

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

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Visconti, 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:
Potential Litigation, Personnel-DPW and Construction Dept., Settlement of Payment Claim
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

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

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:46P.M.

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: Deborah Krebs, Deputy 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.

MAYOR'S REPORT:

Mayor Schwager reported she attended an entrance ceremony at the Japanese School welcoming their new students. Their school year runs from April to March. She is hoping that in the future they can have more interaction with this school. The first song that the students sang was the Star Spangled Banner. She reminded the residents that garbage collection is now two times a week and the co-mingled and recycling continues to be once per week collection.

The Ramapo College sent her some information on programs and activities that are available for children and families over the summer. If anyone is interested they can call her as she will keep the flier. You can also call the Office of Communications and Public Affairs at Ramapo College at 201-684-7602 or visit their website at: www.ramapo.edu. The Library will be sponsoring their Annual Book Sale on Friday April 19th through Sunday April 21st.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Pignatelli, 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.

Frank Monaco, 60 Thackeray Drive reminded the residents that Tuesday, April 16th is Elections for the School Budget. He encouraged residents to vote the budget down so that the Council can review it. In addition, the High School is planning to purchase 2,400 computers for the students which were supposed to be free but there is a line item of \$349,000. He does not feel it will be a one-time expense as the costs will be ongoing.

Rick Lepre, 199 Long Hill Road stated he is a 30-year member of the Rotary and there is a resolution tonight to approve an agreement with the Rotary to run the games of chance for the carnival. If anyone has any questions, he would be happy to answer them.

Jerri Angermueller, 24 Lakeview Terrace stated that Bergen County has announced the grants that they are awarding this year. She stated that Judith Sullivan is actively pursuing grant funds for the Van Allen House. She asked if the Borough has considered putting funds into the Capital Budget for the Van Allen site as she feels many residents want their property tax money to go towards restoring the town's buildings. She questioned if Ordinances pertaining to grant funds were canceled. CFO Jim Mangin explained that Capital Balances on any Ordinances prior to

2006 have been canceled. If it is funded those funds go into Capital surplus. If there is further interest in this project, then they would become part of a new Ordinance.

Laura Ernest, 160 Lakeshore Drive distributed paperwork to the governing body. She stated Allerman Brook causes a threat to Crystal Lake and residents of Lake Shore Drive, particularly residents on the west side. The paperwork she distributed was a Newsletter that she received from RML written by Paul Fegter dated 12/14/2011 along with a copy of the lowering permit of Crystal Lake that now is being reapplied for. She is inquiring what the final protocol is for opening up the gates. She complained about debris clogging the trash rack of the 24 inch outlet pipe. She commented that the lawsuit states the Borough will be responsible for opening the gates, at such times as the DPW, in its discretion, deems it advisable to do so. As homeowners, they are asking, in good faith, for Oakland to follow the lawsuit as it is written.

Councilman Jensen questioned if everyone living in the Crystal Lake area received the 2011 Newsletter and is the author an engineer. Mrs. Ernest stated it was and Peter Fegter who is a licensed engineer. Councilman Jensen would like to see the full newsletter that was sent out to RML members and asked if Mrs. Ernest had received this. She stated she is not a member of RML but did receive the newsletter and she will provide a full copy for Councilman Jensen.

William Woolford, 162 Lake Shore Drive thanked Councilman Visconti for getting the trash baskets cleaned by Nick Cerrato's property. He stated he contacted Trout Unlimited who made two presentations. The Trout Unlimited representative toured the area with Roy Bauberger and brought in an engineer who also met with Roy. He feels the town seems to be receptive to this kind of project. Administrator Kunze said that Roy had received a proposal and Trout Unlimited plans to make a presentation at the next Council Meeting. Mr. Woolford asked if they are looking into grant money. Administrator Kunze stated they are always looking for grant money but there is limited availability. The Lakeshore Embankment Project was eligible for a USDA Grant. He does not think Trout Unlimited would fit into the purposes of that grant program but the Council has to look at the proposal and hear from Trout Unlimited firsthand. Mayor Schwager would like the residents to attend the presentation which will be at the April 24th meeting. She thanked Mr. Woolford for reaching out to Trout Unlimited. Councilman Jensen stated he was at the original Flood Commission Meeting and met with Trout Unlimited. They do wonderful work but they are expensive. Their services will not impact flood control but will make the lake healthier.

