

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY AUGUST 28, 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:
Tax Appeal Settlements; Boundary Line agreement; Personnel
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

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

Discussion ensued over Tax appeal settlements, Boundary Line agreement and Personnel. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER:

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Coira, Jensen, Pignatelli, Visconti. Absent: Councilmembers Marcalus, Stagg. 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 ABSENCES OF COUNCILMEMBERS

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

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

MAYOR'S REPORT:

Mayor Schwager advised that the Library exterior is being painted. She advised that New Jersey Monthly Magazine ranked Oakland 15th in top places to live in New Jersey. Oakland was ranked #1 for young families because of schools and recreation programs. Mayor Schwager advised that Oakland Municipal Alliance will hold a luncheon for Seniors on August 29th at 12 noon. The topic of discussion will be possible side effects of medications and drug interactions. Mayor Schwager advised that schools will open on September 4th and she asked residents to drive carefully.

OPENED FOR PUBLIC DISCUSSION:

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

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

Frank Monaco, 60 Thackeray, suggested the open space tax referendum be for a five-year term. He stated it is his understanding that the Borough is going to spend \$60,000 to study the Recreation lights. He advised that when the lights were put in 30 to 35 years ago, the vendor came in and did the study. He commented that the company who is going to replace the lights will come and do the study for nothing. He feels the Borough should have put money aside for a couple of years for the lights. He would like the Council to reconsider replacing the Recreation lights. He spoke about cracks in the tennis courts.

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, Pignatelli, Visconti.

**PUBLIC HEARING ON APPLICATION TO BERGEN COUNTY OPEN SPACE,
RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND GRANT
PROGRAM FOR OPEN SPACE ACQUISITION:**

Mayor Schwager explained this is public hearing for the Borough's grant application for flood buyouts. The original public hearing was held on July 24, 2013 but The Record did not publish the meeting notice. Therefore, the meeting notice had to be republished and the public hearing held again.

OPENED FOR PUBLIC DISCUSSION:

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, Pignatelli, Visconti.

No comments from the public.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVE SOCIAL AFFAIRS PERMIT:

On motion of Councilwoman Coira, seconded by Councilman Visconti, approval be granted for a Social Affairs permit for Blue and Gold Touchdown Club to hold an event at the Oakland Elks Lodge on September 13, 2013.

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

RESOLUTION 13-208 AUTHORIZE REFUND RECREATION FEES

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

WHEREAS, the Borough of Oakland has received requests for refunds of Cheerleading, Football and Soccer Registration Fees in the amount of \$374.00;

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

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

Marina Harms, 33 River Dell, Oakland, NJ 07436 refund due \$53.00

Jennifer Godfrey, 6 West Court, Oakland, NJ 07436 refund due \$88.00

Vanessa Arp, 51 Mohawk Avenue, Oakland, NJ 07436 refund due \$170.00

Teri-Anne Foster, 77 Seminole Avenue, Oakland, NJ 07436 refund due \$63.00.

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

RESOLUTION 13-209 AUTHORIZE CONTRACT FOR CRS SERVICES

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

WHEREAS, the Borough of Oakland is in need of engineering services for the development and submittal of a Community Rating System application to FEMA: and

WHEREAS, three proposals were received by the Borough in response to its RFP; and

WHEREAS, upon review and recommendation of the Flood Commission and Borough Administrator, the Borough finds the proposal submitted by Agnoli Engineering to offer the best value; and

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

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

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #3-01-20-110-044.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby award a contract to Agnoli Engineering in an amount not to exceed \$9,500.00; and

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

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

RESOLUTION 13-210 APPROVE PROMOTION-SUE EISENMANN

On motion of Councilman Visconti, 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 Chief Financial Officer and the Borough Administrator, hereby approve the following promotional recommendation and salary increase effective July 1, 2013.

Sue Eisenmann, Accounting Assistant, from \$45,850 to \$50,435.

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

RESOLUTION 13-211 APPROVE CHANGE ORDERS-DPW BUILDING PROJECT

On motion of Councilman Jensen, seconded by Councilman Pignatelli, 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 22	Door Modifications	\$1,080.48
Change Order 23	Credit for Card Reader Wiring	-\$1,250.00

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 22 and 23 in the total net amount of -\$169.52.

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

RESOLUTION 13-212 AUTHORIZE PROPERTY TAX REFUND

On motion of Councilman Visconti, seconded by Councilman Jensen, 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>
5404/16	Provident Funding (Kamm, Dietrich W. & Kimberly)	\$3,151.80

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

RESOLUTION 13-213 APPROVE OPEN SPACE GRANT SUBMITTAL

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

WHEREAS, the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund ("County Trust Fund") provides grants to municipal governments and to nonprofit organizations for assistance in the acquisition of lands for open space conservation purposes and/or outdoor recreation facilities; and

WHEREAS, the Borough of Oakland desires to further the public interest by obtaining a grant of \$1,453,905 from the County Trust Fund to fund the following project: Flood Buyout Program- Roosevelt Boulevard, Phase I; and

WHEREAS, the governing body has reviewed the County Trust Fund Program Statement, the County Program Open Space Policy and Procedures Manual, and the open space application and instructions and desires to make an application for such a grant and provide application information and furnish such documents as may be required; and

WHEREAS, as part of the application process, the governing body has held a public hearing on August 28, 2013, to receive comments prior to the submission of said application(s); and

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project(s); and

WHEREAS, if the applicant is successful in acquiring said project through the use of a County Trust Fund Grant, then the applicant will permanently preserve said project for open space conservation and/or outdoor recreation purposes through a recorded deed of easement.

