

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

MEETING CALLED TO ORDER: By Mayor Schwager at 6:32 pm.

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

EXCUSE ABSENSE OF COUNCILWOMAN MARCALUS:

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

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

Mayor Schwager explained that the meeting is starting early tonight so the Council can discuss the Professional appointments. The appointments of Professionals were not done at the first meeting in January because the Council did not have discussion about the RFQ's that were received. Mayor Schwager explained that with our pay-to-play ordinance enacted in 2012, there were additional documents that were required to be submitted this year with the RFQ packet.

Mayor Schwager advised that Tom Buonocore submitted an RFQ for the position of Prosecutor. She advised that Andy Roth submitted an RFQ for alternate Prosecutor. She explained that the alternate covers when the Prosecutor cannot be at Court or if there is a conflict of interest. Mayor Schwager advised that the only submittal for Borough Attorney was from Gittleman, Muhlstock and Chewcaskie.

Mayor Schwager advised that there were two RFQ's submitted for Borough Auditor-one from DiMaria and DiMaria and one from McNerney, Brady and Co. DiMaria is the current Auditor. Councilman Pignatelli advised he will abstain from the vote for Auditor. Mayor Schwager explained that she will not make a nomination tonight because she does not think it is healthy to have the same Auditor for too long. She suggested if the Council does reappoint DiMaria for this year that they strongly consider looking for a new Auditor next year.

Mayor Schwager advised there were two submittals for Labor Attorney-Cleary, Giacobbe, Alfieri, Jacobs, LLC and Parker McKay. The only submittal for Borough Planner was Burgis Associates. Mayor Schwager advised that she has a problem with the Planner because he has been

around for a long time. She complained about the amount of time spent reviewing the solar panel ordinance and sewers for the downtown. She will not make the nomination.

Mayor Schwager advised there were three submittals for Bond Counsel-Rogut McCarthy, Parker McKay and McManimon, Scotland and Baumann. However, Parker McKay did not submit the proper pay-to-play paperwork. There were three submittals for Risk Manager-Vozza Agency, Brown and Brown and Nelson-Patterson Agency who applied for Property/Casualty services only. There were two submittals for Borough Engineer and Water and Sewer Engineer-Boswell and Crew Engineering.

APPOINTMENT: PROSECUTOR

Mayor Schwager nominated Tom Buonocore as Prosecutor and Councilman Pignatelli seconded the nomination.

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

APPOINTMENT: ALTERNATE PROSECUTOR

Mayor Schwager nominated Andrew Roth as Alternate Prosecutor. She commented that he doesn't have a separate contract. Mr. Kunze responded that Mr. Roth submitted an RFQ even though we didn't specifically advertise for Alternate Prosecutor. He will do a contract for Mr. Roth but if his services are needed, he will be paid by the Prosecutor.

MOTION:

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the Council consented to the nomination of Andrew Roth as Alternate Prosecutor.

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

APPOINTMENT: PUBLIC DEFENDER

Mayor Schwager nominated Holly Schepisi as Public Defender and Councilwoman Stagg seconded the nomination.

Mayor Schwager advised that she spoke to Assemblywoman Schepisi and asked if she can still be the Public Defender with her schedule. Assemblywoman Schepisi had stated she can be the Public Defender and Nina Remson has been covering when she is not available. Mr. Kunze advised he had feedback that there were scheduling issues with Assemblywoman Schepisi but if we know in advance, it should not be a problem.

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

APPOINTMENT: ALTERNATE PUBLIC DEFENDER

Mayor Schwager nominated Nina Remson as Alternate Public Defender and Councilwoman Coira seconded the nomination.

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

APPOINTMENT: BOROUGH ATTORNEY

Mayor Schwager nominated Brian Chewcaskie and the firm Gittleman, Muhlstock and Chewcaskie as Borough Attorney and Councilman Pignatelli seconded the nomination.

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

APPOINTMENT: AUDITOR

Mayor Schwager will not make a nomination. It will be up to the Council to make the appointment at the next meeting.

APPOINTMENT: LABOR ATTORNEY

Mayor Schwager nominated Matthew Giacobbe and the firm Cleary, Giacobbe, Alfieri, Jacobs, LLC as Labor Attorney and Councilwoman Stagg seconded the nomination.