Mr. Woolford stated that the Borough does have a responsibility for Allerman Brook. While he was driving on 208, he counted 20 drainpipes between 208 and Colonial Road that feed into Allerman Brook. The Borough needs to talk to someone in Franklin Lakes because there is a dam that has been breached and nothing has been done about it. It was noted that it is a private dam and that the owner of the property would be responsible. Mr. Woolford felt Oakland should send a letter to the owner notifying him that the dam needs to be fixed.

Frank Monaco, 60 Thackeray Drive felt there are ongoing problems in the community that continue to be discussed, have not been resolved and have been going on for too many years such as the Van Allen House and the flooding on Lakeshore Drive. He feels the protocol on who should open the gates should be done.

Attorney Chewcaskie stated that there is a consent order which was effectuated by consent judgment. There was litigation with property owners along Crystal Lake, Borough of Oakland and Franklin Lakes. Although some people feel that consent order is clear, others do not. The Borough assumed an obligation to open those pipes at a certain time based on the determination

of the DPW Superintendent. It is not the obligation that is in question, but how the obligation is being performed. You have the competing interests of the Borough of Oakland, who has the obligation; RML, who wants to operate a beach club; and the people who it effects the most on the west side of the lake because their properties are likely to flood. He explained that the Borough has been going back and forth on the protocol and is hopefully at the point where we have an understanding of what to do to address the competing interests.

Mayor Schwager stated they are dealing with a private corporation who owns the lake. It is not a unified group but a group who need to work together. She feels they need to have another meeting of the RML Community Shareholders.

Judy Derbyshire, 181 Lakeshore Drive, thanked the town for what they have done. With the impending storm she felt it was important to come to the meeting. She questioned if they are going to do more dredging in the lake. Administrator Kunze stated that is a question she would need to address with RML.

Kevin Boswell stated they applied for a two-stage permit which will allow them to dredge the entire lake. Boswell did this work for the Borough and the Ramapo Mountain Lake Association. The permit is good for five years. Mrs. Derbyshire said they need to find a way to keep the garbage from Allerman Brook from coming into the lake which is causing many of the problems. She lives on the lake and feels seeing the lake lowered is a beautiful site.

Laura Ernest asked why the Borough is delaying a decision on the protocol. Attorney Chewcaskie stated the disagreement is the competing interests of the residents as to when the gates should be opened. Ms. Ernest asked who she should call when she is concerned about the lake and possible flooding. Administrator Kunze stated she can call the Police Department who will then contact either DPW Superintendent Anthony Marcucilli or Flood Commissioner Roy Bauberger.

Mr. Woolford, 162 Lake Shore Drive stated once he took the initiative to open the flood gates and got a call from RML telling him not to do it again. There are two factions going on, the beach people and the residents who have water filling up their homes and he feels they all have to work together.

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.

APPROVAL OF MINUTES: MARCH 27, 2013

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

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

APPROVAL OF MINUTES: MARCH 27, 2013 EXECUTIVE

On motion of Councilman Pignatelli, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council Executive Session of March 27, 2013 be approved.

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

APPOINTMENT TO SHADE TREE COMMISSION

Mayor Schwager brought forth the nomination of Donald Wilson for appointment to the Shade Tree Commission.

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the Council consented to the appointment of Donald Wilson to the Shade Tree Commission for a five-year term to expire December 31, 2017.

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

PUBLIC HEARING ON BUDGET AS INTRODUCED

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments from the public.

Councilman Visconti stated the Budget is proposing a 1.1% increase which is a cost increase of \$32.00 on an average home assessed at \$408,000. They will discuss it further in the Work Session. They will be amending the Budget and there will be a public hearing on this amendment.

