

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
MONDAY NOVEMBER 9, 2015

MOVE TO EXECUTIVE SESSION:

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, (N.J.S.A. 10:4-12) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, as follows:

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
Affordable Housing update
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 Jensen, Kulmala, Pignatelli, Talamini.

The Borough Attorney gave an update on affordable housing litigation. No action taken.

CLOSE EXECUTIVE SESSION:

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

ROLL CALL: All yeas, Councilmembers Jensen, Kulmala, Pignatelli, Talamini,

MEETING CALLED TO ORDER: By Mayor Schwager at 7:31 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Jensen, Kulmala, Pignatelli, Talamini. Absent: Councilmembers Coira, Visconti. 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.

MOTION TO EXCUSE ABSENCES:

On motion of Councilman Jensen, seconded by Councilman Pignatelli, the absences of Councilwoman Coira and Councilman Visconti be excused.

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

MAYOR'S REPORT:

The Veterans Day Ceremony will be held on Wednesday November 11th at 11 am at Veterans Park.

OPENED FOR PUBLIC DISCUSSION:

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

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

Frank Monaco, 60 Thackeray, congratulated the winners of the election. He commented that he appreciates the service of Councilman Pignatelli. Mr. Monaco commented that the Borough lost two dispatchers because of the fear that the Borough is going to the County and now there are police manning the desk on overtime. The Council needs to make a decision on this matter.

Howard Rubenstein, 7 West Court, spoke about the parking ordinance for Indian Hills students. By only putting no parking signs up to Ryerson, it is just transferring the problem. He felt the no parking signs should be put all the way down. He asked if the signs that were already up were going to be replaced and he asked if the signs are working. Chief Kasper responded the signs needed to be replaced because the hours of no parking were changing. He advised the signs are working because parking is limited to one side of the street between the hours of 7 am to 11 am. This ordinance would prohibit parking on both sides of the street between 7 am and 3 pm. Mr. Rubenstein objected to the 3 pm time because he felt it might infringe on residents. Chief Kasper responded that the resident there want no parking. He advised that exceptions can be made if residents have a need to have parking for an event. Mr. Rubenstein feels that the hours of 7 am to 11 am are adequate. Chief Kasper responded that the students are very resourceful and they would park on the streets after 11 am.

Maria Brynczka, 8 Hopper Street, wouldn't mind the kids parking on the streets but they block residents' driveways and they litter the street.

Fred Mazzilli, 43 Cherokee Trail, advised that he is a Senior at Indian Hills and he has a permit to park in the parking lot. However, the school handed out 30 more passes than there are parking spaces. He asked what happens if a Senior has a pass and does not have a spot to park in the lot and there is no parking on the streets. He explained that if you are late to class it is considered an unexcused absence. If a student has 10 unexcused absences, they fail the class. Mayor Schwager advised that the residents were complaining. The students were blocking their driveways and disrespecting the residents' property. A few students have ruined it for all the students. She explained that the Borough contacted the Ramapo Indian Hills Board of Education and asked them to do something. The Board of Education never responded. Now the Governing Body must protect the residents. She suggested the students and their parents go to the Ramapo Indian Hills Board of Education. Councilman Kulmala explained that this Governing Body has been trying to come to a solution with the Board of Education. Since that has not worked, it is now time for the Mayor and Council to take action.

Jeff Whitney, 13 Chuckanutt Drive, commented that he appreciates the services of everyone on the dais. He explained that the Borough owns a brook that runs behind four Chuckanutt Drive properties. When there is heavy rain, it becomes a raging brook and has flooded the homes. Nothing has been done to address the issue. He asked what needs to be done. Borough Engineer Kevin Boswell advised that he is unaware of the condition of the brook. He will check on it and get back to the Mayor and Council.

Roy Strauss, 68 Chuckanutt Drive, advised that years ago the brook was redirected and now his property is eroded.

