

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY OCTOBER 9, 2013

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, seconded by Councilwoman Coira, 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, 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, Marcalus, Pignatelli, Stagg, Visconti.

No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:30 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:

The Park Committee meeting was rescheduled to October 16, 2013 at 8 pm. Garbage pickup is now once per week. This is Fire Prevention Week and the Fire Department held their annual Open House on Monday. The Farmers Market will hold Mind, Body and Beauty Day on October 19, 2013 from 9 am to 1 pm. Mayor Schwager met with the President of Ramapo College on October 2nd. Yesterday, Mayor Schwager attended a Mayors breakfast in Hackensack and the Attorney General's office spoke about the Fugitive Safe Surrender Program. The special election for Senator will be held on Wednesday October 16, 2013. The next Flood Commission meeting will be held on October 14, 2013.

OPENED FOR PUBLIC DISCUSSION:

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

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

Gina Steele, 39 River Road, is excited about the grant company that was appointed at the last meeting. She volunteered this past summer with Trout Unlimited and hopes the Borough will work with them. She read an article about Park Ridge having a free app for notifications. Mr. Kunze advised he asked the Police Chief to learn more about this. Ms. Steele advised that restaurant day at the Farmers Market went well.

Howard Rubenstein, 7 West Court, thanked Councilman Pignatelli and Councilman Visconti for their explanation on the grants we are eligible for with the open space trust fund. Mr. Rubenstein still will not vote for the referendum. His focus tonight is on Part B of the referendum. There is no change in wording from the 2003 and 2008 referendum. It talks about keeping open space in its natural state. In 2010, the Borough purchased the Heritage Hills property with open space funds. The Council appointed a Park Committee to revitalize that property as passive recreation. All their ideas are not passive recreation and all are improvements to the land. This cannot be done on property purchased with open space funds. Borough Attorney Chewcaskie commented that there is a misunderstanding. Portions of the Pleasureland property are being saved in their natural state. However, the entire property is not in its natural state. The NJ Capital property, which was also purchased with open space funds, is undisturbed land. Mr. Chewcaskie advised that every property purchased has had grants involved. If there was a problem with the use, the

State and County would have denied the funding. Mr. Rubenstein commented that the definition of passive recreation is no strenuous activity. The Park Committee is proposing active amenities. Grants are allowed for passive recreation but the Park Committee is not proposing passive recreation. Mr. Chewcaskie responded that he disagrees with Mr. Rubenstein on the meaning of passive recreation.

Frank Monaco, 60 Thackeray, commented he is disappointed that there is not going to be a candidate debate. The open space referendum was approved two times because of their wording to leave property in a natural state. He said to let the citizens vote and decide. He commented that the Council created a tax to help supplement other projects. He questioned when his street was going to be paved. Mr. Kunze responded that he spoke to the DPW Superintendent. The road has been patched. The DPW is currently evaluating the roads for next year's program and Thackeray is not likely to be done next year. Mr. Monaco questioned grants for the Van Allen House. Mr. Kunze explained that the Borough applied for the grants because the Ramapough Conservancy did not have their non-profit status yet. Technically the Borough is responsible for the match but the Ramapough Conservancy has pledged money to match the grant. Ramapough Conservancy has also applied for additional grant money. Mr. Monaco questioned the Stream House. Mr. Kunze responded that the grant we received was for emergency stabilization of the Stream House. Mr. Monaco commented that when the Borough leased the property to Ramapough Conservancy, they said it would not cost the citizens of Oakland any money. Mayor Schwager responded she has great faith in Ramapough Conservancy.

