

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY JUNE 12, 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:  
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, Jensen, Marcalus, Visconti.

Discussion ensued regarding settlement of litigation, COAH and request from labor unions for holiday switch.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:31 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Coira, Jensen, Marcalus, Visconti. Absent: Councilmembers Pignatelli, Stagg. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Steven Muhlstock, 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.

---

**MOTION TO EXCUSE COUNCILMEMBER ABSENCES**

On motion of Councilman Visconti, seconded by Councilman Jensen, the absence of Councilmembers Pignatelli and Stagg be excused.

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

**PRESENTATION: PLEASURELAND PROPERTY/GREAT OAK PARK**

Mike Guadagnino, 34 Hopper Street, advised that various people have been discussing plans for this property for the past 16 months. He advised that there is a final proposal. He is looking to have the Mayor and Council authorize a five-man committee to work within the confines of the town to get the park project moving. They would also like the ability to have a 501c3 for fundraising for "Friends of the Park". There would be a Phase 1 and Phase 2 to the project. Phase 1 would be for the parking and walking trails. He is asking for approval to proceed on that phase once the Committee has been approved. Phase 2 will include the BMX park, the skate park, the dog park, etc. He advised that the Committee will need to look into the DEP regulations. Councilman Jensen questioned the status of the Phase 2 Environmental Assessment report. He would like to get the results before moving forward with plans for the park. Mr. Guadagnino explained that the Committee wants to ensure the project is done correctly. Mayor Schwager applauded Mr. Guadagnino for taking a leadership role for this project. Councilman Visconti asked if the Attorney can draft a resolution to form the Committee. He commented that the resolution will need to be in place and then the Council can make the appointments.

**MAYOR'S REPORT:**

Mayor Schwager congratulated the Indian Hills softball team for winning the State Championship. This is a great feat. The Farmers Market started and they have had two great weeks. On Saturday, there will be a blood drive at the Farmers Market. June 26<sup>th</sup> is the first night of the carnival and the Valley Middle School graduation. Mayor Schwager attended a WOLF meeting and some of the issues with Recreation were resolved. Mayor Schwager advised that there will be a meeting on June 19<sup>th</sup> at the Senior Center at 7 pm regarding the Crystal Lake gates. She advised that the Borough came up with the procedure for opening the gates by dissecting the 1975 Court settlement agreement and the DEP permit taken out by RML.

**OPENED FOR PUBLIC DISCUSSION:**

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

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

Jerri Angermueller, 24 Lakeview Terrace, advised there will be a rummage sale at the Lutheran Church this Saturday. She voiced support of the open space referendum.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

**APPROVAL OF MINUTES: MAY 22, 2013**

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of May 22, 2013 be approved.

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

**APPROVAL OF MINUTES: MAY 22, 2013 EXECUTIVE**

On motion of Councilman Jensen, seconded by Councilman Visconti, the minutes from the Mayor and Council Executive Session of May 22, 2013 be approved.

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

**APPROVE RECREATION COMMISSION REQUEST FOR MEMORIAL BENCHES**

The Recreation Commission requested permission to place memorial benches at the Recreation Complex for Michael Altana, an 8<sup>th</sup> grader that recently passed away.

**MOTION TO APPROVE:**

On motion of Councilwoman Coira, seconded by Councilman Visconti, the Council approved the request of the Recreation Commission to place memorial benches at the Recreation Complex.

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

**APPROVE RAFFLE LICENSE RL1183**

On motion of Councilman Jensen, seconded by Councilman Visconti, approval be granted for Raffle License RL1183 for the Blue and Gold Touchdown Club to hold an off-premise 50/50 raffle on June 29, 2013 at 8 pm at the Recreation Field, Oak Street.

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

**APPROVE RAFFLE LICENSE RL1184**

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, approval be granted for the Oakland Historical Society to hold an on-premise 50/50 raffle on June 28<sup>th</sup> and June 29<sup>th</sup> at the Recreation Field, Oak Street.

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

**TREE ART PROJECT-TABLED**

On motion of Councilwoman Coira, seconded by Councilman Jensen, the request for the tree art project be tabled.

