

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY SEPTEMBER 23, 2014

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Coira, seconded by Councilman Pignatelli, 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-Tekton
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, Kulmala, Pignatelli, Talamini, Visconti.

Discussion ensued over litigation with Tekton.

CLOSE EXECUTIVE SESSION:

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

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, 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 Coira, Jensen, Kulmala, Pignatelli, Talamini, Visconti. Absent: None. Also Present: Lisa M. Duncan, 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 advised that garbage pickup will be once per week beginning October 6th. The kickoff to the Mayors Wellness campaign will take place on Saturday September 27th from 10 am to 2 pm at Shop Rite. This will be a 10-week program to make a healthier community. On October 8th, the Community of Commerce will be hosting Oakland Cruise Night at the Copper Tree Mall. Last week, Ramapo Indian Hills Superintendent McCay invited officials from the three towns to discuss emergency management plans.

APPOINTMENT TO OAKLAND VOLUNTEER FIRE DEPARTMENT:

On motion of Councilman Pignatelli, seconded by Councilman Jensen, Joseph Laterra be appointed to the Oakland Volunteer Fire Department.

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

APPOINTMENT TO THE GREEN TEAM:

On motion of Councilman Jensen, seconded by Councilman Pignatelli, Laura Nugent be appointed to the Green Team for an appointment to expire on December 31, 2014.

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

PILGRIM PIPELINE PRESENTATION:

George Bochis was in attendance from Pilgrim Pipeline. He explained that the oil pipeline project will run from Albany, NY to Middlesex County, New Jersey. Pilgrim is still working on the exact route and delineation. There will also be a pipeline to carry the refined product back North. He advised that approximately 400,000 barrels will be transported per day through the pipeline. That oil is currently being transported by barge.

Councilman Visconti suggested that the Environmental Commission should give their report on the Pipeline Project at this time.

Nancy Krause, Chairman of the Environmental Commission read the following report:

Pilgrim Pipeline Review

September 4, 2014

- Introduction
 - This position paper presents OECs understanding and concern related to the potential Pilgrim Pipeline project, of which a small portion will pass through the northern portion of the Borough of Oakland.
- Project Understanding
 - Two pipelines will be installed next to each other to convey petroleum material to and from a refinery in Linden, NJ. One pipeline will carry crude oil from a terminal in Albany, NY to the refinery in Linden. and the other will carry gasoline from the refinery back to Albany. These pipelines reportedly will be an 18” diameter pipe bringing crude oil south and 16 “diameter pipe would send refined petroleum back north and will be buried at least 4 feet underground. The pipeline will be mostly located in existing right of ways (ROWs) and in Oakland along the Ringwood/Mahwah border ROW in the Ramapo Mountains. In Oakland the proposed pipeline route could cross a few private properties and through a designated Open Space parcel. The ROW's exist entirely within the preservation area of the NJ Highlands.
- Environmental Setting
 - Geology
 - The primary bedrock geology is part of the Highlands Physiographic Province composed of four different units (Ybh) Hornblende Granite, (Yhm) Hornblende-Quartz-Feldspar Gneiss, (Ya) Amphibolite, and (Yb) Biotite-Quartz-Feldspar-Gneiss. These rocks are part of the Losee Metamorphic suite and metasedimentary rocks; classified as igneous and high grade metamorphic rock-types formed during the geological timeframe known as the Precambrian (1.2 billion years old). These crystalline bedrock formations are very hard and resistant to erosion and topographically, representing Oakland’s highest point in elevation.
 - These formations have a low primary porosity and, therefore, are relatively impermeable. However, secondary porosity and permeability develop as a result of fracturing, weathering (e.g. frost action, plant roots) and fault lines. The Ramapo Fault is a major border fault that strikes NE/SW through Oakland and separates the Highlands and Piedmont Physiographic Provinces. This fault has a series of splays and fractures in Oakland. There are major splays of the Ramapo Fault within the Highlands crystalline bedrock which can influence the movement of groundwater; crystalline rocks discussed above have very low permeability so water moving through the site will travel through fractured bedrock.
 - Surficial Geology
 - The surficial geology or overburden is Netcong Till (Qwtn). It consists of yellow, yellowish brown, reddish-yellow, very pale brown (oxidized) to grayish brown and

brown (unoxidized) silty sand to sandy silt with 10-40% pebbles and cobbles, and less than 10% boulders. Gravel is mainly gray to white gneiss and grey mudstone and sandstone with some red sandstone and conglomerate, basalt, and purple-to-gray quartzite, while boulders are primarily gneiss (Oakland NRI, Kratzer, 2014.). In the site area, there is minimal to no overburden. Based on Figure 4b from the Oakland Natural Resource Inventory, soil depth to bedrock in the site is predominantly zero inches.