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

APPOINTMENT: BOROUGH PLANNER

Mayor Schwager will not make a nomination and advised it will be up to Council to appoint at the next meeting.

APPOINTMENT: BOND COUNSEL:

Mayor Schwager nominated Rogut McCarthy as Bond Counsel and Councilwoman Stagg seconded the nomination.

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

APPOINTMENT: RISK MANAGER-HEALTH BENEFITS

Mayor Schwager nominated Vozza Agency as Risk Manager for Health Benefits and Councilwoman Stagg seconded the nomination.

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

APPOINTMENT: RISK MANAGER-LIABILITY

Mayor Schwager nominated Brown & Brown as Risk Manager for Liability Insurance and Councilman Pignatelli seconded the nomination.

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

APPOINTMENT: BOROUGH ENGINEER

Mayor Schwager advised she had a long talk with Kevin Boswell. The Borough needs to watch them financially. However, they saved us a lot of money on the river stabilization project. Mayor Schwager nominated Kevin Boswell and Boswell McClave Engineering as Borough Engineer and Councilman Pignatelli seconded the nomination.

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

APPOINTMENT: WATER AND SEWER ENGINEER

Mayor Schwager nominated Crew Engineers as the Water and Sewer Engineer and Councilwoman Stagg seconded the nomination.

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

APPOINTMENT TO BOARD OF HEALTH:

Mayor Schwager nominated Daria Blanco to a three-year term to the Board of Health and Councilman Pignatelli seconded the nomination. The term will expire December 31, 2015.

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

APPOINTMENT TO OAKLAND COMMUNICATIONS COMMISSION:

Mayor Schwager nominated Fred Birks for reappointment to the Oakland Communications Commission for a three-year term to expire December 31, 2015 and Councilwoman Stagg seconded the nomination.

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

APPOINTMENTS TO OFFICE OF EMERGENCY MANAGEMENT

Mayor Schwager nominated the following for appointment to Emergency Management and Councilman Pignatelli seconded the nomination:

Emergency Management Coordinator	Roy Bauberger, 3 Year Term to 12/31/13
Deputy Coordinator	Thomas Pianettini
Deputy Coordinator	Leonard Tanis
Emergency Operations Coordinator	Robert DeBoer Sr.
Police Liaison	Chief Ed Kasper
Police Liaison	Sgt. Robert DeBoer
Fire Liaison	Chief Pete Warnet
Fire Liaison	Asst. Chief Curtis LeRoy
Fire Liaison	Asst. Chief Dave Hutsebaut
First Aid Liaison	Captain Jeff Marcheso
First Aid Liaison	Lt. Shirley Hutsebaut
Mayor	Mayor Linda H. Schwager
Council liaison	Councilwoman Karen Marcalus
Borough Administrator	Richard Kunze
Shelter Coordinator	Don Broek
CERT Team Coordinator	Eric Kulmala
OFD Auxiliary	Lois Smid
OFD Auxiliary	Judy Koeber
Construction Code Official	Dan Hagberg
DPW Superintendent	Anthony Marcucilli
DPW Foreman	Ray Fuller
DPW Equipment Operator	Jason Duncan
DPW Municipal Damage Assessment	Scott Ciccarella
DPW Mechanic	Ed Bremer
Local Board of Education	Principal Glenn Clark
Local Board of Education	Robert Jacod
Local Board of Education	Joe Tumminia
Regional Board of Education	Principal Al Evangelista
Technology Resources	Erin Bauberger
Animal Rescue Coordinator	Tony Smid
Drill Coordination	Ed Tryon
Sara 3 Representative	Doug Brown
Local Resources	Dave Potash
Technology Resources	Jane Madden

Board of Health	Steve Tiffinger
River Cleanup Coordinator	John Madden
River Cleanup Coordinator	Tim Ryan
Oakland Communications Liaison	Fred Birks

Mayor Schwager thanked the members of the OEM and advised that they were incredible.

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

APPOINTMENTS TO BOARD OF ADJUSTMENT:

Mayor Schwager nominated Robert Emmett Johnson for reappointment to a four-year term on Board of Adjustment and Councilman Pignatelli seconded the nomination. The term will expire on December 31, 2016.

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

Mayor Schwager nominated Ed Ackerly for reappointment to a two-year term as Alternate I on the Board of Adjustment and Councilman Pignatelli seconded the nomination. The term will expire on December 31, 2014.