Peter Kikot, 20 Minnehaha Blvd, asked if anyone spoke to the Superintendent of Schools regarding the Crossroads newsletter. Mayor Schwager advised she left a message and did not get a return call. Mr. Kikot advised he received a call and was told the Board of Education would not be able to participate in the newsletter until she gets word from the Board Attorney. Mr. Kikot advised he must go to print now without participation from the Board of Education. Councilwoman Marcalus commented that she received a call from Board of Education member James Gaffney. He advised that the Board will not be participating in the newsletter. Councilwoman Marcalus questioned if there was something in the OCC bylaws that says issues cannot go out a certain time before election. Mr. Kikot responded that articles cannot include candidates names. Councilman Visconti advised that there has not been a Crossroads issue to date so in the interest of public knowledge, this issue must move forward. The OCC is sensitive to anything that is of a political nature. Councilman Pignatelli questioned if the Borough has the money to cover the Crossroads issue if the Board of Education is not sharing the cost. Councilman Visconti responded that we do have money because of the reduced number of pages. He explained it is a policy issue because the mission of the Crossroads was to bring the Borough and School news together. Next year the OCC will request enough money to put out three issues on our own. Councilwoman Marcalus commented that the Board has decided to follow the regulation that states the Board of Education is not allowed to promote themselves with their money. Councilman Jensen asked that the OCC bylaws be checked.

Howard Rubenstein, 7 West Court, asked if the Council can do another open space referendum next year for a five-year term if this referendum question gets defeated. Mr. Chewcaskie advised that the Governing Body can put another referendum on for the following year. Mr. Rubenstein asked Mr. Chewcaskie if the wording is different in Part B. Mr. Chewcaskie responded that it is not and that language was added to the interpretive statement about passive recreation.

Frank Di Pentima, 6 Mt. Lakes Road, commented that he supports the open space referendum. It is the best penny spent on the tax bill. If it is voted down, that penny is just going to shift to the municipal tax. It is silly to do a referendum for five years and then another for five years. Let's

do this once. He explained that it is the best penny spent because it gives the Borough access to other funds such as grants. Mr. Di Pentima advised that the Democratic Club created a Facebook page and are using the banner from the Fire Department web page. They did this without permission. Mayor Schwager asked them to remove the banner. She commented that she is so proud of the Volunteer Fire Department. Mr. Di Pentima advised there was a great turnout for the open house. Councilman Pignatelli commented that plaques were given to children who won the Fire Prevention poster contest.

Frank Monaco, 60 Thackeray, commented that he knows if the referendum goes down, then \$375,000 goes back to the municipal budget. Then the Borough can pay back the debt. Then the Council has to answer to the citizens if they spend that money.

Mr. Mangin advised that the open space levy is \$217,000 as long as the property values stay the same. The debt is paid off by 2022 if property values stay the same. Councilwoman Stagg commented that we collect \$217,000 but we get back \$300,000 to \$400,000 from the State. Mr. Kunze responded that the last grant the Borough received was \$325,000. Mr. Mangin advised that the Borough spent \$3.6 million.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: SEPTEMBER 25, 2013

On motion of Councilman Jensen, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of September 25, 2013 be approved.

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

APPROVAL OF MINUTES: SEPTEMBER 11, 2013 EXECUTIVE

On motion of Councilman Jensen, seconded by Councilwoman Coira, the minutes from the Mayor and Council Executive Session of September 11, 2013 be approved.

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

APPOINTMENT-ENVIRONMENTAL COMMISSION

Mayor Schwager advised that the Environmental Commission requested Gina Mayer Costa be moved to the unexpired term left by the resignation of Michael Lynch and they requested Alex Meyer be put in the unexpired term as Alternate I.

MOTION TO APPROVE:

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, the Council consented to the appointment of Gina Mayer Costa to the unexpired term due to expire December 31, 2015 and consented to the appointment of Alex Meyer to the unexpired term of Alternate I to expire December 31, 2014.

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

APPROVE RAFFLE LICENSE RL1198

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, approval be granted for Raffle License RL1198 for Oakland Education Foundation to hold an off-premise raffle for merchandise on October 17, 2013 at Knights of Columbus, 7 Courthouse Place.

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

RESOLUTION 13-245 REFUND TAX OVERPAYMENT BLOCK 802 LOT 44

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 has received a request for a refund of a 2013 overpayment due to a duplicate payment of the third 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>
802/44	DeMoura, Joel D. & Mullan, Jennete	\$3,557.13

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

RESOLUTION 13-247 APPOINT SUBSTITUTE BUS DRIVER

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

WHEREAS, the Senior Center is in need of a substitute bus driver; and

WHEREAS, the Senior Center Director and Borough Administrator recommend the hiring of Dennis Villarie;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby appoint Dennis Villarie as substitute bus driver at a salary of \$16.25 per hour effective October 9, 2013.

