

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY JULY 24, 2013

MOVE TO EXECUTIVE SESSION:

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

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

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

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
Personnel; Request to Purchase Property; Request to License property
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

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

No action taken.

CLOSE EXECUTIVE SESSION:

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

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

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

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Coira, Jensen, Marcalus, Pignatelli, Stagg, Visconti. Absent: None. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney; James Mangin, Chief Financial Officer.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

MAYOR'S REPORT:

Mayor Schwager advised she has been approached about having WiFi at the Senior Center. That will occur before the end of the year. Skyline Drive will be closed July 31st, August 1st, and August 2nd between the hours of 7 pm and 5 am for paving in Ringwood. This will not affect Oakland residents on Skyline Drive. Mayor Schwager commented she is receiving complaints about the traffic on Route 202. She advised that the lights at Franklin Avenue and Courthouse Place were synchronized. However, we never got approval to synchronize the West Oakland Avenue light. She advised that we will see relief from traffic with the downtown plan. Mayor Schwager had hoped that synchronizing the two lights would help but more needs to be done to alleviate traffic. Councilman Pignatelli advised that there is a sensor on the exit ramp from Route 287 south that will change the timing of the lights on Route 202 so the traffic does not back up on the highway.

OPENED FOR PUBLIC DISCUSSION:

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

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

Frank Monaco, 60 Thackeray Road, commented that the tennis courts have cracks. He spoke about the Recreation lighting and wanted to know if the Mayor and Council investigated if the bulbs just need to be changed. He spoke about the Chamber of Commerce money and stated the police investigation is costing taxpayers money. He commented that the Mayor and Council should get rid of the Stream House.

CLOSED FOR PUBLIC DISCUSSION:

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

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

PUBLIC HEARING FOR GRANT APPLICATION-OPEN SPACE ACQUISITION

Aaron Cela from the Land Conservancy advised that the Borough will be filing an application for flood buyouts on Roosevelt Boulevard. There are twelve parcels on Roosevelt Boulevard that could be purchased for flood buyouts. The Land Conservancy decided to split the project into two phases. This application will be for Phase 1 and includes five parcels. The goal is to eventually create an addition to the Truman Field to allow access to the Ramapo River for passive recreation. The Land Conservancy believes Bergen County will like this use for the property. Bergen County has traditionally based the open space program on the Morris County program. Morris County has a flood buyout program. The Land Conservancy based the application on how Morris County handles their program and they believe Bergen County will be receptive to the approach. The application is asking for 75% funding of the acquisition costs. The rest of the costs can be covered by Oakland's Green Acres funds as well as the Land Conservancy's Green Acres money. The Land Conservancy has volunteered to spend some of its Green Acres money on this project. The Borough may not have to spend money on acquisition costs.

Councilman Jensen questioned if this includes the last five houses on Roosevelt. Mr. Cela advised it excludes the last house because the owner is unsure of whether to take a buyout. Mr. Cela explained that property was placed in Phase 2 of the project. Councilman Jensen commented that there is no way to increase the field until that happens. Mr. Cela explained that the goal is not to increase the size of the field but to increase the park. A portion of the field abuts the parking lot and is wooded and has a trail. Councilman Jensen commented that the last property to the north is an abandoned house. Mr. Cela responded that Phase 2 could be expanded. He explained that the Land Conservancy thought that twelve lots would be manageable. Councilman Jensen asked if all five property owners would sell. Mr. Cela explained they were all interested depending on price.

Mayor Schwager asked if it is detrimental to the application if the end property is not included. Mr. Cela responded he does not think so. Councilman Pignatelli asked what the total loss in revenue would be. Mr. Cela responded he has assessed values for the properties but no tax information. Councilman Pignatelli commented that the Borough would lose the tax revenue in perpetuity for those properties. Mr. Cela responded that the Borough would save money when it comes to providing emergency services during flooding. Councilman Pignatelli questioned if the homeowners would be interested in elevating their homes since the Governor has released funding for that purpose. Mr. Cela responded that the funding may not be available here in Oakland. The houses that have been targeted are not eligible for FEMA funding.

