

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY MARCH 27, 2019

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Pignatelli , seconded by Councilman Levy, 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; Borough Attorney contract; Borough Engineer contract; Sandy Beach; Cyber Security Incident
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, Knapp, Levy, Pignatelli, Talamini.

Discussion ensued. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Council President Knapp at 7:30 pm.

ROLL CALL: Council President Knapp called the meeting to order and the Clerk called the roll.  
Present: Councilmembers Biale, Knapp, Levy, Pignatelli, Talamini. Absent: Mayor Schwager, Councilman Kulmala. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Council President Knapp announced this meeting is being held in accordance with the Open Public Meetings Law duly announced and included in the schedule of regular meetings.

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MOTION TO EXCUSE ABSENCES:

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

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

OPENED FOR PUBLIC DISCUSSION:

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

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

Chopper Russo, 58 Minnehaha Blvd, advised that the Green Team met last night. They want to put signs at the entrances to town that say Oakland is a Sustainable Jersey town. Councilman Knapp questioned if they would be welcome signs as well because the signage into Oakland is lacking. Mr. Russo advised that the Green Team is trying to attain Silver certification next.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: MARCH 13, 2019

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of March 13, 2019 be approved.

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

APPROVAL OF MINUTES: MARCH 13, 2019 EXECUTIVE

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Executive Session of March 13, 2019 be approved.

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

**RECREATION BUDGET PRESENTATION:**

Recreation Chairman Mike Guadagnino and Recreation Treasurer Neil Malmud were in attendance to present the Recreation budget. Mr. Malmud thanked the Mayor and Council for their support of Recreation over the years. He thanked Mr. Kunze and CFO David Young for their help preparing the budget. The Recreation Commission is proposing a budget of \$ 484,950. It is up \$ 17,500 from last year. This will be covered by an increase of fees. There are two new programs-TGA sports camp and TGA cheerleading camp-which were new last year and were not in the budget. Now they are officially in the budget. Those increases are approximately \$ 10,000. The other increase is for camp counselors. Those salaries have not been increased since 2016. This increase will put us in line with the Wyckoff Y and with Franklin Lakes. It will help retain the students who are in college. Mr. Guadagnino advised that our salaries have not kept up with the market. He reiterated that an increase in salaries will help retain counselors. Mr. Malmud explained that there was an increase in camp enrollment last year. Mr. Malmud commented that some programs went down while others increased. The increases will be covered by sign up fees. Mr. Guadagnino stated that Recreation spends what is taken in with fees.

Discussion turned to capital projects. Mr. Guadagnino advised that the Borough received a grant from Bergen County for half the amount of the roller rink improvements. He advised that M & T Bank did not give us a grant. He explained that if the Borough needs to bond for the rest of the money to complete the project, Recreation will pay the amount off each year from the Capital fund. Councilman Levy advised he spoke to someone at Columbia Bank who will contact Mr. Guadagnino. Mr. Guadagnino advised that the Recreation bathrooms should be done in one week. He spoke about moving the curb out by the Danny D'Elia building because it is a safety issue. Mr. Kunze responded that should be done in the next four to six weeks.

Mr. Guadagnino advised that online signups are underway. Baseball had 75% online sign ups. Most of the sports will transition to online signups. Councilman Biale asked about softball uniforms because he heard there was an issue with the WOLF bid. Mr. Guadagnino explained that the bid for Recreation equipment and supplies is a joint bid with the FLOW towns. There are issues with some of the vendors. He explained that the order for softball shirts was submitted to the vendor February 5<sup>th</sup> but they recently advised they cannot supply the shirts. We had to go to another vendor so the shirts will be late. He is frustrated with some of the vendors and advised it would be better to use local companies. He would like to have more leniency to use local vendors. Mr. Kunze explained that the Borough awarded a contract to these vendors on the bid list. If they cannot get us the goods, we can use another company. Mr. Kunze explained that there is a complaint process and he advised Mr. Guadagnino to let Wyckoff know to put the vendor on notice.

