

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY MAY 8, 2013

MOVE TO EXECUTIVE SESSION:

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

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

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

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:  
Affordable Housing Funds, Potential Litigation
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.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:33 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.

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EXCUSE ABSENCE FOR COUNCILWOMAN MARCALUS:

On motion of Councilman Pignatelli, seconded by Councilman Jensen, the absence of Councilwoman Marcalus be excused.

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

MAYOR'S REPORT:

The Communications Commission needs members for its television crew. May 1<sup>st</sup> was the annual Bergen County law day. Two children from Dogwood School won Honorable Mention in the poster contest. The Baseball and Softball parade will be held May 19<sup>th</sup> as well as the re-dedication of the Danny D'Elia Building. On June 1<sup>st</sup>, the Borough will sponsor a shredding day at the Borough Hall parking lot. Mayor Schwager attended the Fire Department beefsteak on May 4<sup>th</sup> where they honored former Chief Robert Knapp. Mayor Schwager advised she is going to learn how to do the text notifications for the Borough as well as the phone calls. Mayor Schwager advised that a meeting about procedures for opening the Crystal Lake gates took place Monday May 6<sup>th</sup>. In attendance were the Borough Administrator, Borough Attorney, Borough Engineer, DPW Superintendent, OEM Coordinator and the Mayor. The group dissected the settlement agreement from 1975 as well as the current NJDEP permit. The Borough will open both gates but RML will close the gates. Both gates will be opened when the National Weather Service forecast predicts more than 1 inch of rain within a 24-hour period. Extenuating circumstances will change the general standard. The DPW will open the gates but RML will be responsible for closing the gates. The Borough will be able to notify these residents through the Swiftreach system if the gates are opened.

OPENED FOR PUBLIC DISCUSSION:

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

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

Nick Cerrato, 173 Lakeshore Drive, thanked the Mayor and Council for dealing with the issue of the gates and for having flexibility. When the gates were opened today, the residents knew they were being heard. The gates can always be closed. The biggest problem is not opening the gates soon enough. He thanked the Mayor and Council for their work on the stabilization of the bank.

Laura Ernest, 160 Lakeshore Drive, thanked everyone. She commented that it is a relief that the gates will be opened for 1 inch of rain. She commented that the Trout Unlimited project can help the river. She complained about her neighbor's debris which is left from Hurricane Sandy. Councilman Visconti advised that the Mayor and Council recognize there are issues with the river. The Council received a report from the Flood Commission which was put together by Roy Bauberger. The report listed 10 issues that needed to be resolved. The Borough spent a half million dollars last year on the bank stabilization project. He advised that \$120,000 has been put into this year's budget to do work on the river. He explained that the Council cannot act until the Borough has a formalized plan from an engineering standpoint. He explained that in the last two years, Borough officials have contacted State legislators and Federal agencies and pleaded for help. Ms. Ernest commented that she appreciates that the Mayor and Council are looking into doing work in the river. Mayor Schwager advised that the Borough is pursuing funding sources for the Trout Unlimited project.

Gina Steele, 39 River Road, commented she attended the last meeting and listened to the presentation by Trout Unlimited. She is concerned. The last time maintenance was done on the river, it brought water to her property because the water flowed in reverse. She commented that last year, four towns including Pompton Lakes received grants for cleanup of the river of storm debris. She asked why Oakland did not get money. She asked how the downstream communities are going to feel if they cleaned the river and then they get debris from Oakland that we did not clean out of the river. Councilman Pignatelli advised that the four towns-Pompton Lakes, Riverdale, Wayne and Lincoln Park-all received \$87,000. That was from special legislation sponsored by their legislator Scott Rumana. Ms. Steele commented that we should have piggybacked on that funding. Councilman Visconti advised that Assemblyman Rumana does not represent Oakland. The Mayor and Council contacted our State legislators. The Borough's problem is that we did not sustain the amount of damage that those other four communities did. He explained that the Army Corps project was \$21 million dollars that was spent in Oakland. Ms. Steele asked what maintenance is done in the river. Councilman Visconti responded that every year, the DPW pulls out brush and trees from the river. Mayor Schwager advised that there was a river cleanup held in April. Councilman Visconti explained that the debris from upriver flows into Oakland. He advised that the Bergen County Mosquito Commission has come to Oakland in the past to help clean the river. He advised that \$120,000 is being put into the budget for a capital project of the river but no project has been specified yet. Ms. Steele commented that the river is very different from the way it used to be. She is looking for the town to be proactive. Councilman Jensen commented that one of the unspecified issues is sediment build up in Pompton Lake. The main channel has been reduced. Pompton Lakes better get their act together or that sediment will be pushed upstream and affect Oakland.

