

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

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Coira, 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:
Litigation, Personnel, 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, Marcalus, Stagg, Visconti.

Discussion ensued over payment claim, personnel and potential litigation.

Councilman Pignatelli entered the meeting at 7:23 pm.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:32 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.

VALLEY MIDDLE SCHOOL FUTURE CITIES PRESENTATION:

The Valley Middle School students won first place in the national Future Cities competition. They presented their award-winning project on the city of Byen Vann.

MAYOR'S REPORT:

Mayor Schwager read a thank you letter from retired Superintendent of Schools, Dr. Richard Heflich. She read a thank you letter from Flood Commission Chairman Lew Levy for the Hurricane Sandy responders-OEM, Fire, Police and DPW. Councilman Pignatelli advised that First Aid Squad put in countless hours and deserve credit. Mayor Schwager advised that the WOLF shared services meeting was held on February 28th and they will meet quarterly. Mayor Schwager spoke on March 6th at the people to people student ambassadors meeting at Valley Middle School. It is a group of students who want to travel internationally to raise global awareness. Mayor Schwager attended the Japanese School graduation on March 8th. She spoke about working together to integrate culture. FLOW Follies were held last week to raise scholarship money for high school students. Mayor Schwager congratulated the Valley Middle School Future Cities team for winning the national competition. Valley Middle School teacher Judith Vihonski founded an intergenerational poetry group called JOY which was featured on television. The local Board of Education will hold an hearing on the school budget on March 27, 2013 at 7:30 pm at Valley Middle School.

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.

Frank Monaco, 60 Thackeray Road, denied the rumor that he was running for Council. He stated he does not go to the school budget hearing because it is too controlled. He is not happy with all day kindergarten. He commented that the high school teachers and the students are against the laptops.

Don Burns, 22 Whittier Lane, congratulated the Valley Middle School students on their fantastic win. The OCC is going to try to film a separate presentation done by the students. He advised

that the Shade Tree Commission needs volunteers and no experience is necessary. We have to preserve trees in town.

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, Marcalus, Pignatelli, Stagg, Visconti.

APPROVAL OF MINUTES: FEBRUARY 13, 2013

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

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

APPROVAL OF MINUTES: FEBRUARY 27, 2013

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of February 27, 2013 be approved.

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

APPROVAL OF MINUTES: FEBRUARY 13, 2013 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilman Jensen, the minutes from the Mayor and Council Executive Session of February 13, 2013 be approved.

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

APPROVE SIGN REQUEST-RAMAPO BERGEN ANIMAL REFUGE

On motion of Councilman Visconti, seconded by Councilwoman Stagg, approval be granted to Ramapo Bergen Animal Refuge Inc. to place a sign at Copper Tree Mall for their sales on the following dates:

March 15 th & 16 th	April 12 th & 13 th	May 10 th & 11 th	June 14 th & 15 th
July 19 th & 20 th	August 16 th & 17 th	September 13 th & 14 th	October 18 th & 19 th
December 13 th & 14 th			

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

APPOINTMENT: PUBLIC EVENTS

Mayor Schwager brought forth the nomination of Sharon Fadini for a one-year term on the Public Events Committee.

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the Council consented to the nomination of Sharon Fadini for a one-year term on the Public Events Committee.

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

BUDGET:

INTRODUCTION OF ORDINANCE 13-CODE-683 CAP BANK

The Clerk was directed to take from table Ordinance No.13-Code-683 and read by title for its first reading.