Councilman Visconti commented that the Borough is only applying for the grant at this time. If the Council decides it is not economically feasible, we don't have to proceed. However, he sees no problem with going forth with the application at this time. Mr. Cela advised this would require appraisals be done on the properties. The application will request \$1.2 million in funding. Mr. Kunze advised that puts the assessed value of the properties at \$1.6 million since we are asking for 75% in the application. Mr. Cela commented that although we have to wait for the appraisals, he does not think the Borough will have to put in any Open Space Trust money.

OPEN TO THE PUBLIC:

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

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

No comments from the public.

CLOSE TO THE PUBLIC:

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

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

PUBLIC HEARING FOR OPEN SPACE GRANT APPLICATION-PARK DEVELOPMENT

Mike Guadagnino, 34 Hopper Street and Chairman of the Recreation Commission, commented that the Recreation Commission has been discussing the walking path since 2008. Last year, the Commission decided to start moving forward on the project. Ed Clark from the Shade Tree Commission did a design for the project. He explained that the DPW, Councilwoman Coira and Mr. Guadagnino walked the property to look at trouble spots. The DPW did figure out how to resolve the issues. He explained that a survey was done on the property. There was an issue with the southern property boundary line. The Borough has come to an agreement with the other property owners. He explained that they could take the walking path into the wooded area. Mr. Guadagnino asked the Borough Engineer for a cost estimate on the project. He received an estimate from James Construction on construction costs. Mr. Guadagnino does not want to go to the taxpayers for this project. The Sports Association, which is the fundraising arm for the Recreation Commission, ran the carnival last year and earmarked the funds for the walking path project. The estimate that Boswell gave for the project was \$100,000. The Borough will ask for \$50,000 in the grant application. Sports Association has \$26,000 earmarked for the project and there is \$24,000 in the Recreation Trust to match the grant. Mr. Guadagnino reiterated that he did not want to go to the taxpayers for money for this project. Hopefully the grant application will be approved.

Mayor Schwager asked if people walking on the path would be protected from baseballs. Mr. Guadagnino responded that there are high nets that will protect walkers in most areas. The areas most susceptible are between fields 2 and 4. That is why the path will be brought into the woods. The concern is not when kids are playing but when the adult men are playing softball in the evenings. He assured the Mayor that signs will be put up to warn people. Councilwoman Marcalus commented that this is a beautiful project but she questioned the liability issue from people walking in the woods. Mr. Guadagnino responded the woods are sparse and are not dense. Councilwoman Marcalus asked what the distance of the path was. Borough Engineer Rebecca Mejia responded it was 4000 linear feet which is less than a mile. Councilman Jensen commented that the Recreation Commission and the Sports Association have been working together to get this project done. He cannot wait to see it done. Mayor Schwager asked how wide the path is. Mr. Guadagnino responded it was between 4 and 5 feet.

OPEN TO THE PUBLIC:

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

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

Frank Monaco, 60 Thackeray, expressed concern about people getting hurt with baseballs.

CLOSED TO THE PUBLIC:

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

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

APPROVAL OF MINUTES: JUNE 26, 2013

On motion of Councilwoman Marcalus, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of June 26, 2013 be approved.

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

APPROVAL OF MINUTES: JULY 10, 2013

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

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

APPROVAL OF MINUTES: JULY 10, 2013 EXECUTIVE

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

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

RESOLUTION 13-152 AMEND CONTRACT-CREW ENGINEERS-BACKUP WELL 8A-
FAILED TO PASS

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, 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 design and construction inspection for the Back Up Well 8A; and

WHEREAS, the Well 8A Project included the installation of a meter to monitor the flow of Well #6; and

WHEREAS, once installed, this meter failed to function properly; and

WHEREAS, there were extensive discussions and coordination with the contractor, DeMaio, in an effort to rectify the problem; and

WHEREAS, Crew Engineers expended considerable time beyond the original scope of their contract in dealing with the matter; and

WHEREAS, the additional amount being requested by Crew Engineers is \$5,900 as per their request dated April 18, 2013; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-06-06-585-001 for \$3,475.00 and Account #3-05-55-502-028 for \$2,425.00;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize that the contract be amended in an amount not to exceed \$5,900.00.

