

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY OCTOBER 8, 2014

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Kulmala, seconded by Councilman Talamini, 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:
Bi-County; Personnel-hire Senior Center program aide; promotion
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.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Visconti, seconded by Councilman Pignatelli, 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 congratulated Peter Kikot on the new issue of Crossroads. The Community of Commerce and Oakland-Franklin Lakes Rotary are holding a successful car show this evening. Shape up Oakland began this week. There will be a walking club on Monday and Friday at 6:30 am. Mayor Schwager advised that the new recycling rules are effective immediately due to changes in the plastics market. She advised residents to call the DPW with questions.

PRESENTATION OF CERTIFICATES TO TEEN LIBRARY VOLUNTEERS

Library Director Abby Sanner thanked Ned Von Lindern for organizing the teen volunteer program. Certificates were handed out to all volunteers.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilwoman Coira, 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.

Mike Pritchard, 23 Calumet Avenue, spoke about the Pilgrim Pipeline. He explained it will carry bakken oil which is highly corrosive. He commented that the shut-off valves Pilgrim spoke about will be placed 20 to 30 miles apart. He advised that oil barges are double hull and tugboats are now up to EPA standards. He researched New Jersey statutes and there are four pertaining to aquifers. The Ramapo is a sole-source aquifer.

Nancy Krause, Chairwoman of the Environmental Commission, advised that the Environmental Commission feels the aquifer is so much more important than any benefit of the pipeline. She encouraged the Mayor and Council to pass a resolution to send to the DEP.

Don Sena, 47 Thackeray Road, advised that other communities have already passed a resolution opposing the pipeline. If we join those communities, it will send a message to the DEP.

Ken Dalfield, 21 Winfield Drive, Parsippany, commented that the pipeline will be 200 feet from his house. He helped convince Parsippany to do a resolution to oppose the pipeline. In July 2013, there was an explosion of bakken oil in Quebec and 47 people died. Some bakken oil is so

flammable, it can ignite at 68 degrees. Towns in New Jersey are going to gain nothing from the pipeline except risks. He commented that fresh water trumps oil. He wants the elected officials to join together to protect residents. If towns oppose this project, it will make Pilgrim and its backers re-think the project.

Debbie Wardell, 25 Minnehaha Blvd, is concerned about water resources.

Tom Von Lindern, 61 Page Drive, is concerned about the pipeline. He spoke about various acts that exempt fossil fuels from regulations. He spoke about the risk to first responders.

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, Kulmala, Pignatelli, Talamini, Visconti.

APPROVAL OF MINUTES: SEPTEMBER 23, 2014

On motion of Councilman Jensen, seconded by Councilwoman Coira, the minutes from the Mayor and Council meeting of September 23, 2014 be approved as amended on page 8.

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

APPROVAL OF MINUTES: SEPTEMBER 23, 2014 EXECUTIVE

On motion of Councilman Jensen, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Executive Session of September 23, 2014 be approved.

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

REQUEST TO WAIVE FEES FOR TENNIS COURTS

On motion of Councilman Jensen, seconded by Councilwoman Coira, approval be granted to waive fees for the tennis courts for a program in honor of one of the founders of team tennis, Barry Sandler, to be held on October 13, 2014 for raising awareness for a rare form of dementia.

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

RIVER RESTORATION PROJECT:

Borough Engineer Kevin Boswell advised that on September 19, 2014, Boswell McClave submitted a proposal detailing what permit costs would be for the Ramapo River restoration project. Subsequently, a meeting was held with Trout Unlimited and Flood Commission Chairman Lew Levy to see what could be done to reduce costs on the engineering side while preparing bid documents and permit applications. Mr. Boswell advised that a revised proposal has been submitted. He explained that a large component is the GPS survey to roll into the bid document as a build and design specification. Mr. Boswell has placed a call to Howell to see how they did their river project. Mr. Boswell assured the Mayor and Council that he is committed to working with Roy Bauberger, Lew Levy, and Trout Unlimited as well as working with Mr. Kunze as the Purchasing Official. If anything can be eliminated from the scope of work, it will.