Councilman Talamini thanked the Recreation Commission. Oakland Recreation is a wonderful program. He explained that his kids love the Rec program and that is due to the Commissioners. Councilman Talamini commented that he had a wonderful experience coaching his kids in basketball and asked people to consider volunteering to coach the kids. Councilman Biale commented that everyone knows about our Recreation program. Councilman Knapp commented that our Rec program brings a lot of people to town.

**PRESENTATION-DOG PARK:**

Councilman Knapp explained that the Great Oak Park Committee approved moving the creation of the Dog Park to the Mayor and Council for approval. Chairman Mike Guadagnino advised that in 2012, the Great Oak Park began. In 2013, the Committee held a town hall meeting. Ryan Schwertfeger did a presentation on a dog park. The Committee added the dog park to the Great

Oak Park. Mr. Guadagnino explained that Great Oak Park is being done in phases. Phase 1 was in the Pleasureland area. Phase 2 will include the great lawn, bandshell and dog park. He explained that the Borough had to get an LOI from the DEP before we could proceed with the dog park. Mr. Guadagnino explained that everything being done at Great Oak Park has been no cost to the taxpayers. He explained that Ryan had to raise money for the dog park. Ryan has raised almost half of the money and would like the Borough to approve the dog park so he can do more fundraising.

Ryan Schwertfeger, 58 Andrew, commented that it has been 10 years since he started his quest for the dog park. There has been a lot of time and effort put into the planning of this dog park. The Dog Park Committee is looking for approval of the concept drawing so they can go and raise additional funding. There is currently \$ 27,000 in the account and another \$ 27,000 that is pledged. Mr. Schwertfeger explained they want to obtain additional funding. The dog park will go in the area that used to be Mueller's Park. The rendering of the proposed dog park had been given to the Mayor and Council. There was discussion of the plantings that will be put around the park.

Mr. Schwertfeger appreciates the Mayor and Council's support. He hopes to get this project done in the near future. Councilman Pignatelli questioned what will be done for water. Mr. Guadagnino responded that the dog park does need water and that is an issue. It may elevate the cost of the project. Councilman Biale asked what the closest resource would be. Mr. Guadagnino responded that to get to Ramapo Valley Road, we would have to cross a stream. He spoke about Portobello's or the bowling alley. Mr. Schwertfeger admitted that a water source still must be found.

Councilman Pignatelli stated it was his understanding that Peter Kikot did a review of the trees and shrubs. He asked if Mr. Schwertfeger incorporated his suggestions. Mr. Schwertfeger responded about 50% of the plantings were adjusted. Councilman Knapp explained that the purpose for tonight's presentation is to look at the concept drawing and give approval. Mr. Guadagnino asked when approval is given, to have it named the Jill Schwertfeger Memorial Park. Mr. Kunze advised it would be better to have a formal resolution to show for fundraising.

Motion to Approve:

On motion of Councilman Biale, seconded by Councilman Pignatelli, approval be granted to the concept drawings for the Jill Schwertfeger Memorial Park.

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

A formal resolution will be listed on the April 10<sup>th</sup> agenda.

#### PRESENTATION PETER MARCALUS-PUBLIC ART

Peter Marcalus, 125 Mandigo Ave, presented an idea at the February 27<sup>th</sup> meeting for a sculpture. He advised that Mike Guadagnino thinks there may be a place for the sculpture at Great Oak Park. Mr. Marcalus asked the Mayor and Council to consider three resolutions. He would like a resolution consenting to the sculpture so he can go forward with raising funds. He would obtain funding on his own and is not seeking money from the town. Mr. Marcalus would like a resolution to allow him to retain the rights to the sculpture. Mr. Marcalus would also like a resolution so that he does not have any liability once it is produced. Mr. Chewcaskie asked what rights Mr. Marcalus wants to retain. Mr. Marcalus responded that he would like to have the ability to publish photographs or produce a smaller sculpture.