Discussion ensued. Councilman Visconti advised that Crew Engineers had given an explanation on why they wanted additional funds for this project. The original contract authorized was a not to exceed amount. The additional work should have been in the original contract number. He commented that the Council needs to stick to the contract amounts. Councilmembers Pignatelli and Jensen agreed. Councilwoman Stagg advised that the work was unforeseen and unknown at the time the contract was awarded. The DEP required a flow meter for Well 6 during the Well 8A project. Crew was contracted to do work on Well 8A not Well 6. When the flow meter was put in Well 6, it did not work. Crew was asked to move forward quickly to rectify the situation. There was no time for them to submit another proposal. She explained that the Borough could not use Well 8A until Well 6 was fully operational. Crew is entitled to some compensation to get Well 8A online as they were asked to do.

Councilman Jensen commented that he is surprised that Crew went ahead with the work without giving an amount first. Councilwoman Stagg responded that this was discussed with the Water and Sewer Committee. There was no time to wait until a Council meeting to get approval. We had to move forward quickly. She reiterated that Crew is entitled to some compensation. Councilman Jensen responded he would not give someone the go ahead to do work without getting the amount first. Councilwoman Stagg responded that they were in the middle of the project and needed to get it done quickly. Councilman Jensen asked who gave the go ahead for the work without the cost estimate. Councilwoman Stagg responded that Water and Sewer Committee met with Crew and were kept apprised of the situation. Crew did not mention there would be additional money.

Mayor Schwager commented that it seems the Borough is always giving Crew more money than was originally budgeted for. She advised that Boswell has done a lot of extra work for the Borough without billing extra. She commented that the Borough pays Crew substantial funds yet they are always coming back for additional funds. They should give more realistic numbers. Mr. Kunze advised that the issue revolved around a dispute with the contractor to get the flow meter working. The Water and Sewer Committee had discussions with Crew about their role in the project. There was never discussion that Crew would incur extra costs. If Crew had said at that time that they needed additional money, Mr. Kunze would have considered it. However, they came after the fact and said they put in more time than they thought and wanted more money. Mr. Kunze is tired of Crew coming in after the fact for more money. He would not support additional money be given to them. Councilman Visconti advised that Crew does good work and that is not in question. They signed a contract for construction supervision. The contract does not say how many hours. They have to live by their contract. Councilman Visconti is not trying to disparage Crew but this time they should abide by their contract.

ROLL CALL: Yeas, Councilwoman Stagg.

Nays, Councilmembers Coira, Jensen, Marcalus, Pignatelli, Visconti.

RESOLUTION 13-182 REFUND RECREATION FEES

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

WHEREAS, the Borough of Oakland has received requests for refunds of Recreation Fees in the amount of \$633.00; and

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

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Oakland hereby authorize a refund to:

Jim Bonini, 80 Manito Avenue, Oakland, NJ 07436 refund due \$83.00

Sherry Brastad, 31 River Dell, Oakland, NJ 07436 refund due \$495.00

Jennifer Vernieri, 26 Hickory Drive, Oakland, NJ 07436 refund due \$ 55.00

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

RESOLUTION 13-183 APPROVE CORRECTIVE ACTION PLAN

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 is in receipt of the 2012 Report of Audit for the period ending December 31, 2012; and

WHEREAS, the Mayor and Council of the Borough of Oakland formally accepted said audit document on July 10, 2013; and

WHEREAS, it is necessary to develop and obtain Mayor and Council approval of an Audit Corrective Action Plan; and

WHEREAS, said plan must be approved and filed within sixty days of formal notice.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the required Audit Corrective Action Plan, having been prepared and submitted by the Chief Financial Officer, is hereby approved and further that said plan document be placed on file and made available for public inspection in the Office of the Borough Clerk.