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

1. That it is hereby authorized to submit the above completed project application to the County by this year's deadline established by the County; and
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the applicant has, or will secure, the balance of funding necessary to complete the project; and
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules and regulations in its performance of the project; and
4. That this resolution shall take effect immediately.

Councilman Pignatelli questioned item 2. If the County only grants the Borough \$453,000, are we committed for an additional \$1 million in funding? Mr. Kunze responded it is only if the Council decides to move forward with the project. The Council is not obligated to accept the grant.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 13-CODE-693

The Clerk was directed to take from the table Ordinance No.13-Code-693 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE
ACCEPTING THE EXTENSIONS OF OAK STREET AND LAWLOR DRIVE
PUBLIC RIGHT-OF-WAYS

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, " An Ordinance Accepting The Extensions Of Oak Street And Lawlor Drive Public Right-Of-Ways", be adopted;

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published by title in The Record in the manner provided by law.

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

WORK SESSION:

ENGINEERING PROPOSAL-BACKSTOP PROJECT

Mr. Kunze advised that the Borough had applied to the County for grants for the Recreation Backstop project and have received two grant awards. This contract would be for Engineering for the project. He explained that the Borough would need to bid the work because it is over the threshold. Councilman Pignatelli questioned where the money was coming from. Mr. Kunze responded there was a capital budget established for the project. Councilman Jensen asked if the construction inspection was a not to exceed amount. Mr. Kunze responded that both engineering and construction inspection are not to exceed amounts. A resolution will be listed on the next agenda.

NJDOT 2014 GRANT APPLICATION

Mr. Kunze advised that this application would be for Monhegan Avenue and Lakeside Boulevard which are in need of resurfacing. These roads would make good candidates for funding from the NJDOT. Borough Engineer Rebecca Mejia advised that is a connector roadway so it is an enticing project to NJDOT.

POLICE ACCREDITATION BID

Mr. Kunze advised that this project has been a long standing goal for the Police Department. The Police Department will be judged on over 100 different criteria and policies. This would reflect the professionalism of the Department. This will also allow the Borough to save on liability insurance premiums. This is a labor intensive process. One bid was received in the amount of \$39,000. The Borough has a \$25,000 grant from the JIF for the project. Councilman Pignatelli advised this is an excellent program. It was proposed several years ago. He likes the fact that the operating procedure manual will be redone and everyone needs to sign off on that manual. He advised this process benefits the town in many ways. Mr. Kunze advised that the project will take one year to complete. A resolution will be listed on the next agenda.

NEW BUSINESS:

Mr. Kunze advised he was notified today by Borough Engineer Kevin Boswell that Bergen County wants to pave Franklin Avenue in Oakland this year. The Borough has to undertake the ADA curb cut work but we will be reimbursed by the County. Councilman Visconti commented that the Borough has to pay for Engineering costs. Mr. Kunze responded that the County expanded the reimbursements to include the costs for the curb cuts.

Mr. Kunze advised that OEM Coordinator Roy Bauberger filed a grant through FEMA. There is no match requirement. A resolution will be listed for the next meeting to confirm the grant application submittal.

Mayor Schwager advised that this is the first year the Borough had a summer intern program. We hope to continue it next summer.

COUNCIL REPORTS:

Councilman Visconti: The Park Committee meeting has been moved to September 3rd at 8 pm. He advised that the Committee is looking for a recording secretary. Councilman Visconti spoke about the NJ Monthly Magazine article. He thinks the people of Oakland have known for a long time how great Oakland is and now other people are finding out. Councilman Visconti spoke about the lights at the Recreation field. This has been a revolving project. Councilman Visconti had many of the same questions that Mr. Monaco has had. Some of the bulbs are fused to the fixtures. The Borough has waited to do this project and now it is necessary. He explained that years ago it was acceptable to let one vendor do everything but now the Borough needs to have a competitive bid and we need specifications to go out to bid. He explained that the Borough is looking at energy efficient lamps so it would benefit the town. Mr. Kunze advised that Musco Lighting was consulted when the Borough got the original estimate for the project. We did plan to do the project in three phases. However, the system has really deteriorated. We have had to rent lights to keep the programs going at night. It is time for an overall upgrade. Councilman Pignatelli commented that there will be savings on the Borough's electric bills which will help toward the cost of the project.

Councilman Pignatelli: The Police Department had 958 calls in July. The Municipal Alliance will hold a luncheon at the Senior Center on August 29th on effects of drugs and interactions. The Bergen County Senior picnic will take place Tuesday September 17th from 10 am to 3 pm.

Councilman Jensen: No report.

Councilwoman Coira: The Recreation winter sports signups are posted on the Recreation website. The Shade Tree Committee will meet Tuesday at 7 pm.

Mayor Schwager thanked the Park Committee for changing the date of the meeting due to the Jewish holiday.

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, Pignatelli, Visconti.

No comments made.

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, Pignatelli, Visconti.

BILLS TO BE PAID:

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

(see following pages)

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

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

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Jensen, the meeting be adjourned at 8:13 pm.

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

Lisa M. Duncan, Borough Clerk
September 11, 2013

Mayor Linda H. Schwager

Date Approved