- Soils that are shallow to bedrock mean the pipeline (buried to at least 4 ft.) will require frequent blasting of very resistant PreCambrian gneiss/granitoids. Sound waves from blasting can impinge on local housing, and weaken steep slopes that are already susceptible to landslides. To get machinery into these areas simply to dig will be problematic for our roads and may in some cases alter the landscape.
- Habitat
 - According the Oakland NRI, 41% of Oakland has deciduous tree cover (>50% crown cover). The area containing the existing ROW's consists of areas that have a 0.2% annual chance flood hazard. It contains areas identified as having the potential for vernal pool habitat which is an endangered and protected wetland habitat. There are 6 endangered amphibian species associated with vernal ponds for breeding (Oakland NRI, Kratzer, 2014).
- Concerns
 - Loss of Habitat
 - Bergen County is one of the most densely populated counties in the country. Oakland is fortunate to still have large contiguous areas of open space. The pipeline will encroach on one of these areas fragmenting the area and greatly decreasing the ecologic value of the parcel. The New Jersey Comparative Risk Project from March 2003 listed habitat fragmentation and habitat loss as the highest ranking stressors of Statewide ecological quality. Certain species that require large expanses of intact habitat are becoming less common (Oakland NRI, Kratzer, 2014).
 - The NJ Highlands have 72 New Jersey-listed endangered, threatened and rare animal species including mammals, birds, amphibians, reptiles, butterflies, dragonflies, damselflies and mussels. Two species—the Indiana bat and bog turtle—are Federally-listed. There are 137 endangered, imperiled and rare plant species.
 - Potential for Spill
 - The most serious concern for the OEC is the potential for a spill to occur. This pipeline will carry both crude and gasoline, two very different materials. Each one will react in a different way when released. Gasoline is very light weight and will

travel fast. Crude is heavier and will sink and saturate the soils. If either one of these materials enters the fractured bedrock regime the impact to our groundwater could be catastrophic. The cleanup method to address a potential spill is also very different for the two materials and extremely costly.

- A study conducted by the Department of Transportation, found that the 3 year average for liquid onshore spills from 2011 to 2013 was 139 spills per year, with average property damage totaling over \$210 million and average gross barrels spilled almost 84,000 ("Significant Pipeline Incidents." PHMSA, 6 Aug. 2014. Web.) . This is a significant risk in a sole source aquifer. The aquifer extends into Rockland and Orange county New York meaning that pipeline leaks north of Oakland's boarder jeopardize our drinking water as well.
- According to our NRI mapping of critical habitat areas Block 601, lot 9 of the county open space which Pilgrim has sought to survey contains sections of steep slopes greater than 30%. which will require some serious engineering to install a pipeline. Additionally, this is a seismically active zone. The Ramapo Fault may not produce large offset scarps during an event, but it most likely will stress a pipeline. An earthquake with an epicenter closest to Oakland (approximately 1.4 miles away) was also the most recent: A magnitude 2.0 earthquake occurred on November 5, 2012 in Mahwah Township (Oakland NRI, Kratzer, 2014).
- Contamination of Groundwater
 - Our groundwater in Oakland is the most important natural resource we have and we simply can't risk jeopardizing it. Our borough sits completely within the Ramapo River Basin Aquifer system. It is classified as a sole-source aquifer. The hydrologic regime, which this aquifer is part of, provides groundwater to over a million people. The following is cited from the Oakland Natural Resource Inventory from 2014:
 - *Sole-source aquifers (SSA) are those aquifers that contribute more than 50% of the drinking water to a specific area and the water would be impossible to replace if the aquifer were contaminated. Once designated, no Federal financial assistance may be approved for any project that may contaminate the aquifer through a recharge zone so as to create a significant hazard to public health (US EPA, August 1992). Therefore, the EPA must review any federally-funded project in an area that could affect ground water in a sole-source aquifer, including the aquifer's recharge zone (the area through which water recharges the aquifer) and its stream-flow source zone (the upstream area that contributes recharge water to the aquifer).*
 - As we draw water from our wells, we increase the rate of draw or movement of the water through the fractures and faults in the highlands bedrock towards our wells. Therefore contamination from a spill would be drawn to our wells.