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

RESOLUTION 13-184 CANCEL IMPROVEMENT AUTHORIZATION

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

WHEREAS, certain Capital Improvement Authorization balances remain dedicated to projects which have been completed; and

WHEREAS, the balances are no longer necessary for the purpose originally created,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the following balances of unexpended General Capital Improvement Authorizations be cancelled as follows:

General Capital

<u>Ordinance Number</u>	<u>Description</u>	<u>Unexpended Improvement Authorization</u>
<u>Balance</u>		
06-534	Allerman Brook – Flood Control	\$160,794.50
10-621	Allerman Brook – Supplemental	\$ 31,290.00
Total – General Capital		\$192,084.50

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

RESOLUTION 13-185 APPOINT CAMP COUNSELORS

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 authorize the hiring of the following as Camp Counselors:

Nick Ferraro effective July 1, 2013 at a rate of \$8.45 per hour
Matt Stober effective July 15, 2013 at a rate of \$7.75 per hour

Councilwoman Marcalus questioned why we were hiring additional counselors. Mr. Kunze advised that some counselors had quit and replacements were needed.

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

RESOLUTION 13-186 AUTHORIZE CONTRACT-SPECIAL COUNSEL FOR SEWER

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

WHEREAS, the Borough of Oakland is interested in pursuing discussion with the Northwest Bergen County Utilities Authority for sewer service; and

WHEREAS, it is necessary to seek special counsel to represent the Borough of Oakland in this matter; and

WHEREAS, the Borough has received a proposal from John Napolitano and the firm of Johnson & Conway, LLP at a cost not to exceed \$10,000.00; and

WHEREAS, the Chief Financial Officer has certified funds are available in account # 3-01-20-155-028; and

WHEREAS, this contract is for professional service for which no public bidding is required; and

WHEREAS, Johnson & Conway, LLP has complied with the Borough's Pay-to-Play requirements as outlined in Ordinance 12-CODE-669 adopted July 11, 2012;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award a contract to John Napolitano of Johnson & Conway, LLP in an amount not to exceed \$10,000; and

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

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

RESOLUTION 13-187 AUTHORIZE PROMOTION-T. MALONE

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland, upon the endorsement of the Municipal Court Judge and the Borough Administrator, hereby approve the following promotional recommendation and salary increase effective July 1, 2013:

Terri Malone, Deputy Court Administrator, from \$41,500 to \$45,650.

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

RESOLUTION 13-188 CHANGE ORDER 18 DPW BUILDING PROJECT

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 Order:
Change Order 18 Four (4) paddle Fans in Garage \$652.58

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 18 in the total amount of \$652.58 to Tekton Development Corp.

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

RESOLUTION 13-189 CHANGE ORDER 19 DPW BUILDING PROJECT

On motion of Councilman Jensen, seconded by Councilwoman Coira, 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 Order:
Change Order 19 Cut Drain Pipe Into Wall \$491.14

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 18 in the total amount of \$491.14 to Tekton Development Corp.

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

**RESOLUTION 13-190 AUTHORIZE PROFESSIONAL SERVICE AGREEMENT-
ROOSEVELT BOULEVARD APPRAISALS**

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

WHEREAS, the Borough of Oakland is interested in acquiring five properties on Roosevelt Boulevard as part of a flood buyout program; and

WHEREAS, appraisals are required as part of the funding process; and

WHEREAS, the Borough has obtained a quotation from Joshua D. Mackoff, LLC in the amount of \$650.00 per property for a total amount of \$3,250.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #3-01-55-999-021; and

WHEREAS, this contract is for professional service for which no public bidding is required; and

WHEREAS, Joshua D. Mackoff, LLC has complied with the Borough's Pay-to-Play requirements as outlined in Ordinance 12-CODE-669 adopted July 11, 2012;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award a contract to Joshua D. Mackoff, LLC in the amount of \$3,250.00; and