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

MAYOR'S REPORT:

Mayor Schwager advised that the Farmers Market had a successful first year and are starting their second year. Their first meeting of the year will be on January 28th at 6:30 pm at the Library. Mayor Schwager advised that there will be a town meeting on Tuesday January 29th about Great White Oak Park. The meeting will be televised at 8:00 pm. Recreation Chairman Mike Guadagnino has been coordinating with different groups of people to come up with plans for the park. Mayor Schwager advised that there was a meeting with the Land Conservancy and maybe they can help with the river trails for the new park. Changes are happening at the Van Allen House thanks to the Ramapough Conservancy. Volunteers are still needed for Boards and Commissions. Mayor Schwager advised that we are trying to keep communications open with residents by doing reverse 911 calls. She attended a Northwest Bergen Mayors Meeting and Swiftreach did a demonstration. The Borough will be able to text messages to residents in the future. She advised residents to go to the Borough website and register contact information. Mayor Schwager advised that in 2012, President Obama established the Global Development Council by Executive Order to protect national security and further economic and humanitarian efforts. She congratulated Steven Schwager on his appointment to the Global Development Council.

OPENED FOR PUBLIC DISCUSSION:

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

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

Bill Lee, 51 Hiawatha Blvd, received a lot of damage from Storm Sandy. He is living in temporary housing. He stated that after the storm, he was visited by one of the Borough officials who said there would be no permit fees charged for repairs due to the storm. He asked that the Council consider his request to waive permit fees.

Howard Rubenstein, 7 West Court, advised that the Public Events carnival sub-committee had a meeting and drafted a letter to send to organizations. He read the letter which asked for organizations to help run the games of chance. Mayor Schwager commented that the organization must be a 501c3.

CLOSED FOR PUBLIC DISCUSSION

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

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

APPROVAL OF MINUTES: JANUARY 2, 2013

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of January 2, 2013 be approved.

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

APPROVAL OF MINUTES: JANUARY 9, 2013

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

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

REQUEST TO WAIVE FEE:

Mr. Kunze advised that Mr. Bill Lee at 51 Hiawatha Blvd suffered damage at his home from Hurricane Sandy. Mr. Lee was one of four homes that received structure notices. There was no fee waiver done as there was during Irene. Mr. Lee is the first person to request a waiver of fees. He has taken out two permits which total \$65 each. This can be done on an individual basis or can be a policy decision. Mr. Kunze asked if the Council wanted to discuss the individual cases. He advised that for Hurricane Irene, there was a blanket fee waiver but there was a lot of flood related damage.

Mayor Schwager commented that this was just for damage due to the Hurricane. Councilman Pignatelli commented that the Council cannot waive the State fees. Mr. Kunze responded the State fee in this case was \$3. Councilman Jensen asked if there are any other homes that suffered damages that did not request a waiver. Mr. Kunze responded that the Construction office has not been tracking them but he thinks there are nine homes that suffered damage. Councilman Visconti advised that if the Council is going to waive fees, maybe we should look at refunds for permits for storm damage only. It is a hardship case for these people and he would like to help. He moves to waive the fee and all fees that are directly storm related. Mr. Chewcaskie advised if the Council is in favor of waiving all storm related fees, he will prepare a resolution for the next meeting. In Mr. Lee's case, the Council can make a motion tonight.

MOTION TO WIAVE FEE:

On motion of Councilman Pignatelli, seconded by Councilwoman Coira, the Council approves waiving Borough permit fees for Mr. Bill Lee, 51 Hiawatha Blvd, due to storm-related damage.

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

APPROVE RAFFLE LICENSE RL1172

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, approval be granted for Raffle License RL1172 for New Jersey Foundation for Dance and Theater Arts to hold an off-premise 50/50 raffle on June 9, 2013 at Indian Hills High School.

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

APPROVE RAFFLE LICENSE RL1173

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, approval be granted for Raffle License RL1173 for Dogwood School PTO to hold an on-premise 50/50 raffle on February 11, 2013 at Portobello, 175 Ramapo Valley Road.

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

APPROVE RAFFLE LICENSE RL1174

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, approval be granted for Raffle License RL1174 for Dogwood School PTO to hold an on-premise raffle for merchandise on February 11, 2013 at Portobello, 175 Ramapo Valley Road.