Councilman Pignatelli stated that there is a question as to whether to have a gun in the sculpture. Mr. Marcalus thinks the sculpture is more relevant with a gun. He respects the thoughts of the American Legion not to have it in Vets Park. That is why he looked for an alternate location. Mr. Marcalus believed the Mayor and Council liked the idea of the sculpture when it had been presented previously. Councilman Biale is in favor of art in Oakland. However, the American Legion has pointed out their objections to the use of the rifle.

Councilman Knapp asked if there was a motion to move forward with the resolutions that Mr. Marcalus is requesting. Mr. Chewcaskie advised that formal resolutions would be done on April 10<sup>th</sup>. Councilman Pignatelli asked if Mr. Marcalus is looking to place the sculpture in Great Oak Park with approval. Mr. Marcalus responded that before he raises money for the sculpture, he wants to make sure he has the Mayor and Council's approval. Mike Guadagnino, Chairman of the Great Oak Park Committee, advised that the Committee has not met to discuss and approve this. He does not want to offend anyone but if the Park Committee agrees and the Mayor and Council agree, he has no problem with the sculpture being placed in Great Oak Park. Councilman Knapp commented that a vote should be postponed until the Great Oak Park Committee has a chance to meet and discuss.

Ben Cascio, 45 Lakeshore Drive, advised that the American Legion objects to art in Veterans Park. He would like to object to this sculpture going anywhere in town as long as the rifle is in the sculpture. It makes a statement that Oakland supports what the sculpture represents. This is objectionable to the military and to veterans because the rifle is what we carried and it represents peace to us. The members of the American Legion agree.

Rich Heatherington, 49 Andrew, is a veteran and finds the sculpture offensive.

Ron Beattie, 4 Garrison Place and Commander of American Legion Post 69, advised that the reasons for the objection that the American Legion has to the sculpture were put in the letter sent to the Mayor and Council. He hopes everyone is sympathetic to the American Legion's view.

Bob Buckalew, 637 Ramapo Valley Road, stated his grandson is in Afghanistan and the rifle in the sculpture offends Mr. Buckalew greatly. He suggested it should be a sword instead of a rifle.

Councilman Biale would rather see a sword than a rifle for those who serve in the military and who understand the meaning of the rifle.

Councilman Knapp advised that the Mayor and Council will hold off on this matter since it is a sensitive issue.

#### APPROVE RAFFLE LICENSE RL1355

On motion of Councilman Pignatelli, seconded by Councilman Biale, approval be granted for Raffle License RL1355 for Heights School PTO to hold an off-premise 50/50 raffle on May 31, 2019 at Holiday Bowl, 29 Spruce Street.

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

#### APPROVE RAFFLE LICENSE RL1356

On motion of Councilman Pignatelli, seconded by Councilman Levy, approval be granted for Raffle License RL1356 for Mothers' Club of Oakland to hold a 50/50 raffle on May 10, 2019 at the American Legion, 65 Oak Street.

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

**APPROVE RAFFLE LICENSE RL1357**

On motion of Councilman Pignatelli, seconded by Councilman Biale, approval be granted for Raffle License RL1356 for Mothers' Club of Oakland to hold a tricky tray on May 10, 2019 at the American Legion, 65 Oak Street.

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

**APPROVE TEMPORARY ACCESS PERMIT:**

Mr. Kunze advised that there is a house on Oak Street that backs up to the municipal parking lot. They need access to the back yard through the parking lot in order to redo the septic system.

On motion of Councilman Pignatelli, seconded by Councilman Levy, approval be granted for a Temporary Access Permit to Jeffrey Pereira, 21 Oak Street.

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

**RESOLUTION 19-112 AWARD BID-EXTERIOR RENOVATIONS TO VAN ALLEN HOUSE**

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

WHEREAS, the Borough received four bids on February 12, 2019 for the Van Allen House Exterior Restoration and Stabilization of the Van Allen House; and

WHEREAS, the bid of Northeast Roof Maintenance, 649 Catherine Street, Perth Amboy, NJ 08861 had the lowest responsive and responsible bid in the amount of \$ 255,000; and

WHEREAS, the Borough Attorney and historical architects Connolly & Hickey have reviewed the bids and recommend the bid be awarded to Northeast Roof Maintenance; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-713-201 \$ 236,032 and Account # 9-01-44-901-002 \$ 18,968

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby award the bid for the Van Allen House Exterior Restoration and Stabilization project to Northeast Roof Maintenance in the amount of \$ 255,000.

