

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY MAY 22, 2013

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, 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:
Litigation, 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, Marcalus, Pignatelli, Stagg, Visconti.

Discussion ensued over COAH funds, Universal Broadcasting, property acquisition and lease of Borough property.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:35 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Coira, Marcalus, Pignatelli, Stagg, Visconti. Absent: Councilman Jensen. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney; James Mangin, Chief Financial Officer.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Mayor Schwager announced this meeting is being held in accordance with the Open Public Meetings Law duly announced and included in the schedule of regular meetings.

EXCUSE ABSENCE OF COUNCILMAN JENSEN

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

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

CERTIFICATES TO HONORABLE MENTION POSTER WINNERS FROM BERGEN COUNTY LAW DAY

Mayor Schwager advised that Law Day was started in 1958 by President Eisenhower. In Bergen County, Law Day is celebrated with an essay and poster contest. Two Dogwood School students won honorable mention in the poster contest. She gave certificates to Timothy Wang and Frank Bracco, both 4th graders.

PRESENTATION ON HIGHLANDS PLAN CONFORMANCE

Borough Planner Steve Lydon introduced staff of the Highlands Council that were in attendance tonight: Gene Feyl, Executive Director; Christine Danis, Director of Planning, and James Humpries.

Mr. Lydon explained that the Mayor and Council have been discussing the Highlands Plan Conformance for years and it is getting to the time where we have to act. Mr. Lydon explained that the Highlands Act was adopted in August 2004 and the Highlands Regional Master Plan was adopted in July 2008. The Highlands region consists of 17% of the State's land base and supplies 64% of the State's drinking water. The Highlands Planning area contains 444,394 acres and the Preservation area consists of 414,965 acres. Oakland is entirely in the Highlands region-53.6% is in the Planning area and 46.4% is in the Preservation area.

Mr. Lydon explained that in November 2009, the Mayor and Council passed a resolution to conform to the Preservation area and in July 2011, the Mayor and Council passed a resolution to conform to the Planning area. He explained that the purpose of plan conformance is to align municipal and county planning documents and land use regulations and programs with the Highlands Regional Master Plan. The focus is to protect the quantity and quality of groundwater and surface water.

Mr. Lydon spoke about smart growth goals. They are to preserve natural resources, support existing communities and developments where infrastructure investment has already been made,

and to save taxpayers dollars by reducing capital expansion of infrastructure necessary to support sprawl. The basic principles of smart growth are to provide quality housing for a range of incomes and lifestyles, walkable communities, integration of mixed uses into existing communities, compact building design and cohesion with the private sector. Some of the objectives of smart growth include: 1. to mix land uses 2. to utilize existing community aspects 3. to create walkable compact neighborhoods 4. to create a range of housing opportunities and choices 5. promote distinctive, attractive communities 6. preserve open space, farmland and critical environmental habitats.

Mr. Lydon advised that the Highlands Planning and Preservation areas are divided into two zones. The protection zone has a high resource value on lands and land acquisition is a priority. The existing community zone are existing communities with existing infrastructure. There are two sub-zones in the existing community zone: the environmental constrained sub-zone which is protected from fragmentation and the lake community sub-zone which prevents degradation of water quality.

Mr. Lydon explained that the Highlands Act requires preparation of Land Use Capability maps. There are exemptions to the Highlands Act including new single family dwellings, additions to single family dwellings, developments with prior municipal and DEP approval, and improvements to places of worship, school and hospitals. Mr. Lydon explained that as part of Highlands conformance, the Borough must maintain plans and ordinances per the Regional Master Plan and must gain approval from Highlands Council prior to adoption of any ordinances or plans. He explained that Highlands Council approval is required for certain types of applications including properties within the special environmental zone, critical habitat areas, historic or scenic resource areas and for new or extended utilities.

Mr. Lydon explained the impacts on Planning program conformance. Some examples of major regulatory changes are a 300-foot buffer for open waters, prohibition of disturbance of various slopes, prohibition of utility extensions in certain zones and prohibition of uses identified as major potential contaminant sources in prime groundwater recharge areas. Mr. Lydon spoke about Transfer of Development Rights program. He explained that participation in TDR program is voluntary. If participating, lands in PZ and CZ are eligible to serve as sending zones. Lands in ECZ or Highlands redevelopment areas are eligible to serve as receiving zones. Mr. Lydon advised that the Borough's current COAH obligation is 16 rehab units and 358 new construction units. If the Borough conforms to the Highlands Plan, the COAH obligation would be 16 rehab units and 30 new construction units. Mr. Lydon explained that it is getting to the point in the plan conformance process where the Mayor and Council will need to hold public hearings and amend zoning ordinances.