- Contamination of surface water
 - There is also a high potential that a spill could impact the Ramapo River. The river is also a very important natural resource to Oakland. During droughts, the Ramapo River can supply as much as 150 million gallons of water per day to the Wanaque Reservoir, which supplies water to 3.5 million people. There are several unnamed tributaries that arise from the Ramapo Mountains that drain to the Ramapo River. These could potentially carry down any spills that reached surface water. Additionally the river is a great source of recreation that could be impacted. This includes impacts to trout fishing and any swimming activities.
- New Jersey Highlands
 - The area of Oakland West of the Ramapo River is all Highlands Preservation area. The Highlands aquifers provides water for over 15 million people in NY and NJ alone. The Ramapo River Basin Aquifer System is part of the Highlands System. The Ramapo River Basin Aquifer System provides 100% of the water for Mahwah, Ramsey, Oakland, Franklin Lakes, Allendale, Pompton Lakes and Wayne as well as all or part of the water for 8 communities in NY.
 - There are also cultural resources in the vicinity of the pipeline. Some of these historically significant areas require preservation and should not be disturbed by these activities.
- NJDEP
 - The NJDEP will be the lead permitting agency for this project. Multiple permits will be required for the pipeline. During this process there will be public meeting and comment periods which will allow the public to be involved with the process. We should encourage our residents to be involved and be vocal if they have opinions on this project.
- Summary

In summary the OEC feels the risks of this project greatly outweigh any benefit and recommends the Mayor and Council adopt a resolution against the pipeline.

Councilman Jensen asked if the Environmental Commission contacted the Highlands Council for their position. Ms. Krause responded that they have contacted the Highlands Council, the DEP and ANJEC. There is no position yet because there is not a lot of information.

Mr. Bochis of Pilgrim Pipeline advised that their Engineers are aware of the conditions set forth by the Environmental Commission. Their surveyors are still determining viability of sites. Councilman Pignatelli commented that at the meeting held at Ringwood Manor several months

ago, Pilgrim could not answer any questions because they did not have an application ready for the DEP. He asked the status. Mr. Bochis responded that a pre-application meeting with the DEP in August. There are additional meetings set up with DEP. Councilman Pignatelli thought that Pilgrim was submitting the application in September. Mr. Bochis responded that Pilgrim had hoped to submit an application in September but they are still undertaking surveys, studying habitats, etc. Pilgrim is performing a review much like Oakland's Environmental Commission did.

Councilman Pignatelli questioned how many monitoring devices there will be. Mr. Bochis responded that a lot has to do with hydraulics. It is designed per elevation changes and how the oil is flowing. A block valve is automatically triggered with loss of pressure and will shut down. He advised that the Federal Government requires a lot of safety precautions. He advised that there are 35,000 miles of petroleum and natural gas pipelines installed in New Jersey. The new standards are safer. A pipeline built today will last 100 years. Councilman Pignatelli asked when Pilgrim would be addressing the Highlands Council. Mr. Bochis explained that Pilgrim will make application to the Highlands and any other necessary organizations. They will be using existing right of ways. Councilman Pignatelli asked if they got approval from Algonquin. He also expressed concern that in the future, the project could be expanded because it would be considered an existing use. Mr. Bochis responded that Pilgrim wants to build the pipeline now to the correct size. They have 20 years of data to use. He explained that usage will lower naturally in the future with the use of electrical vehicles. He does not think there is a danger of expansion.

Councilman Pignatelli questioned who would be responsible for cleanup if there is an incident along the pipeline. Mr. Bochis responded that the Pipeline Company is required to retain a company to deal with spills. Councilman Pignatelli is concerned that there are no roads to the pipeline. He hopes the Borough would have some type of equipment to respond quicker if there is an incident. He asked if Pilgrim would be willing to post a bond in event of an environmental disaster. Mr. Bochis responded that he does not know if a bonding company would issue a bond since the project is just an idea at this time. He explained that Pilgrim would have adequate financial protection and insurance if an event were to occur.

Mayor Schwager asked if Pilgrim needs to get approval from each municipality and from the County. Mr. Bochis responded that the DEP is the agency that will grant approval for the project in New Jersey. Mayor Schwager asked if the DEP gives approval, if Oakland would need to give additional permits. Mr. Bochis responded that it is his understanding that the permit would come from the DEP and no local permits are required. He explained that Pilgrim is in the process of evaluating the route and is still in the investigative process.

Councilman Visconti asked what the benefit of moving 400,000 barrels of oil by pipeline would be instead of using a barge. Mr. Bochis responded that the pipeline is safer than barges. The barges run the risk of running aground and pilot error. Barges also present an air quality issue. There is also the risk of spills in the Hudson River. Councilman Visconti asked if there is a savings for using the pipeline. Mr. Bochis responded it is a little cheaper for the oil companies to use the pipeline. Councilman Visconti commented that the Environmental Commission is asking the Mayor and Council to adopt a resolution against the pipeline. However, the Mayor and Council do not have information from Pilgrim to look at. He asked what the timeline is for the project. Mr. Bochis responded that Pilgrim is relying on the State. Pilgrim made pre-application to the DEP. They are waiting for the DEP's comments before they can start the application process. Pilgrim is at the mercy of the State Government. The DEP process allows for community input for the application so municipalities will be given a copy of the application to review. Councilman Visconti asked what the risk is to the drinking water. Mr. Bochis explained

that the area the project will go through has already been cleared as a right of way. Councilman Visconti advised that the project might be beneficial but he has not been given enough information. Mr. Bochis responded that hopefully, Pilgrim can alleviate the Mayor and Council's concerns.

Councilman Kulmala advised he attended the meeting on June 18th. At that time, Pilgrim spoke about small tank farm that can be used for emergency situations. Mr. Bochis explained that the idea came about after Hurricane Sandy. New York and New Jersey inquired about putting offshoots for small tanks to be used in emergency situations. Councilman Kulmala asked if the tank farm is going to be part of the plan. Mr. Bochis advised it is up to the State to pursue. Pilgrim would be willing to include that in the project if the State asked. Councilman Kulmala asked how long the project would take to construct. Mr. Bochis responded that it would be approximately a year. Councilman Kulmala asked if Pilgrim has made contact with property owners in Oakland about the project. Mr. Bochis advised that the survey company contacted the municipality. Councilman Kulmala asked how soon it would be before the municipality could get a map for the community to see. Mr. Bochis responded that Pilgrim needs comments from the DEP before the plans are made and the application is filed in case the DEP advises that an area would need to be avoided. Councilman Kulmala questioned what the role of first responders would be in an emergency. Mr. Bochis advised that he believes training will be offered to first responders and that there is a shut off valve. Councilman Kulmala asked if Pilgrim has a formal presentation that could be made. Mr. Bochis advised that they can do a formal presentation for a town hall meeting if desired.

Councilman Talamini asked whose right of ways are being used. Mr. Bochis advised that they would be using already established utility corridors. In some cases, if an individual owns the property, an easement would be required. However, this is all being negotiated at this time. Mayor Schwager asked for clarification on the transportation issue. Mr. Bochis responded that the gas and oil are owned by the distributors and producers. Pilgrim would just build the means to transport the product and they would manage the pipeline.

Councilwoman Coira commented that it is her understanding that Pilgrim is using a natural gas company's right of way. Mr. Bochis confirmed they are using Algonquin's right of way. Councilwoman Coira asked the age of Algonquin's pipes. Mr. Bochis estimated it was 30 years old. Councilwoman Coira expressed concern that Pilgrim is building next to natural gas pipelines. She asked how close they would be to the natural gas pipelines. Mr. Bochis responded that he thinks they have to be fifty feet away from the natural gas pipeline. Mayor Schwager asked if Pilgrim comes back to do a presentation if they would bring an engineer with them.

Councilman Jensen asked Mr. Bochis about his credentials which he provided. Councilman Jensen asked if Mr. Bochis' primary job is to acquire property for the project. Mr. Bochis responded it was development of the project. Councilman Jensen asked how many pipeline projects Mr. Bochis has worked on. Mr. Bochis responded this is his first project but that Pilgrim has been working on projects like these for years. Councilman Jensen asked about any damages that occur during blasting and if Pilgrim will be responsible. Mr. Bochis responded that they would but he advised that blasting has become more technologically advanced. Councilman Jensen asked why a refinery couldn't be built in Albany since they were transporting oil to Linden. Mr. Bochis advised that the finished project still has to get to New Jersey. Mr. Bochis promised that Pilgrim would hold a meeting in the future.

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, Kulmala, Pignatelli, Talamini, Visconti.

Don Sena, 47 Thackeray, commented that Pilgrim's insurance is good for their investors but not for the town of Oakland. They are not a utility so they do not have eminent domain. The problems that arose from Hurricane Sandy were due to a lack of power not a lack of product. He stated that highly explosive oil is being carried. If you look on the internet, it states these monitoring devices fail or no one responds. He asked the Council to consider a resolution to oppose the pipeline. It sends a message to the DEP and Governor. Two other towns have already passed resolutions, Wanaque and Parsippany. He wants the Council to consider a resolution and he wants a commitment from the Council that they will discuss this at the next meeting. There is no benefit to the town. Mayor Schwager advised this will be discussed at the next meeting.