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

**RESOLUTION 19-113 BUDGET TRANSFER-APPROPRIATIONS RESERVE**

On motion of Councilman Biale, seconded by Councilman Pignatelli, 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 Calendar Year 2018 budget of the Borough of Oakland; and

WHEREAS, there exist certain budget expenditures with funds available in excess of the amounts approved in the Calendar Year 2018 budget of the Borough of Oakland; and

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of such funds between Appropriations Reserves during the first 3 months of the calendar 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 Calendar Year 2019 Appropriations Reserves budget:

<u>Current Fund</u>	From	To
8-01-20-106-015 Gen Services – Sick/Vacation Buy Back	\$ 14,200.00	
Sub-total	\$ 14,200.00	
8-01-25-266-200 LOSAP		\$ 14,200.00
Sub-total		\$ 14,200.00

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

#### RESOLUTION 19-114 CERTIFICATION OF EXPENDITURE FOR RECYCLING TAX

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

WHEREAS, the Recycling Enhancement Act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$ 3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the “Local Public Contracts Law”, the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Oakland that the Borough of Oakland hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2018 in the amount of \$14,431.23. Documentation supporting this submission is available at 1 Municipal Plaza and shall be maintained for no less than five years from this date.

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

#### RESOLUTION 19-115 AUTHORIZE RECYCLING TONNAGE GRANT APPLICATION

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

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2018 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that Oakland hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Eugene MacMahon to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

RESOLUTION 19-116 AUTHORIZE SETTLEMENT AGREEMENT-PERSONNEL MATTER  
On motion of Councilman Biale, seconded by Councilman Pignatelli, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, certain matters have arisen pertaining to B.R.'s employment with the Borough of Oakland ("Borough"); and

WHEREAS, B.R. has agreed to a Settlement Agreement and Release and executed same on March 10, 2019; and

WHEREAS, the Borough Council has reviewed the Settlement Agreement and Release and seeks to accept and agree to the terms of same; and

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

1). The Borough hereby accepts and agrees to the terms and conditions of the Settlement Agreement and Release dated March 10, 2019; and

2). The Borough hereby authorizes the Mayor to execute the Settlement Agreement and Release dated March 10, 2019 and



3). That this resolution shall take effect immediately.

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

**RESOLUTION 19-117 AUTHORIZE BERGEN COUNTY CLEAN COMMUNITIES MINI GRANT**

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

WHEREAS, the Bergen County Department of Health Services is offering a Bergen County Clean Communities Mini Grant to municipalities to sponsor programs to eliminate litter;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the Borough Administrator to apply for the Bergen County Clean Communities Mini Grant in the amount of \$ 300 to be used for the Team Up to Clean Up Event to be held April 27, 2019.

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

**RESOLUTION 19-120 AUTHORIZE GRANT AGREEMENT-ROLLER HOCKEY RINK**

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

BE IT RESOLVED that the Mayor and Council of the Borough of Oakland wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$ 175,000 matching grant award from the 2018 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled Alexander Potash Recreation Complex Roller Hockey Rink Reconstructions located Block 1901, Lot 1 on the tax maps of the Borough of Oakland;

BE IT RESOLVED that the Mayor and council hereby authorize Mayor Linda H. Schwager to be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about March 6, 2021; and

BE IT FURTHER RESOLVED that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements. Professional Services Costs may be reimbursed from grant award's unexpended balance, should there be a balance.