CLOSED FOR PUBLIC DISCUSSION:

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

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

RESOLUTION 13-117 AUTHORIZE BOSWELL-POTASH LAKE PIPE REPAIR

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

WHEREAS, there is a need to replace 140 linear feet of downstream pipe from the gravel parking area off West Oakland Avenue to Potash Lake as well as repair the upstream pipe underneath West Oakland Avenue; and

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

WHEREAS, Boswell McClave submitted a proposal dated March 7, 2013, in the amount of \$3,000 for contract coordination and construction inspection services; and

WHEREAS, Boswell McClave has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted on July 11, 2012; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account #3-01-44-901-002

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Boswell McClave to perform the engineering services for the Potash Lake Pipe Repair as specified in their March 7, 2013, proposal at a cost of \$3,000; and

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

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

RESOLUTION 13-118 AUTHORIZE BOSWELL-AMEND CONTRACT MONHEGAN PIPE REPAIR
On motion of Councilman Pignatelli, seconded by Councilwoman Coira, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, on May 23, 2012, Boswell McClave was awarded a contract for engineering services for the Monhegan Avenue Drainage Improvement Project; and

WHEREAS, it has since been determined that the pipe needs to be replaced instead of repaired as originally intended and requires additional engineering services; and

WHEREAS, Boswell McClave has submitted a proposal dated March 12, 2013, for the additional engineering services in an amount not to exceed \$2,500.00; and

WHEREAS, Boswell McClave has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted July 11, 2012; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-677-100;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and council hereby authorize the amendment to the contract for the Monhegan Avenue Drainage Pipe Improvement Project for the additional amount of \$2,500.00; and

BE IT FURTHER RESOLVED that the award of this contract is one for professional service for which no public bidding is required; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the amended contract with Boswell McClave.

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

RESOLUTION 13-119 AUTHORIZE BOSWELL-2013 ROAD PROGRAM
On motion of Councilman Pignatelli, seconded by Councilwoman Coira, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough of Oakland wishes to proceed with the 2013 Road Program; and

WHEREAS, the Borough of Oakland is in need of engineering services for the design and construction inspection phases of the project; and

WHEREAS, Boswell McClave Engineering has submitted a proposal dated March 19, 2013, and the fee for the design and construction phases is not to exceed \$43,000; and

WHEREAS, the Chief Financial Officer has certified funds are available in account #C-04-56-670-301

WHEREAS, Boswell McClave has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted on July 11, 2012; and

WHEREAS, the award of the contract is for a professional service for which no public bidding is required;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize Boswell McClave to perform the design and construction inspection for the 2013 Road Program at a cost not to exceed \$43,000; 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, Stagg, Visconti.

RESOLUTION 13-120 COMPLETE STREETS PROGRAM

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

WHEREAS, a Complete Street is defined as a means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options; and

WHEREAS, the benefits of Complete Streets include improving safety for pedestrians, bicyclists, children, older citizens, non-drivers and the mobility challenged as well as those that cannot afford a car or choose to live car free; providing connections to bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities; promoting healthy lifestyles; creating more livable communities; reducing traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions; and saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later; and

WHEREAS, the Mayor and Council of the Borough of Oakland wishes to implement a Complete Streets policy through the planning, design, construction, maintenance and operation of new and retrofit transportation facilities, enabling safe access and mobility of pedestrians, bicyclists, transit users of all ages and abilities.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland adopts the following Complete Streets Policy as follows:

Purpose: To adopt a Complete Streets Policy that acknowledges and implements the concept that streets should be designed, built and retrofitted for all users: motor vehicles, pedestrians, bicyclists, transit users and people with disabilities. Implementation of this policy will integrate the needs of all users into everyday transportation and land use decision making, and will take place through the following methods:

1. Bicycle and pedestrian ways shall be established in new construction and reconstruction projects, which shall not include any projects pertaining to "milling and paving" and/or "re-surfacing" unless one or more of the following conditions are met:

*Bicyclists and pedestrians are prohibited by law from using the roadway.

*The cost of accommodations is excessively disproportionate to cost of project, at more than five percent (5%) of the total cost.

*Where sparse population, travel or other factors indicate an absence of need as defined by any street with a paved roadway width greater than 28 feet and less than 100 vehicles per day.

*Detrimental environmental or social impacts outweigh the need for these accommodations as determined by either the Mayor and Council or the appropriate local government agency.

The safety or timing of a project is compromised by the inclusion of Complete Streets.