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

RESOLUTION 13-249 CHANGE ORDER 26 DPW BUILDING PROJECT

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

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

WHEREAS, requests were made for the following Change Order:
 Change Order 26 Credit for deletion of kitchen hood \$-1,150.00

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Change Order 26 in the total amount of \$-1,150.00.

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

RESOLUTION 13-250 AWARD CONTRACT ROCK SALT

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 needs to purchase rock salt; and

WHEREAS, the Borough of Oakland is a member of the Bergen County Cooperative Pricing System (state ID #11-BeCCP); and

WHEREAS, the Bergen County Cooperative Pricing System has awarded contract #13-82, Rock Salt, to Atlantic Salt Co., LLC and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended that the Borough of Oakland purchase rock salt through the Bergen County Cooperative Pricing Council in an amount not to exceed \$75,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 3-01-26-306-058 and from appropriation in the 2014 budget, subject to adoption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes the purchase of Rock Salt, in an amount not to exceed \$75,000, through the Bergen County Cooperative Pricing System, contract # 13-82, Rock Salt, awarded to Atlantic Salt Co., LLC.

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

RESOLUTION 13-251 AWARD CONTRACT-GASOLINE

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 needs to purchase gasoline for its vehicles; and

WHEREAS, the Borough of Oakland is a member of the Bergen County Cooperative Pricing System (state ID #11-BeCCP); and

WHEREAS, the Bergen County Cooperative Pricing System has awarded contract #13-100, Gasoline, to Rachles/Michele's Oil and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended that the Borough of Oakland purchase gasoline through the Bergen County Cooperative Pricing Council in an amount not to exceed \$ 130,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 3-01-31-460-001 and Water Operating Fund budget account #3-05-55-508-000 and from appropriation in the 2014 budget, subject to adoption;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes the purchase of Gasoline, in an amount not to exceed \$130,000, through the Bergen County Cooperative Pricing System, contract # 13-100, Gasoline, awarded to Rachles/Michele's Oil, 116 Kuller Road, Clifton, NJ .

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

RESOLUTION 13-252 AWARD CONTRACT-DIESEL FUEL

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 needs to purchase diesel fuel for its vehicles; and

WHEREAS, the Borough of Oakland is a member of the Bergen County Cooperative Pricing System (state ID #11-BeCCP); and

WHEREAS, the Bergen County Cooperative Pricing System has awarded contract #13-99, Diesel Fuel to Rachles/Michele's Oil Co. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended that the Borough of Oakland purchase diesel fuel through the Bergen County Cooperative Pricing Council in an amount not to exceed \$ 60,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 3-01-31-460-001 and Water Operating Fund budget account# 3-05-55-508-000 and from appropriation in the 2014 budget, subject to adoption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes the purchase of Diesel Fuel, in an amount not to exceed \$60,000, through the Bergen County Cooperative Pricing System, contract # 13-99 Diesel Fuel awarded to Rachles / Michele's Oil Co., 116 Kuller Road Clifton, NJ .

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

RESOLUTION 13-253 AMEND CONTRACT-EPIC

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

WHEREAS, a contract was issued to Epic Management, Inc. of Piscataway, New Jersey for Owner's Representative Services for the DPW Building Renovation Project and the contract is due to expire on October 9, 2013; and

WHEREAS, it is necessary to amend Epic's contract in order to extend an additional month at a cost of \$10,000 to continue providing needed services while construction continues; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the amendment to Epic Management's contract for an additional month to November 9, 2013 at a total cost of \$10,000.00.

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

RESOLUTION 13-254 AMEND CONTRACT-S & L ARCHITECT

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

WHEREAS, a contract was issued to S&L Architecture for construction administration for the DPW Building Renovation Project; and

WHEREAS, it is necessary to amend S&L Architecture Studio's contract by an additional \$5,500.00 to continue providing needed services while construction continues; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the amendment to S&L Architecture Studio's contract for the period of October 1 through October 31, 2013 at a total cost of \$5,500.00.