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

RESOLUTION 19-121 AUTHORIZE REFUND TAXES-19 CHEYENNE, BL. 5601, LOT 12  
On motion of Councilman Biale, 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 from the property owner for a refund of taxes due to an added assessment appeal; 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 advice of the Tax Collector, do hereby authorize a refund as follows:

<u>BLOCK/LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
5601/12	Alexis & Gerald Rivera	\$2,326.83

BE IT FURTHER RESOLVED that the refund be sent c/o Quicken Loans, Inc.,  
Attention: CR Servicing, 635 Woodward Ave., Detroit, MI 48226.

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

#### RESOLUTION 19-122 TEMPORARY BUDGET AMENDMENT

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

**WHEREAS**, temporary 2019 appropriations were established per N.J.S.A. 40A:4-19 to support contracts, commitments or payments that are to be made during the 1<sup>st</sup> quarter prior to the adoption of the budget, and

**WHEREAS**, the budget has not been adopted and there are contracts, commitments or payments for the 2<sup>nd</sup> quarter to be made prior to adoption of the budget, and per N.J.S.A. 40A:4-19 temporary appropriations should be made for the purposes and in the amounts required, and in the manner and time therein specified; and

**WHEREAS**, the total appropriations in the 2018 Budget, less appropriations made for interest and debt redemption charges, capital improvements and public assistance are as follows:

Current Fund	\$17,203,439.93
Water Utility Operating Fund	\$1,481,920.00
Sewer Utility Operating Fund	\$488,825.00

**WHEREAS**, 26.25% of the total appropriations in the 2018 budget exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance are as follows:

Current Fund	\$4,515,902.98
Water Utility Operating Fund	\$389,004.00

Sewer Utility Operating Fund

\$123,316.56

**NOW, THEREFORE, BE IT RESOLVED**, that the following incremental temporary 2019 appropriations, which do not exceed 26.25% of the appropriations in the 2018 budget exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance, be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be transmitted to the Director of the Division of local Government Services.

<b>Account Description</b>	<b>S&amp;W</b>	<b>OE</b>
<b><u>CURRENT</u></b>		
ADMINISTRATIVE & EXECUTIVE	65,769.38	1,837.50
COMMUNICATION COMMISSION		3,150.00
GENERAL SERVICES	26,775.00	17,325.00
MAYOR & COUNCIL	12,901.88	7,875.00
MUNICIPAL CLERK	22,890.00	5,775.00
ELECTION	551.25	3,150.00
FINANCIAL ADMINISTRATION	55,781.25	13,387.50
AUDIT		
INFORMATION TECHNOLOGY		17,062.50
TAX COLLECTION	18,900.00	2,703.75
TAX ASSESSMENT	21,328.13	3,976.88
LEGAL SERVICES		33,416.25
ENGINEERING		15,750.00
PLANNING BOARD	4,291.88	4,777.50
BOARD OF ADJUSTMENT	4,318.13	2,047.50
UNIFORM CONSTR CODE	70,691.25	1,575.00
INSURANCE		90,000.00
Insurance - GROUP HEALTH BENEFIT		350,000.00
POLICE DEPARTMENT	773,049.77	50,793.75
911 System		10,434.38
EMERGENCY MANAGEMENT	2,270.63	2,625.00
FLOOD CONTROL COMMITTEE	1,260.00	393.75
Contribution to First Aid Squad		
FIRE DEPARTMENT	21,879.38	29,531.25
PROSECUTOR		5,512.50
STREETS & ROADS	133,428.75	28,612.50
SHADE TREE		9,975.00
STORMWATER MANAGEMENT	16,038.75	7,350.00
GARBAGE & TRASH REMOVAL	21,682.50	236,903.63
SNOW REMOVAL		
BUILDINGS & GROUNDS	49,573.13	43,837.50