2. Paved shoulders should be included where feasible in all new construction and reconstruction projects on roadways used by more than 1,000 vehicles per day consistent with NJDOT Complete Streets policy.
3. Sidewalks, shared use paths, street crossings, pedestrian signals, signs, street furniture, transit stops and facilities, and all connecting pathways shall be designed, constructed, operated and maintained so that all pedestrians, including people with disabilities, can travel safely and independently.
4. The design and development of the transportation infrastructure shall improve conditions for bicycling and walking through the following additional steps:
 - Planning projects for the long-term. The design and construction of new facilities that meet the criteria in Item 1 above should anticipate likely future demand for bicycling and walking facilities and not preclude the provision of future improvements.
 - Addressing the need for bicyclists and pedestrians to cross corridors as well as travel along them. The design of intersections and interchanges shall accommodate bicyclists and pedestrians in a manner that is safe, accessible and convenient.
 - Getting exceptions approved at a senior level. Exceptions for the non-inclusion of bikeways and walkways shall be approved by a senior manager and be documented with supporting data that indicates the basis for the decision.
 - Designing facilities to the best currently available standards and guidelines. The design of facilities for bicyclists and pedestrians should follow design guidelines and standards that are commonly used, such as the AASHTO Guide for the Development of Bicycle Facilities, AASHTO's A Policy on Geometric Design of Highways and Streets, and the ITE Recommended Practice "Design and Safety of Pedestrian Facilities."

5. This Complete Streets Policy shall be incorporated into the next Reexamination, update, revision, amendment or adoption of the Master Plan.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to all Departments and Agencies having a responsibility for or connection with projects covered by the Oakland Complete Streets Policy.

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

RESOLUTION 13-121 AUTHORIZE CO-SPONSORSHIP AGREEMENT

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 of Oakland and the Sports Association of Oakland wish to co-sponsor the 2013 Oakland Carnival; and

WHEREAS, the Borough of Oakland and the Oakland-Franklin Lakes Rotary Club have determined that it is in the best interest of the Borough and the Oakland-Franklin Lakes Rotary Club to enter into a Co-Sponsorship Agreement in order to set forth the respective responsibilities with respect to the carnival and to authorize the execution of the Co-Sponsorship Agreement.

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

1. The Mayor and Borough Clerk are authorized to execute the Co-Sponsorship Agreement in the form annexed to this Resolution.
2. Certified copies of this Resolution shall be provided to the Oakland-Franklin Lakes Rotary Club.

Attorney Chewcaskie stated that the Public Events Committee was looking for an organization that was licensed to operate games of chance. They interviewed various entities and felt the most suitable entity was the Oakland-Franklin Lakes Rotary Club. Mr. Chewcaskie drafted a co-sponsorship agreement which is for the games of chance. This agreement will give the Rotary the rights to operate the games of chance for the carnival.

Councilman Pignatelli stated he is very enthused to see item Number 4 in the agreement that states that the funds will primarily be utilized by the Rotary for creation of a program known as R.A.D. (Rotarians Against Drugs). This program will operate in concert with the DARE Program. This is an awareness program centered on the growing heroin problem in Indian Hills and Ramapo High Schools. Former Board of Health President Ron Beattie came to a Council Meeting to report on the growing drug abuse existing in the schools. Mr. Lepre stated they are the first Rotary to implement and develop this kind of program. They will be working with the schools and networking to link up with professionals to help with the program.

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

RESOLUTION 13-122 APPROVE O.C.C. BYLAWS AMENDMENT

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

WHEREAS, the Oakland Communication Commission has requested certain amendments to its by-laws; and

WHEREAS, the Mayor and Council have reviewed the proposed amendments, and is of the opinion that the amendments serve a useful purpose in allowing the efficient administration of the Commission;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the following amendments to the Oakland Communication Commission by-laws are hereby approved:

Section 1.9 Delete the existing provision and replace with the following:

1.9 A majority of the appointed Commissioners shall constitute a quorum.

Section 1.11 Delete the existing provision, and replace with the following:

1.11 Any recommendations for changes or amendments to the by-laws of the Commission must be made by a two-thirds vote of all appointed Commissioners. The recommendation for changes or amendments shall then be submitted to the governing body for approval, and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to the Oakland Communication Commission; and be it further

RESOLVED, that the Borough Clerk is authorized and directed to maintain a copy of this Resolution in her offices, for public inspection.