Megan McCallum, 140 Manito Ave, asked if a resolution to oppose the pipeline will be on the agenda. Mayor Schwager responded that it will be discussed at the next meeting. Ms. McCallum advised that there are so many spills. She wants better choices made for Oakland.

Mike Pritchard, 23 Calumet Ave, commented he looks forward to the Council discussion. The oil is highly corrosive. The DOT has changed requirements to railroad tank cars due to the corrosiveness of the oil so he asked what that would do to the pipeline.

Judith Sullivan, 55 Overlook Ridge, she advised she is acting as an informal conduit for the community to help with mitigation with this project. She advised that a meeting is set up for October 21st with Pilgrim representatives. The attendees of that meeting will include local and not for profit leaders from organizations such as the Highlands Coalition and the Audobon Society. She suggested that the Council can enact regulations on land use to capture concerns of the community.

Karen Manzo, 101 East Oak Street, asked if the public can go to the DEP meetings. Mayor Schwager responded that no meetings have been set up that she is aware of. Councilman Visconti advised that meetings will be scheduled once Pilgrim submits an application to the DEP.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: AUGUST 27, 2014

On motion of Councilman Jensen, seconded by Councilwoman Coira, the minutes from the Mayor and Council meeting of August 27, 2014 be approved.

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

APPROVAL OF MINUTES: SEPTEMBER 10, 2014

On motion of Councilman Visconti, seconded by Councilman Jensen, the minutes from the Mayor and Council meeting of September 10, 2014 be approved.

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

APPROVAL OF MINUTES: SEPTEMBER 10, 2014 EXECUTIVE SESSION

On motion of Councilman Jensen, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of September 10, 2014 be approved.

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

RESOLUTION 14-208 REFUND TAXES DUE TO DUPLICATE 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 Borough of Oakland has received a request from property owners listed below for refunds of 2014 duplicate payments;

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 refunds as follows:

<u>Block/Lot</u>	<u>Owner</u>	<u>Amount</u>
102/8	Bracco, Frank & Tara	\$2,554.41
4912/14	Gaddish, William L. & Donna M.	\$1,827.91
5204/28	Wagman, Benjamin A. & Anna S.	\$3,770.86

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

RESOLUTION 14-210 AUTHORIZE RENEWAL IN BMED

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

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the Bergen Municipal Employee Benefits Fund, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Department of Insurance and Community Affairs and has been operational since that date; and;

WHEREAS, the statute and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of the Borough of Oakland, has determined that membership in the FUND is in the best interest of the Borough of Oakland.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Oakland hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the Borough of Oakland's Indemnity and Trust Agreements.
- ii. Will participate in the following type(s) of coverage(s):
 - a) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.
- v.

BE IT FURTHER RESOLVED that the governing body of the Borough of Oakland is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the Borough of Oakland by the FUND.
- ii. Receipt from the Borough of Oakland of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

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

RESOLUTION 14-211 AUTHORIZE BOSWELL-PREPARE HAZARD MITIGATION GRANT APPLICATION

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

WHEREAS, the Borough of Oakland needs to submit an application for funding to the New Jersey Office of Emergency Management Hazard Mitigation Grant Program; and

WHEREAS, Boswell McClave Engineering has submitted a proposal dated September 4, 2014 in the amount not to exceed \$5,500 for the services required for preparation of the grant application; and

WHEREAS, Boswell McClave has submitted all paperwork to comply with the Borough's Pay-to-Play requirements; 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 #C-04-56-690-901;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award a contract to Boswell in an amount not to exceed \$5,500 as per their proposal dated September 4, 2014; and

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

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

RESOLUTION 14-212 AUTHORIZE LAND CONSERVANCY TO PREPARE FLOODPLAIN ACQUISITION PLAN

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

WHEREAS, there is a need to prepare a Floodplain Acquisition Plan as a requirement for the newly established Bergen County Floodplain Protection Program; and

WHEREAS, the Land Conservancy of New Jersey has submitted a proposal dated September 10, 2014, in the amount of \$2,000 for the services required to prepare the plan; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 4-01-55-999-021; and

WHEREAS, this bid is for a professional service for which no public bidding is required.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby award a contract to the Land Conservancy of New Jersey in the amount of \$2,000 to prepare a Floodplain Acquisition Plan as specified in their September 10, 2014, proposal; and

