

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
OAKLAND SENIOR CENTER
20 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY SEPTEMBER 13, 2017

MEETING CALLED TO ORDER: By Mayor Schwager at 7:37 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Coira, Knapp. Absent: Councilmembers Kulmala, Talamini, 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 Biale, seconded by Councilman Knapp, the absences of Councilmembers Kulmala, Talamini and Visconti be excused.

ROLL CALL: All Yeas, Councilmembers Biale, Coira, Knapp.

MAYOR'S REPORT:

Mayor Schwager had no report other than to remind residents to think about how fortunate we are.

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

Ryan Schwertfeger, 58 Andrew Avenue, advised there will be a Dessert for the Dog Park fundraiser on Friday September 15, 2017 at the Senior Center.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

APPROVAL OF MINUTES: AUGUST 30, 2017

On motion of Councilman Biale, seconded by Councilman Knapp, the minutes from the Mayor and Council meeting of August 30, 2017 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

APPROVAL OF MINUTES: AUGUST 30, 2017 EXECUTIVE

On motion of Councilman Biale, seconded by Councilman Knapp, the minutes from the Mayor and Council Executive Session of August 30, 2017 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

RECOGNITION OF RETIREMENT-DONALD MORGAN

The Mayor and Council presented Don Morgan with a certificate of appreciation for his 39 years of service to the Borough. They congratulated him on his retirement.

APPOINTMENT: GREEN TEAM

Mayor Schwager appointed Carol Petersen as a Citizen member on the Green Team. The term will expire December 31, 2017.

RESOLUTION 17-251 AUTHORIZE MUNICIPAL ALLIANCE GRANT AGREEMENT

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

BE IT RESOLVED, that Mayor Linda H. Schwager and CFO James Mangin are hereby authorized to execute the Municipal Alliance Grant Agreement on behalf of the Borough of Oakland.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

RESOLUTION 17-252 AUTHORIZE GRANT APPLICATION-CHICASAW DRIVE

On motion of Councilman Biale, seconded by Councilman Knapp, 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-2018-Chicasaw Drive-00048 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: All yeas, Councilmembers Biale, Coira, Knapp.

RESOLUTION 17-254 AUTHORIZE GRANT APPLICATION FOR SIDEWALK PROJECT

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

WHEREAS, the Borough of Oakland is requesting funding from the New Jersey Department of Transportation Local Aid Infrastructure Fund Program;

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 LAIF-2018-Ramapo Valley Road Pedestrian Safety Improvements-00037 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: All yeas, Councilmembers Biale, Coira, Knapp.

RESOLUTION 17-255 AUTHORIZE BID FOR CELL TOWER

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

WHEREAS, the Mayor and Council of the Borough of Oakland desire to authorize the solicitation of bids for construction of a 150 foot wireless telecommunications monopole and related support facilities on a portion of Borough owned Property known as Block 1902, Lot 1, Oakland, New Jersey (the "Property"); and

WHEREAS, the successful bidder shall enter into a lease with the Borough to lease a 600 square foot portion of the Property in order to construct said monopole and rent shall be due and payable to the Borough under the terms of said Lease; and

WHEREAS, the monopole and related support facilities shall be constructed at the sole cost and expense of the successful bidder and the Borough shall have the right to re-locate its antennas to said monopole once constructed; and

WHEREAS, the successful bidder is required to undergo a Capital Projects Review before the Planning Board pursuant to N.J.S.A. 40:55D-31 and to obtain any and all governmental licenses, permits, approvals, or other relief required of or deemed necessary or appropriate by bidder for its use of the property for a wireless telecommunications facility; and

WHEREAS, it is in the best interests of the Borough of Oakland to advertise for bids for the construction of a wireless telecommunications monopole on Borough owned Property.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, State of New Jersey, that the Borough Administrator be and he is hereby authorized and directed to advertise for bids for lease of a portion of municipally owned property known as Block 1902, Lot 1, to permit the construction of a 150 foot wireless telecommunications monopole.

BE IT FURTHER RESOLVED that the advertisement for such bidding shall be published in the Borough's official newspaper.

BE IT FURTHER RESOLVED that all bids shall be received by the Borough Administrator by Tuesday October 17, 2017 at 11:00 am.

BE IT FURTHER RESOLVED that the Borough reserves the right to reject all bids.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to the Committee members and shall be kept on file in the Office of the Borough Clerk.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

RESOLUTION 17-256 AUTHORIZE RETIREMENT PAYOUT-D. MORGAN

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

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

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

WHEREAS, the Chief Financial Officer has certified that the funds and authority exists to pay the part of the accumulated absence, as per the attached schedule, to Donald Morgan for sick, vacation, personal and compensatory time accumulated in the amount of \$ 35,581.07; 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 \$ 35,581.07 composed of 195 hours of vacation time, 600 hours of sick time, and 16 hours of personal time be paid out to Donald Morgan. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

RESOLUTION 17-257 AUTHORIZE REFUND TO FEMA

On motion of Councilman Biale, seconded by Councilman Knapp, 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 an overpayment from FEMA for Hurricane Irene reimbursement; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon the advice of the Chief Financial Officer, do hereby authorize a refund from Account # 7-01-55-998-001 as follows:

The State of New Jersey Department Treasurer	\$ 1,200
State of New Jersey-Division of State Police	
PO Box 7068	

Trenton, NJ 08628-0068
Attn: Salvatore Marcello, Recovery Bureau

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

RESOLUTION 17-258 AUTHORIZE REFUND OF TAX OVERPAYMENT BL 802, L6
On motion of Councilman Biale, seconded by Councilman Knapp, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough of Oakland has received a request for a refund of a 2017 tax overpayment due to a duplicate payment; and

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

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

<u>BLOCK/LOT</u>		<u>AMOUNT</u>
802/6	Thomas & Lara Popeck 56 Overlook Avenue Oakland, NJ 07436	\$ 6,017.83

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

RESOLUTION 17-260 APPROVE TWA APPLICATION-CTC ACADEMY
On motion of Councilman Biale, seconded by Councilman Knapp, 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 the CTC Academy for the modification and expansion of the wastewater treatment system for the facility located at 125 Bauer Drive.