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

RESOLUTION 13-146 AUTHORIZE CONTRACT AMENDMENT-EPIC  
REMOVE FROM TABLE:

On motion of Councilman Visconti, seconded by Councilman Jensen, Resolution 13-146 be removed from the table.

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

On motion of Councilwoman Marcalus, 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 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 had requested additional information before the Council would consider this resolution. Bill Morris from Epic is in attendance tonight to answer questions but he did submit backup documentation. Mr. Morris gave the Council an update on the project. The contractor is working to get the building enclosed. They are installing the metal studs, then they need to install the metal siding and then the roofing. The masonry work is done. The electrical rough-in is being installed and the plumbing is being installed.

Councilman Jensen asked what work Epic is doing for \$10,000. Mr. Morris explained that site monitoring is done three times per week. They have been doing this service since the contractor was authorized in October. He explained that they pick the times for monitoring depending on the activity. Epic is monitoring the work to make sure the contractor is installing items that the architect specified. They also work to resolve conflicts that arise. They meet every two weeks with the contractor and architect and monitor the contractor's work schedules. Councilman Jensen questioned the timeframe of the project. Mr. Morris advised the contractor indicated in the latest schedule that it would be substantially completed by August 1<sup>st</sup>. He explained that the contractor had issues getting materials and coordinating sub-contractors. Councilman Jensen explained that the Council needs to justify the change orders and delays to the taxpayers. The

original budget is starting to run over. The taxpayers want answers because they want to make sure the Borough is getting the best for the money.

Mr. Mulstock commented that the Borough is not excusing any delay solely because of Hurricane Sandy. Mr. Morris advised that the contractor was granted an extension of time to June 21<sup>st</sup>. Mr. Muhlstock commented that the delay of this project beyond June 21<sup>st</sup> is at least in part due to contractor "failures". Mr. Morris responded that was correct. Councilman Visconti explained that one reason the Borough hired a construction manager is to hold the contractor to the construction schedule. If the contractor exceeds the construction schedule, Epic will help the Borough recoup costs.

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

RESOLUTION 13-151 AUTHORIZE DEVELOPERS AGREEMENT BL.3311, LOT 2.02  
On motion of Councilwoman Marcalus, seconded by Councilwoman Coira, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Planning Board of the Borough of Oakland adopted a resolution approving a development by Bill Smith, Jr. for property located at Block 3311, Lot 2.02; and

WHEREAS, the resolution was conditioned upon the developer entering into a Developer's Agreement with the Borough of Oakland; and

WHEREAS, such Developer's Agreement has been executed by Bill Smith, Jr., which has been reviewed and approved by the Borough Attorney;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Mayor and Borough Clerk are hereby authorized to execute the Developer's Agreement with Bill Smith, Jr.

BE IT FURTHER RESOLVED that the Borough Clerk be and she is authorized and directed to maintain a copy of this Resolution in the office of the Borough Clerk, for public inspection, pursuant to law.

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

RESOLUTION 13-153 AMEND CONTRACT-CREW ENGINEERING-WALNUT BOOSTER PUMP STATION

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

WHEREAS, a contract was awarded to Crew Engineers Inc. for engineering service for the Walnut Street Booster Pumping Station Project; and

WHEREAS, the original plans were based on the use of a System Control and Data Acquisition Network which is not feasible to construct at this time; and

WHEREAS, the design drawings and specifications must now be modified to eliminate the SCADA features; and

WHEREAS, the additional service will be provided at a cost not to exceed \$3,100 as per their request dated February 14, 2013; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-06-56-637-001;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize that the Contract be amended in an amount not to exceed \$3,100.00.

Councilman Jensen asked if this amount is just to do the design and specification. Mr. Kunze responded it was but it should result in a lower construction cost.

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

**RESOLUTION 13-154 AMEND CONTRACT-CREW ENGINEERING-SKYVIEW AND HIBROOK SEWER PUMP STATION**

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

WHEREAS, a contract was awarded to Crew Engineers for engineering services for the Skyview and Hibrook Sewer Pumping Stations; and

WHEREAS, construction plans and specifications were prepared with the intent of the Borough implementing a SCADA Network and which is not feasible at this time; and

WHEREAS, the design for the two sewer stations will need to be modified to eliminate the SCADA features and to allow for utilization of a radio Remote Terminal Unit to transmit alarms; and

WHEREAS, the design modifications will be provided at a cost not to exceed \$3,400 as per their request dated February 15, 2013; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-07-07-638-001;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize that the contract be amended in an amount not to exceed \$3,400.