Councilman Kulmala asked what is involved with the GPS survey. Mr. Boswell explained that previously, two-man crews were sent out to survey the river. Recently, the GPS equipment has become very accurate. It can almost be approached with real survey accuracy with only using a one-man crew. Boswell will not charge for use of equipment only for personnel costs. He advised that they may be able to roll that cost into the construction costs if it can be rolled into the bid design. Councilman Jensen asked if we are creating a benchmark by doing this GPS survey. Mr. Boswell advised that it will create a benchmark and it will be more accurate than anything that is on file. He advised that if the GPS survey is not needed, they won't do it but he thinks it would be good to have.

Councilman Pignatelli asked if all the information from the GPS survey becomes Borough property. Mr. Boswell responded that it does become Borough property. The DEP requires information in digital and GIS format so it is easier to access the data. Councilman Kulmala asked if the County has GIS where this information may be on file. Mr. Boswell explained that the County has GIS for the tax maps and the flood maps. It is not extensive enough for the DEP to issue permits for this project. Roy Bauberger, river keeper, advised that they have tried to get stream bed information from pre-287 construction and could not get it because the information was lost. FEMA just gave updated flood maps but it is not to the degree we need it. Lew Levy, Flood Chairman, advised that the new flood FIRM maps are out. These maps do not show the channel. Mr. Levy advised that all parties have met and the worst case number for engineering is within 10 or 11% of the project costs. Mr. Boswell pledged to get that number down as much as he can. Mr. Levy wants to move forward quickly with this project. While it is not a flood mitigation project, it will help the health of the channel and will help with erosion. It is important to maintain the river and keep it healthy.

Councilman Pignatelli asked when the project would start. Mr. Levy responded that it would hopefully start in 2015. Mr. Kunze advised that there is a long lead time which is why this is being brought forth now. Brian Cowden from Trout Unlimited advised that the DEP is currently taking a long time to review permits. Once we have the permit, construction time is approximately 3 to 4 weeks. He explained that no work would be allowed in the river between March 15 and June 15 at a minimum. Councilman Pignatelli asked if the work would be done by hand or machine. Mr. Cowden responded it would be done by machine. He explained that the river is becoming wider and shallower. Trout Unlimited will come in and narrow the river again. He explained that the machine works inside the river banks to dig the thalweg. It is used to build point bars or gravel bars which act to restrict the river's width and lower the flow. They will also be placing boulders at the top of pools. Councilman Visconti commented that the last time Mr. Cowden came before the Council, he showed a video. He asked if that is available for residents to view. Mr. Cowden responded he could send a time lapse video of a project done in South Raritan.

Councilman Visconti thanked everyone for working together. He thinks this will be a successful project. Mr. Boswell advised that he and Mr. Kunze are always looking for additional grant money. Mr. Bauberger advised that the Borough could not do this project without Trout Unlimited and he is excited about the project.

RESOLUTION 14-219 AMEND CONTRACT-TEKTON

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

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

WHEREAS, requests were made for the following Change Order:

Change Order 37	Contract price reduction for additional	
	costs incurred by Borough	\$-2,100.00

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 37 for a contract price reduction of \$-2,100.00 to Tekton Development Corp.

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

RESOLUTION 14-220 AMEND CONTRACT-S & L

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

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

WHEREAS, it is necessary to amend S&L Architecture Studio's contract by an additional \$2,100.00 to continue providing needed services while construction continues; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #4-01-20-155-028;

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 August 1 through August 31, 2014 at a total cost of \$2,100.00.

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

RESOLUTION 14-221 AMEND CONTRACT-EPIC

On motion of Councilman Visconti, seconded by Councilman Pignatelli, 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 August 9, 2014; and

WHEREAS, it is necessary to amend Epic's contract in order to extend an additional month to continue providing needed services while construction continues; and

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council hereby authorize the amendment to Epic Management's contract for an additional month to September 9, 2014.