Steve Farley, 15 Lakeshore Drive, advised that the bank stabilization project is finished. He thanked the Mayor and Council. He advised that the fishermen are climbing on the rocks and there should be signage put where they park.

Mike Guadagnino, 34 Hopper Street, advised that the Baseball and Softball parade will be held May 19<sup>th</sup> at 12:00. It will start at the Library and end at Field 7 by the Danny D'Elia building. The re-dedication of the Danny D'Elia building will take place at 1:00 pm. He thanked the Mayor for mentioning the magazine article which named the Oakland softball program as one of the tops in Bergen County.

Frank Monaco, 60 Thackeray Road, is happy the Council is helping the residents. He commented that it is a disgrace that only 600 people voted in the School Election.

William Woolford, 162 Lakeshore Drive, thanked the Mayor and Council for opening the gates.

Ryan Schwertzfeger, 186 Hiawatha Blvd., commented that he has been doing public opinion polls for Oakland for the past couple of years. He will be doing one more poll before he goes to college and would like everyone to participate.

**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, Pignatelli, Stagg, Visconti.

**APPROVAL OF MINUTES: APRIL 10, 2013**

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of April 10, 2013 be approved.

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

**APPROVAL OF MINUTES: APRIL 24, 2013**

On motion of Councilwoman Stagg, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of April 24, 2013 be approved.

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

**REQUEST BY TEKTON DEVELOPMENT TO WORK SATURDAYS ON DPW PROJECT**  
Mr. Kunze explained that Tekton has requested to work on Saturdays on the DPW Building project.

**MOTION TO APPROVE:**

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the Council approved the request of Tekton Development to work on Saturdays from 7 am to 4 pm on interior work and from 8 am to 4 pm on exterior work for the DPW Building project.

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

**RESOLUTION 13-136 APPROVE DPW CHANGE ORDER #8**

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

WHEREAS, on August 25, 2012, a contract was awarded to Tekton Development Corp. for the Renovations and additions to the DPW facility in the amount of \$2,579,000; and

WHEREAS, a request was made for the following Change Order:

Change Order 8	metal wall panels, overhead doors and motors,	
	lighting and electrical work, and demo existing doors	
	Total for Change Order 8	\$ 63,719.03

WHEREAS, the Change Order has been reviewed and recommended by the Borough's architect, Keith Lesser of S & L Architecture Studio LLC; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-55-922-003;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Change Order 8 in the total amount of \$63,719.03.

Mr. Kunze advised this was not in the original bid. The vehicle maintenance garage is 40-years old and is in need of repair anyway. The original cost estimate for this work was \$75,000 so the actual amount came in lower. Councilman Visconti commented this is an addition to the contract but it is within the amount appropriated. This was discussed in the planning stage to have as an add alt. He does not know why it was not included. The building is rusted. We are doing the roof so we should do the rest of the building as well. Although he is not happy about it, he does think it is necessary to do.

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

**RESOLUTION 13-137 AUTHORIZE CONTRACT AMENDMENT FOR BOSWELL-POTASH LAKE STORM SEWER REPAIR**

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

WHEREAS, on April 10, 2013, a contract was awarded to Boswell McClave in the amount of \$3,000 for Construction Inspection Services for the Potash Lake Pipe Repair Project; and

WHEREAS, there is a need to amend the contract by \$4,000 to include services required for NJDEP permitting for the project; 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 amend the contract for Boswell McClave for the Potash Lake Pipe Repair Project to include the additional \$4,000 required to prepare and submit the permit paperwork to NJDEP.

Councilwoman Stagg asked what permit is needed. Borough Engineer Rebecca Mejia responded that the work is being done under Executive Order but the Borough still needs to submit hydraulic calculations to the DEP. This had to be done for the Monhegan Avenue project as well. This was in the original proposal but had been overlooked when the resolution was done.

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

**RESOLUTION 13-138 AUTHORIZE CONTRACT AMENDMENT FOR S & L ARCHITECTURE**

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

WHEREAS, on October 1, 2012, a contract was issued through April 2013 in the amount of \$65,000.00 to S & L Architecture Studio, LLC for construction administration for the DPW Building Renovation Project; and

WHEREAS, there were time delays on the project caused by several factors including Hurricane Sandy and asbestos remediation which has extended the project for an additional two months; and

WHEREAS, it is necessary to amend S & L Architecture Studio's contract by an additional \$11,000.00 in order to take it through project completion; and

WHEREAS, the Chief Financial Officer has certified funds are available in account #C-04-56-684-100;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize the amendment to S & L Architecture Studio's contract for an additional two months at a total cost of \$11,000.00.