The Clerk then read by title Ordinance No.13-Code-683 entitled: " Calendar Year 2013 Ordinance to Exceed The Municipal Budget Appropriations Limits and To Establish A Cap Bank (N.J.S.A.40A: 4-45.14)"

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

BE IT RESOLVED that an Ordinance entitled, Calendar Year 2013 Ordinance to Exceed The Municipal Budget Appropriations Limits and To Establish A Cap Bank (N.J.S.A.40A: 4-45.14), be introduced;

That said Ordinance be considered for final adoption at a meeting on March 27, 2013 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before March 18, 2013 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

RESOLUTION 13-112 CANCEL PUBLIC EVENTS BUDGET APPROPRIATION

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

WHEREAS, NJSA40A:4-20 of the Local Budget Law provides for temporary emergency appropriations prior to the adoption of the budget; and

WHEREAS, NJSA 40A:4-20 further states that "*The amount of such emergency temporary appropriations shall be included under the correct headings in the budget as adopted.*" and

WHEREAS, the temporary budget adopted by the Borough of Oakland on January 9, 2013 includes an appropriation for the "Celebration of Public Events—Other Expenses"; and

WHEREAS, the governing body of the Borough of Oakland now wishes to consider eliminating this budget appropriation in its approved budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that, the Chief Financial Officer is hereby directed to cancel the following emergency temporary appropriation:

Current Fund

Account #	Description	Temporary Budget
3-01-30-420-000	Celebration of Public Events - Other Expenses	\$ 3,702

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the Director of the Division of Local Government Services:

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

RESOLUTION 13-98 INTRODUCTION OF THE BUDGET

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

Municipal Budget of the Borough of Oakland, County of Bergen for the Fiscal Year 2013

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2013.

BE IT FURTHER RESOLVED that said budget be published in The Bergen Record in the issue of March 20, 2013.

The Governing Body of the Borough of Oakland does hereby approve the following budget for the year 2013.

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Oakland, County of Bergen, on March 13, 2013.

A hearing on the Budget and Tax Resolution will be held at Council Chambers, on April 10, 2013 at 7:30 o'clock pm at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

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

RESOLUTION 13-99 AUTHORIZE SEPARATION PAYMENT

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

WHEREAS, Michael Fuller has resigned his position with the Borough of Oakland Department of Public Works effective March 1, 2013; and

WHEREAS, Mr. Fuller has accumulated Vacation and Sick time during his career for which he has not been compensated; and

WHEREAS, in accordance with the Blue Collar Collective Bargaining Agreement, Mr. Fuller is entitled to a pro-rated payment for his unused Vacation and Sick time; and

WHEREAS, it has been determined that Mr. Fuller is entitled to a payment of \$5,223.38 and this amount has been verified by the Chief Financial Officer; and

WHEREAS, said payment is to be charged to the Accumulated Absence Trust, established in 2010 for this purpose; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in account # T-13-56-286-210.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Chief Financial Officer is hereby directed to authorize payment in the amount of \$5,223.38 to Michael Fuller.

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

RESOLUTION 13-100 APPOINT PER DIEM DISPATCHER

On motion of Councilwoman Stagg, seconded by Councilman Jensen, 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 all necessary background checks have been completed;

BE IT RESOLVED, that the Mayor and Council hereby appoints Michael E. Pellegrino as a Per Diem Dispatcher at a salary of \$16.24 per hour effective March 13, 2013.

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

RESOLUTION 13-101 AUTHORIZE PROMOTION-M. McMAHON

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

WHEREAS, Michael McMahon has served in various positions in the Oakland Department of Public Works for in excess of twenty years; and

WHEREAS, Mr. McMahon has obtained requisite licenses and is engaged in continuing education for licensing requirements for the operation of the Borough Water Utility; and

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended that Mr. McMahon be appointed as Assistant Superintendent of the Department of Public Works; and

WHEREAS, Mr. McMahon will be required to pass an exam for the position of Assistant Superintendent of the Department of Public Works as administered by the Civil Service Commission;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that Michael McMahon is appointed as Assistant Superintendent of the Department of Public Works for the Borough of Oakland at a salary of \$90,000 per annum effective March 13, 2013.