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

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

**RESOLUTION 13-191 AUTHORIZE PROFESSIONAL SERVICE AGREEMENT-
ADDITIONAL APPRAISALS ROOSEVELT BOULEVARD**

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

WHEREAS, the Borough of Oakland is interested in acquiring five properties on Roosevelt Boulevard as part of a flood buyout program; and

WHEREAS, the funding process requires a second appraisal on properties valued over \$250,000; and

WHEREAS, the Borough has obtained a quotation from Integra Realty Resources for the second set of appraisals at a cost of \$900.00 per appraisal for a total not to exceed cost of \$4,500; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #3-01-55-999-021; and

WHEREAS, this contract is for professional service for which no public bidding is required; and

WHEREAS, Integra Realty Resources has complied with the Borough's Pay-to-Play requirements as outlined in Ordinance 12-CODE-669 adopted July 11, 2012;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award a contract to Integra Realty Resources in an amount not to exceed \$4,500.00; and

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

Mayor Schwager asked why the second set of appraisals will cost more money. Mr. Kunze responded that the Land Conservancy got three quotes. The lowest was used for the cost of the first set of appraisals. He used the next lowest bidder for the second set of appraisals. The second set of appraisals is a not to exceed amount because we might not need appraisals for all five properties.

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

RESOLUTION 13-193 EXTEND GRACE PERIOD FOR TAX PAYMENTS:

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

WHEREAS, the County of Bergen delayed certification of the 2013 tax rate; and

WHEREAS, this delayed the issuance of tax bills until July 29, 2013; and

WHEREAS, State Law requires a twenty-five day period from the date of mailing before payment is due;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Oakland establishes a no interest grace period for the third quarter tax payment until August 23, 2013. Payments remitted after that date will accrue interest from August 1, 2013, as mandated by the State of New Jersey.

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

**RESOLUTION 13-194 AUTHORIZING GRANT AGREEMENT-BACKSTOP
REPLACEMENTS PHASE 2**

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

BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland wish to enter into a grant agreement with the County of Bergen for the purpose of using a \$17,660.00 grant award from the 2012 Funding Round of the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the project entitled Recreation Complex Backstop Replacements Phase 2 located in Block 1901, Lot 1 on the tax maps of the Borough of Oakland;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Linda H. Schwager to be a signatory to the aforesaid grant agreement CONTRACT; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Borough Administrator Richard Kunze to sign all County of Bergen Payment Vouchers submitted in conjunction with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognize that the Borough of Oakland is liable for a dollar for dollar match for any funds awarded in accordance with the Trust Fund's requirements;

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

INTRODUCTION: ORDINANCE NO. 13-BOND-690 2013 CAPITAL PROGRAM

The Clerk was directed to take from table Ordinance No.13-Bond-690 and read by title for its first reading.

The Clerk then read by title Ordinance No. 13-Bond-690-entitled: " BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF A NEW FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,832,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

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

BE IT RESOLVED that an Ordinance entitled, Bond Ordinance To Authorize The Making Of Various Public Improvements And The Acquisition Of A New Fire Engine, Including Original Apparatus And Equipment, In, By And For The Borough Of Oakland, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$2,832,000 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds, be introduced;

That said Ordinance be considered for final adoption at a meeting on August 14, 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 July 29, 2013 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

RESOLUTION 13-192 INTRODUCTION OF BOND ORDINANCE

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

BE IT RESOLVED that the ordinance entitled:
"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF A NEW FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,832,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 14th day of August, 2013, at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

INTRODUCTION: ORDINANCE NO. 13-CODE-691 OPEN SPACE REFERENDUM

The Clerk was directed to take from table Ordinance No. 13-Code-691 and read by title for its first reading.

The Clerk then read by title Ordinance No. 13-Code-691 entitled: " AN ORDINANCE AUTHORIZING BINDING MUNICIPAL REFERENDUM ON RE-CONTINUATION OF AN ANNUAL LEVY FOR OPEN SPACE TRUST FUND"

On motion of Councilwoman Marcalus, 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 AUTHORIZING BINDING MUNICIPAL REFERENDUM ON RE-CONTINUATION OF AN ANNUAL LEVY FOR OPEN SPACE TRUST FUND, be introduced;

That said Ordinance be considered for final adoption at a meeting on August 14, 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 July 29, 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.