Councilwoman Stagg questioned if they were on site during the time delay for the Hurricane. Councilman Visconti responded that early in the project, the architect does shop drawing reviews. The rate they are giving us now is lower than the rate at the beginning of the project. They will provide a detail of their time.

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

**RESOLUTION 13-139 AUTHORIZE CONTRACT AMENDMENT-EPIC -TABLED**

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

WHEREAS, on October 1, 2012, a contract in the amount of \$70,000.00 was issued to Epic Management, Inc. of Piscataway, New Jersey for Owner's Representative Services for the DPW Building Renovation Project and the contract is due to expire on May 9, 2013; and

WHEREAS, there were time delays on the project caused by several factors including Hurricane Sandy and asbestos remediation which has extended the project for an additional two months; and

WHEREAS, it is necessary to amend Epic's contract by an additional \$20,000.00 in order to extend an additional month; and

WHEREAS, the Chief Financial Office has certified that funds are available in Account #C-04-56-684-100;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the amendment to Epic Management's contract for an additional two months at a total cost of \$20,000.00.

Councilwoman Stagg questioned what they were doing for the two months the project was delayed. Mr. Kunze responded that the inspector was on site even though work was not being done. Their contract was not set up hourly. The consensus of the Council was to table and have Epic come to the next meeting to explain their request.

**MOTION TO TABLE:**

On motion of Councilman Visconti, seconded by Councilman Pignatelli, Resolution 13-139 be tabled.

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

**RESOLUTION 13-140 AUTHORIZE CONTRACT AMENDMENT-BURGIS**

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

WHEREAS, the Borough has received a grant from the New Jersey Highlands Council for Plan Conformance with the Highlands Regional Master Plan; and

WHEREAS, a contract was issued to Burgis Associates for the service required for Plan Conformance; and

WHEREAS, an amendment to the contract in the amount of \$1,170 is required to utilize the full remaining grant funds to complete the Municipal Response Report, a required element of the plan conformance process; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #G-02-09-715-000;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize an amendment to Burgis Associates' contract for Plan Conformance work in the amount of \$1,170.

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

**RESOLUTION 13-141 CHAPTER 159 RAYMOND PROPERTY GRANT**

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland in the County of Bergen, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$40,000 which is now available from the Bergen County Open Space Trust Fund.

BE IT FURTHER RESOLVED, that the like sum of \$40,000 is hereby appropriated under the caption Ramapo Valley Park – Bergen County Open Space Grant; and

BE IT FURTHER RESOLVED, that the above is the result of an award letter received from the Bergen County Open Space Trust Fund in the amount of \$40,000.

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

**RESOLUTION 13-142 AUTHORIZE GREEN ACRES GRANT AGREEMENT**

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

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Oakland has previously obtained a grant of \$1,150,000 from the State to fund the following project(s):

**0242-04-055-Borough of Oakland Recreation and Open Space Plan**

WHEREAS, the State and the Borough of Oakland intend to increase Green Acres funding by \$825,000; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

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

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Borough of Oakland Recreation and Open Space Plan, and:
2. The applicant has its matching share of the project, if a match is required, in the amount of \$1,975,000.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

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

**INTRODUCTION: ORDINANCE NO.**

The Clerk was directed to take from table Ordinance No. 13-Code-687 and read by title for its first reading.

The Clerk then read by title Ordinance No. 13-Code-687 entitled: " AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND



CHAPTER IX, RECREATIONAL FACILITIES AND RECREATION AREAS, SUBCHAPTER 9-2.4, ENTITLED "FEE AND PERMIT SCHEDULE FOR USE OF FIELDS AND ROLLER HOCKEY RINK".

On motion of Councilwoman Stagg, seconded by Councilman Visconti, 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 9-2.4, 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 May 22, 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 May 13, 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, Pignatelli, Stagg, Visconti.

FINAL PUBLIC HEARING: ORDINANCE NO. 13-CODE-686

The Clerk was directed to take from the table Ordinance No. 13-Code-686 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE REVISING, AMENDING AND REENACTING PARAGRAPHS 1 THROUGH 16 OF ORDINANCE NO-12-CODE-666 TITLED "THE CODE OF THE BOROUGH OF OAKLAND, COUNTY OF BERGEN, STATE OF NEW JERSEY, ENTITLED "SALARIES OF MUNICIPAL EMPLOYEES"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments from the public.