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 by CTC Academy 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. CTC Academy 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. CTC Academy 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. CTC Academy shall comply with all conditions imposed by the Oakland Board of Health.
- H. CTC Academy 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.

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

RESOLUTION 17-261 AUTHORIZE RECREATION REFUNDS

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

WHEREAS, the Borough of Oakland has received requests for refunds of Cheerleading and Soccer Registration Fees in the amount of \$171.00; and

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

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Oakland hereby authorize refunds to:

Jennifer Tarr, 146 Hiawatha Blvd., Oakland, NJ 07436 refund due \$109.00

Jaime Cruz, 98 Thackeray Road, Oakland, NJ 07436 refund due \$62.00

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

RESOLUTION 17-262 APPOINT PER DIEM DISPATCHERS

On motion of Councilman Biale, seconded by Councilman Knapp, 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 Michael Ciccone, Nicholas Marcheso and Dawn Gioia as Per Diem Dispatchers at a salary of \$16.24 per hour effective September 14, 2017.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

WORK SESSION:

2017 CAPITAL BUDGET:

Mr. Kunze explained that we need to move forward with the 2017 capital program and adopt the necessary ordinances. We have already discussed capital requests during the budget hearings. However, there are some changes. The amount for computers has increased from \$ 12,500 to \$ 33,000. A new item of equipment for \$ 4,000 has been requested for Swift Water rescue. The amount for Streets & Roads has increased from \$ 1,080,000 to \$ 1,200,000. This will give us flexibility to use as authorization for the Patriot's Way bridge repairs if we are successful in receiving the DOT grant. The supplemental funding request for the Senior Center sprinkler system repairs has been withdrawn pending further discussion on the project scope. The amount for storm sewer repairs has increased from \$ 60,000 to \$ 90,000 based on upcoming projects.

Mr. Kunze advised that we need to start addressing the replacement of water mains in a systematic way. The amount of \$ 250,000 is a placeholder pending further discussion with the Water & Sewer Committee. There is a \$ 30,000 request to replace the electrical systems of the Spear Street and Andrew water tanks. Mr. Kunze spoke about rehabilitation of the Sewer treatment plants. The full cost to rehabilitate our three plants is approximately \$ 4 million. The amount included in the capital budget, \$ 1,020,000, would be enough to rehabilitate one plant or to run an interconnection to the NWBCUA pump station in Franklin Lakes. That option is being explored by the Borough Engineer.

Mr. Kunze explained that the Library renovation and Senior Center air conditioner have already been funded. Councilman Biale commented that the Borough has been asked to clean stormwater areas where there is tremendous debris. He believes there should be a master plan or policy on how to move forward to address the issues of maintenance. Mr. Kunze explained that in the past, the easements have given us the right to go on the property to maintain. He explained that we have not done any bank stabilization. Councilman Knapp asked if we need permits. Mr. Kunze explained that permits are needed in some situations.

Councilman Knapp advised that the Fire Department is looking to construct a 3 bay garage in the back of the Yawpo Firehouse. They are lacking space for storage of documents, the equipment used for drills and the Suburban vehicle and the OEM vehicle. He explained that the Fire Department also wants to get a generator for both Fire houses. Mayor Schwager asked what the cost would be. Councilman Knapp responded it will cost between \$ 80,000 and \$ 90,000 without soft costs. Mr. Kunze advised that we already have some money set aside. Councilwoman Coira advised that she supports the needs of the Fire Department. She questioned the plans to enlarge Company 2 fire house. Mr. Kunze advised the bid has been awarded and the project should begin any day.

Councilwoman Coira advised that the bathrooms at the Recreation field by the old DPW garage need to be renovated. Mr. Kunze advised that he would need to have an estimated amount to put in the ordinance. Councilman Knapp would like to develop a proactive building maintenance plan. Mr. Kunze responded he is looking to get an ordinance in place.

COUNCIL REPORTS:

Councilman Knapp: No report.

Councilwoman Coira: No report.

Councilman Biale: He commented that the Seniors are upset they don't get to see our reports televised. Mayor Schwager asked for an update on the Council chambers. Mr. Kunze responded that the lab is still processing the VOC results. They wanted a fee of \$ 6,000 to expedite the results. Councilman Biale asked if someone from the OCC can videotape the meeting if we have to meet at the Senior Center again.

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

No comments.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

BILLS TO BE PAID:

On motion of Councilman Knapp, seconded by Councilman Biale, the following bills be submitted for payment:

(see following pages)

BE IT RESOLVED that the foregoing bills be paid and charged to their respective accounts when the funds are available.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Biale, seconded by Councilman Knapp, 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:
Personnel; 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 Biale, Coira, Knapp.

Discussion ensued over personnel matters and affordable housing update.

CLOSE EXECUTIVE SESSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

MOTION TO RECONVENE THE REGULAR MEETING:

On motion of Councilman Biale, seconded by Councilman Knapp, the regular meeting be reconvened.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Knapp, the meeting be adjourned at 9:40 pm.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Knapp.

Lisa M. Duncan, Borough Clerk
September 27, 2017

Mayor Linda H. Schwager

Date Approved