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

RESOLUTION 13-102 AUTHORIZE LICENSE BOROUGH PROPERTY BL 2205, LOT 1
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 has received a request to renew the license Borough owned property adjacent to 49 Island Terrace; and

WHEREAS, the Superintendent of Public Works and Zoning Officer have reviewed the request and they recommend the re-issuance of the license for the year 2013;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the Borough Clerk to issue a license for the property adjacent to 49 Island Terrace to Gerald Saporito, 49 Island Terrace, subject to the rules and regulations specified in Resolution 13-20 adopted on January 9, 2013.

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

RESOLUTION 13-103 REFUND 2010 TAXES DUE TO JUDGMENT BL 3301, LOT 4
On motion of Councilwoman Stagg, seconded by Councilman Jensen, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, a Tax Court Judgment was entered on February 15, 2013, in the matter of Joseph T. Alderisio v. Oakland Borough, Docket No. 020948-2010, reducing the assessment of Block 3301, Lot 4 to \$2,900,000.00 for the Tax Year 2010; and

WHEREAS, a refund of the 2010 property taxes is now due to Joseph T. Alderisio c/o Kates Nussman Rapone Ellic & Farhi, LLP, in the amount of \$8,940.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon advice of the Tax Collector, do hereby authorize a check to Joseph T. Alderisio c/o Kates Nussman Rapone Ellis & Farhi, LLP in the amount of \$8,940.00

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

RESOLUTION 13-104 REFUND 2011 TAXES DUE TO JUDGMENT BL.3301, LOT 4
On motion of Councilwoman Stagg, seconded by Councilman Jensen, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, a Tax Court Judgment was entered on February 15, 2013, in the matter of Joseph T. Alderisio v. Oakland Borough, Docket No. 017644-2011, reducing the assessment of Block 3301, Lot 4 to \$3,000,000.00 for the Tax Year 2011; and

WHEREAS, a refund of the 2011 property taxes is now due to Joseph T. Alderisio c/o Kates Nussman Rapone Ellic & Farhi, LLP, in the amount of \$4,581.60.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon advice of the Tax Collector, do hereby authorize a check to Joseph T. Alderisio c/o Kates Nussman Rapone Ellis & Farhi, LLP in the amount of \$4,581.60.

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

RESOLUTION 13-105 REFUND 2012 TAXES DUE TO JUDGMENT BL 3301, LOT 4
On motion of Councilwoman Stagg, seconded by Councilman Jensen, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, a Tax Court Judgment was entered on February 15, 2013, in the matter of Joseph T. Alderisio v. Oakland Borough, Docket No. 002905-2012, reducing the assessment of Block 3301, Lot 4 to \$3,000,000.00 for the Tax Year 2012; and

WHEREAS, a refund of the 2012 property taxes is now due to Joseph T. Alderisio c/o Kates Nussman Rapone Ellic & Farhi, LLP, in the amount of \$4,649.68.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon advice of the Tax Collector, do hereby authorize a check to Joseph T. Alderisio c/o Kates Nussman Rapone Ellis & Farhi, LLP in the amount of \$4,649.68.

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

RESOLUTION 13-106 AUTHORIZE CHANGE ORDERS 1 THROUGH 5 DPW BLDG
On motion of Councilwoman Stagg, seconded by Councilman Jensen, 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 1	test pits for septic system	\$ 750.75
Change Order 2	Remove tree and septic tank not on plans	\$ 3,465.00
Change Order 3	Removal of additional concrete	\$ 9,628.08
Change Order 4	Removal and disposal of 360s.f. of brick	\$ 1,210.00
Change Order 5	Added material-vented windows	<u>\$14,760.90</u>
	Total Change orders 1-5	\$29,814.73

WHEREAS, the Change Orders have 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 and Account #C04-56-663-100;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Change Orders 1 through 5 in the total amount of \$ 29,814.73 to Tekton Development Corp.

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

RESOLUTION 13-107 AUTHORIZE PHASE 2 ENVIRONMENTAL ASSESSMENT

This resolution will be carried.