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

**RESOLUTION 14-223 AUTHORIZE MAYOR TO EXECUTE AGREEMENTS FOR
PURCHASE OF ROOSEVELT BLVD PROPERTIES**

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

WHEREAS, the Borough of Oakland received a grant for the acquisition of six properties for the expansion of Roosevelt Boulevard Park; and

WHEREAS, the six properties to be acquired are as follows:

Block 1605, Lot 1	62 Roosevelt Boulevard
Block 1605, Lot 2	64 Roosevelt Boulevard
Block 1605, Lot 3	66 Roosevelt Boulevard
Block 1605, Lot 4	68 Roosevelt Boulevard
Block 1605, Lot 6	72 Roosevelt Boulevard
Block 1605, Lot 7	74 Roosevelt Boulevard

WHEREAS, the Borough of Oakland desires to acquire these properties with the grant funds received from the Bergen County Open Space Trust Fund County Program; and

WHEREAS, the Mayor and Council of the Borough of Oakland deem this to be in the best interest of the citizens of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland authorizes the Mayor and Clerk to execute the Purchase Agreements for the acquisition of the above properties.

BE IT FURTHER RESOLVED that the Mayor shall also be authorized to enter into any and all agreements with respect to surveys, appraisals, title searches and title report, as necessary to determine the value, boundary, ownership, or interests or environmental condition of the parcels.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Bergen County Department of Planning and Economic Development.

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

RESOLUTION 14-224 SUPPORT A366/S1713

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

WHEREAS, Verizon has claimed itself exempt from payment of Business Personal Property Taxes in 109 municipalities based on its own interpretation of the 1997 law regarding State taxation of telecommunications providers; and

WHEREAS, New Jersey Assembly Bill A-366 and Senate Bill S-1713 have been introduced in order to remove any ambiguity from the 1997 law and to end the loss of vital property tax relief and revenues in the municipalities that have suffered such losses; and

WHEREAS, Verizon's interpretation of the law has cost the taxpayers of Oakland approximately \$ 320,000 over the last four tax years;

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

1. The Mayor and Council fully support New Jersey Assembly Bill A-366 and Senate Bill S-1713.
2. Copies of this Resolution are to be provided to Governor Christie, Senator Gerald Cardinale, Assemblywoman Holly Schepisi, Assemblyman Robert Auth and the League of Municipalities.

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

RESOLUTION 14-225 AUTHORIZE BOSWELL-LSRP SERVICES GREAT OAK PARK
On motion of Councilman Visconti, seconded by Councilman Pignatelli, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, there is a need to retain a Licensed Site Remediation Professional Services for Great Oak Park; and

WHEREAS, Boswell McClave Engineering submitted a proposal dated September 19, 2014, in the amount not to exceed \$30,500 for all the services required; 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-04-56-607-001;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Boswell McClave Engineering for the Licensed Site Remediation Professional Services for Great Oak Park in an amount not to exceed \$30,500;

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

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

RESOLUTION 14-226 AUTHORIZE RECREATION REFUNDS
On motion of Councilman Visconti, seconded by Councilman Pignatelli, 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 Soccer and Field Use Fees in the amount of \$335.00; 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:

Karen DeSousa, 24 Hunters Run, Oakland, NJ 07436 refund due \$60.00

Cristina Lubas, 14 Mountain Lakes Rd, Oakland, NJ 07436 refund due \$75.00

Rising Phoenix Martial Arts & Fitness, 350 Ramapo Valley Rd, Suite 18, Oakland, NJ 07436 refund due \$200.00

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

RESOLUTION 14-227 AUTHORIZE TWA APPLICATION

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

WHEREAS, an application has been made to the Borough of Oakland by Lincoln Realty Associates with respect to the project known as Starbucks for the construction of an on-site wastewater treatment and disposal system alteration of an existing sewer disposal system to service a Starbucks located at 411 Ramapo Valley Road.