Councilman Jensen questioned if there is any estimate as to what will be the reduced cost for construction. Councilman Visconti advised this was discussed at the last meeting. A SCADA system reports information back to the DPW. Currently, we use landlines. With the DPW renovation project, a more sophisticated system was proposed and it was beyond what DPW feels they need. The DPW is going to go with a radio system. The design was done for a SCADA system not a radio system. Mr. Kunze responded that both contract amendments are tied in to the telemetry bid we just took. The costs for a SCADA system are much greater.

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

**RESOLUTION 13-155 WEST OAKLAND AND LEHIGH WAY CHANGE ORDER 1**

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

WHEREAS, a contract was awarded to D.R. Mullen Construction for the Lehigh Way and West Oakland Avenue Water Main Project; and

WHEREAS, a request was made for the following change order:

Change Order 1 - Restrain 6 inch gate valve back to its tee - \$1,258.70

WHEREAS, the change order has been reviewed and recommended by Crew Engineers Inc.; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-06-56-681-200;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Change Order 1 in the total amount of \$1,258.70

Councilman Visconti explained when the road was opened, they discovered a T union that was unsupported. We felt it was better to replace it so it wouldn't break in the future.

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

**RESOLUTION 13-156 CHAPTER 159 POLICE ACCREDITATION GRANT**

On motion of Councilwoman Marcalus, seconded by Councilman Visconti, 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 \$25,000 which is now available from the Bergen County Municipal Joint Insurance Fund.

BE IT FURTHER RESOLVED, that the like sum of \$25,000 is hereby appropriated under the caption Police Accreditation Grant; and

BE IT FURTHER RESOLVED, that the above is the result of an award received from the Bergen County Municipal Joint Insurance Fund in the amount of \$25,000.

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

**RESOLUTION 13-157 LIQUOR LICENSE RENEWALS**

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

WHEREAS, the licensees, herein named, filed applications for renewal of their Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses for the period from July 1, 2013 to June 30, 2014, and

WHEREAS, the said applicants have deposited the required fee of \$2,000.00 for said licenses, with the exception of the Club Licenses which are \$150.00, and a \$200.00 check or money order made payable to the Alcoholic Beverage Control Commission, Trenton, New Jersey, and

WHEREAS, the premises of said applicants have been inspected and approved by the Board of Health, Police Department and the Fire Prevention Bureau, Tax and Water Departments.

NOW, THEREFORE, BE IT RESOLVED that the renewals be issued to the following licenses, pending receipt of all required paperwork from the NJ State Division of Taxation, for the period from July 1, 2013 to June 30, 2014:

NAME	LOCATION	STATE NUMBER
Long Hill Bar & Liquors	14 Post Road	0242-44-004-005
Bistro 202, LLC	588 Ramapo Valley Road	0242-33-005-011
Hansil's Bar & Grill Inc.	7 Ramapo Valley Road	0242-33-011-004
Cenzino Enterprises Inc. (Cenzino)	589 Ramapo Valley Road	0242-33-003-006
Beviamo, Inc.(Portobello)	155 Ramapo Valley Rd.	0242-33-010-003
Wolfpack, Ltd.(Timbers)	110 W. Oakland Ave.	0242-33-008-008
Valley Spirits, Inc.(Oakland Wine & Liquor)	390 Ramapo Valley Rd.	0242-44-006-004
G & H Restaurant Corp.(Oakland Diner)	72 Ramapo Valley Road	0242-33-009-006
Elks Lodge, B.P.O.E. 2167	33 Ramapo Valley Road	0242-31-014-001
American Legion Post 369	65 Oak Street	0242-31-013-001
Knights of Columbus 5846	7 Courthouse Place	0242-31-017-001
Buona Fortuna, Inc.(new Portobello)	175 Ramapo Valley Road	0242-33-002-004
Valen Associates, LLC (Elm Street Grill)	20A Elm Street	0242-33-007-010
Ruga Restaurant, LLC/dba Trovato's Due	4 Barbara Lane	0242-33-001-012
Holiday Spirits	29 Spruce Street	0242-33-012-003

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to send one copy of a certified resolution to the Alcoholic Beverage Control Commission, Trenton, together with \$200.00 checks made payable to the Alcoholic Beverage Control Commission and one certified copy of this resolution to the State of New Jersey, Department of the Treasury, Beverage Tax Bureau, Trenton, New Jersey.