RESOLUTION 13-108 AWARD BID-LEHIGH AVE AND WEST OAKLAND WATER MAIN

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

WHEREAS, on February 26, 2013, the Borough of Oakland received bids for the Lehigh Avenue and West Oakland Avenue Water Replacement Project; and

WHEREAS, the bid of Haskell Paving was rejected on certain legal bases and thereafter withdrawn by Haskell Paving; and

WHEREAS, D.R. Mullen Construction, 38 Edison Ave, Oakland, NJ, was the lowest qualified responsible bidder with a bid of \$229,000.00; and

WHEREAS, the Water & Sewer Engineer and Borough Attorney have reviewed the bids for compliance and recommend the bid be awarded to D.R. Mullen Construction; 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 the award of the bid for the Lehigh Avenue and West Oakland Avenue Water Replacement Project to D.R. Mullen Construction in the amount of \$ 229,000.00; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute the contract with D.R. Mullen Construction on behalf of the Borough of Oakland.

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

RESOLUTION 13-109 SHARED SERVICE AGREEMENT

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Borough shall enter into a one year Shared Services Agreement 'Lending of Vehicles and Equipment' with the Borough of Franklin Lakes and the Township of Wyckoff, as outlined in a Shared Services Agreement dated June 15, 2012; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute the agreement after review and approval by the Borough Attorney.

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

RESOLUTION 13-110 TRANSFER APPROPRIATIONS RESERVES

On motion of Councilwoman Stagg, seconded by Councilman Jensen, 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
2-01-25-265-010	Fire Dept.–Salaries & Wages	\$ 3,000	
2-01-20-100-020	Administration–Other Expenses	\$ 1,000	
Sub-total		\$ 4,000	
2-01-25-265-020	Fire Dept. - Other Expenses		\$ 4,000
Sub-total			\$ 4,000

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

RESOLUTION 13-111 TEMPORARY BUDGET AMENDMENT

On motion of Councilwoman Stagg, seconded by Councilman Jensen, 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:

<u>Current Fund</u>		Temporary	
Account #	Description	Budget	Amendment
3-01-20-106-020	General Services–Other Expenses	\$ 15,750	\$ 20,000
3-01-20-140-020	Information Technology–Other Expenses	\$ 11,642	\$ 15,000
3-01-21-180-020	Planning Board–Other Expenses	\$ 4,555	\$ 6,000
3-01-21-185-020	Board of Adjustment–Other Expenses	\$ 2,153	\$ 4,000
3-01-25-240-001	Police–Salaries & Wages	\$815,697	\$1,350,000
3-01-27-330-020	Board of Health–Other Expenses	\$ 38,680	\$ 45,000
3-01-31-430-000	Electricity	\$ 20,000	\$ 40,000
3-01-31-446-000	Natural Gas	\$ 6,563	\$ 12,000
3-01-44-901-002	Capital–Capital Outlay	\$ 0	\$ 50,000

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

RESOLUTION 13-113 AUTHORIZE LICENSE BOROUGH PROPERTY ADJ. 42 RIVERSIDE

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 has received a request to renew the license Borough owned property adjacent to 42 Riverside Drive; and

WHEREAS, the Superintendent of Public Works and Zoning Officer have reviewed the request and they recommend the re-issuance of the license for the year 2013;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the Borough Clerk to issue a license for the property adjacent to 42 Riverside Drive to Andrea Lewis, 42 Riverside Drive, subject to the rules and regulations specified in Resolution 13-20 adopted on January 9, 2013.

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

INTRODUCTION: ORDINANCE NO. 13-CODE-682 AMEND RECREATION FEES

The Clerk was directed to take from table Ordinance No.13-Code-682 and read by title for its first reading.

The Clerk then read by title Ordinance No.13-Code-682 entitled: " AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND CHAPTER IX, RECREATIONAL FACILITIES AND RECREATION AREAS, SUBCHAPTER 9-2.3, ENTITLED "FEE SCHEDULE FOR ACTIVITIES" AND SUBCHAPTER 9-2.4, ENTITLED "FEE AND PERMIT SCHEDULE FOR USE OF FIELDS AND ROLLER HOCKEY RINK".