Mr. Kunze explained that this ordinance is authorizing the placing of a question on the ballot in November to authorize the continuance of the Open Space Trust Fund. The term would be 10 years and the rate would be variable between ½ cent and one cent. Councilwoman Stagg questioned if we wanted to add "blue acres" in part c. Mr. Kunze responded he would defer to the Attorney but he is not sure that is necessary. If the Borough is buying property for blue acres, then we are buying it for open space purposes. Mr. Chewcaskie responded that you don't need a designation for blue acres since that is a subcategory of open space.

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

INTRODUCTION: ORDINANCE NO.13-CODE-692

The Clerk was directed to take from table Ordinance No.13-Code-692 and read by title for its first reading.

The Clerk then read by title Ordinance No. 13-Code-692 entitled: " AN ORDINANCE REVISING, AMENDING AND REENACTING PARAGRAPHS 1 THROUGH 12 OF ORDINANCE NO-13-CODE-686 TITLED "THE CODE OF THE BOROUGH OF OAKLAND, COUNTY OF BERGEN, STATE OF NEW JERSEY, ENTITLED "SALARIES OF MUNICIPAL EMPLOYEES"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Revising, Amending And Reenacting Paragraphs 1 Through 12 Of Ordinance No-13-Code-686 Titled "The Code Of The Borough Of Oakland, County Of Bergen, State Of New Jersey, Entitled "Salaries Of Municipal Employees", be introduced;

That said Ordinance be considered for final adoption at a meeting on August 14, 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 July 29, 2013 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

WORK SESSION:

BID FOR IN-CAR VIDEO SYSTEM:

Mr. Kunze advised that this project was funded over different budget cycles. Years ago, the Borough had purchased a system that relied on VCR tapes. That system is obsolete. The Borough put out a bid to purchase a state of the art system that will take us into the future. This will replace the system we currently have and will upgrade the capabilities of the system. We received one bid. The Police Chief reviewed the bid and it is under Attorney review currently. We hope to award the bid at the August 14th meeting. Councilman Pignatelli asked if there would be one camera in each car. Mr. Kunze responded there would be one camera in the front and one in the rear of the car. Councilman Jensen asked if the system is transferable when a car is replaced. Mr. Kunze responded it was.

OAK STREET AND LAWLOR DRIVE

Mr. Chewcaskie explained that Lawlor Drive and Oak Street appear on the general map of the Borough but are not officially designated on the Borough's tax maps. Civil Solutions requires a deed or an ordinance dedicating the streets as public streets in order to change the tax maps. He suggested the Council adopt an ordinance. It will be introduced at the August 14th meeting.

UTILITY AUDITS:

Mr. Kunze advised that the Pascack Valley Cooperative Purchasing group joined with the Northwest Bergen Shared Services group to go out to bid for utility audit services. The goal is to find savings for municipalities. The vendor gets a percentage of the savings. The audit is ready to proceed so the Council must award the contract at the August 14th meeting.

BOSWELL PROPOSAL-LIGHTING PROJECT:

Councilman Pignatelli asked Recreation Chairman Mike Guadagnino to explain the need for the lighting. Mr. Guadagnino advised the issue is that the lights are at the end of their life. The DPW have been trying to repair what they can. Some of the ballasts don't work at all. The Field 5 lights are dangerous and we are currently renting a light tower for that field. The DPW has replaced all the bulbs that could be replaced. If the town wants to have Recreation programs that run at night, we need lights at the fields. We can do a major bandaid now or the lights can be replaced. The Recreation Commission will help support the Governing Body. Councilman Pignatelli asked if the new lights will be energy efficient. Borough Engineer Rebecca Mejia responded that the new lights are LED and are energy efficient. Councilman Pignatelli commented that the energy efficient lights will help the Borough save on electric bills.