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

RESOLUTION 13-123 AUTHORIZE GRANT WITH B.C.JIF FOR POLICE ACCREDITATION

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

WHEREAS, the Commission on the Accreditation of Law Enforcement Agencies ("CALEA") and the State of New Jersey Associations of Chiefs of Police offer a program to obtain accreditation in order to attain the highest standards of police department management; and

WHEREAS, the Bergen Joint Insurance Fund is seeking to encourage police departments to pursue such excellence by providing a grant in the amount not to exceed \$25,000 to support the Oakland Police Department's efforts to attain accreditation from New Jersey Chiefs of Police; and

WHEREAS, the Chief of Police and the governing body believe that the attaining of such certification is consistent with the goals of the Oakland Police Department; and

WHEREAS, the Chief of Police is committed to taking necessary action in order to support the accreditation process; and

WHEREAS, the successful completion of the accreditation process from the New Jersey State Association of Chiefs of Police will result in a reduction in liability insurance premiums from the Bergen JIF; and

WHEREAS, in the long term the completion and retention of accreditation from the New Jersey State Association of Chiefs of Police will help the municipality manage its liability and workers compensation insurance exposure;

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

1. The Mayor, Administrator and Chief of Police are hereby authorized to enter into a Grant Agreement with the Bergen Joint Insurance Fund for the receipt of funding in the amount of \$25,000 for the NJ State Association of Chief's of Police accreditation program.
2. The Municipality agrees to abide by the terms of the Grant Agreement to attain certification within two years of the date of the agreement. Upon accreditation being obtained, the Bergen JIF will use their normal accreditation discount to offset the grant costs.
3. If the Municipality does not achieve certification within the two year period, the amount of the Grant is due payable to the Bergen JIF within a three year period.
4. If the Municipality does not achieve the certification within the two year period and/or leaves the Bergen JIF before the grant is repaid in full, the amount of the grant is due immediately to the Bergen JIF upon the date of termination to the JIF.
5. This resolution shall take effect immediately.

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

RESOLUTION 13-124 AUTHORIZE PHASE 2 ENVIRONMENTAL ASSESSMENT-HERITAGE HILLS

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 has received a proposal from PetroScience dated March 19, 2013 in the amount of \$2,800 to conduct a Phase II Environmental Study on the property at Block 2401, Lots 1 & 9;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Borough does hereby retain the services of PetroScience, in order to prepare a Phase II Environmental Study with respect to the aforesaid premises, for the total sum of \$2,800 in accordance with it's proposal dated March 19, 2013, which is annexed hereto and made a part hereof; and

BE IT FURTHER RESOLVED that the aforesaid award of contract is one for professional service, for which no public bidding is necessary or required; and

BE IT FURTHER RESOLVED, that PetroScience has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted July 11, 2012;

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the existence of funds in Account # C-04-56-607-001

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute an agreement with PetroScience for the aforesaid purpose; and

BE IT FURTHER RESOLVED that the Borough Clerk is directed to maintain a copy of this Resolution and the contract with PetroScience in her offices for public inspection.

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

RESOLUTION 13-125 TEMPORARY BUDGET AMENDMENT

On motion of Councilman Jensen, seconded by Councilman Pignatelli, 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
3-01-20-100-020	Administration – Other Expenses	\$ 2,048	\$ 5,000
3-01-20-106-020	General Services – Other Expenses	\$ 20,000	\$ 25,000
3-01-20-140-020	Information Technology – Other Expenses	\$ 15,000	\$ 20,000
3-01-26-305-020	Garbage & Trash – Other Expenses	\$234,350	\$ 286,350
3-01-26-310-020	Buildings & Grounds – Other Expenses	\$ 35,228	\$ 45,000
3-01-29-390-020	Public Library – Other Expenses	\$ 38,925	\$ 100,000
3-01-31-440-000	Telephone	\$ 25,725	\$ 35,000
3-01-44-901-002	Capital – Capital Outlay	\$ 50,000	\$ 69,500

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

RESOLUTION 13-126 AWARD BID-FIRE TRUCK

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

WHEREAS, bids were received on March 7, 2013, for a Triple Combination Pumper for the Oakland Volunteer Fire Department; and