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing The Revised General Ordinances Of The Borough Of Oakland Chapter IX, Recreational Facilities And Recreation Areas, Subchapter 9-2.3, Entitled "Fee Schedule For Activities" And Subchapter 9-2.4, Entitled "Fee And Permit Schedule For Use Of Fields And Roller Hockey Rink, be introduced;

That said Ordinance be considered for final adoption at a meeting on March 27, 2013 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before March 18, 2013 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

INTRODUCTION: ORDINANCE NO. 13-BOND-684 AMEND FUNDING DPW BUILDING

The Clerk was directed to take from table Ordinance No. 13-Bond-684 and read by title for its first reading.

The Clerk then read by title Ordinance No.13-Bond-684 entitled: " BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$200,000 FOR THE CONSTRUCTION OF A NEW DEPARTMENT OF PUBLIC WORKS BUILDING IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

BE IT RESOLVED that an Ordinance entitled, Bond Ordinance To Appropriate An Additional Sum Of \$200,000 For The Construction Of A New Department Of Public Works Building In, By And For The Borough Of Oakland, In The County Of Bergen, State Of New Jersey, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Additional Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds, be introduced;

That said Ordinance be considered for final adoption at a meeting on March 27, 2013 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before March 18, 2013 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

RESOLUTION: 13-114 INTRODUCTION OF BOND ORDINANCE

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

BE IT RESOLVED that the ordinance entitled:

"BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$200,000 FOR THE CONSTRUCTION OF A NEW DEPARTMENT OF PUBLIC WORKS BUILDING IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 27th day of March, 2013, at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

WORK SESSION:

SOLAR PANEL ORDINANCE-TABLED

On motion of Councilman Jensen, seconded by Councilman Pignatelli, the solar panel ordinance discussion be tabled until further information is received from Planning Board.

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

RECREATION SURVEY:

Mr. Kunze explained that the Recreation Commission is looking to move forward with the walking path project. We needed to know the southern boundary of the Recreation facility. The Engineer did the survey and it was inconclusive because the records were off. Boswell did additional work and the additional records were inconclusive. Therefore, they were unable to fix the southern boundary. The Borough Attorney thought we should negotiate with the adjoining property owner to come up with a boundary line. Mr. Chewcaskie explained that when the surveyors went out, the boundary was off anywhere from inches to 5 or 6 feet. We pulled the deeds to the Recreation complex and to Tanglewood and they did not match. The way to solve this is to enter into a boundary agreement with the neighbor. The Council should authorize negotiations with Tanglewood. Mayor Schwager advised this needs to be done because we need to know the boundary lines. Mr. Chewcaskie advised that if it is the inclination of the Council, he will set up a meeting next week with Mr. Kunze and Recreation Commissioner Mike Guadagnino.

NEW BUSINESS:

Councilman Jensen advised that he got an email from Public Events Committee today about the carnival. The Public Events Committee interviewed three candidates to run the carnival games and they came up with a recommendation. They are recommending that the Rotary Club run the games of chance. Mr. Chewcaskie advised that we will need to do a co-sponsorship agreement. Councilman Pignatelli asked how the proceeds are to be split. The Mayor and Councilwoman Coira recused themselves from the discussion because they are members of Rotary Club.

Councilman Visconti asked for the email to be read aloud. The email explained their recommendations for the carnival rides and the games of chance. It explained that Rotary Club would get the proceeds from the games of chance. Rotary Club stated the money would be designated for drug awareness to help DARE work on the heroin problem. Mr. Kunze asked if the Council wanted this listed on work session for the next meeting. Councilman Visconti responded that the Council can authorize this tonight.

MOTION TO AUTHORIZE CO-SPONSORSHIP OF CARNIVAL

On motion of Councilman Jensen, seconded by Councilwoman Stagg, the Council consented to the co-sponsorship of the carnival with the Oakland-Franklin Lakes Rotary Club.

