELL-RECREATION BACKSTOP

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

WHEREAS, the Borough of Oakland is in need of installing new backstops at the Recreation Complex; and

WHEREAS, engineering services are required for the design and construction phase of the project; and

WHEREAS, Boswell McClave has submitted a proposal dated August 14, 2013, in an amount not to exceed \$8,000 for the design phase and \$7,000 for the construction inspection phase; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-690-102; and

WHEREAS, Boswell McClave has filed all necessary paperwork to comply with the Borough of Oakland's Pay-to-Play Ordinance; and

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

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council hereby award the contract for engineering services for the Recreation Backstop Project to Boswell McClave Engineering in the total amount not to exceed \$15,000; and

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

Councilman Pignatelli commented that he doesn't want the public to think that something is being done that shouldn't be. There are many laws regarding bidding of contracts. He asked Mr. Kunze to explain the rules of why we need to use the services of an engineer. Councilman Pignatelli advised that the Borough has to follow strict rules with bidding so everyone has to be on the same playing field. Everyone has to be given the same opportunity to bid. Mr. Kunze advised if we are going to bid a project, a potential bidder cannot design that job because it is a conflict of interest. Mr. Kunze advised that the backstops are going to be moved so that is why we need a design. When we looked at this project, we decided that we were going to bid this project and not just purchase off of State Contract. Councilman Pignatelli commented that by having an engineer do the designs, he will put his seal on the prints. An engineer assures the job is designed properly and would be responsible for overseeing the contractor. Councilman Pignatelli explained there is a very specific conflict of interest if the person designs the project so only they can bid. He wants the public to understand the Borough is trying to do everything according to law.

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

RESOLUTION 13-237 CHAPTER 159-GRANTS FOR VAN ALLEN HOUSE

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount, and

WHEREAS, the Borough of Oakland will receive a grant from the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund in the amount of \$44,400, and wishes to amend its 2013 municipal Budget to include said amount as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland in the County of Bergen, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$44,400 which is now available as a revenue from:

Miscellaneous Revenues:

Public and Private Programs Offset by Appropriations:

Van Allen House / Stream House 2013 Grant	\$44,400
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BE IT FURTHER RESOLVED, that the like sum of \$44,400 is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from "CAPS":

Public and Private Programs Offset by Revenues:

Van Allen House / Stream House 2013 Grant	\$44,400
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BE IT FURTHER RESOLVED, that the above is the result of an award letter received from the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund in the amount of \$44,400, and

BE IT FURTHER RESOLVED, that the Borough Clerk forward two copies of this resolution to the Director of the Division of Local Government Services.

Councilman Pignatelli commented that with the help of Ramapough Conservancy, we have secured a grant. We will finally see work done on the Van Allen House. Mr. Kunze explained emergency work will be done. The grant money is to fund the design of exterior renovations of the Van Allen House. The Ramapough Conservancy submitted an application for grant money to fund the actual work.

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

RESOLUTION 13-238 AUTHORIZE AGREEMENT-DESIGN FOR EXTERIOR RENOVATIONS AT VAN ALLEN HOUSE

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

WHEREAS, the Borough is in need of architectural design service for exterior renovations for the Van Allen House Property and structural stabilization of the Stream House; and

WHEREAS, Connolly & Hickey Historical Architecture LLC submitted a proposal for the services required at a cost not to exceed \$32,400 for the exterior renovations to the Van Allen House and not to exceed \$3,000 for the structural stabilization of the Stream House; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # G-02-13-800-300; and

WHEREAS, Connolly & Hickey Historical Architects LLC have submitted all necessary paperwork to comply with the Borough's Pay-to-Play Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award a contract to Connolly & Hickey Historical Architects LLC in the amount not to exceed \$32,400 for the exterior renovation to the Van Allen House and not to exceed \$3,000 for the structural stabilization of the Stream House; and

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

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

WORK SESSION:

PARK BYLAWS:

Councilman Visconti explained that there was a change recommended by the Borough Attorney and these have to go back to the Committee before the Mayor and Council can discuss. This item was pulled from the agenda.

SCOREBOARD:

Mr. Kunze explained that this is a project with Father's Club to erect another scoreboard. The Borough will pay for the cost of the scoreboard and will sell advertising to help defray the cost. The scoreboard will be put up by the Father's Club at no cost to the Borough. This is another great effort to do something good at the Recreation Complex. Mayor Schwager asked how we solicit the advertising. Mr. Kunze advised it is done by a sealed bid process. Recreation Chairman Mike Gaudagnino advised he went to the Community of Commerce to ask for their participation with the advertising on the scoreboard. Councilman Pignatelli thanked Fathers Club for their efforts.

