

EMERGENCY MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
BOROUGH HALL CONFERENCE ROOM
1 MUNICIPAL PLAZA, OAKLAND, NEW JERSEY
FRIDAY OCTOBER 4, 2019

MEETING CALLED TO ORDER: By Borough Clerk Duncan at 9:00 am.

ROLL CALL: The Borough Clerk called the meeting to order and called the roll. Present:
Councilmembers Knapp (via telephone), Kulmala, Levy, Talamini (via telephone).
Absent: Mayor Schwager, Councilman Biale, Pignatelli. Also Present: Lisa M. Duncan,
Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough
Attorney (via telephone); Borough Engineer John Yakimik.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: This emergency meeting is being held in order to deal with a
matter of urgency that a delay for the purpose of providing adequate notice would be likely to
result in substantial harm to the public. Notice of the emergency meeting has been provided to
the newspapers in accordance with the requirements as noted in N.J.S.A. 10:4-9.

MOTION TO EXCUSE ABSENCES:

On motion of Councilman Levy, seconded by Councilman Talamini, the absences of Mayor
Schwager, Councilman Biale and Councilman Pignatelli be excused.

ROLL CALL: Yeas, Councilmembers Knapp, Kulmala, Levy, Talamini.

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Knapp, Kulmala, Levy, Talamini.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Knapp, Kulmala, Levy, Talamini.

COUNCILMAN PIGNATELLI ENTERED AT 9:05 AM.
COUNCILMAN BIALE ENTERED AT 9:07 AM.

Mr. Kunze advised that an emergency appropriation is needed today for additional work at Allerman Brook. We will do a supplemental bond ordinance at the next meeting. Councilman Talamini asked if this work being done is temporary or permanent. Councilman Levy responded that the work is permanent. Councilman Pignatelli asked if the changes that Borough Engineer Yakimik requested in the resolution were made. Mr. Kunze responded that the changes were made. Mr. Yakimik advised that Floodplain Manager Nick Agnoli is coordinating with the DEP for the emergency permits needed now. Councilman Levy advised that Mr. Agnoli did do a certification of emergency which allows us to do the emergency work and apply for the permit after the fact. Councilman Kulmala asked what Nick Agnoli's role is and what Boswell's role is. Councilman Levy advised that Nick Agnoli has done the design and the oversight. He is a Borough employee. John Yakimik has oversight over the entire process. Councilman Pignatelli asked who is considered the Clerk of the Works. Councilman Levy responded that John Yakimik is.

RESOLUTION 19-264 EMERGENCY APPROPRIATION-ALLERMAN BROOK

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

WHEREAS, an emergency has arisen with respects to expenses related to the erosion of Allerman Brook and no adequate provision was made in the 2019 budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$145,000.00 and three per cent of the total operations in the budget for the year 2019 is \$585,232.02, and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three percent of the total current appropriations in the budget for the year 2019,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oakland, in the County of Bergen as follows:

1. An emergency appropriation be and the same is hereby made pursuant to N.J.S.A. 40A:4-46 for funding of expenses related to the erosion of Allerman Brook in the amount of \$145,000.00.

2. That said emergency appropriation shall be provided in full in the 2020 budget, except if financing of such emergency appropriation shall have been made by authorization of notes or bonds pursuant to N.J.S.A. 40A:2-3 or 40A:2-51.

3. That two certified copies of this resolution be filed with the Director of Local Government Services.

ROLL CALL: All yeas, Councilmembers Biale, Knapp, Kulmala, Levy, Pignatelli, Talamini.

RESOLUTION 19-265 AUTHORIZE CONTRACT FOR EMERGENCY REPAIRS TO THE RETAINING WALL AT 66 LAKESHORE DRIVE

Councilman Kulmala asked if this is the same contractor that did the previous work on Allerman. Councilman Levy responded that it is the same contractor.

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

WHEREAS, N.J.S.A. 40A:11-6 provides that a purchase, contract or agreement may be made, negotiated or awarded without public advertising for bids and bidding therefore, notwithstanding that the cost or contract price will exceed the amount set in the prevailing bidding threshold, when an emergency affecting the public health, or welfare requires the immediate delivery or performance of services provided:

A written requisition for the performance of such work or labor, or the furnishing of materials, supplies or service is filed with the contracting agent describing the nature of the emergency, the need for invoking this section, certified by the officer or director in charge of the department wherein the emergency occurred, or such other officer or employee as may be authorized to act in place of said officer or director, and the contracting agent in charge, being satisfied that the emergency exists, is hereby authorized to award a contract for said work or labor, materials, supplies or services; and

WHEREAS, a heavy rainstorm on July 22, 2019 destabilized a section of embankment along Allerman Brook at 66 Lakeshore Drive, creating an imminent hazard and emergency situation affecting public health and safety within the meaning of N.J.S.A. 40A:11-6; and

WHEREAS, in a letter dated September 30, 2019, the Borough's Floodplain Manager, Nicholas Agnoli, has certified to this condition and set forth the scope of repairs that are needed; and

WHEREAS, Robbie Lane Enterprises has experience in undertaking the required work, both within the Allerman Brook and identical work performed on the Peckman River; and

WHEREAS, the Borough's Floodplain Manager shall secure the necessary emergency approval from the New Jersey Department of Environmental Protection prior to the execution of work by the contractor;

WHEREAS, the CFO has certified that funds are available in Account #9-01-46-873-000 in the amount of \$143,830;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorize the Purchasing Agent to issue a Purchase Order to Robbie Lane Enterprises, 38 Jacksonville Road, Towaco, NJ 07082 in the amount of \$ 143,830 for the emergency purchase described herein in accordance with N.J.S.A. 40A:11-6.

ROLL CALL: All yeas, Councilmembers Biale, Knapp, Kulmala, Levy, Pignatelli, Talamini.

MEETING ADJOURNED:

On motion of Councilman Talamini, seconded by Councilman Levy, the meeting be adjourned at 9:09 am.

ROLL CALL: All yeas, Councilmembers Biale, Knapp, Kulmala, Levy, Pignatelli, Talamini.

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk
October 30, 2019

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager