

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY AUGUST 10, 2016

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Visconti, seconded by Councilman Kulmala, 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:
Affordable Housing; Van Allen House; Special counsel
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 Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

Discussion ensued over affordable housing, the Van Allen House and hiring special counsel.
No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Biale, seconded by Councilman Talamini, the Executive Session be closed.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, 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 Biale, Coira, Jensen, Kulmala, Talamini, Visconti. Absent: None. Also Present: Kathlyn Gurney, Deputy Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

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 commented that Oakland's Recreation program has been very busy and she congratulated the 12U baseball team that went to Cooperstown and 13U baseball team who won the North Jersey Suburban Baseball League Championship. She also congratulated all the coaches and parents involved in the Recreation program.

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

Ed Hudzina, 576 Ramapo Valley Road, spoke about suggestions for various traffic issues. He suggested that a yield sign should be installed at the entrance to Rt. 287 north off of West Oakland Ave. He suggested that there should be a "don't block the box" installed at the Franklin Ave. and Rt. 202 intersection. He asked that the crossing guards only cross students with the traffic light at signalized intersections. He said there should be better enforcement with people riding bikes at night that do not have proper lights. He claims there is an increase in tractor trailer traffic on Rt. 202 and he believed these trucks are going to Mahwah. He feels that we should contact businesses in Mahwah to tell their truck drivers not to drive through Oakland.

Dave Richardson, 320 Ramapo Valley Road, commented that the crosswalk on Rt. 202 by Valley Middle School should have better lighting. He feels there should be a lead green at the traffic light on Rt. 202 to make a left on West Oakland Ave. He complained about the lights being on at the Recreation fields when no one was using the fields. He gave a list of dates to Mr. Kunze.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

APPROVAL OF MINUTES: JULY 27, 2016

On motion of Councilman Biale, seconded by Councilman Jensen, the minutes from the Mayor and Council meeting of July 27, 2016 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

APPROVAL OF MINUTES: JULY 27, 2016 EXECUTIVE

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of July 27, 2016 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

APPROVE RAFFLE LICENSE RL1281

On motion of Councilman Biale, seconded by Councilman Kulmala, approval be granted for Raffle License RL1281 for Reed Academy to hold an off-premise raffle for merchandise on January 3, 2017 at 25 Potash Road.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

APPROVE RAFFLE LICENSE RL1282

On motion of Councilman Biale, seconded by Councilman Visconti, approval be granted for Raffle License RL1282 for Sports Association of Oakland to hold a calendar raffle for various dates in September, October, and November, 2016 at 24 Lawlor Drive.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-160 CHAPTER 159 EMERGENCY MANAGEMENT GRANT

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland in the County of Bergen, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$ 5,000.00 which is now available from the Bergen County Emergency Management Agency Assistance Grant-Funding for Federal Year 2014.

BE IT FURTHER RESOLVED, that the like sum of \$ 5,000.00 is hereby appropriated under the caption Bergen County Emergency Management Agency Assistance Grant-Funding for Federal Year 2014; and

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Oakland in the amount of \$ 5,000.00

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-161 AUTHORIZE RECREATION REFUNDS

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

WHEREAS, the Borough of Oakland has received requests for refunds of Summer Football and Soccer Camp Registration Fees in the amount of \$388.00; 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 refunds to:

Carla Campozano, 22 Ramapo Valley Rd., Oakland, NJ 07436 football refund due \$204.00
Allison Whalen, 36 Tuscarora Dr., Oakland, NJ 07436 soccer refund due \$184.00.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-162 AUTHORIZE PAYOUT-P. O'KEEFE

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

WHEREAS, N.J.A.C. 5:30-15 establishes rules that govern how local government units manage and finance compensation for accumulated absence time for their respective employees, and

WHEREAS, accumulated absence includes any sick days, vacation days, personal days, compensatory time or any other absence time authorized as part of an employer agreement, which is not used by the employee during the allowed period and which is permitted to accumulate over time to the benefit of the employee, and

WHEREAS, the Chief Financial Officer has certified that the funds and authority exists to pay the part of the accumulated absence, as per the attached schedule, to Paul O'Keefe for sick and compensatory time accumulated in the amount of \$ 37,096.43; and

WHEREAS, the attached certification and documentation are presented to comply with the rules and regulations established by the Local Finance Board.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the total sum \$ 37,096.43 composed of 105 hours of sick time and 416.75 hours of comp time be paid out to Paul O'Keefe. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-163 CHAPTER 159 ROLLER HOCKEY RINK IMPROVEMENTS

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland in the County of Bergen, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$ 17,125.00 which is now available from the Bergen County Open Space Trust Fund Municipal Program-Roller Hockey Rink Resurfacing Project Grant.