NEW BUSINESS:

Mayor Schwager advised that she attended a meeting yesterday with Mr. Kunze, Flood Commission Chairman Lew Levy and a representative from a company called Millenium Strategies. They talked about helping to get grant money for the river work. Mayor Schwager advised there is \$3 million being reassigned to use for grant money for desnagging and shoal projects. Millenium has worked with grant writing. This grant application is due November 30th and the money could help with the river. Millenium Strategies comes highly recommended by the Flood Commission and is willing to do the grant application for \$2,000. The woman from

Millenium was optimistic that Oakland has a good chance to get money. Councilman Pignatelli commented that the communities in Passaic and Morris County may receive more money because they had flooding in the last storm. Mayor Schwager responded that this grant money is not for flooding but is strictly for desnagging and deshoaling. Mr. Kunze responded this money is only for towns in the Passaic River basin. There is a scoring system to determine who gets money. Mr. Kunze had a conversation with Mahwah to submit a joint grant application and the score would be higher than if we each submit on our own. Mayor Schwager asked that a resolution be put on the next agenda to authorize Millenium Strategies to submit the grant application.

Councilwoman Marcalus asked Councilman Visconti to talk to the OCC and work with the Board of Education on the Crossroads issue. Mr. Kikot advised that the OCC wants the Board of Education to participate but the Board does not want to. Mayor Schwager responded she will speak to the Superintendent and then Councilman Visconti can bring it forth to OCC.

COUNCIL REPORTS:

Councilwoman Marcalus: She advised of Library activities for October. There will be a Roy Wright fundraiser on October 5th. October 24th will be a program entitled Plan of Your Life.

Councilman Visconti: The Park Committee will meet on October 9th at 8 pm at the Danny D'Elia building. He advised there is a park naming contest and residents should log on to www.newoaklandpark.com to cast their vote. The Boy Scouts will make a presentation at the next meeting regarding trails. The OCC is in need of volunteers for the television committee. He asked anyone who has an article for Crossroads to please submit. Councilman Visconti advised that the open space referendum has been approved twice in the past ten years. The Borough has collected \$ 2 million and \$4 million in grant money has been given back to the Borough. The open space trust is in the best interest of the community. Councilman Visconti advised that the Insurance Committee met and are trying to design alternate plans to save money for the employees. Councilman Visconti advised that a revenue analysis was done on the water and sewer accounts. Water and Sewer are ahead in collections this year over last year. Since the Council added another rate level, that helped stall another increase because consumption is down. The best practices inventory is due in October and if a municipality does not score well, they could lose State Aid. He advised that Councilwoman Stagg is attending a County OEM meeting. She has been appointed as Flood Manager for the County.

Councilman Pignatelli: The BCUA Hazardous Waste Disposal will be held on October 20th at Bergen Community College and on November 2nd at Campgaw. The Oakland Fire Department will hold the annual Open House on October 7th from 7:30 pm to 9:00 pm. There will be a flu clinic held at the Senior Citizens Center on October 17th. The Senior Center will host a concert by Ron Romaine on Wednesday October 9th at 1 pm. Councilman Pignatelli gave kudos to Mr. Kunze for helping the Borough receive \$122,000 in grant money to use toward road resurfacing.

Councilman Jensen: Fire Prevention week will kickoff on October 7th. The paper shredding event held in the town collected over 3 and a half ton of material. The next Public Events meeting will be held October 14th.

Councilwoman Coira: The Recreation winter signup information is listed on the Recreation website. She advised that the date for Lacrosse signups has changed. The locks on the Recreation buildings have been changed. The next Recreation meeting will be held September 30th at 8 pm.

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.

Scott Fenton, 9 Woods End, commented that the safety surface could have been purchased off of State Contract. Mr. Fenton advised he also represented SofSurfaces and his company was rejected. He advised that if he designs a project, he creates a generic design so other companies can bid. He advised that Boswell gets designs from the manufacturer and then they put their own seal on them.

Peter Kikot, 20 Minnehaha Blvd, commented that former Superintendent Dr. Pfeiffer mentioned budget issues on the Crossroads. Mr. Kikot would like to be invited to any meeting with the Board of Education. He would like the Board of Education involved and so would the OCC. Mr. Kikot does not find it proper to bid on advertising for the scoreboard. He believes the cost should just be divided and paid by interested vendors. Mr. Kunze responded that whenever the Borough is utilizing public property and are making money, the public purchasing rules still apply. Even if we know the cost, we are going to maximize the amount of revenue. If the Borough is purchasing a good, the low bid would win. If we are getting revenue, the high bid would win. We put in a bid so everyone gets an opportunity to procure a space.

Jerri Angermueller, 24 Lakeview Terrace, advised that the Oakland, Franklin Lakes and Wyckoff Environmental Commission will hold a joint presentation by ANJEC on October 2nd.

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.

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 Pignatelli, seconded by Councilman Jensen, the meeting be adjourned at 9:41 pm.

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

Lisa M. Duncan, Borough Clerk
October 9, 2013

Mayor Linda H. Schwager

Date Approved