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

RESOLUTION 13-255 CHANGE ORDER 27 DEDUCTION FOR TEKTON

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

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

WHEREAS, requests were made for the following Change Order:

Change Order 27	Contract price reduction in conjunction with	
	Contract completion date extension for additional	
	Costs incurred by Borough	\$-17,198.80

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Change Order 27 for a contract price reduction of \$-17,198.80 to Tekton Development Corp.

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

RESOLUTION 13-246 AUTHORIZE MILLENIUM STRATEGIES TO SUBMIT GRANT APPLICATION TO DEP

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

WHEREAS, the Borough of Oakland wishes to submit an application for the 2013 DEP Passaic River Basin De-snagging and Shoal Dredging Grant; and

WHEREAS, the Borough has identified a need for assistance with preparing and submitting the grant application; and

WHEREAS, it is in the best interest of the community to apply for the grant in order to assist with the Borough's flood program; and

WHEREAS, Millenium Strategies, 60 Roseland Avenue, Caldwell, NJ, has a strong track record with assisting municipalities to receive grant funding; and

WHEREAS, the fee Millenium Strategies would charge for their services is \$ 2,000; and

WHEREAS, Millenium Strategies has submitted all paperwork required by the Borough's Pay To Play ordinance; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize a contract with Millenium Strategies in the amount of \$ 2,000; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute an agreement with Millenium Strategies.

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

RESOLUTION 13-248 REFUND PERMIT FEES RELATED TO HURRICANE SANDY

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

WHEREAS, the Mayor and Council adopted Resolution 13-56 on February 13, 2013 which waived municipal construction permit fees for homeowners who experienced damage in Hurricane Sandy; and

WHEREAS, there were homeowners that had paid fees prior to the adoption of Resolution 13-56 and those fees must be refunded; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize refunds of municipal construction permit fees to the following:

Edison & Lubben, 292 Ramapo Valley Road, Oakland, NJ 07436 refund due \$65.00
 Eileene Durant, 51 Lakeview Terrace, Oakland, NJ 07436 refund due \$300.00
 Cozine & Trovato, 118 Skyline Drive, Oakland, NJ 07436 refund due \$65.00
 William Fersch, 30 Calumet Avenue, Oakland, NJ 07436 refund due \$65.00
 Wayne & Marilyn Rogers, 28 Calumet Avenue, Oakland, NJ 07436 refund due \$65.00
 Peter & Karen Marcalus, 125 Mandigo Avenue, Oakland, NJ 07436 refund due \$65.00
 Barbara Kmetz, 16 Hannah Road, Oakland, NJ 07436 refund due \$65.00
 Evers & Taylor, 40 Franklin Avenue, Oakland, NJ 07436 refund due \$65.00
 Mr. & Mrs. McCormick, 161 Manito Avenue, Oakland, NJ 07436 refund due \$65.00
 Duong Tran, 36 Truman Boulevard, Oakland, NJ 07436 refund due \$65.00
 Mr. & Mrs. DeVries, 30 Crosby Lane, Oakland, NJ 07436 refund due \$65.00
 Gilbert Burgess, 9 Shoshone Path, Oakland, NJ 07436 refund due \$65.00
 John Hartwell, 27 Chuckanutt Drive, Oakland, NJ 07436 refund due \$65.00
 Mr. & Mrs. Miner, 53 Hiawatha Boulevard, Oakland, NJ 07436 refund due \$161.00
 Kristina MacMillan, 33 Lakeshore Drive, Oakland, NJ 07436 refund due \$65.00
 David & Karen Masercola, 11 Stone Fence Road, Oakland, NJ 07436 refund due \$157.00

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

WORK SESSION:**D.R. MULLEN REQUEST FOR HIGHLANDS COUNCIL ENDORSEMENT**

Borough Planner Steve Lydon explained that the property in question is in the Industrial area off of West Oakland Ave. The areas highlighted are in the industrial zone. They are in the Highlands Preservation area and the development regulations are stringent. The contract purchaser of the lot would like to put up a contractor storage yard. There will be no building or septic. Because it is in the Preservation area, it needs to get a Highlands exemption. After it went to the Planning Board several years ago, it went to the Highlands Council who forwarded it to the DEP. The DEP said it should be redesignated as a Highlands Redevelopment area. The Highlands Council said the municipality has to endorse the request. The owner came before the Planning Board three months ago. The Board asked him to notice people. The Planning Board heard the testimony and passed a resolution that said they did not oppose this as long as the Mayor and Council did not oppose it. The Mayor and Council would need to pass a resolution and send it to the Highlands Council. The owner has to take it to the DEP for a waiver. The DEP

may want to preserve steep slope and tiers. This plan will disturb steep slopes but the owner has pledged to plant additional trees.