BE IT FURTHER RESOLVED, that the like sum of \$ 17,125.00 is hereby appropriated under the caption Bergen County Open Space Trust Fund Municipal Program-Roller Hockey Rink Resurfacing Program Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Oakland in the amount of \$ 17,125.00; and

BE IT FURTHER RESOLVED, that Resolution 16-159 previously adopted by the Mayor and Council on July 27, 2016 is hereby rescinded.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-164 EXTEND GRACE PERIOD FOR TAX PAYMENTS

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

WHEREAS, the County of Bergen delayed certification of the Borough of Oakland's 2016 tax rate; and

WHEREAS, this delayed the issuance of tax bills until August 19, 2016 and

WHEREAS, State Law requires a twenty-five (25) 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 September 16, 2016. Payments remitted after that date will accrue interest as of August 1, 2016, as mandated by the State of New Jersey.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-165 RETAIN SPECIAL COUNSEL

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

WHEREAS, Police Officer Frank Fiore has been issued a Municipal Court summons by an individual citing failure to obey a traffic signal; and

WHEREAS, pursuant to Officer Fiore's employment, he is entitled to representation; and

WHEREAS James B. Seplowitz is an attorney in the State of New Jersey with experience in defending Municipal Court matters; and

WHEREAS, the Mayor and Council desires to retain Mr. Seplowitz of the firm Foy & Seplowitz located at 105 Main Street, Hackensack, New Jersey, as special counsel to defend Officer Fiore in the pending Municipal Court matter; and

WHEREAS, Mr. Seplowitz has agreed to represent Officer Fiore for the fee rate of \$125.00 per hour, not to exceed a total amount of \$1,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #6-01-20-155-028; and

WHEREAS, the Mayor and Council believe it is in the best interest of the Borough to retain the service of James Seplowitz;

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

- a. James B. Seplowitz, Esq. is hereby appointed special counsel to represent Officer Frank Fiore in the pending Municipal Court matter.
- b. James B. Seplowitz, Esq. shall be paid a fee at the rate of \$125.00 per hour with a total amount not to exceed \$1,000.00.
- c. The Mayor and Borough Clerk are hereby authorized to enter into a Professional Service Agreement with Mr. Seplowitz setting forth the terms herein.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-166 AUTHORIZE RECREATION REFUND

On motion of Councilman Visconti, seconded by Councilman Biale, 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 Summer Camp Registration Fees in the amount of \$565.00; 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:

Julie Matthews, 26 Mohawk Ave., Oakland, NJ 07436 refund due \$340.00 Open camp
Maria Nougues, 23 Skytop Ridge, Oakland, NJ 07436 refund due \$225 Rec Camp

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-167 CHANGE ORDER 1-DRAINAGE PROJECT-GROVE ST.

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

WHEREAS, a contract was awarded to Reivax Contracting, 356 Thomas Street, Newark, NJ 07114, in the amount of \$ 114,640 for the Drainage Improvement Project at 98 Grove Street; and

WHEREAS, the following Change Order has been requested: Work to repair damage caused by a storm sewer line overflow at 98 Grove Street in the amount of \$ 11,115; and

WHEREAS, the Change Order has been reviewed and recommended by the Borough's Engineer, Boswell McClave Engineering; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-706-206;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby authorize Change Order #1 in the amount of \$ 11,115 for a new total contract amount of \$ 125,755.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

FINAL PUBLIC HEARING: ORDINANCE NO. 16-CODE-740

The Clerk was directed to take from the table Ordinance No.16-Code-740 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND CHAPTER II SO AS TO ESTABLISH SECTION 2-9 THEREOF ENTITLED AMERICANS WITH DISABILITIES ACT ADVISORY COMMITTEE/OAKLAND IS FOR EVERYONE"

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Biale, seconded by Councilman Kulmala, this portion of the meeting be open for public discussion.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

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

BE IT RESOLVED that an Ordinance entitled, AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND CHAPTER II SO AS TO ESTABLISH SECTION 2-9 THEREOF ENTITLED AMERICANS WITH DISABILITIES ACT ADVISORY COMMITTEE/OAKLAND IS FOR EVERYONE, 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 Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

WORK SESSION:

PROPOSED ORDINANCE-PLAN CONFORMANCE FOR PLANNING AREA

Borough Planner Steve Lydon explained that the Planning Board reviewed the proposed ordinance to petition the Highlands Council for plan conformance for the planning area. The Planning Board is recommending the ordinance to the Mayor and Council. Mr. Lydon explained that the Mayor and Council adopted a resolution in 2011 with the intent to seek Highlands Council Plan Conformance. The Highlands Council adopted a resolution on May 15, 2014 granting Oakland conditional Plan Conformance status. One of the actions Oakland is required to take in order to secure final Plan Conformance status is to adopt this proposed ordinance. The ordinance recites the history of Oakland's intent to seek Plan Conformance for the Highlands Planning Area. Section 6 of the proposed ordinance explicitly acknowledges that Oakland is authorized to rescind this Ordinance for any reason and at any time if it is decided that it is in the best interest of the Borough. The final section of the Ordinance acknowledges that Oakland will be eligible to receive grants, funding and technical assistance with regards to implementing plan conformance tasks.