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

APPROVE RAFFLE LICENSE RL1175

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, approval be granted for Raffle License RL1175 for Oakland Education Foundation to hold an off-premise 50/50 raffle on March 16, 2013 at Portobello, 155 Ramapo Valley Road.

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

APPROVE RAFFLE LICENSE RL1176

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, approval be granted for Raffle License RL1175 for Oakland Education Foundation to hold an on-premise raffle for merchandise on March 16, 2013 at Portobello, 155 Ramapo Valley Road.

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

RESOLUTION 13-37 TEMPORARY BUDGET AMENDMENT

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

WHEREAS, NJSA40A:4-20 of the Local Budget Law provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget, the governing body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the adoption of the budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that, based on the recommendation of the Chief Financial Officer, that the following emergency temporary appropriations be made and that a certified copy of this resolution be filed with the Director of the Division of Local Government Services:

Current Fund

Account #	Description	Temporary Budget	Amendment
3-01-41-777-000	Grants – FEMA Hazard Mitigation Grant	\$0	\$98,000

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

RESOLUTION 13-38 TRANSFER TO APPROPRIATION RESERVES

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

WHEREAS, it has become necessary to expend funds to pay claims incurred in the previous year in excess of the amounts approved in the Fiscal 2012 budget of the Borough of Oakland; and

WHEREAS, there exist certain budget expenditures with funds available in excess of the amounts approved in the Fiscal 2012 budget of the Borough of Oakland; and

WHEREAS, N.J.S.A. 40A:4-59 permits the transfer of appropriation reserves during the first three months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that based on the recommendation of the Chief Financial Officer, that the following transfers be made to the Fiscal 2012 Current Fund budget:

Current Fund

Account #	Description	From	To
2-01-20-155-020	Legal – Other Expenses	\$ 5,950	
Sub-total		\$ 5,950	
2-01-20-120-021	Municipal Clerk – Other Expenses		\$ 500
2-01-21-180-107	Planning Board – Other Expenses		\$ 5,000
2-01-43-495-021	Public Defender – Other Expenses		\$ 450
Sub-total			\$ 5,950

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

RESOLUTION 13-39 AUTHORIZE AGREEMENT-GREEN SKY INDUSTRIES

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

WHEREAS, the Borough of Oakland's current contract with its recycling marketer expires January 31, 2013; and

WHEREAS, the Borough received three (3) proposals for the marketing of recyclable materials; and

WHEREAS, Green Sky Industries has offered the highest floor rates per ton of single stream commingled and paper recycling as follows:

2013	\$ 35
2014	\$ 37
2015	\$ 38
2016	\$ 39
2017	\$ 40

WHEREAS, Green Sky Industries also provides e-waste recycling, community paper shredding events and educational seminars; and

WHEREAS, the Borough's review team finds the proposal offered by Green Sky to be the most advantageous;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorizes a contract with Green Sky Industries for the sale of recyclable materials effective February 1, 2013 through December 31, 2017.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the Agreement between the Borough of Oakland and Green Sky Industries.

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

RESOLUTION 13-40 NON-UNION SALARIES

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

BE IT RESOLVED that salaries for non-union personnel be established effective January 1, 2013

NAME	POSITION	2013 SALARY
Amorino	Tax Collector	\$ 71,305
Bauberger	OEM Coordinator	\$ 7,688
Bauberger	Flood Control Commissioner	\$ 3,199
Baron	Court Administrator	\$ 53,600
Burik	Senior Citizens Director	\$ 48,335
Burns	Deputy Tax Collector	\$ 34.12 Hourly
Cellini	Building Inspector	\$ 21,529
Conte	Judge	\$ 33,735
Davis	Confidential Secretary-PD	\$ 43,786
Dillon	Fire Subcode Official	\$ 6,197
Duncan	Borough Clerk	\$ 62,592
Hagberg	Building Subcode Official	\$ 5,125
Hagberg	Construction Official	\$ 47,153
Hagberg	Fire Official	\$ 10,350
Holzhauser	Tax Assessor	\$ 46,768
Kasper	Police Chief	\$ 142,230
Krebs	Administrative Secretary	\$ 54,757
Krebs	Deputy Borough Clerk	\$ 5,540
Kunze	Borough Administrator	\$ 132,829