Mayor Schwager asked for a vote on approval of all licenses except for Knights of Columbus.



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

Mayor Schwager asked for a vote of approval on the Knights of Columbus.

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

**RESOLUTION 13-158 AWARD BID-MONHEGAN AVENUE PIPE REPAIR**

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

WHEREAS, on May 21, 2013, the Borough of Oakland received bids for the Monhegan Avenue Drainage Improvements Project; and

WHEREAS, Crossroad Construction was the lowest responsible bidder with a bid of \$ 59,116.00; and

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the bids and recommend the bid be awarded to Crossroad Construction; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-677-200;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the award of the bid for the Monhegan Avenue Drainage Improvements Project to Crossroad Construction in the amount of \$ 59,116.00; and

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

Councilman Visconti is concerned with the price difference between the low bidder and the next low bidder. Borough Engineer Rebecca Mejia advised she reached out to the contractor and voiced concern over the low bid price. The contractor said he understood the scope of the project and said he could do the project for the price he bid.

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

**RESOLUTION 13-159 DPW CHANGE ORDERS 10 TO 14**

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

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

WHEREAS, requests were made for the following Change Orders:

Change Order 10	Demo and replace parapet wall	\$ 1,901.96
Change Order 11	Cut metal decking and install 14 gauge sheet metal	\$ 1,905.75
Change Order 12	Credit for use of pvc piping	\$-3,200.00
Change Order 13	Cracked wall repair	\$ 1,331.18
Change Order 14	Additional Electrical outlets	\$ 527.48
	Total Change Orders 10-14	\$ 2,466.37

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Change Orders 10-14 in the total amount of \$ 2,466.37 to Tekton Development Corp.

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

**RESOLUTION 13-161 AWARD BID-2013 ROAD PROGRAM**

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

WHEREAS, on May 29, 2013, the Borough of Oakland received eight (8) bids for the 2013 Road Program; and

WHEREAS, D & L Paving Contractor, Inc., 681 Franklin Avenue, Nutley, New Jersey had the lowest responsible bid with a base bid price of \$292,492.50, Alternate A price of \$12,700.00, Alternate B price of \$20,175.00, and Alternate C price of \$83,962.50; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and have recommended acceptance of the bid from D & L Paving Contractors; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-636-702 \$47,496.45, C-04-56-652-302 \$62,466.23, and C-04-56-670-302 \$299,367.32;

NOW, THEREFORE, BE IT RESOLVED that the bid of D & L Paving Contractors in the total amount of \$409,330.00 is hereby accepted; and

BE IT FURTHER RESOLVED, that the Borough Administrator is directed to prepare an appropriate contract for the same; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are directed to execute the agreement on behalf of the Borough

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

**RESOLUTION 13-162 AWARD BID-2013 SIDEWALK PROGRAM**

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

WHEREAS, on May 29, 2013, the Borough of Oakland received ten (10) bids for the 2013 Sidewalk Program; and

WHEREAS, Cedar Contracting Co., Inc., 621 N. Union Ave., Hillside, New Jersey had the lowest responsible bid with a base bid price of \$61,835.00 and Alternate A price of \$15,000; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and have recommended acceptance of the bid from Cedar Contracting Co., Inc; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-636-704 \$23,712.87, C-04-56-652-402 \$30,000.00, and C-04-56-670-402 \$23,122.13;

NOW, THEREFORE, BE IT RESOLVED that the bid of Cedar Contracting Co., Inc. in the total amount of \$76,835.00 is hereby accepted; and

BE IT FURTHER RESOLVED, that the Borough Administrator is directed to prepare an appropriate contract for the same; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are directed to execute the agreement on behalf of the Borough

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

INTRODUCTION: ORDINANCE NO. 13-CODE-688

The Clerk was directed to take from table Ordinance No. 13-Code-688 and read by title for its first reading.