Councilman Pignatelli questioned if there has been an agreement for density on TDR. Mr. Lydon responded there is not. It depends on the numbers in the wastewater management plan. Gene Feyl advised that the Highlands Council gave the Borough a grant to look at the fiscal impact of a TDR program. If the Borough decides to go with a TDR program, they can receive a grant of up to \$250,000. He explained that the Highlands Council will try to enable the Borough's vision for Oakland. Councilman Pignatelli asked if the Plan Conformance number is acceptable to COAH. Mr. Lydon responded that it was because there is a Memorandum of Understanding between COAH and the Highlands Council and it is based on growth share. Councilman Pignatelli questioned about the transfer of water between two basins. Mr. Lydon responded that the Wastewater Management Plan deals with mitigation issues. The Highlands Council is confident that we will get DEP approval with the Wastewater Management Plan. Mr. Chewcaskie

commented that the COAH obligation is significantly less with Plan conformance. He questioned if Mahwah went through Plan conformance. Mr. Lydon responded they did.

Mr. Chewcaskie questioned the cost of Plan conformance. Mr. Lydon responded that the money that the Borough has been using so far has been provided by the Highlands Council. He commented that not only is the cost to build 358 COAH units substantial but the infrastructure costs would be substantial as well. Mr. Feyl commented that the Mayor and Council have to look at the cost of not doing Plan Conformance. He advised that the State requires a mitigation plan in the Wastewater Management Plan which the Highlands Council will build in. James Humphreys advised that Oakland has received \$175,000 in planning grants to date from the Highlands Council. After Plan conformance is approved, Oakland will get additional money.

Councilman Visconti questioned TDR credits. He asked if a developer can go to the Highlands Council to purchase credits. Mr. Feyle advised that there is an inventory of credits available now. They were purchased at \$16,000 each. He hopes to get to a negotiable rate. He explained the right to charge an impact fee. Councilman Visconti commented that the crux of the downtown is sewers. He believes that the ratables that will come in will help defray costs of sewers. He asked if the Highlands Council will provide funding for a study on sewers in the downtown. Chris Danis from the Highlands Council agreed that the Borough needs a study to determine the fiscal impact of sewers. She advised that Oakland has done good planning analysis so far. Oakland is very responsible with the money the Highlands Council has given them and she thinks the Mayor and Council have learned a lot. The Mayor and Council have important decisions to make but the Highlands Council looks forward to partnering with Oakland.

Mr. Kunze asked what the next steps in the process are. Mr. Lydon advised that the Borough needs to submit a petition to the Highlands Council. There will be a public hearing at the Highlands Council on June 23rd. Mr. Humphreys advised that the Borough has already adopted the resolution for Plan conformance. The Borough just needs to submit a response. The Borough has already received approval for draft documents.

MAYOR'S REPORT:

Mayor Schwager advised that the laptop initiative at the High school is a big issue. She advised that the Ramapo Indian Hills Board of Education will hold a public meeting on the laptop initiative on June 11th at 7:30 pm at the Indian Hills High School auditorium. Mayor Schwager advised she has gotten complaints from other residents on Crystal Lake. She explained that the Borough is complying with a settlement agreement from 1975. Mayor Schwager advised there was a rededication of the Danny D'Elia building this past weekend. Mr. D'Elia did a lot for recreation in Oakland. The Memorial Day Parade will be held Sunday at 1 pm and Paul Sumner will be the Grand Marshall. Opening day for the Farmers Market will be June 1st. The Borough will sponsor a shredding event on June 1st. A Blood drive will be held June 15th by the Farmers Market.

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, Marcalus, Pignatelli, Stagg, Visconti.

Frank Monaco, 60 Thackeray Road, asked if houses where the value has dropped a lot would qualify for affordable housing. Mr. Kunze responded there is a difference as to what someone can buy a house for and the regulations that COAH requires. He explained there are income

requirements. Mr. Chewcaskie explained that an affordable unit is deed restricted. If the market goes up, that unit cannot go up as high. There are income limits. Councilman Visconti commented that he had the same question. He explained that you have to take into account the date the house was built. Anything built before 1984 does not count. Mr. Monaco asked why the Highlands presentation was not opened to the public. Mr. Chewcaskie advised that is the discretion of the Mayor and Council. The presentation was informative in nature for the Mayor and Council and they are not required to hold a public hearing.