CLOSED FOR PUBLIC DISCUSSION:

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Revising, Amending And Reenacting Paragraphs 1 Through 16 Of Ordinance No-12-Code-666 Titled "The Code

Of The Borough Of Oakland, County Of Bergen, State Of New Jersey, Entitled "Salaries Of Municipal Employees", 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:

##### CAPITAL BUDGET:

Councilman Visconti explained that CFO Mangin provided a chart on debt analysis. There is a steady decline in debt from 2010 to 2032. Bonds outstanding will be paid in 2022 and notes will be paid in 2024. We are borrowing less money and paying it off more quickly. He explained that we have a good handle on the debt issue. The question is how to handle the capital budget this year. Ideally, as debt drops off, the Council should put projects in.

Councilman Pignatelli questioned money put in for the Library budget. He asked if this is the money we currently have or is it new. Mr. Kunze responded it is the new amount being recommended. He explained that we have enough money to do the exterior renovation this year and bring an architect on board. The Council can make a definite decision on the amount to authorize after getting the architect's cost estimate. Councilman Pignatelli wants to see a proposal on the Library before the Council moves forward and spends more money. Councilman Visconti responded that we need to get architect's plans.

Councilman Visconti explained that this is a draft capital plan. Mr. Kunze put together ideas of where money needs to be spent but it is up to the Council to decide what to spend. Councilman Pignatelli asked what was spent last year on capital. Mr. Kunze responded that the average amount spent each year is \$1.5 million but last year the DPW building was authorized. Councilman Pignatelli commented that there is a big difference from 2011 to 2013 and questioned why the amount is doubled. Mr. Kunze explained that this is a draft plan that includes a replacement fire engine for \$600,000 and the second phase of the Recreation lighting for \$480,000. Backup generators are included because they must run through capital but the Borough is trying to pursue grants for them. He advised that these are estimates and the actual price we pay may be less.

Councilman Jensen asked if anything can be put off until next year. Mr. Kunze advised that we want to commit to the Recreation lighting and have been funding that project over three years. The fire engine can be put off a year or several years. He suggested that the Council should look at a long-term vehicle replacement plan. The Fire Department has done a good job with their budgets but maybe the Council needs to have a discussion with them about extending the 20 year replacement plan. He advised that several towns in Northwest Bergen wait longer than 20 years to replace fire engines. The fire engine that was just ordered will replace a 1985 engine. The reserve engine is only 21 years old. Councilman Visconti explained that just because a project was put in the draft plan, it does not have to remain in the plan. Mr. Kunze advised that if the Council removes the fire engine and Library costs from this year, \$1.2 million comes off the amount and brings this year's capital to \$2 million. Councilman Pignatelli asked if the Library money is coming from the money we already have on hand. Mr. Kunze responded it was not which is why he is saying we can use the money we already have for exterior improvements and to get an architect. Councilman Visconti advised that even if the capital budget for this year is \$3

million, there will be no tax increase. The debt is managed well. He asked if there is anything else the Council wants to pull off besides the fire truck and Library.

Councilwoman Stagg would like the Council to get laptops. Mr. Mangin advised that the network project needs to be completed before we can consider doing that. Councilman Visconti advised that the County went to Ipads last year. One of the problems in the past was security issues. However, the Council can revisit this topic. Councilwoman Stagg commented that she would like the laptop to keep all Borough business on a separate computer. Councilman Visconti reiterated that the network needs to be up and running first.

Mr. Mangin commented that he and Mr. Kunze need direction on how to put together a bond ordinance for introduction. Mayor Schwager asked if the money is needed for the Library to start exterior work. Mr. Kunze responded it was not. Mr. Mangin advised that it is good idea to keep the Library in a separate ordinance. The old ordinance only has construction costs and not soft costs. He explained that the Council can do a resolution for preliminary expenses to cover soft costs. Councilman Pignatelli is not in favor of an additional \$540,000 for the Library until the Council gets an explanation so he would like that pulled from the ordinance. The consensus of the Council was to consider the Library in a separate ordinance.