The Clerk then read by title Ordinance No. 13-Code-688 entitled: " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" AND CHAPTER 10 ENTITLED "BUILDING AND HOUSING"

On motion of Councilwoman Marcalus, seconded by Councilman Jensen, the following resolution be introduced, adopted and duly passed on 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" And Chapter 10 Entitled "Building And Housing", be introduced;

That said Ordinance be considered for final adoption at a meeting on June 26, 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 June 17, 2013 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

INTRODUCTION: ORDINANCE NO.13-BOND-689

The Clerk was directed to take from table Ordinance No.13-Bond-689 and read by title for its first reading.

The Clerk then read by title Ordinance No. 13-Bond-689 entitled: " CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN,

NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH OF OAKLAND, APPROPRIATING THEREFOR THE SUM OF \$270,500 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE BOROUGH.”

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

BE IT RESOLVED that an Ordinance entitled, Capital Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey Authorizing The Making Of Various Public Improvements And Acquisitions In, By And For The Borough Of Oakland, Appropriating Therefor The Sum Of \$270,500 And Providing That Such Sum So Appropriated Shall Be Raised From The Capital Improvement Fund Of The General Capital Fund Of The Borough, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 26, 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 June 26, 2013 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

#### WORK SESSION:

##### OPEN SPACE REFERENDUM:

Councilwoman Marcalus asked for synopsis of the various scenarios. Mr. Mangin explained that the purchase of NJ Capital and Heritage Hills properties exceed what is in the open space trust fund if it is allowed to expire. Assuming property values stay the same at the end of the next five years, we will still be over. He discussed different scenarios for the Council to consider. If the open space referendum is approved according to existing terms for another five years, there would still be shortfall of \$166,370. If the open space referendum were approved according to the existing rate but for a period of ten years instead of five, there will be an excess of \$933,630 in the fund. If the open space referendum were approved with an increase in rate to .0125 per \$100 of assessed valuation for a period of five years, there would be an excess of \$108,630 at the end of the five years. The last scenario could be that the open space referendum is approved at the existing rate but with no sunset provision. With that scenario, by 2019, there would be an excess in the fund.

There have been two open space referendums passed. In the ten-year period, a homeowner of an average assessed home paid \$444 for open space tax. The open space tax is different than other tools. Taxpayers are not paying for a service but an investment to the community to preserve open areas. The Borough has used the open space money to get \$7 million for property acquisition. Mr. Mangin commented he would like to see the referendum without the sunset provision but that is a policy decision. Mayor Schwager asked if there was no sunset provision, how could it end. Mr. Mangin responded it would need a referendum to end it. Mr. Muhlstrock confirmed that there would need to be another referendum setting an end date. Mr. Kunze responded that another possibility is that the Council can lower the amount without a referendum.

Councilman Jensen questioned if anyone is recommending a scenario to put on the ballot for referendum. Councilman Visconti responded that is up to the Council to decide. We have demonstrated how the trust fund is used to leverage money from the County and State. He advised that the Borough has to pay back the money for those open space purchases whether the open space trust continues or not. The referendum has passed two times so it seems like the community wants the tax. He has not heard anything against the referendum.

Councilwoman Marcalus commented that Oakland is in a unique position. Oakland is in the Highlands region so we do have open space. Other towns do not have any open space. It would be foolish not to continue the open space tax. Mayor Schwager asked what the best way to handle this is. Councilman Visconti responded that the Council should have the discussion. He suggested maybe the Attorney can prepare a draft ordinance. Mr Muhlstock responded he can prepare a working form that the Mayor and Council can fill in the blanks. Mr. Kunze advised that the Borough's ordinance does not give the Council the ability to adjust the rate. Mayor Schwager advised this will be listed on the next agenda for discussion.