Gina Steele, 39 River Road, agreed that the Mayor and Council should open to the public on presentations. She spoke of the laptop issue at the high school. She did research to see if Oakland can get grants for the river. She called the Pompton Lakes Borough Administrator for information. She commented that the Borough needs to use an engineer for the Community Rating System. She advised that the Borough needs to use an agency that the other towns are using in order to get grants. She spoke about statements made by Councilmembers Pignatelli and Visconti about \$120,000 being used for a river project. Councilman Visconti responded that he spoke of the capital budget and advised that there is \$ 120,000 for a flood project that is to be determined. The Borough does do maintenance on the river. He spoke about the strict regulations of the DEP and penalties if those regulations are not followed. He does not want the Borough to violate DEP regulations. Ms. Steele referenced an article in the newspaper. She reiterated that the Borough should call an agency to handle grants.

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, Marcalus, Pignatelli, Stagg, Visconti.

APPROVAL OF MINUTES: MAY 8, 2013

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of May 8, 2013 be approved.

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

APPROVAL OF MINUTES: APRIL 10, 2013 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council Executive Session of April 10, 2013 be approved.

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

APPROVAL OF MINUTES: APRIL 24, 2013 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council Executive Session of April 24, 2013 be approved.

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

APPROVAL OF MINUTES: MAY 8, 2013 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council Executive Session of be approved.

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

APPROVE RAFFLE LICENSE RL1182

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, approval be granted for Raffle License RL1182 for Oakland Franklin Lakes Rotary to run carnival games at the Oakland Recreation Field on June 26, 27, 28, 29, 2013.

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

APPROVE SOCIAL AFFAIRS PERMIT

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, approval be granted for a social affairs permit for the Oakland Elks for June 15, 2013 from 12:00 to 9:30 pm.

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

PUBLIC WORKS WEEK

Mayor Schwager read a State of New Jersey Proclamation for Public works week May 19 to May 25th. She commented that Oakland is fortunate to have a wonderful Department of Public Works.

WORK SESSION:

CREW ENGINEERS CONTRACT AMENDMENT WELL 8A PROJECT

Mauro Bacolo from Crew Engineers explained that they are requesting an additional amount because there was more work done during construction of the well than was anticipated and more hours were involved. There was a problem with a flow meter and there was trouble getting the contractor to come back to repair it. Crew accrued a lot of time and effort and they are asking for an increase to the contract. Councilman Pignatelli questioned if the meter was faulty. He stated the meter that was put in should have been new and under warranty. He asked what the legal action is for the contractor for not fulfilling their contract. Mr. Chewcaskie advised that the contractor and their bonding company have been put on notice. Councilwoman Stagg advised that Crew put in a lot of extra work on this project. Councilman Pignatelli asked if the well was ready to be put on-line. Mr. Bacolo responded that the well has been operational but the meter was faulty. Mr. Kunze explained that this was part of the project for the backup well 8A where the DEP required flow meters in other wells.

CREW ENGINEERS CONTRACT AMENDMENT WALNUT STREET PUMPING STATION

Mr. Bacolo explained that Crew was authorized to design improvements for the Walnut Street Pumping Station. Plans and specifications were prepared. The job did not go out to bid because Darlington Tank was being painted and the telemetry project was being planned. The plans for Walnut Street Pumping Station must now be revised based on the new telemetry project.

CREW ENGINEERS CONTRACT AMENDMENT-SKYVIEW AND HIBROOK PUMPING STATION

Mr. Bacolo advised that the plans must be revised for the Skyview and Hibrook Pumping Stations because of the telemetry project.

CHANGE ORDER-LEHIGH AND WEST OAKLAND WATER MAIN PROJECT

Mr. Bacolo explained that there was a construction change order. The work being done by the contractor is outside the scope of the project. The amount of the change order is \$1,258.70.

Councilman Pignatelli left the meeting at 9:31 pm.

RESOLUTION 13-143 AUTHORIZE CONTRACT BOSWELL-ADDITIONAL PERMIT WORK

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

WHEREAS, on June 13, 2012, Boswell was authorized a contract for engineering services for the Bank Stabilization Project on Lakeshore Drive; and

WHEREAS, after submitting the complete permit package to the NJ Department of Environmental Protection, the NJ DEP came back with multiple substantial requests for additional information not anticipated at the time of submittal; and

WHEREAS, Boswell McClave submitted a proposal dated May 1, 2013, in the amount of \$5,000 for the additional work required to respond to the DEP's request; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-644-000

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize an amendment to Boswell's contract in an additional amount of \$5,000.