Howard Rubenstein, 7 West Court, commented that it would be nice to solve both the commuter parking issue and the student parking issue. He asked if the Borough owns any property in the Raritan Road industrial park that could be used for parking. Councilman Jensen advised that all the property in that area is privately owned.

Frank Monaco, 60 Thackeray, commented that this whole commuter parking issue started because people don't want to pay to park. Why should the rest of the citizens pay for those people to park.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: OCTOBER 28, 2015

On motion of Councilman Jensen, seconded by Councilman Kulmala, the minutes from the Mayor and Council meeting of October 28, 2015 be approved.

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

APPROVAL OF MINUTES: OCTOBER 28, 2015 EXECUTIVE SESSION

On motion of Councilman Jensen, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Executive Session of October 28, 2015 be approved.

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

RESOLUTION 15-246 CHAPTER 159 BODY ARMOR GRANT

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, 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 2015 in the sum of \$ 2,520.66 which is now available from the Body Armor Grant.

BE IT FURTHER RESOLVED, that the like sum of \$2,520.66 is hereby appropriated under the caption Body Armor Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Oakland in the amount of \$2,520.66

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

RESOLUTION 15-247 CHAPTER 159 PLAN CONFORMANCE GRANT

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, 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 2015 in the sum of \$ 25,000 which is now available from the Amended Highlands Plan Conformance Grant-Modules 2, 3 and 7.

BE IT FURTHER RESOLVED, that the like sum of \$25,000 is hereby appropriated under the caption Amended Highlands Plan Conformance Grant-Modules 2, 3 and 7; and

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Oakland in the amount of \$25,000.

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

RESOLUTION 15-248 AUTHORIZE PURCHASE BACKHOE LOADER

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

WHEREAS, the Department of Public Works wishes to purchase a John Deere 310SL Backhoe Loader; and

WHEREAS, Jesco, Inc., through the Middlesex Regional Educational Services Commission Cooperative Pricing System #65MCESCCPS, has the equipment desired at a net cost of \$122,750.00 (purchase price \$129,750.00 less trade-in of \$7,000.00); and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-706-200;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the purchase of the John Deere 310SL Backhoe Loader at a cost of \$122,750.00.

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

RESOLUTION 15-250 AUTHORIZE TAX APPEAL SETTLEMENT-BLOCK 2302, LOT 20

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

WHEREAS, Gemini Realty, the owner and/or taxpayer of property known as Block 2302, Lot 20, located at 32 Spruce Street, has filed real property tax appeals for tax years 2013, 2014 and 2015; and

WHEREAS, the Borough Assessor, Borough Appraiser and Tax Appeal Attorney have recommended a settlement of the litigation, which is in the best interests of the Municipality;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary, if any, in order to effectuate a settlement of the appeals entitled Gemini Realty vs. Oakland, wherein for tax years 2013, 2014 and 2015, the complaints will be withdrawn, and the assessment of \$3,162,600 will remain intact;

AND BE IT FURTHER RESOLVED that the Borough Council acknowledges the fact the Assessor will change the tax book and reduce the 2016 assessment for \$3,162,600 to \$3,016,300.

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

RESOLUTION 15-251 APPOINT ALTERNATE PUBLIC DEFENDER

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

WHEREAS, due to illness, it is necessary to appoint a second Alternate Public Defender for the balance of 2015; and

WHEREAS, Judge Conte has recommended that Ms. Toni Ann Marabello be appointed to this position; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the applicant has submitted paperwork certifying that they have not made any disqualifying pay to play contributions pursuant to the Borough's Pay-to-Play Ordinance No. 12-Code-669 adopted July 11, 2012; and

WHEREAS, Mayor Schwager has nominated Toni Ann Marabello to serve as an Alternate Public Defender for the year 2015; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Oakland that the contract for Alternate Public Defender Robert Kane is hereby reduced from \$1,800 to \$900; and

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Oakland that Toni Ann Maraballo be and is hereby appointed as an Alternate Public Defender for the remainder of 2015; and

BE IT FURTHER RESOLVED that the per session rate shall be \$300, with a total not to exceed contract amount of \$900 without further authorization of the Governing Body and the Chief Financial Officer has certified that the funds are available in Account #5-01-43-495-021; and

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

BE IT FURTHER RESOLVED that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

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

RESOLUTION 15-252 BUDGET TRANSFER

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

WHEREAS, it has become necessary to expend funds in excess of the amounts approved in the Fiscal 2015 budget of the Borough of Oakland; and

WHEREAS, there exist certain budget expenditures with funds available in excess of the amounts approved in the Fiscal 2015 budget of the Borough of Oakland; and

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of such funds during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that based on the recommendation of the Chief Financial Officer, the following transfers be made to the Fiscal 2015 Current Fund budget:

<u>Current Fund</u>	<u>From</u>	<u>To</u>
5-01-20-121-100 Election OE Misc	\$ 300.00	
5-01-26-290-028 Roads OE Sweeping	\$10,000.00	
Sub-total	\$10,300.00	
5-0-120-121-013 Elections S&W PT		\$ 300.00
5-01-26-310-026 B&G OE Repairs/Maint		\$10,000.00
Sub-total		\$10,300.00

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

RESOLUTION 15-253 REFUND TAXES-DUPLICATE PAYMENT

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

WHEREAS, the Borough of Oakland has received a request from the property owner for a refund of a 2015 duplicate payment;

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon the advice of the Tax Collector, do hereby authorize a refund as follows:

<u>Block/Lot</u>	<u>Owner</u>	<u>Amount</u>
1001/43	Rock, J & K & Paternoster(Trust)	\$3,731.93

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

RESOLUTION 15-254 REFUND TAXES-TAX COURT JUDGMENT

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

WHEREAS, a Tax Court Judgment was entered on October 23, 2015, in the matter of Prologis v. Oakland Borough, Docket No. 006592-2011, reducing the assessment of Block 3201, Lot 2, 16 Thornton Road, to \$3,560,000 for the Tax Year 2011; and

WHEREAS, a refund of the 2011 property taxes is now due to Prologis, in the amount of \$3,458.61;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon the advice of the Tax Collector, do hereby authorize a check be issued to Prologis, c/o Zipp & Tannenbaum, LLC, in the amount of \$3,458.61.

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

RESOLUTION 15-255 REFUND TAXES-TAX COURT JUDGMENT

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

WHEREAS, a Tax Court Judgment was entered on October 23, 2015, in the matter of BRE/IPV Cimmaron NJ 2 LLC v. Oakland Borough, Docket No. 007392-2012, reducing the assessment of Block 3201, Lot 2, 16 Thornton Road, to \$3,155,600 for the Tax Year 2012; and

WHEREAS, a refund of the 2012 property taxes is now due to BRE/IPV Cimmaron NJ 2, LLC in the amount of \$13,729.91;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon the advice of the Tax Collector, do hereby authorize a check be issued to BRE/IPV Cimmaron NJ 2 LLC, c/o Zipp & Tannenbaum, LLC in the amount of \$13,729.91

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

RESOLUTION 15-256 APPOINT PER DIEM DISPATCHERS

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

WHEREAS, the Police Chief has requested the appointment of Per Diem Dispatchers and has completed all necessary background investigations and deemed the candidates to be qualified;

BE IT RESOLVED, that the Mayor and Council hereby appoints Nicholas Kopacz, Steven Vitale and Kyle Joaquin as Per Diem Dispatchers at a salary of \$16.24 per hour effective November 10, 2015.

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

RESOLUTION 15-257 AUTHORIZE ACCRUED TIME PAYOUT

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

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

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

WHEREAS, the Chief Financial Officer has certified that the funds and authority exists to pay the accumulated absence, as per the attached schedule, to Mame Schwartzfischer who

resigned from the service of the Borough effective November 2, 2015, in the amount of \$ 479.21 and

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

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the total sum \$ 479.21 composed of 20.75 hours of vacation time and .25 hours of sick time be paid out to Mame Schwartzfischer. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose.