#### FLOOD COMMUNITY RATING SYSTEM:

Mayor Schwager explained this helps the residents by saving them money on flood insurance. Pompton Lakes is involved in the CRS program and they have a rating of "5" which is the best in the State so far. Pompton Lakes' residents are saving 20% off their flood insurance premiums. The Flood Commission has been talking about this program for many months and how to go about the process. There is an application that is dealing with DEP and FEMA. The Flood Commission members had a difference of opinion whether to use a lay person or if an engineer was needed. Pompton Lakes hired an engineer. If we hire an engineer, we will pay a flat sum to prepare the application. Every year, the Borough must participate in activities to get points. This is an annual process.

The Flood Commission met Monday. Mayor Schwager advised that they are dedicated to help alleviate flood problems in the Borough. The Flood Commission met with various professionals and agencies. The Flood Commission at their last meeting voted unanimously to ask the Council to hire a professional. Mayor Schwager is asking the Council to consider authorizing Mr. Kunze to solicit bids for an engineer to assist with the Community Rating System. Mr. Kunze asked if the Council wants to hire a professional and if so, which firm. Flood Commission Chairman Lew Levy contacted two engineering firms and submitted his recommendation. The funding would have to come out of the professional services line in the Mayor and Council budget and the money would have to be put in the budget.

Councilwoman Marcalus asked if we would go out to bid. Mr. Kunze responded it does not have to go out to bid because it is a professional service. Lew Levy submitted two proposals. His recommendation was to hire Mr. Agnoli's firm. Mr. Kunze advised that the Borough can do an RFP. Councilwoman Marcalus wanted to solicit RFP's. Discussion ensued over the two proposals. Councilwoman Marcalus commented that Boswell's proposal had a \$ 6,000 cap and Agnoli's proposal had a \$ 10,000 cap. The bottom line is that Mr. Agnoli's firm is more expensive. Mayor Schwager advised that Boswell has not done this type of work before. This would be a "test" for Boswell. Agnoli has experience and he got Pompton Lakes the best rating in the State. The question is will Boswell get us the same rating that Agnoli will. Borough Engineer Rebecca Mejia advised that they are handling Mahwah's application now and that is the first one they are doing.

Mayor Schwager commented that the proposal Boswell submitted is not the same as Agnoli's proposal. Mr. Kunze explained that is the reason the Borough uses the RFP process so that all proposals are based on the same requirements. Mayor Schwager commented that if the Borough is going to solicit RFP's, it should be done sooner rather than later. She is asking the Council to authorize Mr. Kunze to solicit RFP's. Councilman Visconti agreed with Councilwoman Marcalus about wanting RFP's. There will be a level playing field and it will be easier to evaluate the proposals. He commented that Councilwoman Stagg brought forth the Community Rating System to the Flood Commission two years ago. She has worked hard to bring forth ideas.

Mayor Schwager reiterated that she is asking the Council to authorize RFP's. Councilwoman Coira agreed that the Borough needs formal RFP's. The two quotes that have been solicited are like comparing apples to oranges. Councilman Jensen agreed that he would like an RFP.

#### MOTION TO AUTHORIZE RFP's

On motion of Councilman Visconti, seconded by Councilman Jensen, the Council authorizes the Borough Administrator to solicit RFP's for Engineering Services for the Community Rating System.

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

#### AMEND CONTRACT-ALTERNATE PUBLIC DEFENDER

Mr. Kunze explained that the contract for the Alternate Public Defender is to help cover if the Public Defender has conflicts. The contract was initially set at a not to exceed amount of \$1,000. Based on the current case load, we are now projecting that \$2,000 is necessary for the year. Councilwoman Marcalus questioned why the Public Defender has so many conflicts because she has never seen this in the past. Mr. Kunze explained that in the past, the Alternate Public Defender and Alternate Prosecutor were paid by Purchase Order. He felt this should be handled with a contract like all the other professionals. Mr. Mangin suggested this be taken out of the Public Defender Trust account. A resolution will be listed on the June 26<sup>th</sup> agenda.

#### BIDS FOR TELEMETRY PROJECT:

Mr. Kunze advised that bids were taken on the Telemetry System upgrade project. One bid was received in the amount of \$139,619. Bids are still under review by Crew Engineers and the Attorney.