Mangin	Treasurer/CFO	\$ 106,638
Marcucilli	Superintendent of Public Works	\$ 104,640
Porrino	Fire Inspector	\$ 20,949
Walthour	Electrical Subcode Official	\$ 16,098
Zaconie	Plumbing Subcode Official	\$ 22,509
Various	Crossing Guard-Step 1/starting pay	\$ 14.73 Hourly
	Crossing Guard-Step 2/top pay	\$ 16.54 Hourly
Various	Secretary-Boards/Commissions	\$ 1,200
Firefighters	Fire Chief	\$ 2,875
	Asst. Chiefs	\$ 2,300
	Captains	\$ 1,725
	Lieutenants	\$ 1,150
	Secretary	\$ 1,438
	Fire Mechanic	\$ 863

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

RESOLUTION 13-41 RETURN OF ESCROW FUNDS

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

WHEREAS, Mr. Glen Knudson has requested that any Performance Bond funds be returned for his project before the Oakland Planning Board; and

WHEREAS, the Borough Professionals have determined that no outstanding or foreseen bills exist; and

WHEREAS, the Chief Financial Officer has determined the amount of \$2,500 remains for this account in the Performance Bond Escrow Account #T-13-56-286-010.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Chief Financial Officer is hereby directed to return the balance of Performance Bond Escrow funds in the amount of \$2,500 to Mr. Glen Knudson of 1 Laura Lane, Oakland, NJ 07436.

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

RESOLUTION 13-42 RE-ESTABLISH GREEN TEAM

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

WHEREAS, the Mayor and Council of the Borough of Oakland recognize the need to take actions to ensure environmental quality, conserve natural resources, foster energy efficiency, promote health and wellness, support and develop the local economy, and reduce costs, all as a way of improving the quality of life for Oakland's residents and ensuring the long term economic, environmental and social sustainability of the community; and

WHEREAS, Sustainable Jersey is an initiative of the New Jersey State League of Municipalities, Rutgers University, the College of New Jersey, the NJ Department of Environmental Protection,

the New Jersey Board of Public Utilities, and a coalition of NJ non-profits, state agencies, and experts in the field; and

WHEREAS, Sustainable Jersey identifies programs that municipalities can implement and provides guidance to help accomplish these programs; and

WHEREAS, the Borough of Oakland created the Green Team in 2009 and achieved bronze level certification as a 'Sustainable Community' in 2011; and

WHEREAS, there is a continuing need for the Green Team to help the Borough focus on sustainability issues.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough Oakland that it does hereby re-establish the Oakland Green Team, that said committee shall meet at least quarterly and shall consist of at least fifteen members, appointed annually.

NOW THEREFORE BE IT FURTHER RESOLVED, that the membership of the Committee shall be comprised of the following:

- Mayor
- 2 Council Members
- Borough Administrator
- Superintendent of Public Works
- 2 Representatives of the Environmental Commission
- Representative of the Board of Health
- Representative of the Board of Education
- Representative of the Business Community
- Representative of the Shade Tree Commission
- Representative of the Planning Board
- At least 3 Citizen Members

NOW THEREFORE BE IT FINALLY RESOLVED, that the purposes of the Oakland Green Team are as follows:

1. To generally advise the Mayor and Council on 'greening' and sustainability matters
2. To solicit grants, with Council approval
3. To research and evaluate, or coordinate the research and evaluation of 'sustainable' actions that would be beneficial to the Oakland Community
4. To develop and coordinate the implementation of actions as outlined by Sustainable Jersey that will maintain the Borough's bronze level certification and lead to silver level certification. To that end, the Green Team may establish subcommittees as needed to carry out specific actions or focus on specific areas of interest.

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

RESOLUTION 13-44 AUTHORIZE AGREEMENT-BERGEN COUNTY HEALTH DEPT.

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

WHEREAS, there exists a need for the Borough of Oakland Health Department to provide state mandated public health services of a technical and professional nature; and

WHEREAS, the Bergen County Department of Health Services can provide duly qualified personnel to carry out these public health services; and

WHEREAS, the Bergen County Department of Health Services has agreed to provide public health services through a contract agreement with the Borough of Oakland Department of Health for the calendar year 2013; and

WHEREAS, the maximum amount of the 2013 contract is \$ 91,634.48 and funds will be available for this purpose; and

WHEREAS, it has been certified that this meets the statutes and regulations concerning the award of said contract:

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

1. Linda H. Schwager is hereby authorized and directed to execute an agreement with the Bergen County Department of Health Services to perform public health services of a professional nature for the period January 1, 2013 through December 31, 2013 at a cost not to exceed \$91,634.48
2. This contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(2);and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified, in accordance with N.J.A.C. 5:30 14.5 that sufficient legally appropriated funds will be available for this purpose in Account# 3-01-27-330-160 subject to appropriation of funds in the 2013 adopted budget.