WHEREAS, one bid was received from Pierce Manufacturing, Inc. 2600 American Drive, Appleton, WI 54914 with the following price:

Base Bid -	\$620,329.00
Pre-pay Option -	<u>\$-13,070.00</u>
	\$607,259.00

WHEREAS, the Borough Administrator, Fire Chief and Borough Attorney have reviewed the bid by Pierce Manufacturing and have determined them to be the lowest responsible bidder; and

WHEREAS, the Chief Financial Officer has certified the funds are available in Account # C-04-56-652-101 in the amount of \$28,000; C-04-56-652-102 in the amount of \$560,000; 3-01-44-901-002 in the amount of \$19,259.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award the bid for a Triple Combination Pumper Fire Truck to Pierce Manufacturing, Inc. of Appleton, WI in the amount of \$607,259.00

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

WORK SESSION:

SOLAR PANEL ORDINANCE:

Attorney Chewcaskie stated the Police Department has made their recommendations. This Ordinance is patterned after the Wyckoff Ordinance. There were two issues which were safety and the aesthetics. The Ordinance was reintroduced by the Planning Board who did a thorough review looking at the recommendations of the Police Department, Fire Department and Construction Office. They addressed all the issues and made changes. Attorney Chewcaskie has confirmed the changes with Attorney Russo and recommends that it be listed on the next agenda for introduction.

BUDGET DISCUSSION:

Councilman Visconti advised that the Council is looking to reduce the budget. A budget amendment has been given to the Council to review. There were a couple of increases. The First Aid Squad requested an additional \$5,000. There is a \$20,000 increase in the Borough's required Social Security payments this year. There is an additional cost of \$20,000 for the fire truck which was discussed at the last meeting. Mr. Mangin had advised that the additional money for the fire truck should come out of the capital fund since the bond had already been issued. In addition, there is the \$25,000 cost for the Police Department accreditation which was voted on tonight. All these costs expanded the budget that was introduced. Councilman Visconti spoke about the use of surplus to bring the increase down. The introduced budget called for a 1.1% increase. The budget as amended would call for a .6% increase which would amount to a \$16.00 increase in taxes on an average assessed home.

At the last meeting, a resident commented that the health benefits line should be cut. Councilman Visconti explained that there is currently a surplus in the health care fund but there will be a large increase in retirement over the next ten years. He explained that under contractual obligations, employees who retire with 25 years of service will get their health benefits fully paid by the Borough until they reach the age of 65. The Borough Administrator and CFO prepared a chart with cost projections for the next ten years. The Borough's retiree costs will jump from \$486,000 in 2014 to \$1,619,000 in 2023. Councilman Visconti advised that it is important to plan for these anticipated cost increases now. Also as these people retire, the Borough not only has to fund 100% of the retiree's health benefits cost, but also the health benefits costs for the employees hired to replace the retired employees.

Councilman Visconti explained that the Council is trying to keep the budget as flat as possible this year and in years to come. The Borough has done a good job regenerating surplus. Right now surplus is health at \$2.2 million and is slightly over 15% of last year's budget. In this year's budget, we are looking to use \$511,000 from surplus- \$50,000 for the accumulated absence trust; \$50,000 for reserve of tax appeals; \$25,000 for the grant match we spoke of earlier; and \$386,000 for tax relief. This will reduce the surplus to 1.7 million dollars. There are other items that are still pending out there but they have to be prepared for the future. Administrator Kunze stated that the Council may want to use some of the excess surplus during 2013. CFO Mangin advised that there is a healthy balance in surplus and they have talked about preserving this. Substantial tax increases have occurred in the past because the Council has used more surplus than they regenerated. In 2006, there was not enough surplus in the budget which

necessitated a tax increase. To avoid that, the Finance Committee wants to maintain a certain level of surplus –the target would be 15% of the prior year budget. If that is the case, that means there is an excess of about \$300,000. What the Council should do is bring it in the budget and offset it with a budget appropriation. They could either reduce short-term debt, add it to our capital improvement fund or a one-time budget appropriation. It wouldn't have a negative impact next year. This is something the governing body has to decide. He thinks they should increase the \$511,000 to \$811,000. This would reduce the 1.7 million in surplus to \$1.4 million. Councilman Visconti stated they could put it towards the purchase of the fire truck. CFO Mangin stated if it goes to tax relief, then next year they would have to make it up. If they put the funds towards short-term debt, they would reduce both the surplus and the short-term debt.