#### 2013 CAPITAL PROGRAM

Mr. Kunze wanted to continue discussion about the 2013 Capital Program. The Council had requested to meet with the Fire Department regarding the need for a new Fire engine. They met with the Fire Truck Committee. There are two issues-the procurement of the engine itself and funding. Mr. Kunze asked if everyone is comfortable funding a new fire engine this year or want to wait an additional year.

The meeting was adjourned at 8:50 pm.

On motion of Councilman Jensen, seconded by Councilwoman Coira, the meeting be reconvened at 8:53 pm.

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

Mayor Schwager commented that the Council used to put a set amount aside each year to be used to purchase fire trucks. The Council needs to talk about that for next year's budget. Councilman

Jensen commented that it comes down to public safety. He believes the Council should move forward and purchase the fire engine. Councilwoman Marcalus thinks the Council needs to review procurement practices. Other towns wait longer than Oakland does to purchase new fire trucks. Councilman Jensen commented that we are already behind on the first engine. Mayor Schwager agreed with Councilman Jensen that public safety is the issue. Oakland is so fortunate to have our volunteer Fire Department. If they feel they need the new vehicle, they should have it. They are also taxpayers. Mr. Mangin commented that the question is whether to include it in this year's bond ordinance.

Councilman Visconti commented that safety is important and he does respect the firemen. However, he did not think holding off the purchase of the fire truck until next year was something that was putting the firemen at risk. He is concerned about having these large purchases bunched together. If putting off the purchase of a new engine for two years is not a matter of public safety, he is in favor of putting it off. Councilwoman Coira agreed with Councilman Visconti. When we had budget meetings, we were told the new truck would not be delivered until 2015. She has not seen evidence of why we need two trucks so soon. She has not seen evidence of a public safety issue.

Pete Sondervan, former Fire Chief, commented that the Oakland Fire Department goes by NFPA standards which recommends replacing fire trucks at 20 years. Both pieces of apparatus were purchased at the same time. The plan was to replace 1031 two years ago and the one the Department needs now in 2013. The next truck to be replaced will be in 2020 so the Council can start putting money aside for that purchase. This piece needs to be replaced. The Fire Department was asked to put together a 20-year plan and they did that. It is the Fire Department's opinion that it needs to be replaced now. Councilwoman Coira responded that it is not the Fire Department's fault but they have needed three engines in a short time span. The Borough needs a trust fund so we are not in this position next time.

Mayor Schwager commented that the Northwest Bergen Mayors Association tried to do a cooperative purchase for fire trucks but it will not work because each town's needs are different. She suggested putting money aside each year for future purchases. Bob Knapp, immediate former Chief, commented that when the Fire Department went through the ISO rating process, one thing that helped was that the Department followed the NFPA's recommendations. He advised that the NFPA lowered its recommendation to replace engines every 15 years instead of every 20 years. The older engines are allowed to stay in reserve. However, you don't want the reserve engines to be 30-years old. Councilman Jensen asked if we are locked into the price with Truck 1031. Mr. Knapp responded that we are and if we act on Truck 1034 now, they will give it at the same price as 1031. Councilman Jensen commented that the cost savings to the Borough would be to order the new truck now. Mr. Knapp explained that the Fire Department was trying to spread the purchases out more but explained the reasoning. He advised that the truck that needs to be purchased in 2020 is a ladder truck and that will cost over \$ 1 million.

Councilman Visconti commented that the 1985 engine in reserve is being replaced by a 1993 engine which is already 20-years old. Mr. Knapp advised that the Fire Department already downsized from 4 engines to 3. Councilman Visconti asked if safety is being compromised. Mr. Knapp responded that the longer the Borough waits to order the engine, the longer the Fire Department won't have it. He commented that in his 31 years on the Fire Department, this is the first time the Council showed any interest in purchase of a fire engine. He advised that the engine being replaced first has double the amount of repair bills and that is the engine that is going to be the reserve engine. Mr. Sondervan advised that the engine is out of service once per month to be repaired. Councilwoman Coira commented that it would be helpful for the Council to see the

maintenance records for the engine. Mr. Sondervan responded that the Fire Department members consider themselves professional and asked why the Council would go against the NFPA. Councilwoman Coira responded that is a standard and it would be helpful to look at the maintenance history. Mr. Sondervan asked why the Council would wait another year and asked what they would be saving. Councilwoman Coira advised she just wants to make an educated decision.