The ordinance will be listed for introduction at the next meeting.

CAPITAL PLAN:

Mr. Kunze explained that since the budget has been adopted, we can move forward with enacting the 2016 capital program. There are a few changes in the list compared to the spreadsheet provided in the budget books. The amount for the garage at Fire Co. 1 has increased from \$ 8,000 to \$ 18,000. The Fire Department wants to purchase a Bullex Fire Simulator. Franklin Lakes has expressed an interest in sharing the equipment so the cost to the Borough would be \$ 7,750. The total requested cost for acquisition of Phase 2 of the Roosevelt Blvd. Flood buyouts would be \$ 2,550,000. Slightly over \$ 2,000,000 would be offset by grants from Bergen County and the Land Conservancy of New Jersey. The MDC replacement cost has increased from \$ 35,000 to \$45,000. The extra funding would go to purchase computers that have multiple devices built into them and that can be upgraded in the future. The 911 equipment upgrade has been removed pending a decision on whether to enter into a shared service arrangement with Bergen County. If needed it can be funded in 2017.

As of right now, whatever amount is ultimately needed for the Library renovation is not included. Once we take bids in the fall, we will know how much to budget and can enact a separate bond ordinance at that time.

Mr. Kunze explained that the proposed funding for the bond ordinance would be \$4,183,500 and \$3,974,325 in debt would be authorized. However, the grants for Flood buyouts and Senior Center sprinkler system project would ultimately reduce the debt to a net amount of \$1,894,475. The total funding for all the items to be included in the fully-funded capital ordinance would be \$ 535,750.

The capital ordinances would be listed on the next agenda for introduction.

SHARED SERVICE AGREEMENT-STREET SWEEPER

Mr. Kunze advised that Bergen County has made available the use of an Elgin/Pelican 3 wheel broom sweeper for the municipalities to use. It would cost \$ 1,500 to rent the sweeper for a week. The amount would not be prorated for partial weeks. A resolution to authorize the Shared Service agreement will be listed on the next agenda.

NEW BUSINESS:

Councilman Biale advised that when he was on the Council previously, he walked the north side of Ramapo Valley Road with the Borough Engineer to evaluate for sidewalks. He commented that they are needed and that the Borough should see what it can get in County and State funding. Discussion ensued. It was explained that the State has been offering grants for sidewalks around schools so that had been a priority.

COUNCIL REPORTS:

Councilwoman Coira: Signups for winter sports are now posted on the Recreation website.

Councilman Jensen: The Planning Board will meet August 11th at 7 pm at the Senior Center. He gave kudos to all the Departments involved with the truck fire on 287 last week.

Councilman Visconti: None

Councilman Biale: Reported that Sandra Steele assistant to Rose Burik at the Senior Center is working well. At the Senior Center, on August 18th at 1:00 pm, Shade Tree will offer information concerning the ash tree bug. He wanted to recognize the retirement of Police Officers Tom Pianettin and Paul O'Keefe and thanked them both for their years of service.

Councilman Kulmala: Gave kudos to all emergency personnel, NJDEP and NJ Hazmat responding to the truck fire incident on 287 last week. With regard to OEM, he met with Roy Bauberger to inspect the condition of the embankment behind the off ramp of 287 South where NJDOT construction has come to a halt due to the “stop work order”. Mr. Kunze has been informed and will bring it to the attention of NJDOT and hopefully get some emergency work done since the conditions are precarious at this time. Mr. Kunze responded that Boswell Engineering has been contacted concerning this matter. Mayor Schwager explained the stop work issue made by the state and commented that the equipment left behind and the condition of the Allerman Brook embankment is a serious issue. Councilman Biale informed Council that the state has issued waivers for the “stop work order” for safety issues.

Councilman Talamini: Reported that at the Public Events meeting last week, preparation has begun for the annual “Trunk or Treat” and Parade to be held at Valley Middle School on October 28th

Councilman Biale questioned Mr. Talamini concerning Board of Education moving their elections to November. Mr. Talamini talked to the local Board of Education and they are not inclined at this time to move the school elections to November. A discussion ensued concerning the low voter turnout for this election.

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

BILLS TO BE PAID

On motion of Councilman Talamini, seconded by Councilman Biale, 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 Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Visconti, the meeting be adjourned.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

Kathlyn Gurney, Deputy Borough Clerk

Mayor Linda H. Schwager

August 24, 2016

Date Approved