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

Councilman Pignatelli re-entered the meeting at 9:33 pm.

RESOLUTION 13-144 APPOINT ELECTRICAL INSPECTOR

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

WHEREAS, the Borough is in need of hiring an Electrical Inspector; and

WHEREAS, James Hoffman had been working for the Borough of Oakland as a temporary Electrical Subcode Official;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the hiring of the James Hoffman as Electrical Inspector at an annual salary of \$ 7,800 effective May 8, 2013.

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

RESOLUTION 13-145 HIRE SUMMER HELP-DPW

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

BE IT RESOLVED that the Mayor and Council hereby authorize the hiring of the following seasonal laborers for the Department of Public Works:

NAME	EFFECTIVE DATE	SALARY
Joseph Carroll	May 23, 2013	\$ 10.50/hour

Jake Morgan	June 25, 2013	\$ 10.50/hour
John Morrisroe	May 23, 2013	\$ 10.00/hour
Michael LaBruna	June 25, 2013	\$ 10.00/hour

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

RESOLUTION 13-146 AUTHORIZE CONTRACT AMENDMENT FOR EPIC-TABLED

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, 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 that contract expired 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, on May 8, 2013, Epic's contract was extended one additional month for the amount of \$10,000;

WHEREAS, it is necessary to amend Epic's contract by an additional \$10,000.00 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 Epic Management's contract for an additional month at a total cost of \$10,000.00.

Councilman Visconti advised he had requested more information from Epic. No one from Epic could come to the meeting tonight and they sent a letter instead. Councilman Visconti did not feel that the letter provided adequate information because it never spoke specifically about what work Epic did during that time. He asked for time sheets and a better explanation. Epic was hired as our construction manager. If no construction was being done, why should we pay Epic? If they did do work during that time, we need to see a detail.

MOTION TO TABLE:

On motion of Councilman Visconti, seconded by Councilwoman Marcalus, Resolution 13-146 be tabled.

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

Mr. Kunze advised that representatives from Epic can come to the June 12th meeting.

RESOLUTION 13-147 REFUND TAXES DUE TO OVERPAYMENT BL4601, L54

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

WHEREAS, the Borough of Oakland has received a request for a refund of a 2013 overpayment due to a duplicate payment of the second quarter 2013; and

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

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

<u>BLOCK/LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
4601/54	Iglesias, Leonel & Bianca	\$2,630.61

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

RESOLUTION 13-148 AUTHORIZE COMMUNITY FORESTRY APPLICATION

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

WHEREAS, the Shade Tree Commission wishes to submit a grant application to the Community Forestry Program to replace trees damaged during Storm Sandy;

NOW, THEREFORE, BE IT RESOLVED that Mayor Linda H. Schwager is hereby authorized to sign the grant application on behalf of the Borough of Oakland.

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

RESOLUTION 13-149 ADJUST SALARY-CHRIS WALTHOUR

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

WHEREAS, Chris Walthour has served as the Electrical Subcode Official, performing both plan reviews and inspections; and

WHEREAS, it is Mr. Walthour's desire to limit his activities primarily to plan reviews and associated administrative tasks; and

WHEREAS, inspection activities would be performed by a newly-appointed Electrical Inspector; and

WHEREAS, the Construction Official and Borough Administrator recommend this arrangement due to the greater staffing flexibility it offers; and

WHEREAS, Mr. Walthour's salary needs to be adjusted to reflect his reduction in work hours;

NOW, THEREFORE, BE IT RESOLVED that Mayor and Council authorize that Mr. Walthour's annual salary is hereby set at \$ 5,366 effective May 8, 2013.

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

RESOLUTION 13-150 CHANGE ORDER #9 DPW BUILDING PROJECT

On motion of Councilman Visconti, seconded by Councilwoman Stagg, 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 9	various finish items including wall tile, and	
	Entrance mat (material and labor)	\$ 1,890.00

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 9 in the total amount of \$ 1,890.00

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

FINAL PUBLIC HEARING: ORDINANCE NO. 13-CODE-685

The Clerk was directed to take from the table Ordinance No. 13-Code-685 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled "Land Use And Zoning", 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, Marcalus, Pignatelli, Stagg, Visconti.

FINAL PUBLIC HEARING: ORDINANCE NO.13-CODE-687

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

The Clerk then read by title 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".

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

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, Marcalus, Pignatelli, Stagg, Visconti.