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

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

RESOLUTION 14-213 AUTHORIZE RECREATION REFUNDS

On motion of Councilman Jensen, seconded by Councilwoman Coira, 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 total amount of \$ 590; 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:

Dena Poalillo, 51 Powder Mill Lane, total refund \$ 188, summer camp
Cheryl Novak, 107 Hiawatha Blvd, total refund \$ 88, cheerleading
Theresa Barry, Shoshone Path, total refund \$ 88, cheerleading
Jill Harrington, 110 Page Drive, total refund \$ 176, tackle football
Marisol Kozlovski, 19 Bernard Drive, total refund \$ 50, soccer

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

RESOLUTION 14-214 AWARD BID-MONHEGAN/RAMAPO HILLS/LAKESIDE BLVD REPAVING 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 March 18, 2014, the Borough of Oakland received six (6) bids for Monhegan Ave/Ramapo Hills/Lakeside Blvd. Road Resurfacing; and

WHEREAS, D&L Paving Contractors, Inc., 651 Franklin Avenue, Nutley, NJ had the lowest responsible bid with a base bid price of \$340,936.64; and

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

WHEREAS, the Chief Financial Officer has certified funds are available in Account #

NOW, THEREFORE, BE IT RESOLVED that the bid of D&L Paving Contractors, Inc., in the total amount of \$340,936.64 is hereby accepted; and

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

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

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

RESOLUTION 14-215 AWARD CONTRACT TO BOSWELL-CONSTRUCTION ADMINISTRATION

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

WHEREAS, on July 23, 2014, a contract was awarded to Boswell McClave Engineering for the design phase of the Monhegan Ave/Ramapo Hills Blvd/Lakeside Blvd. Road Resurfacing Project; and

WHEREAS, there is a need to amend the contract in the amount not to exceed \$ 30,000 to include the construction administration phase of the project; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account#C-04-56-691-305;

NOW, THEREFORE, BE IT RESOLVED that the contract awarded to Boswell McClave Engineering on July 23, 2014 by Resolution 14-179 is hereby amended by the amount not to exceed \$ 30,000 to include the construction administration phase of the project.

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

RESOLUTION 14-216 DESIGNATE BOROUGH ADMINISTRATOR AS REPRESENTATIVE FOR NJEIT APPLICATION

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

WHEREAS, the Borough of Oakland intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust of the NJEIT Water System Improvement Project;

NOW, THEREFORE, BE IT RESOLVED that Richard Kunze, Borough Administrator, be authorized to act as the Authorized Representative to represent the Borough of Oakland in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at:
Borough of Oakland, One Municipal Plaza, Oakland, New Jersey 07436

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

RESOLUTION 14-217 AUTHORIZE BOSWELL-PREPARE LETTER OF INTENT FOR NJEIT PROGRAM FUNDING

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

WHEREAS, there is a need to prepare a Letter of Intent and Environmental Planning Document for the NJEIT Water System Improvement Project; and

WHEREAS, Boswell McClave Engineering has submitted a proposal dated September 10, 2014, in the amount not to exceed \$7,500 for the services required; and

WHEREAS, Boswell has submitted all necessary paperwork to comply with the Borough of Oakland's Pay-to-Play requirement; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-06-06-539-001 \$ 6,000 and #4-05-55-502-028 \$ 1,500;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award a contract to Boswell McClave for the services required to prepare a Letter of Intent and Environmental Planning Document for the NJEIT Water System Improvement Program Project as specified in their September 10, 2014, proposal; and

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

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

RESOLUTION 14-218 AWARD BID-HOOK TRUCK & ACCESSORIES

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

WHEREAS, on May 14, 2014, the Borough of Oakland took bids for a multi-use Hook Loader Truck; and

WHEREAS, Hoover Truck Center, 149 Gold Mine Road, Flanders, NJ 07836 was the lowest responsible bidder; and

WHEREAS, the Borough wishes to purchase the following:

Base Bid, 1 Truck	\$171,632
Option 1 – Engine Warranty	2,650
Option 2 – Transmission Warranty	446
Option 3 – Spare rear tire & wheel	2,280
Option 4 – Upgrade to main frame rail	777
Option 5 – Hopper type spreader	17,989
Option 8 – 15' container, 20 yd. capacity 2 @ \$4,185	8,370
Option 10 – 1 split rear door	874
Option 11 – 1 chipper enclosure	2,100
Option 12 - 16 foot flatbed for salter	4,424
Option 13 - 14 foot flatbed for anti-icing (brine) 2@3,997 unit	7,994
Option 14 – 15.5 foot heavy duty dump body 3@13,750	41,250
Option 15 – Closed loop anti-icing (brine) system 2@12,674	<u>25,348</u>
	\$286,134