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

Mr. Chewcaskie will draw up the agreement and it will be listed for approval on March 27th.

Mr. Kunze advised that Boswell is working on plans and specifications for the Monhegan Avenue pipe repair. Since there is a change in the scope of work, there will be a price adjustment for Boswell's contract. That will be listed on the next agenda for approval.

Councilman Jensen advised there is a collapsed pipe in the Potash Lake parking lot. Mr. Kunze advised that we have solicited quotes. Councilman Jensen advised that repairs will take approximately one month. Mr. Kunze explained the Council authorized funding tonight in the temporary budget amendment. He will issue a requisition for the repairs.

COUNCIL REPORTS:

Councilwoman Marcalus: The budgets for the K-8 schools and the High School are online. The Library will hold a program on March 18th on organization.

Councilman Visconti: He advised that the Finance Committee met a month ago about the budget. The Council had a meeting last week on the budget. He thanked Mr. Kunze, Mr. Mangin, the staff and Department Heads because putting the budget together takes a lot of work. He explained that the tax levy is \$13,198,523 and the Library levy is \$797,000. The combined levy is about \$14,000,000 which is up 1.1%. On the average home of \$408,000, the increase is less than \$30. This is a starting point for the budget. The Council needs to have hearings with Department Heads and there is more work to do on the budget. He asked the Council for possible meeting dates. The Council set the next budget meeting for Friday March 22nd at 5 pm. Councilman Visconti advised that OCC asked for a change to their bylaws to be discussed at the next Council meeting. He congratulated Valley Middle School for winning the national competition and thanked advisor Judy Vihonski for all her hard work.

Councilwoman Stagg: The Flood Commission met Monday night. Plans are being made to utilize the expertise of Trout Unlimited to improve the river. They continued to discuss the application to adopt the Community Rating System to lower rates.

Councilman Pignatelli: He advised that Senior bingo will take place on March 21st and there will be a workshop on identity theft on March 26th. There will be nutrition counseling on March 19th.

Councilman Jensen: The next meeting of the Public Events Committee will be held on April 8th at the Senior Center. The Easter Egg Hunt will be held next Saturday March 23rd at 11 am. He advised that there is tree pruning work being done around town.

Councilwoman Coira: The Recreation Commission meets Monday at 8 pm. The community playground is closed until May 1st for safety repairs. Information about summer camp, tennis and golf registrations is on the Recreation website. She advised that all coaches need a lanyard. The Planning Board will meet March 14th at the Senior Center. The Shade Tree Commission is a great group of volunteers and they need more volunteers. She spoke about an Arbor Day celebration.

Councilman Jensen advised that the Farmers Market is looking for vendors.

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, Stagg, Visconti.

Don Burns, 22 Whittier Lane, advised that Rockland Electric is trimming the trees around town. He expressed disapproval of using a consent agenda and said information is needed on the resolutions.

Mike Guadagnino, 34 Hopper Street, advised that the surveys for the Recreation complex were paid out of the Recreation trust fund. He is looking forward to working with Tanglewood to resolve the boundary issue.

Frank Monaco, 60 Thackeray, asked what would happen if someone has a structure on our property. He spoke about rotating organizations for the games of chance. He suggested that maybe Recreation can run the games of chance for money.

CLOSED FOR PUBLIC DISCUSSION:

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

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

BILLS TO BE PAID:

On motion of Councilman Visconti, seconded by Councilwoman Stagg, the following bills be submitted for payment:

(see following pages)

BE IT RESOLVED that the foregoing bills be paid and charged to their respective accounts when the funds are available.

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

MEETING ADJOURNED:

On motion of Councilman Jensen, seconded by Councilman Pignatelli, the meeting be adjourned at 9:10 pm.

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

Lisa M. Duncan, Borough Clerk
March 27, 2013

Mayor Linda H. Schwager

Date Approved