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

The Mayor is hereby authorized to execute the necessary consent by Governing Body to be attached to the Treatment Works Application to be filed on behalf of Lincoln Realty Associates for the project known as Starbucks subject to the following:

- A. The construction shall conform to all applicable requirements of the Borough of Oakland and the Board of Health of the Borough of Oakland.
- B. The installation of all sewer lines and appurtenances shall be inspected and approved by the Borough of Oakland and/or the Borough of Oakland Board of Health.
- C. Lincoln Realty Associates shall pay for all engineering expenses incurred by the Oakland Board of Health and the Borough of Oakland for all inspections and testing of the sewer lines and/or appurtenances.
- D. Lincoln Realty Associates shall pay for the Borough's application fees, legal fees and other applications, administrative, technical or any other expenses relating to review of the project.
- E. Any manholes constructed or modified by reason of this project be fitted with sewer guards to prevent inflow. All manholes constructed must be installed with all required waterproofing measures, including exterior painting and pipe gasket interlock.
- F. Water conserving plumbing fixtures be installed in all new buildings constructed as part of this project.

- G. Lincoln Realty Associates shall comply with all conditions imposed by the Oakland Board of Health.
- H. Lincoln Realty Associates shall comply with all rules and regulations of the Borough of Oakland, the Oakland Board of Health and the New Jersey Department of Environmental Protection.
- I. Lincoln Realty Associates shall enter into an agreement with the Borough of Oakland that will require Lincoln Realty Associates, its successors and assigns, to abandon the wastewater facilities for the project and to connect to sewers, once sewer service becomes available to the project.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to Lincoln Realty Associates and the Oakland Board of Health.

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

RESOLUTION 14-228 AUTHORIZE RFQ'S

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

WHEREAS, as of January 1, 2006, N.J.S.A. 19:44A-20.1 et seq., commonly known as the "State Pay to Play" law, enacted by the New Jersey State Legislature became effective; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., a municipality may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the said municipality's political parties or to any candidate's committee of any person serving in an elective public office of the said municipality when such contract was awarded, unless said business entity is awarded a contract under a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter the "RFQ") with ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly open and announce the qualifications when awarded; and

WHEREAS, it has become necessary for the Borough of Oakland (hereinafter the "Borough") to engage legal, financial and engineering professionals and the Borough desires to appoint such professionals for 2015 by a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq. and in accordance with the Borough's Pay To Play Ordinance, Ordinance No. 12-Code-669.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Oakland, County of Bergen and State of New Jersey that requests for RFQs for professional services for the following professional services for the Borough and its agencies are hereby authorized:

1. Borough Attorney
2. Labor Attorney
3. Borough Auditor
4. Bond Counsel
5. Borough Engineer
6. Borough Prosecutor
7. Public Defender
8. Planning Board Attorney
9. Board of Adjustment Attorney
10. Borough Risk Manager
11. Borough Planner
12. Water and Sewer Engineer
13. Planning Board Engineer
14. Planning Board Planner
15. Board of Adjustment Engineer
16. Board of Adjustment Planner

BE IT FURTHER RESOLVED, that all of the RFQs for the professional services as set forth hereinabove shall be prepared and published in accordance with N.J.S.A. 19:44A-20.1 et seq. and all such RFQs shall be evaluated on the basis of the most advantageous RFQ, all factors considered, including, but not limited to: (1) experience and reputation in the profession; (2) knowledge of the subject matter to be addressed under contract; (3) availability to accommodate any required meetings of the Borough or Borough Agency; (4) and any other factors if demonstrated to be in the best interest of the Borough or Borough Agency.

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

RESOLUTION 14-229 CHAPTER 159-EMERGENCY MANAGEMENT GRANT

On motion of Councilman Visconti, seconded by Councilman Pignatelli, 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 2014 in the sum of \$5,000 which is now available from the Emergency Management Grant Program.

BE IT FURTHER RESOLVED, that the like sum of \$5,000 is hereby appropriated under the caption Emergency Management Grant Program; 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.