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-691-203 \$ 210,000 and #T-13-56-286-208 \$ 76,134;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the bid for the purchase of a multi-use Hook Loader Truck be awarded to Hoover Truck Center, Flanders, New Jersey for a total cost of \$286,134; and

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

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

RESOLUTION 14-222 EXECUTE AGREEMENT-CDBG GRANT-SENIOR CENTER

On motion of Councilman Jensen, seconded by Councilwoman Coira, 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 wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$96,000 in 2014/2015 Community Development Block for Oakland Senior Center Improvements; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorized Mayor Linda H. Schwager to be a signatory to aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Richard Kunze, Borough Administrator, to sign all county vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Oakland is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

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

RESOLUTION 14-209 AUTHORIZE GRANT APPLICATION FOR PAGE DRIVE

On motion of Councilman Pignatelli, seconded by Councilman Talamini, 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 formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Page Drive Improvements-00092 to the New Jersey Department of Transportation on behalf of the Borough of Oakland.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Oakland, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL: Yeas, Councilmembers Jensen, Kulmala, Pignatelli, Talamini, Visconti.
Abstain, Councilwoman Coira.

WORK SESSION:

BOND ORDINANCE-ROOSEVELT BLVD. ACQUISITIONS:

Mr. Kunze advised that we have secured the County Open Space Grant for the purchase of properties on Roosevelt Boulevard and now must set up the actual funding authorization. This will be done through a bond ordinance. Once the grant money comes in, we will reimburse the ordinance. An ordinance will be introduced at the next meeting.

SUPPORT A366/S1713:

Mr. Kunze advised that since 2008, Verizon has unilaterally declared itself exempt from paying Business Personal Property taxes in 109 municipalities. This has resulted in litigation that remains ongoing. At issue is the meaning of a 1997 law governing the taxation of telecommunications providers. Verizon has interpreted the law to mean that they no longer need to pay the tax wherever they no longer provide service to 51% of a telephone exchange. The opposing argument is that the language in the law means the tax applies to all providers that met the 51% standard at the time the law was enacted. The proposed bills would amend the law to remove any ambiguity and Verizon would again owe BPP taxes in the 109 towns. This is important to the Borough because adoption of the legislation would restore Verizon's assessment and increase the overall tax base. A resolution in support will be listed on the next agenda.

RAMAPO RIVER RESTORATION PROJECT:

Mr. Kunze explained that as we move ahead with the project to restore the upper part of the Ramapo River, we will need to engage the Engineer to provide a variety of services including preparation of specifications, permit acquisition and construction administration. Boswell Engineering has submitted a proposal for your consideration. There are some variables in the proposal depending on DEP. It will be a minimum of \$ 84,500 which includes \$ 18,500 for permit fees. Mr. Kunze thought it best to contract for the minimum amount and then amend once the DEP comments. He advised that we want to get started as soon as possible. Borough Engineer Rebecca Mejia commented that this is a big project that will cost up to \$500,000. Councilman Visconti commented that this is the Trout Unlimited project. He was under the impression that there was not a lot of Engineering and permitting requirements.

Ms. Mejia advised that Boswell has had meetings with Trout Unlimited. The project must be bid and we will have to apply for permits. Boswell has worked with Trout Unlimited in other towns and permits were required for the project. Councilman Visconti asked what design work needs to be done. Ms. Mejia responded that someone has to sign the as-built. This project will be a design build. We will give all bidders survey of the river. The bidders will present a design based on the specifications given. Councilman Jensen asked if Boswell will then have to follow up with an as-built and if that cost is included in the proposal. Ms. Mejia responded that the State requires the as-built and it is included in the proposal. Councilman Jensen feels we should move forward.

Councilwoman Coira asked about the grant the Borough is getting for the project. Mr. Kunze responded that covers construction costs only. Councilman Visconti commented that when Trout Unlimited gave their presentation, they portrayed the engineer's role as smaller. He stated that the Mayor and Council should get input from Trout Unlimited. Mr. Kunze advised that when the bond ordinance was done, \$120,000 were allocated for anticipated soft costs. This proposal is within those parameters.