Councilman Pignatelli commented that he read in the application that this would be beneficial to Oakland. He questioned how beneficial this will be to Oakland. Mr. Lydon explained that it had to do with planting additional trees that were taken out from the construction of 287. It is relative to the amount of disturbance. By the DEP not granting the waiver, the DEP precluded development on the property. The property to the west will not be developed. Councilman Pignatelli commented that if the entire area was in the Preservation area, they couldn't build there anyway. Mr. Lydon responded that without an exemption from the State, Mullen could not develop the property. Councilman Pignatelli commented that he does not know how this is a win-win situation for Oakland.

Councilwoman Stagg commented that if you drive along Route 287, you are going to see the construction area and it is not going to look nice. Mr. Lydon commented that there will be some screening with trees. The Council can endorse the request but can put a proviso in that more trees have to be planted. Mayor Schwager advised that the trees were supposed to be the buffer. Councilwoman Marcalus responded that the Planning Board was always in favor of buffers. Councilwoman Stagg commented that trees are not going to buffer it from 287.

Councilman Visconti commented that the benefit will be that the business will be able to expand and the Borough may reap additional taxes. The detriment is that it may not look nice from the highway. He asked if the Shade Tree Commission looked at this plan. Mr. Lydon responded that they had no problem with it. The Planning Board recommended this. The Mayor and Council have to decide if they are in favor of supporting this. Councilwoman Marcalus commented that she is ok with supporting this since the Planning Board gave their recommendation. She believes due diligence was done by the Shade Tree Commission and Planning Board. Councilman Visconti asked if a resolution needs to be put on at the next meeting. Mr. Chewcaskie responded that if we can do a resolution recommending endorsement if they provide a suitable amount of trees. A resolution will be listed on the October 9th agenda.

BEST PRACTICES CHECKLIST:

Mr. Mangin advised that the Best Practices checklist started a few years ago. We have to prove that government is operating as efficiently as possible as measured by the checklist. Mr. Kunze advised we answered yes to 44 of the 50 questions. Therefore, there will be no change to our State Aid. This checklist has to be discussed with the Governing Body and submitted by October 15th to the State.

Councilwoman Marcalus asked if the colors on the chart were important. Mr. Mangin explained that if we answered a question as perspective last year, we are not allowed to answer it perspective again this year. Some questions do not allow perspective answers and require a yes or no answer. Therefore, the questions are color-coded according to the answers required. Councilwoman Marcalus commented on the question for instructional courses for Elected officials. She believes instruction is so important to Governing Body members. She took some courses but was told to stop because of the cost. However, she believes it is important. Mayor Schwager also thinks it is important for Elected officials to take classes. Councilman Pignatelli commented that funds to attend the League conference were taken out of the budget and that is where there are so many classes to attend. Councilwoman Marcalus advised she is not talking about the League conference but about classes she attended in Paramus. Mayor Schwager supports taking classes 110%. Mr. Kunze responded that funding is one issue. The Borough can meet this requirement on the Best Practices checklist by attending the annual JIF training.

However, we cannot answer yes to the question unless the Mayor and Council adopt a policy. Mayor Schwager advised that the Borough gets a credit for every Elected official. That would save money to the taxpayers. Councilman Visconti advised that since he has been Finance Chair, he has not denied anyone to take a class. The problem is that if we require the Council members to take classes, it becomes a time management issue and hesitant to put that burden on people. Councilwoman Marcalus commented she is just recommending Powers and Duties of the Municipal Governing Body.