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

RESOLUTION 14-230 REFUND ESCROW 14 KIOWA TERRACE

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

WHEREAS, Mr. Frank Menzel has requested that any Professional Review Escrow Funds be returned for his application to the Oakland Planning Board; and

WHEREAS, the Chief Financial Officer has determined the amount of \$188.00 remains in Escrow Account #T-26-00-004-261.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Chief Financial Officer is hereby directed to return the balance of Professional Review Escrow funds in the amount of \$188.00 to Mr. Frank Menzel, 14 Kiowa Terrace, Oakland, NJ 07436.

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

RESOLUTION 14-231 REFUND ESCROW-4 RIVERSIDE, 55 PARK DRIVE

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

WHEREAS, Mr. Carmine Ferragamo has requested that any Professional Review Escrow Funds be returned for his application to the Oakland Planning Board; and

WHEREAS, the Chief Financial Officer has determined the amount of \$394.00 remains in Escrow Account #T-11-00-005-079.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Chief Financial Officer is hereby directed to return the balance of Professional Review Escrow funds in the amount of \$394.00 to Mr. Carmine Ferragamo, 127 Lakeside Blvd., Oakland, NJ 07436.

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

INTRODUCTION: ORDINANCE NO. 14-BOND-705

The Clerk was directed to take from table Ordinance No. 14-Bond-705 and read by title for its first reading.

The Clerk then read by title Ordinance No. 14-Bond-705 entitled: "BOND ORDINANCE TO AUTHORIZE THE ACQUISITION AND DEMOLITION OF FLOOD-PRONE PROPERTIES ON ROOSEVELT BOULEVARD FOR OPEN SPACE AND OTHER MUNICIPAL PURPOSES IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,200,000 TO PAY THE COST THEREOF, TO APPROPRIATE STATE AND COUNTY GRANTS AND A

PRIVATE CONTRIBUTION, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

BE IT RESOLVED that an Ordinance entitled, Bond Ordinance To Authorize The Acquisition And Demolition Of Flood-Prone Properties On Roosevelt Boulevard For Open Space And Other Municipal Purposes In, By And For The Borough Of Oakland, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$2,200,000 To Pay The Cost Thereof, To Appropriate State And County Grants And A Private Contribution, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds, be introduced;

That said Ordinance be considered for final adoption at a meeting on October 22, 2014 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before October 13, 2014 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

RESOLUTION 14-232 INTRODUCE BOND ORDINANCE 14-BOND-705

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 ordinance entitled:

"BOND ORDINANCE TO AUTHORIZE THE ACQUISITION AND DEMOLITION OF FLOOD-PRONE PROPERTIES ON ROOSEVELT BOULEVARD FOR OPEN SPACE AND OTHER MUNICIPAL PURPOSES IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,200,000 TO PAY THE COST THEREOF, TO APPROPRIATE STATE AND COUNTY GRANTS AND A PRIVATE CONTRIBUTION, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 22nd day of October, 2014, at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

WORK SESSION:

PILGRIM PIPELINE:

Mr. Kunze advised that two sample resolutions were put in the packets. One was prepared by the Borough Attorney based on the Environmental Commission's report. The other was given by resident Don Sena. Mayor Schwager advised that many residents have come to the Council about this issue. At the last meeting, a representative from Pilgrim Pipeline attended and the Environmental Commission gave a terrific presentation. It is time to open this up to the Council for discussion.

Councilman Pignatelli advised he was able to attend the meeting held at Ringwood Manor with Pilgrim Pipeline. People with different expertise were in attendance. The pipeline will be directly over a sole-source aquifer. He advised he had experiences with gasoline spills in the river when he worked as a Health Officer in Lincoln Park and it took seven years to clean that spill. He commented that Oakland is in the Highlands Preservation area. There is no benefit to Oakland for this project. Councilman Pignatelli spoke to Congressman Garrett, Senator Cardinale and Assemblyman Auth on the issue. Senator Cardinale said that we had to come up with an alternative to the pipeline. Councilman Pignatelli does not think that it is necessary because there are barges and trains to transport the oil. It is important to protect our environment. He is concerned that this will do irreparable damage to the environment. He commented that there is no expedient way to reach the pipeline in an emergency and we cannot rely on the DEP response team. He is opposed to the pipeline. He would like to do a resolution tonight so Oakland can go on record with the DEP and State representatives.