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

INTRODUCTION: ORDINANCE NO. 15-CODE-723

The Clerk was directed to take from table Ordinance No. 15-Code-723 and read by title for its first reading.

The Clerk then read by title Ordinance No. 15-Code-723 entitled: " AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII ENTITLED TRAFFIC, SECTIONS 7-15 ENTITLED "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS"; 7-24 ENTITLED "STOP INTERSECTIONS" AND 7-27 ENTITLED "TURN PROHIBITIONS" OF THE CODE OF THE BOROUGH OF OAKLAND."

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing Chapter Vii Entitled Traffic, Sections 7-15 Entitled "Parking Prohibited During Certain Hours On Certain Streets"; 7-24 Entitled "Stop Intersections" And 7-27 Entitled "Turn Prohibitions" Of The Code Of The Borough Of Oakland, be introduced;

That said Ordinance be considered for final adoption at a meeting on November 24, 2015 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 November 14, 2015 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 Jensen, Kulmala, Pignatelli, Talamini.

INTRODUCTION: ORDINANCE NO. 15-CODE-724

The Clerk was directed to take from table Ordinance No. 15-Code-724 and read by title for its first reading.

The Clerk then read by title Ordinance No. 15-Code-724 entitled: " AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 3 OF

THE OAKLAND CODE, ENTITLED "POLICE REGULATIONS," SO
AS TO ADD SECTIONS TO PROHIBIT CERTAIN DISORDERLY
ACTIVITIES"

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

BE IT RESOLVED that an Ordinance entitled, " An Ordinance Amending And Supplementing Section 3 Of The Oakland Code, Entitled "Police Regulations," So As To Add Sections To Prohibit Certain Disorderly Activities", be introduced;

That said Ordinance be considered for final adoption at a meeting on November 24, 2015 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 November 14, 2015 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 Jensen, Kulmala, Pignatelli, Talamini.

WORK SESSION:

PIPELINE ORDINANCE:

Mr. Chewcaskie advised the Mayor and Council that he wants to refer this matter to the Planning Board. Research has indicated that an outright ban would not be sustained to a legal challenge. When he looked at ordinances from other states, they did things in the land use ordinances with buffers, etc. He would like the Planning Board to look at Oakland land use ordinances, the Borough Master Plan and the Highlands Master Plan and make a recommendation to the Mayor and Council. Mr. Chewcaskie knows other communities have banned pipelines but they might not have done research on this matter. The Planning Board should look at this to come up with a real ordinance. Mahwah is also requiring the Planning Board to look at the pipeline ordinance.

PROPOSAL LIBRARY ARCHITECT:

Mr. Kunze advised that at this stage, we need detailed design work and bid documents prepared. He explained that we want to go out to bid and then get financing for the project based on the bid amounts received. The architect's proposal is based on the preliminary estimate which is 10% of the construction costs. This is within industry standards.

BOSWELL PROPOSALS:

Kevin Boswell explained that Boswell has been doing work as Licensed Site Remediation Professional in Great Oak Park. He explained that during testing, they found isolated areas of pesticide. They want to do additional testing. They also need to do additional groundwater sampling. The additional amount for that work is \$ 2,500.

Mr. Boswell explained that while doing the site investigation for Great Oak Park, they observed three pole-mounted electrical transformers lying on the ground of another Borough owned property. The soil samples collected indicated the presence of of EPH contamination. This was reported to the DEP and now remedial action must be taken. The total cost of work required to remediate this issue is \$ 9,700. He explained that Boswell will apply to the DSRF to seek

reimbursement for those expenses. Councilman Jensen questioned whose transformers these belonged to. Mr. Boswell responded that they thought the transformers were Rockland Electric's but Rockland said they were not theirs. There are no serial numbers so they can't be traced. Therefore, remediation falls on the Borough. Councilman Kulmala asked when the transformers were put up. Mr. Boswell responded it was probably 40 years ago.