Councilman Kulmala asked if we can bring Trout Unlimited in to hear their proposal. Councilwoman Coira advised that there is no gauranty that they will be the low bidder. Mr. Kunze advised that we have to be careful of dialogue with Trout Unlimited because they are a potential bidder. Councilman Visconti thinks we should be cautious about proposed costs. Councilwoman Coira commented that the overall project is \$500,000 and this proposal is a significant percentage. If the Mayor and Council authorize Boswell, then we are committed to doing the project. That could be a big burden on the community.

Councilman Pignatelli advised that everyone agreed this project would benefit the Borough in that the water in the river would flow better and there would be less erosion. Mayor Schwager commented that it would help the health of the river. Councilman Jensen commented that this is a significant investment but it is a significant resource. It is good to be proactive. Councilwoman Coira stated that the State owns the river but the Borough has to take on the burden. Councilman Pignatelli asked if this would help with the CRS project. Councilman Visconti responded that the river improvement is part of the evaluation but he is not sure it gives us points. Councilman Pignatelli stated if this does give us points, it will provide a financial benefit to the residents of the town.

Councilman Kulmala asked if Lew Levy and Roy Bauberger can come to the next meeting. Councilman Visconti suggested that the Mayor and Council need to look at this harder before

committing to it. Councilwoman Coira asked if there is another grant cycle to apply for more money. The State should pay more for this project. Mr. Kunze responded that they have not announced another grant yet and the clock is ticking on the grant we did receive. Councilman Visconti advised that when we did the erosion project, the Borough got grant money from the USDA. He asked if we can get money from them again. He advised that when the Borough applied for permits for the erosion project, we asked the DEP for a waiver and they said no. Ms. Mejia advised that she can put a call in to the Department of Agriculture to ask if money is available. She wanted to clarify that the proposed fee includes \$18,500 for DEP permit fees. Mr. Kunze advised that amount could be pulled from Boswell's proposal and that amount would now be \$66,500. The consensus was to list this on the next agenda for discussion.

BOSWELL PROPOSAL FOR LSRP SERVICES-GREAT OAK PARK:

Mr. Kunze advised that Green Acres required an environmental review of the property. Phase 1 identified areas of concern and possible remediation. A Licensed Site Remediation Professional is required for this work. Boswell offers these services. He advised that the Borough has received a proposal from Petro Science for the work and they are not a licensed LSRP and the cost was almost \$57,000. He advised that funding is available in the bond ordinance used to acquire the property. A resolution will be listed on October 8th.

COUNCIL REPORTS:

Councilman Talamini: Back to School nights went well.

Councilman Kulmala: The Planning Board met on September 11th and approved two houses being raised. The OCC held the candidates forum last night. The next issue of Crossroads will be ready October 1st. He spoke about the possibility of the Flood Commission doing public service announcements to help answer the questions the public have. He spoke of the possibility for the OCC to expand filming operations. The Board of Education has a bus that they were going to auction off. The OCC would like to get that vehicle to create a mobile production vehicle. This will be listed on the agenda for work session. Councilman Kulmala advised that the OEM coordinator attended a seminar held by Rockland Electric and attended the meeting held by the Ramapo Indian Hills Board of Education on security measures. The next OEM meeting will be held September 30th to discuss storm response protocol.

Councilman Visconti: The Park meeting was held tonight. The Library design is under way. The architect is starting to formulate data from staff. They want to create an outreach to the community. He advised that the height of flood elevations has been changed to our advantage.

Councilman Pignatelli: The Senior Citizens will have a concert on October 3rd at noon. The Bergen County Senior Citizen Picnic was held today at Van Saun Park. The Fire Department will hold an open house for Fire Prevention Week on October 6th at 7 pm. The free flu vaccine clinic for Seniors age 65 and over will be held October 30th. On Saturday November 1st, there will be a hazardous waste collection at Campgaw.

Councilman Jensen: The Halloween Parade will be held on October 25th with a 10 am start time. Councilman Jensen attended the Fire Academy graduation ceremony. He advised that the new system for voucher processing was instituted six months ago and he has not heard complaints. He believes the Borough has now fulfilled the auditor's comments.

Councilwoman Coira: Recreation winter sports signups are under way. Garbage pickup will go back to once per week starting October 6th.

OPENED FOR PUBLIC DISCUSSION:

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

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

BILLS TO BE PAID:

On motion of Councilman Jensen, 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, Kulmala, Pignatelli, Talamini, Visconti.

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Visconti, the meeting be adjourned at 9:58 pm.

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

Lisa M. Duncan, Borough Clerk
October 8, 2014

Mayor Linda H. Schwager

Date Approved