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

RESOLUTION 13-45 AWARD CONTRACT TO CREW-CONSUMER CONFIDENCE REPORT-CANCEL

Mayor Schwager advised that since Crew was appointed as Water and Sewer Engineer tonight, this will be included in their contract so there is no need to do this resolution.

RESOLUTION 13-46 UCC PERMIT REFUND

On motion of Councilwoman Stagg, seconded by Councilwoman Coira, 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 UCC Permit Fees in the amount of \$166.00; and

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

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Oakland hereby authorize a refund in the amount of \$166.00 to:

John Borie, Whritenour Electric, 23 West Belleview Avenue, Butler, NJ

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

RESOLUTION 13-47 REFUND DUE TO TAX COURT JUDGMENT

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

WHEREAS, a Tax Court Judgment was entered on December 19, 2012, in the matter of The Wright Way, LLC, c/o Wade Odel v. Oakland Borough, Docket No. 004932-2010, reducing the assessment of Block 3301, Lot 7 to \$3,372,700.00 for the Tax Year 2010; and

WHEREAS, a refund of the 2010 property taxes is now due to The Irwin Law Firm Attorney Trust Account F.B.O. The Wright Way, LLC c/o Wade Odel, in the amount of \$11,029.19;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon the advice of the Tax Collector, do hereby authorize a check to The Irwin Law Firm Attorney Trust Account F.B.O. The Wright Way, LLC c/o Wade Odel, in the amount of \$11,029.19

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

RESOLUTION 13-49 REFUND TAXES DUE TO OVERPAYMENT

On motion of Councilwoman Stagg, seconded by Councilwoman Coira, 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 2012 taxes due to an overpayment; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland upon the advice of the Tax Collector, do hereby authorize a refund as follows:

Block/Lot	Owner	Amount
1001/23	Met Life Home Loans c/o Corelogic	\$422.30

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

RESOLUTION 13-50 AUTHORIZE INTERLOCAL AGREEMENT-WELL-BABY CLINIC

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

WHEREAS, N.J.S.A. 40A:8A-1, known as the "Interlocal Services Act", authorizes agreements between local units for any services which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Borough of Oakland and Waldwick and their respective Boards of Health have determined that it is in their best interests to enter into an Interlocal Service Agreement for providing certain services to infants and pre-school children that reside in Oakland through the Waldwick Well-Baby Clinic as mandated by the Public Health Council of the State of New Jersey; and

WHEREAS, in consideration of the services to be performed herein, Oakland shall be assessed a one-time administrative fee of \$ 125.00, payable upon execution of the contract, and a \$ 35.00 per child fee for examinations to be billed directly to the medical provider, and a \$ 20.00 per child fee for immunizations only; and

WHEREAS, the Chief Financial Officer has determined that funds are available in Account # 3-01-27-339-150;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Borough Clerk are hereby authorized to execute the agreement for Interlocal Services with the Borough of Waldwick for services with the Waldwick Well-Baby Clinic effective until December 31, 2013.

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

RESOLUTION 13-43 ESTABLISH FARMERS MARKET COMMITTEE-TABLE

Councilman Visconti commented that he thought it would be wise to make the Farmers Market Committee a sub-committee of Public Events Committee. The Public Events trust fund money could help the Farmers Market with their advertising and marketing costs. It would help streamline Government. Mayor Schwager advised she had spoken with Jane Graham and they had wanted to be kept separate from Public Events. However, they are meeting Monday so she asked that this resolution be tabled until she can talk to the Farmers Market Committee.

MOTION TO TABLE:

On motion of Councilman Visconti, seconded by Councilwoman Stagg, Resolution 13-43 be tabled.