CFO Mangin advised that back in 2011, there was a substantial \$230,000 increase in police pensions in one year. Pension payments are driven by police salaries and there is a three-year lag. The 2013 payment is based on police salaries of 2010. With the prior contract negotiations, holiday pay was rolled into the pension base salary. It did not affect the police gross salary but it affected their pension. A long-term analysis should have been done in 2008 so the Mayor and Council would have realized that in 2011, it would increase pension costs. It is the same with retiree health benefits that was put in the Police contract in 2001. He explained that they are trying to show the Mayor and Council the long-term impact of that so we can plan for the increases.

Administrator Kunze stated that there are a lot of assumptions built in that needed to be made in order to put this information together. An analysis like this is normally done by an actuary. Mr. Kunze will be working with their Risk Manager to get the long-term liability so he can give the Mayor and Council a solid number. Councilman Visconti stated every town in New Jersey, the County and State are all facing this issue with the employee benefits that need to be dealt with.

Administrator Kunze stated the Mayor and Council need to introduce the amendment and have a meeting next week so they can have a public hearing on the amendment and be in a position to adopt the Budget on April 24th. The decision was to advertise a meeting on the Amendment to the Budget for Monday at 5:00 P.M. on Monday April 15th in the Conference Room of the Borough Hall.

COUNCIL COMMITTEE REPORTS:

Councilwoman Marcalus stated Trout Unlimited will be at the next meeting to make a presentation about the Ramapo River. On April 20th the OEM has scheduled a cleanup of the Potash Lake. They will be working with Trout Unlimited and the Fire Department. They are not asking the public to help this year as it is treacherous as they will be working in the water cleaning out the debris and building scaffolding. He said the rest of the town is pretty clean. The Library is holding a seminar on "Pruning To Make You Look Like A Pro" on Monday April 15th at 8:00 P.M. Their annual book sale will be on Friday April 19th through Sunday April 21st.

Councilman Visconti stated OCC is looking for one more person to assist. If you are interested, please get your Citizens Leadership Form into the Borough. He wanted to thank the Finance Committee and their team for putting in a lot of work on the Budget. He thanked the staff, the employees and the Department Heads who all pitch in. It is a huge effort on the part of many.

Councilwoman Stagg did not have a report as she has been out of action for the past couple of weeks.

Councilman Pignatelli stated the Senior Citizens will meet at the Center at 12:00 Noon. Monday he will be meeting with the Oakland Volunteer Fire Department at 7:30. On Tuesday he will be meeting with the Board of Health.

Councilman Jensen stated the Public Events next meeting will be on May 13th at the Senior Center at 7:30. The new DPW Building is coming along and looking really nice. He thanked the contractors who finished off the Potash Lake parking lot very efficiently and timely.

Councilwoman Coira stated the Planning Board will be meeting at the Senior Center tomorrow, April 11th at 7:30. The Shade Tree Commission is sponsoring Arbor Day on Friday, April 26th. Every year they conduct a ceremony and plant a tree. It is held at the Valley Middle School around noon. The Recreation Commission will be meeting on April 29th at the Danny D'Elia Building at 7:00 P.M.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Pignatelli, 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.

Frank Monaco, 60 Thackeray commented they should change the name of Thackeray to Patches because Public Service keeps breaking up the macadam on the street looking for gas leaks. They have created potholes and patches all over the road. Administrator Kunze stated he will be meeting with DPW Superintendent Marcucilli tomorrow and will follow up with him on this problem.

CLOSED FOR PUBLIC DISCUSSION:

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

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

BILLS TO BE PAID:

On motion of Councilman Pignatelli, seconded by Councilman Jensen, 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 Pignatelli, seconded by Councilman Jensen, the meeting be adjourned at 9:00 P.M.

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

Deborah Krebs, Deputy Borough Clerk
May 8, 2013

Mayor Linda H. Schwager

Date Approved