Councilman Visconti advised that there are things on the checklist that we want to do but they are arduous such as an accounting manual. The list evolves every year. The objective is to score well. The minimum amount of yes answers must be 40 in order to receive all State Aid. The Borough of Oakland has scored well in comparison to other municipalities. Councilman Pignatelli asked about question #35. Mr. Kunze advised that our last executed labor contracts are at the State. With the latest contract, we did a memorandum of understanding and an arbitration settlement. We did not actually have executed agreements. We finally got a draft document from the PBA in June. Councilman Visconti advised that draft did not follow the arbitration settlement agreement. Mr. Kunze explained he is not comfortable answering yes because we don't have signed agreements as of October 15th. Mr. Mangin explained that when he and Mr. Kunze go through the checklist, they take a literal translation to these questions. He explained that it probably would have been ok to answer yes to this question but they didn't feel right about it. Councilman Jensen commented that the bottom line is the Borough is going to be eligible for all of our State Aid. He commended the Borough Administrator and CFO.

BID AWARD-WALNUT PUMP STATION

Mr. Kunze advised the Borough received four bids for this project. The low bid was \$119,497 and the second low bid was \$131,400. Mr. Kunze advised that the second low bidder filed a bid protest based on the experience of the low bidder. He will have a recommendation of award at the next meeting.

NEW BUSINESS:

Mayor Schwager would like a resolution to support the Fugitive Safe Surrender program on the next agenda.

COUNCIL REPORTS:

Councilwoman Marcalus: The OEM will participate in an all night exercise at Bergen County Police and Fire Academy on October 25th. The next meeting of the OEM will be held on October 17th at 7 pm. The High School is participating in a presentation at the Wyckoff Y on October 16th regarding social media in education. The Library is having a program by the County Surrogate on October 24th at 7 pm. There will be a deer prevention seminar and a business networking meeting on November 20th with a breakfast. The Library has several book discussion groups. The children's programs are in full swing.

Councilman Visconti: The next OCC meeting will be held on October 16th at 7 pm. The next meeting of the Park Committee is on October 16th at 8 pm. The Scouts will do a presentation at that meeting on trails. The idea was that the park was planned and would not disturb any new space. The DEP rules and regulations would be followed. The Park Committee would raise funds to create the park with minimum impact on land. The idea of having an open space trust was to leverage money to get grants from the State, County and private entities. It multiplies the money the Borough is collecting. The Borough is constantly looking for ways to stretch money. The open space trust will help now and in the future. Councilwoman Marcalus advised that

Oakland is one of the few communities that have open space left. Councilman Visconti advised that he attended the Library fundraiser held on the Levine property and he thanked them. The Finance Committee meeting will be held next week.

Councilwoman Stagg: She advised that Stewart's Woods is changing. There are now benches and a walking path. The Natural Resources Inventory is almost complete. The Water and Sewer Committee met this week and are continuing to work on water and sewer issues. The next project the Committee is looking at is improvements to Well 10 like we did to Well 8. We are waiting on sewerage in the downtown.

Councilman Pignatelli: The Oakland Volunteer Fire Department Ladies Auxiliary will hold a pancake breakfast on October 20th from 8 am to noon. There will be a flu clinic at the Senior Center on October 17th. The Seniors will go to Hunterdon Hills Playhouse on December 4th. On October 29th, the Seniors will go to Caesars Casino in Atlantic City. The Senior Center will have the County in October 10th for County photo ID cards. There will be entertainment by Lester Smith on October 24th. The Police Department responded to 872 calls in August.

Councilman Jensen: The Public Events Committee will hold the Halloween Parade on October 26th and the holiday event will be held December 1st at 6 pm.

Councilwoman Coira: Recreation lacrosse sign-ups are being held at Franklin Lakes. Winter signups have concluded. Travel basketball and roller hockey are closed. She thanked the Levine family for doing so much for the community. The Levines donated trees planted at the Recreation complex, Valley Middle School and Veterans Park. The Planning Board will meet on October 10th at 8 pm.

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.

Mike Guadagnino, 34 Hopper Street, commented that Stewart's Woods look great. He would like to invite everyone who wishes to know what is going on with the Park to come to the meeting on October 16th. Changes were made to the original design. It is a very exciting project for the whole town. He advised that the Park Committee still needs a recording secretary.

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, 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 Pignatelli, seconded by Councilwoman Marcalus, the meeting be adjourned at 9:30 pm.

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

Lisa M. Duncan, Borough Clerk
October 23, 2013

Mayor Linda H. Schwager

Date Approved