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

RESOLUTION 13-48 CANCEL TAXES

Mayor Schwager commented that it bothers her that the State says the Borough still has to pay taxes to the County and schools for these exempt veterans. That means all the taxpayers are paying for this. She hopes the Council passes the resolution because this gentleman gave his service to his country. However, she does think the State should help the municipality if they are going to require us to pay the County and schools. Mr. Chewcaskie advised that taxes are established in totality. The statute requires that if an individual qualifies, they get a total exemption of taxes. However, taxes are still on the books so the municipality has to pay the County and school taxes.

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

WHEREAS, on December 28, 2012, the Tax Assessor granted a full property tax exemption as a permanently disabled veteran to Eugene O' Rourke, as the owner of Block 805, Lot 6; and

WHEREAS, the tax exemption is retroactive to the date of purchase, December 6, 2012, and because of the foregoing, taxes from December 6 to December 31, 2012 should be cancelled and a refund be issued, in the amount of \$857.00, for taxes paid to date;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the property taxes be cancelled and a refund, in the amount of \$857.00 be issued to Eugene O'Rourke.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 13-BOND-681

The Clerk was directed to take from the table Ordinance No. 13-Bond-681 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF IMPROVEMENTS TO THE WATER MAINS ON LEHIGH WAY AND WEST OAKLAND AVENUE IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$365,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, Bond Ordinance To Authorize The Undertaking Of Improvements To The Water Mains On Lehigh Way And West Oakland Avenue In, By And For The Water Utility Of The Borough Of Oakland, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$365,000 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds, 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, Pignatelli, Stagg, Visconti.

WORK SESSION:**IT NETWORK PROJECT:**

Mr. Kunze advised that we are looking to install a Borough-wide network. This would allow us to improve operations and increase access to shared information. It would add a lot of functionality. This would encompass Borough Hall, DPW, Senior Center, Police and Fire. However, Police and Fire have their own networks. They would be able to access our network but we cannot access their networks for security reasons. Mr. Kunze advised that we have been speaking with the company called Dyntec. The system would be a thin client system with workstations that run MS Office 10 and Windows 7. Programs would be run from the server not individual computers. There will be less hardware to maintain. When comparing network support costs, those are less as well. There is also additional security because we can control what can be downloaded. There will be new routers, switches and firewalls installed. The server will be backed up to minimize down time. The PC's will be replaced by workstations. The total cost of the project will be \$140,000 with a portion of that cost being for the PC replacements. The timeframe for the project will be three months. There will be several wi-fi hot spots- Borough Hall, Senior Center, Council Chambers and DPW. Mayor Schwager asked if email is included in this project. Mr. Kunze responded that email is separate but will be updated with this project.

BOSWELL PROPOSAL ADDITIONAL SURVEY WORK

Mr. Chewcaskie advised that Boswell was authorized to do a new survey on the Recreation complex property. The Recreation complex adjoins the Tanglewood property. There were variations in the Borough maps and deeds. Searches were requested on both Borough and Tanglewood properties. The proposal is to address additional information needed for the surveyor. Mr. Kunze advised it is to evaluate additional information and plot the survey. Mayor Schwager advised Mr. Kunze to keep track of their fees. A resolution will be listed on the next agenda.

EARTHWORKS-CHANGE ORDER

Mr. Kunze advised that the work was substantially complete in December and we are getting the full grant amount. However, the winter conditions made it impossible to finish putting soil on the slope and to seed. The change order will be to grant an extension of time. There will be a price change for demobilization of the project. The Engineer is negotiating with the contractor. Councilman Pignatelli asked if Crystal Lake has been put back to pre-construction status. Mr. Kunze advised he sent an email to the Engineer for follow-up.

CO-OP BID FOR RECREATION EQUIPMENT

Mr. Kunze advised that Wyckoff took bids for Recreation equipment. He would like the Council to award the bid on February 13, 2013. He explained that Wyckoff took the lead and does the bid but each town does their own contract.

NEW BUSINESS:

Mr. Kunze commented that after we submitted a grant application to the County for the Van Allen/Stream House, the County Historic Preservation Board came back with a recommendation to split the grant in two. One application would be for the development of plans and specifications for the exterior renovations on the Van Allen House and the other being for additional temporary work to weatherproof the Van Allen House as a stop-gap measure. After consulting with the County, the Ramapough Conservancy developed a revised project scope according to the County's suggestion. However, included in the revised scope is an additional \$20,000 request for funding to stabilize the Stream House including additional cabling and sealing the exposed dormers. Mr. Kunze received an email from the County requesting the

Borough's approval on the revised scope. He advised them that we approve the revised scope as it pertains to the Van Allen House but could not give consent on the Stream House because the Council's position has been that you did not want to expend funds that could otherwise go to the Van Allen House.