Councilman Jensen spoke about the Love Canal chemical spill that occurred in the 1970's and the superfund that was set up to deal with cleanup. He spoke of the two towns dealing with environmental crises now including Pompton Lakes with the DuPont site. He commented that Pilgrim is a start up company. We do not know about their financing and the ability to take care of a spill. It is disturbing that they want to put a gas pipeline and an oil pipeline. If one blows up, the other one blows up. Also, the natural gas line could blowup. It will cause a major disaster. He is in favor of approving a resolution as soon as possible.

Councilwoman Coira mirrors her colleagues' opinions. It is next to the gas pipeline. If there is a problem there are two or three pipelines next to each other. It could be disastrous especially if the shut-off valves are 20 to 30 miles apart. The risk greatly outweighs any benefit. There is no benefit locally. We only have one aquifer. The Council should move on the resolution tonight. Mayor Schwager advised one of her neighbors had a small leak in their oil tank and it was a nightmare to clean up. She could only imagine what would happen with a leak in the pipeline.

Councilman Kulmala also attended the meeting in Ringwood. He listened to everyone but left the meeting with more questions than answers. He spoke about an article in The Record recently about Phillips investing money in rail transport for the oil to get to the Linden refinery. He doesn't understand why a major oil company would invest in rail transportation if the pipeline was actually going to be built. He has questions about public safety. However, he thinks that more information is needed to fully understand the ramifications. Councilman Kulmala attended an OEM meeting with Roy Bauberger at the Bergen County Academy on September 24th. They spoke of scary chemicals being transported by rail. He would like to bring Pilgrim back to get more information. He wanted to know why the Highlands Council hasn't put forth a resolution yet. He is opposed to the pipeline but doesn't think it is time to do a resolution yet.

Councilman Talamini commented that the only benefit for this project is to Pilgrim. There is no benefit to Oakland. The Council has a right to oppose the project and it is time to pass a resolution. Councilman Visconti advised he has been trying to be open-minded. He had asked for Pilgrim to come before the Council but they came without any information. He commented that people have the “not in my backyard” attitude but everyone uses gasoline and oil. There was an article in The Record about people not wanting to move oil in by rail car. Councilman Visconti was willing to give Pilgrim the benefit of doubt but they didn’t come with any information. There are numerous reasons why the pipeline shouldn’t be built. He is going to support moving the resolution forward although he does not believe it is going to stop the project.

RESOLUTION 14-233 OPPOSE PILGRIM PIPELINE

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

WHEREAS, Pilgrim Pipeline is proposing a project to install two pipelines to convey petroleum material to and from a refinery in Linden, New Jersey; and

WHEREAS, one pipeline will carry crude oil from a terminal in Albany, New York to the refinery in Linden, New Jersey and the other will carry refined finished product from the refinery back to Albany, New York; and

WHEREAS, the pipeline will be mostly located in existing right-of-ways and the proposed location in Oakland is along the Ringwood/Mahwah border right-of-way in the Ramapo Mountains; and

WHEREAS, the proposed right-of-way exists entirely within the New Jersey Highlands Preservation Area; and

WHEREAS, the Oakland Environmental Commission prepared a report dated September 4, 2014 which has been reviewed by the Mayor and Council; and

WHEREAS, the report indicates a number of concerns with respect to the proposed pipeline project including loss of habitat, potential for spill, contamination of ground water and contamination of surface water and first responder safety and training; and

WHEREAS, the Mayor and Council are aware that the significant issue is that the Borough of Oakland sits completely within the Ramapo River Basin and Aquifer system which is a sole source aquifer; and

WHEREAS, the Mayor and Council of the Borough of Oakland have determined that the Pilgrim Pipeline Project is not beneficial to the region or to the citizens of the Borough of Oakland.