Councilman Visconti advised that in the capital plan, we had planned to do the lighting project in phases. If we are going to proceed with the entire project this year, there are issues with the capital funding. The original plan was to fund the project over three years-2012, 2013 and 2014.

He would like to discuss the impact on Capital by moving funding from 2014 to 2013. Mr. Mangin advised that we are going to move \$480,000 from 2014 debt to 2013 debt. He explained that we took into account the real impact with the capital ordinances that were done. The down payment for the capital projects will be an additional \$24,000. This is the same issue as with the new fire engine. He explained that we intend to pay the note off early. Councilman Visconti commented that the work will continue into 2014 which is when the payment for the project will be due. Mr. Mangin advised the note renewal is done in February each year.

A resolution will be listed on the August 14th agenda.

COUNCIL REPORTS:

Councilwoman Marcalus: The Library will hold its last computer class on July 31st.

Councilman Visconti: There was no OCC meeting this month but there is a need for volunteers for the TV committee. The OCC is planning the candidates' forum. There will be a Park Committee meeting on August 7th at 8 pm at the Danny D'Elia building. The Committee will continue to discuss bylaws and creation of sub-committees. The Finance Committee will meet to discuss the Corrective Action Plan.

Councilwoman Stagg: No report:

Councilman Pignatelli: There will be an AARP Driver Safety Program at the Senior Center on August 1st. There will be a Senior Citizens trip to Atlantic City on August 28th.

Councilman Jensen: The Public Events Committee will meet on August 12th at the Senior Center at 7:30 pm.

Councilwoman Coira: There will be a Recreation meeting on Monday at 8 pm. She advised residents to check the Recreation website for winter sport signups.

OPENED FOR PUBLIC DISCUSSION:

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

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

Fred Della Iacono, 41 Oneida, commented he is in favor of the referendum per se. He objects to any additions to what the money can be used for. Councilwoman Marcalus advised that wording has always been part of the referendum.

Frank Monaco, 60 Thackeray, questioned what happened to preventative on the lights. He commented that the Mayor and Council are holding a gun to the taxpayers. He commented that they should have put money aside each year for the project.

Mayor Schwager announced that Coldwell Banker announced that Oakland is one of the top 100 communities in the Country.

Jerri Angermueller, 24 Lakeview Terrace, is surprised Councilman Pignatelli commented at the last meeting that we should not keep dumping money into the Stream House. She commented that no money has been dumped into the Stream House. Councilman Pignatelli commented that

\$ 80,000 was spent on a Historical Plan and \$ 10,000 to cable the Stream House. Ms. Angermueller commented that the State and County paid for the Historical Plan because Oakland was required to do so. Councilman Pignatelli responded it is still taxpayer money being used even if it came from the County and the State. Mayor Schwager commented that in order for Oakland to get money for the Van Allen House, we cannot knock down the Stream House. She advised there is a meeting next week with the Ramapough Conservancy and the Historical Consultant. She reiterated that Robyn Brown from Bergen County said the County will not give us money for the Van Allen House if we knock down the Stream House. She suggested Councilman Pignatelli speak with Ramapough Conservancy. Councilman Pignatelli commented that the State has not said we cannot knock down the Stream House. He objects to spending any money on the Stream House because it is a blight to the community. Ms. Angermueller responded that the Stream House was nominated on the State Register and it is a requirement not to knock it down.

Frank Monaco, 60 Thackeray, commented that the town has spent money over the years on the Stream House and it is still in the same condition it was 40 years ago. The town is throwing money away. Mr. Kunze advised that the Borough had a grant for the cabling which was done on an emergency basis. The Borough was required by the County to have a Planning Study done before we could be eligible for more grants.

CLOSED FOR PUBLIC DISCUSSION:

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

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

BILLS TO BE PAID:

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

(see following pages)

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

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

MEETING ADJOURNED:

On motion of Councilman Visconti, seconded by Councilwoman Marcalus, the meeting be adjourned at 9:20 pm.

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

Lisa M. Duncan, Borough Clerk
August 14, 2013

Mayor Linda H. Schwager

Date Approved