Councilman Visconti suggested maybe spreading the cost of the fire truck over three years. Councilman Pignatelli asked if anyone has spoken to the Fire Department as to the necessity. Mayor Schwager suggested that the Council meet with the Fire Department and have them show the Council the truck and explain why it needs to be replaced. Mr. Kunze commented that maintenance costs on the truck to be replaced ran \$7,000 last year. That cost is certainly below the replacement cost. He will have the Fire Chief set up a meeting with the Council. Mayor Schwager responded that if they need it due to a safety issue, they need it. Councilman Visconti commented that obviously safety comes first but the Fire Department did not indicate it was a safety issue at their budget hearing. Mayor Schwager asked if there is a time limit to introduce the ordinance. Mr. Mangin responded there is not. He advised the Council to find out when the Fire Department needs to take delivery of the truck. The money can be put in when they need to take delivery. Councilman Visconti commented that he would like to put money aside each year so it is not such a big hit to the budget all at once.

Mr. Mangin advised that the Borough is moving towards pay as you go. He explained that what the Borough is paying in interest in the 2013 budget is \$200,000 less than what we were paying in the 2010 budget. That money is going toward capital improvements.

#### **BOSWELL PROPOSAL-LAKESHORE DRIVE PERMITTING COSTS**

Borough Engineer Rebecca Mejia advised that Boswell submitted paperwork to DEP for the permit for the Lakeshore Drive bank stabilization project. The DEP sent back the application with comments. The DEP wants Highlands approval. Boswell needs to resolve this issue with the DEP. Councilwoman Stagg finds it hard to believe some of DEP's comments. Ms. Mejia responded that Boswell needs to go back and argue with the DEP.

#### **NEW BUSINESS:**

Councilman Jensen commented that, in response to an email, the Borough has a solicitation ordinance with guidelines. If the public feels someone is soliciting inappropriately, contact the Police Department.

Councilman Pignatelli asked for an update on the Fire siren system. Mr. Kunze responded he is in the final stages of drafting specifications. He hopes to advertise for bids next week.

Councilman Visconti asked for a status of the network project. Mr. Kunze advised that wiring has been done at Borough Hall. They have been looking at a cloud based solution but that does not seem feasible. He is in the process of getting a timetable for installation of equipment. It seems to be a two to three month timeframe to completion.

Councilwoman Coira commented that Resolution 13-139 was tabled but Epic's contract expires tomorrow. She asked what would happen. Councilman Visconti responded that the Council can agree to a one-month extension and have Epic come in to explain why they need an extra month.

**REMOVE RESOLUTION 13-139 FROM TABLE:**

On motion of Councilman Visconti, seconded by Councilwoman Stagg, Resolution 13-139 be removed from the table.

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

**MOTION TO APPROVE RESOLUTION 13-139 AS AMENDED**

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

WHEREAS, on October 1, 2012, a contract in the amount of \$70,000.00 was issued to Epic Management, Inc. of Piscataway, New Jersey for Owner's Representative Services for the DPW Building Renovation Project and the contract is due to expire on May 9, 2013; and

WHEREAS, there were time delays on the project caused by several factors including Hurricane Sandy and asbestos remediation which has extended the project for an additional two months; and

WHEREAS, it is necessary to amend Epic's contract by an additional \$10,000.00 in order to extend an additional month; and

WHEREAS, the Chief Financial Office has certified that funds are available in Account #C-04-56-684-100;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the amendment to Epic Management's contract for an additional month at a total cost of \$10,000.00.

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

**COUNCIL REPORTS:**

Councilman Visconti: No report

Councilwoman Stagg: The Environmental Commission met and is working on the Natural Resources Inventory. Councilwoman Stagg went to the FEMA meeting held at the County last week. They spoke about amended FEMA regulations. Insurance rates are going to be increased based on flood elevations.

Councilman Pignatelli: No report.

Councilman Jensen: The Memorial Day Parade will be held May 26, 2013 at 1 pm.

Councilwoman Coira: Recreation Football and Cheerleading are holding sign-ups. The next Planning Board meeting is May 9<sup>th</sup>. Shade Tree Commission met this past Monday.

Mayor Schwager advised that the next Flood Commission meeting will be held Monday at 7:30 pm.

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.

Frank Monaco, 60 Thackeray Rd, spoke about having concerts. He suggested maybe the Council could ask the Public Events Committee if they would be interested.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilwoman Stagg, seconded by Councilman Jensen, 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 Councilman Pignatelli, 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.

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Jensen, the meeting be adjourned at 9:33 pm.

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

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Lisa M. Duncan, Borough Clerk  
May 22, 2013

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Mayor Linda H. Schwager

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Date Approved