Mr. Boswell explained that the Borough has been meeting with Northwest Bergen Utilities Authority as well as the Highlands and DEP in order to get sewers into Oakland. He explained that this represents an inter-basin transfer and the fact that Oakland is a Highlands community has turned this into an environmental process. The NJ DEP is not requiring the Borough to submit a Septic Problem Statement. They agreed to a sample of 1000 instead of 3700 residential properties. The Septic Problem Statement is required in order to get the DEP to allow the inter-basin transfer. Mr. Boswell explained that they will go to the Board of Health to review their records to compile the data. Councilman Kulmala asked if any other municipalities have done this type of report. Mr. Boswell explained that Oakland has high obligations because it is a Highlands community. Councilman Talamini asked what the timeline is for this report. Mr. Boswell responded that a draft report will be ready in six weeks and then a meeting should be scheduled with the DEP before the report is submitted.

COUNCIL REPORTS:

Councilman Talamini: The Halloween Parade was a great success. The Public Events Committee is a great group of people and they are always looking for additional members. Valley Middle School students will participate in the Veterans Day Ceremony this year.

Councilman Kulmala: The Fire Department held their elections. He read the list of officers.

Councilman Pignatelli: He thanked the residents for their support over the past 10 years. He loves Oakland because it is a great town and he advised people to get involved.

Councilman Jensen: The Planning Board will meet on Thursday and will discuss three applications for site amendments. The meeting will be held 7 pm at the Senior Center.

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 Jensen, Kulmala, Pignatelli, Talamini.

Frank Monaco, 60 Thackeray, commented that it is costing the town money on the property we bought to see if it is contaminated. Mr. Chewcaskie advised that when the town negotiated the purchase of the property, we had an environmental report. We knew something would have to be done and that was part of the negotiations to purchase the property. Mr. Monaco thinks the former owners should have been responsible for remediation. Councilman Pignatelli commented that it was a condition of the DEP to do the environmental study. Mr. Chewcaskie advised that there were some issues that were addressed by the owners and some fell on the Borough. Mr. Kunze advised that the environmental studies were a requirement from Green Acres in order to get the grant funding for the property. He advised that some of these items were flagged in the Phase 1 Environmental study. We knew there was going to be some measure of testing. The issues have been very small and we are at the end of the testing process. Mr. Monaco advised that the former owners should have done testing. He advised that the Borough is putting the

public at risk. Mr. Kunze advised the area of the park that is open to the public is not the area in question.

Jeffrey Whitney, 13 Chuckanutt Drive, asked for clarification on the sewers and asked if there is going to be mandatory hook up. Mr. Chewcaskie advised that no community in the northwest area has ever required mandatory hook ups. Boswell needs to provide to the DEP a report on the characteristics fo the septic today. The DEP said they need to look at the whole town. That does not mean the whole town will have sewers. If there was a sewer line in and someone's septic fails, they would be required to hook up.

Don Sena, 47 Thackeray, commented that it makes no sense not to have an ordinance banning pipelines. If the pipeline company wants to sue the Borough, then let them. He asked how long it will take the Planning Board to act. Mr. Chewcaskie advised that zoning ordinances have very particular guidelines under State Statute. He does not agree to just legislate. Mr. Sena asked if Mr. Chewcaskie is sending the Planning Board an ordinance to review. Mr. Chewcaskie responded he is sending the Planning Board the original ordinance and an outline of what he wants them to do. Mr. Sena asked how long this is going to take. He commented that the pipeline may be in before the ordinance is done. Mr. Chewcaskie is going to request a response in 30 days. Mr. Sena asked what will happen if the Planning Board has no opinion. Mr. Chewcaskie responded that it would then be up to the Council and will be discussed in work session.

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 Jensen, Kulmala, Pignatelli, Talamini.

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 Jensen, Kulmala, Pignatelli, Talamini.

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Talamini, the meeting be adjourned at 9:00 pm.

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

Lisa M. Duncan, Borough Clerk
November 24, 2015

Mayor Linda H. Schwager

Date Approved