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

WORK SESSION:

REVISIONS TO ORDINANCE FOR ACCESSORY STRUCTURES

Mr. Kunze advised that the Planning Board has made recommendations for revisions to the ordinance for accessory structures. Mr. Chewcaskie commented that a draft ordinance was

included. If there are no comments by Council, it can be listed for introduction at the next meeting on June 12th.

OPEN SPACE REFERENDUM:

Councilman Visconti advised that the Council needs to talk about this in more detail. Currently the open space tax is 1 cent per \$100 of assessed valued. It was approved twice for five-year terms. We need to ask the public to approve this for a third time. He explained that by having an open space trust, the Borough can use that money to leverage to get more money from the State and County for open space purchases. Currently, the open space tax brings in \$217,000 annually. It is earmarked now for pay back for purchases of property. He explained that the Borough needs the open space trust fund for the leverage factor. He asked if there should be discussion to include other uses for the money.

Mr. Mangin advised that the open space trust is over-committed. In 2009 when the Heritage Hills property was purchased, the levy was \$260,000. It is now \$217,000. The over-commitment is greater now than in 2009. If the referendum does not pass, our shortfall is \$1.6 million. If it is not paid from the open space trust, it still has to be paid. It would change the debt analysis. If the referendum is approved for another five years, there is still a good chance that we won't have enough money to pay for the Heritage Hills property. He explained that the Council could consider a longer term for the trust as well as raising the amount. Councilman Visconti commented that the more money that is put into the open space trust, the more money the Borough can leverage. Mr. Mangin responded that between Bergen County and Green Acres, the Borough has received approximately \$ 5 million. Councilwoman Stagg advised that the open space trust fund is really valuable. If money is available at the State, we don't have to ask, they just give it to the Borough.

Councilman Visconti commented that even if the open space fund goes away, the Borough still has to fund the purchases through the tax levy because we are indebted. So taxes will not go down if the open space trust is not approved. He would like to hear comment from the public. Mayor Schwager suggested putting this back on the agenda for June 12th. Mr. Mangin advised that the last time the open space trust was approved in 2008, there was a tax increase of 8.5%. In 2009, the tax increase was 4.7%. Last year, the tax increase was 0% and this year the increase was 1.1%. There have been policies put in place that limit the emergencies that drive taxes up. The budget is a lot more stable in 2013 than in 2008.

NEW BUSINESS:

Mayor Schwager advised that the Flood Commission discussed the Community Rating System. They spoke of the need for an Engineer. Originally, the Flood Commission thought they could do the work but it is extensive. There is a cost involved to hire an Engineer but it is worth it. She advised that we have to find the best company at the lowest price. Mr. Kunze advised that Construction Official Dan Hagberg offered to help the Flood Commission but he is not an Engineer and he is only a part-time employee.

Councilman Pignatelli asked for an update on the fire siren bid. Mr. Kunze responded that the specifications are with the OEM coordinator for final review. He should have them back tomorrow. The bid notice will be sent to the paper on Friday. The bid opening should be held in late June. Councilman Pignatelli explained this is for an improved siren system. It can be used as an alert system.

Mr. Kunze advised that bids were taken for the Monhegan Avenue Drainage project. We received six bids and the low bid is below the Engineer's estimate. Boswell is currently

reviewing the bids. There are a couple of easement issues. If those can be worked out, a resolution to award the bid will be brought forth at the next meeting.

COUNCIL REPORTS:

Councilwoman Marcalus: Ramapo Indian Hills is accepting applications for the pre-school program which is free to FLOW residents. The Oakland Library was one of four libraries in the state to win a grant to enhance the childrens' section.

Councilman Visconti: No report.

Councilwoman Stagg: No report.

Councilman Pignatelli: He attended the Board of Health meeting. The health inspector for Oakland is being called to do more inspections on septic systems. In April, there were 30 septic permits issued. The Board of Health discussed inspector hours. He asked if there was money available to increase inspector hours. Mr. Kunze responded there was. Councilman Pignatelli advised that Fire Department will hold a ceremony at 11:30 am on Sunday before the Memorial Day parade. The Police Department responded to 1069 calls in April.

Councilwoman Coira: The Recreation Commission met Monday. There is a new mountain bike program that will begin June 28th. The Shade Tree Commission will meet June 3rd at 7 pm.

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, Marcalus, Pignatelli, Stagg, Visconti.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

MEETING ADJOURNED:

On motion of Councilman Visconti, seconded by Councilman Pignatelli, the meeting be adjourned at 10:12 pm.

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

Lisa M. Duncan, Borough Clerk
June 12, 2013

Mayor Linda H. Schwager

Date Approved