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

1. The Mayor and Council formally object and oppose the Pilgrim Pipeline Project.

2. A copy of this Resolution is to be forwarded to the New Jersey Department of Environmental Protection, which will be the primary permitting agency for this project in order that the objection of the Borough is noted.
3. A copy of this Resolution is to be provided to:
 - a. Oakland's Legislative Team, Senator Gerald Cardinale, Assemblyman Robert Auth and Assemblywoman Holly Schepisi.
 - b. United States Senators Robert Menendez and Cory Booker.
 - c. Congressman Scott Garrett.
 - d. Bergen County Board of Chosen Freeholders.
 - e. All affected municipalities.
 - f. New Jersey Highlands Council.
 - g. Jim Rilee, Chairman of the Highlands Water Protection and Planning Council.

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

DONATION OF SCHOOL BUS:

Councilman Kulmala advised that the K-8 school district had a bus up for auction. He would like to obtain that bus for the Oakland Communications Commission to use as a mobile studio. The DPW mechanic inspected the bus and the vehicle just needs hoses. Councilman Pignatelli asked if there will be an expense to refurbish the bus. Councilman Kulmala responded that the OCC has equipment that it can use to retrofit into the bus. The costs to refurbish the bus would be under \$ 3,000. Mr. Kunze advised the bus will need to be painted. Councilman Talamini advised that buses only have a useful life of 15 years as per DOT regulations. Councilman Jensen thinks it is a wonderful idea.

BEST PRACTICES CHECKLIST:

Mr. Kunze advised that the State started the Best Practices checklist several years ago for municipalities to follow. The scores on the checklist are tied into the municipality's State Aid. Oakland continues to score above the threshold. Our score will be an 88% or 90%. Regulation states that the checklist must be discussed with the Mayor and Council before submittal. Councilman Pignatelli asked if any of the questions we have answered "no" to can be turned to a "yes" answer. Mr. Kunze responded one may be turned to a "yes". Some of the items the Borough doesn't do as policy or practical reasons or they would have to be negotiated with the unions. Mr. Kunze advised that the State changes some of the questions every year. He and the CFO do look at the checklist as a tool for evaluation. Councilman Jensen asked how an 88% score will impact our State Aid. Mr. Kunze responded that we don't lose any of our State Aid.

PURCHASE WOOD CHIPPER:

Mr. Kunze advised there is funding in 2014 capital for this item. At first, the new wood chipper will supplement the one we currently have and eventually will replace the current chipper. This item is on the Bergen County Cooperative Purchasing list. Councilman Jensen asked what was

going to be done to the old machine when it is going to be decommissioned. Mr. Kunze responded that it would have to be assessed at that time whether it can be auctioned or salvaged. Councilman Pignatelli commented that it is advisable to keep the old one as long as possible. Councilman Talamini commented he has concerns over safety and doesn't want us using equipment that is not safe. A resolution to authorize the purchase will be listed on the next agenda.

SALT AND FUEL CONTRACTS:

Mr. Kunze advised that each year, the County Purchasing Cooperative goes out to bid for salt and fuel contracts. He is proposing to continue purchasing through the Cooperative. The fuel contract is with the same vendor as last year. The cost floats with market price. The price of salt has gone up 14% due to last year's winter. We have a healthy snow removal reserve. The County splits the contract into two regions and this year we are with the vendor with the lower price. Resolutions will be listed on the next agenda.