Councilman Pignatelli commented that he is concerned about the safety of the Stream House structure and the safety of people passing by. He is not against putting money toward safety so that no one gets injured but he is opposed to spending money to refurbish it. Mayor Schwager asked if we can force the people from the County to come to Oakland to see the structure and how unsafe it is. Mr. Kunze advised that some of the members such as Robyn Brown have been here and seen it already. Councilman Pignatelli asked if we are still waiting for approval from SHPBO. Councilwoman Stagg responded that SHPBO said that according to the information they have, the structure is still ok. Councilwoman Stagg advised them of the dilapidated condition and SHPBO said if that is the case, then the Borough didn't live up to its responsibility to maintain the building. Councilwoman Stagg is against spending money to keep the Stream House up. It would have to be knocked down and rebuilt. She doesn't think it is worth saving.

Mayor Schwager commented that the County has to come and look at the structure. Councilwoman Stagg agreed.

COUNCIL REPORTS:

Councilman Visconti: He advised that they met with the Highlands Council in November and they said they would come before the Council in late January. He is trying to schedule them to come to the first meeting in February.

Councilwoman Stagg: The Flood Commission met last week and had a presentation by Trout Unlimited. The focus is what can be done to improve the flow in the Ramapo River. Trout Unlimited will meet with Roy Bauberger and give a proposal for future work. The Environmental Commission met last week and are continuing work on Stewart's Woods and the new park by the river. Councilwoman Stagg did meet with Judi Vihonski and the Valley Middle School students working on Future Cities. They won the regional tournament and are headed to the Nationals in Washington D.C. on February 15th.

Councilman Pignatelli: He thanked Mr. Kunze for approaching Green Sky Industries about having an extra paper shredding day in the Borough and they agreed. The Fire Department met Monday night. The CERT team will have a meeting in February. Flu shots will be given at the Valley Hospital Kraft Center on Thursday January 24th. He advised that dog and cat licenses are due. After February 15th, there will be an additional \$5.00 late fee charged. He advised that the Borough will do another dog and cat census so avoid a summons by getting your animal licensed.

Councilwoman Stagg commented that it would be great if more CERT courses were offered because there may be more people interested in joining the team. Councilman Pignatelli commented that the CERT team is invaluable.

Councilman Jensen: The Public Events Committee will hold its first meeting on January 28th at 7:30 pm at the Senior Center. The carnival dates have been set for June 26th through June 29th. The Public Events Committee needs seven more members. The DPW building footings have been poured. The walls are being formed and should be poured next week. The projected completion date for the building is June. There will be a meeting Tuesday to look at the Recreation lighting project and the possibility of combining Phase 1 and Phase 2 to save money. Crew Engineers is working on specifications for the water main replacements. There is the

possibility of snow in the forecast but the DPW is ready. The DPW cannot use the brine system because it is contingent on temperature-brine freezes if the temperature is below freezing.

Councilwoman Coira: The Shade Tree Commission will meet on February 4th at 7 pm. They are looking for volunteers. The Recreation Commission met on January 14th to reorganize and their regular meeting will be held January 28th. Recreation is holding signups for baseball and softball. The main playground next to the Danny D'Elia building is closed for repairs.

Councilwoman Stagg advised that the Water and Sewer Committee will be meeting Friday morning so she will have updates on projects at the next Council meeting.

Councilman Visconti commented on the recycling report that the Council received. Our recycling coordinator Eugene MacMahon is doing a fantastic job. The tonnage of garbage in the last five months has decreased by 10% which is saving money on tipping fees while the tonnage of recycling materials has increased.

OPENED FOR PUBLIC DISCUSSION:

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

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

MOVE TO EXECUTIVE SESSION:

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, (N.J.S.A. 10:4-12) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, as follows:

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
Negotiations
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, Pignatelli, Stagg, Visconti.

Discussion ensued over donation of property to the Borough.

CLOSE EXECUTIVE SESSION:

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

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

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Jensen, the meeting be adjourned at 8:25 pm.

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

Lisa M. Duncan, Borough Clerk
February 13, 2013

Mayor Linda H. Schwager

Date Approved