Mr. Knapp commented he is concerned that the Borough would get sued if something were to go wrong with the primary vehicle. Mr. Kunze advised there is no additional liability to the Borough if we go beyond NFPA guidelines. Councilwoman Coira commented that she is just asking for maintenance records to help make a decision. Mr. Knapp advised that the problem is more how long the engine is out of service than the cost. Mayor Schwager asked if the Council needs any additional information. Councilwoman Marcalus asked how often the Fire Department gets called out. Mr. Sondervan advised the Fire Department responds to over 400 calls per year. Councilman Visconti commented that not all trucks go out for each call. Councilwoman Coira asked what the cost was for the vehicle needed in 2020. Mr. Knapp responded that the cost is \$1.4 million. Councilwoman Coira advised that the longer we delay the purchase of this engine brings it closer to the \$1.4 million purchase. Mr. Mangin questioned if the time the engine is out of service reflected on the repair bills. Mr. Knapp responded it is not. Mr. Kunze advised that they will only be able to provide the Council with a financial analysis. Mr. Sondervan advised that the engine was out of service for three weeks for the most recent repair. Councilman Visconti thanked the Fire Department for their time.

#### COUNCIL REPORTS:

Councilwoman Marcalus: The Valley Middle school students advanced to the History Day finals in Maryland. Children can go the Library to make a Fathers Day craft.

Councilman Visconti: There was an insurance committee meeting two weeks ago. They did an analysis of insurance increases. The Borough's premiums are lower now than in 2007.

Councilman Jensen: Flag Day is on Friday June 14<sup>th</sup>. The Elks will hold a ceremony at 7 pm at Veterans Park. The carnival begins two weeks from tonight and will last four nights.

Councilwoman Coira: Recreation is taking signups for the new Mountain bike program.

#### OPENED FOR PUBLIC DISCUSSION:

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

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

Frank Monaco, 60 Thackeray, asked how much the new fire truck will cost. Former Chief Knapp responded the cost is \$619,000. Mr. Moncaco questioned how many miles are on the truck. He commented that if the Fire Department feels they need a new truck, they must need it. He questioned if the Highlands Council will have authority over homeowners septic systems. Mr. Kunze responded that generally single family homes are exempt from the Highlands Act. Mayor Schwager advised that new construction is regulated by the Highlands Act as well as commercial areas. Mr. Monaco questioned if septic systems are governed by the Highlands Council. Mr. Kunze responded that septic systems have to comply with the State septic code which the Board of Health enforces. However, he can get a confirmation from the Borough Planner. Councilman



Visconti advised that the Borough can opt out from planning area conformance if it is not good for the community. The most the Highlands Council would control is Planning Board issues.

Lew Levy, Flood Commission Chairman, advised that Councilwoman Stagg did not bring forth the Community Rating System-the Flood Commission brought that forth. In regards to the proposals, Boswell's proposal is just for the base price and there were additional costs for the activities. Agnoli's proposal included everything and was capped at \$10,000. Boswell has not done this work before and Agnoli has 20 towns to their credit. Mr. Levy got Agnoli's name from the Department of Environmental Protection. Councilwoman Marcalus advised that the Borough needs to solicit RFP's to compare apples to apples. Councilman Visconti advised that parameters are needed to evaluate the proposals.

Don Burns, 22 Whittier Lane, commented that he has always supported the open space referendum. He is opposed to an open-ended open space tax. The fund is already over-expended. Don't ask for a blank check. Another five years is more than enough commitment.

Jim Folkerts, 4 Seminole Avenue, advised that the Sports Association is having a fundraiser for the walking path project.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

**BILLS TO BE PAID:**

On motion of Councilman Visconti, 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, Visconti.

**MEETING ADJOURNED:**

On motion of Councilman Jensen, seconded by Councilman Visconti, the meeting be adjourned at 9:45 pm.

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

---

Lisa M. Duncan, Borough Clerk  
July 10, 2013

---

Mayor Linda H. Schwager

---

Date Approved