BOSWELL PROPOSAL-PATRIOT'S WAY BRIDGE INSPECTION

Kevin Boswell advised that the County found the beams on the Glen Gray bridge had rotted out due to the steel that was used. The Patriot's Way bridge has similar construction. Boswell has done a preliminary inspection and found some damage on that bridge. The County is looking to replace the Glen Gray bridge. Mr. Boswell recommends that an inspection be done and appropriate repairs be made to the Patriot's Way bridge. Councilman Visconti asked how a product could be specified to be used when it deteriorates from exposure to water. Mr. Boswell responded that at the time, the County Engineer went to a bridge company and selected a design. The deterioration of the steel is not from the water below but it is from the water above. Councilman Jensen asked if any other protection can be applied in the future. Mr. Boswell responded that we can seal the bridge up top which will probably be recommended after inspection. A resolution will be listed on the next agenda.

COUNCIL REPORTS:

Councilman Talamini: The K-8 school district is currently sending monthly news blasts. There will be a math and focus seminar at Valley Middle School on Wednesday October 15th.

Councilman Kulmala: The Planning Board is meeting tomorrow. The new issue of Crossroads came out. Councilman Kulmala attended an OEM briefing on bakken oil with Roy Bauberger and DPW Superintendent Anthony Marcucilli. The OEM will be doing a drill. It will be a railroad related school drill at Valley School.

Councilman Visconti: He advised residents that if the wrong plastics are put in recycling, the batch is considered contaminated. The recycling facility rejects the batch and puts it in the garbage at a cost of \$90 per ton. If we put those items in the garbage, the cost to us is \$ 60 per ton. The next Flood Commission meeting will be held at the Senior Center on October 13th at 7:30 pm. The next Park meeting will be held on October 14th at 8 pm at the Danny D'Elia building. There will be a meeting with the Library architect tomorrow to review the scope of work for the project.

Mayor Schwager introduced the new CFO, Maria Reda.

Councilman Pignatelli: The Fire Department met. On October 6th, the Fire Department announced winners of the Fire Prevention poster contest as part of Fire Prevention week. The Fire Chief reminded everyone to clear snow around fire hydrants because there is an ordinance and fines could be imposed. The Environmental Commission is working on the anti-idling

campaign. They are trying to reduce the carbon footprint. At their meeting, they discussed the Natural Resource Inventory and Pilgrim Pipeline. The First Aid Squad has responded to 629 calls to date. They are a terrific asset to the town. The First Aid Squad will hold an open house on November 22nd from 1 to 5 pm in honor of their 60th anniversary. Senior Citizens should take advantage of the Flu shot clinic on October 30th from 1 to 2 pm. It is available for Seniors age 65 and older with Medicare Part B. The Senior Center will host an Eating Healthy Seminar on October 22nd and a Halloween Party on October 23rd. The Police Department has seen an increase in car break-ins. Councilman Pignatelli congratulated the Environmental Commission for winning an award from ANJEC for Stewart's Woods. He congratulated high school students Deanna DiLandro and Madison Levine who are receiving an award from the YMCA.

Mayor Schwager announced that the Borough has been recertified for Sustainable Jersey thanks to the Green Team.

Councilman Jensen: The Halloween Parade will be held October 25th at 10 am. The next Public Events meeting will be held October 13th at the Senior Center.

Councilwoman Coira: She congratulated the Environmental Commission on their anti-idling campaign and raising awareness. She advised there is one final registration for wrestling and roller hockey and lacrosse sign-ups are underway. Shade Tree planted 18 trees in the downtown area with the help of DPW. She thanked Ed Clark for his efforts. She advised that garbage pickup is back to once per week.

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, Kulmala, Pignatelli, Talamini, Visconti.

Don Sena, 47 Thackeray, thanked the Council for the resolution opposing the pipeline. Nothing that Pilgrim can say will mitigate the risks. Councilman Kulmala advised that we still need information from all resources especially to help first responders.

Mike Pritchard, 23 Calumet Avenue, advised that the Borough should contact colleagues in New York State because they could become allies.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Visconti, seconded by Councilman Pignatelli, 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 Jensen, the meeting be adjourned at 10:05 pm.

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

Lisa M. Duncan, Borough Clerk
October 22, 2014

Mayor Linda H. Schwager

Date Approved