VEHICLE MAINTENANCE	18,821.25	21,393.75
BOARD OF HEALTH	19,293.75	45,438.75
ENVIRONMENTAL COMMISSION	315.00	262.50
RECREATION	43,207.50	79,498.13
SENIOR CITIZENS ACTIVITIES	20,475.00	9,056.25
PUBLIC LIBRARY	112,875.00	116,205.86
ELECTRICITY		31,631.25
STREET LIGHTING		36,750.00
TELEPHONE		24,412.50
NATURAL GAS		8,662.50
GASOLINE		42,000.00
Public Employees Retirement System (PERS)		416,345.00
Social Security		148,625.00
Defined Contribution Plan		2,100.00
Police & Firemen's Retirement (PFRS)		894,223.00
MUNICIPAL COURT	32,681.25	8,000.00
PUBLIC DEFENDER		2,782.50
<b>Totals</b>	1,571,049.77	2,887,165.61
	Total	4,458,215.38

**WATER**

WATER - SALARIES & WAGES	157,985.63	101,456.25
WATER - UTILITIES		67,987.50
WATER - Social Security		11,917.50
<b>Totals</b>	157,985.63	181,361.25
	Total	339,346.88

**SEWER**

SEWER - SALARIES & WAGES	14,109.38	94,106.25
SEWER - UTILITIES		10,762.50
SEWER - Social Security		1,128.75
	14,109.38	105,997.50
	Total	120,106.88

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

**INTRODUCTION: ORDINANCE NO. 19-CODE-781 AMEND RECREATION FEES**

The Clerk was directed to take from table Ordinance No. 19-Code-781 and read by title for its first reading.

The Clerk then read by title Ordinance No. 19-Code-781 titled: " AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND CHAPTER IX, RECREATION FACILITIES AND RECREATION

AREAS, SUBCHAPTER 9-2.3, ENTITLED "FEE SCHEDULE FOR ACTIVITIES".

On motion of Councilman Biale, seconded by Councilman Talamini, 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 The Revised General Ordinances Of The Borough Of Oakland Chapter IX, Recreation Facilities And Recreation Areas, Subchapter 9-2.3, Entitled "Fee Schedule For Activities". , be introduced;

That said Ordinance be considered for final adoption at a meeting on April 24, 2019 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 April 1, 2019 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 Biale, Knapp, Levy, Pignatelli, Talamini.

WORK SESSION:

AMEND SOLICITORS ORDINANCE:

Mr. Kunze explained that this amendment came from looking at other towns' ordinances along with case law and State law. He explained that our ordinance must comply with State Law. Captain Sanzari has provided a memo explaining the changes. This amendment has had extensive vetting by Captain Sanzari and the Borough Attorney. Mr. Chewcaskie advised that there have been several Court decisions regarding solicitors. It has been recommended by the JIF that our ordinance be revised because we could be liable for a civil rights case. This amended ordinance would conform with JIF requirements and also add a No Knock Registry. Councilman Knapp asked if a solicitor would be trespassing if they go on to a property of a resident on the No Knock Registry. Mr. Chewcaskie responded it would not be trespassing but it would be a violation of the ordinance and subject to a fine. Mr. Chewcaskie explained that this ordinance exempts non-profit or religious organizations. He further explained that the No Knock Registry will be maintained by the Police Department and a sticker will be issued to those residents on the Registry. Councilman Talamini asked if we have had issues with solicitors that would warrant the amendment. Mr. Kunze explained it is being amended because we were aware of the Court decisions. This ordinance will be introduced on April 10<sup>th</sup>.

PROPOSAL ROAD PROGRAM:

Mr. Kunze advised that this item needs to be deferred since he did not receive the proposal from Boswell. Borough Engineer John Yakimik responded that it has been given to Kevin Boswell to sign off and approve. Councilman Pignatelli advised that time is of the essence because we want to get the project done before the fall.

AMEND OCC MEMBERSHIP:

Mr. Kunze advised the Oakland Communications Commission is requesting to add a junior member to the Commission in order to recruit younger people. Councilman Pignatelli asked if this junior member will be supervised in the Control room. Mr. Kunze advised that the OCC is

asking for formal approval of bylaws as well. OCC Chairman Ryan Schwertfeger advised that the junior member can only go in the control room if a Commissioner is present or a member of the TV Committee. Councilman Pignatelli responded that it should be stipulated in the ordinance that the junior member shall not be in the control room by themselves.

#### PROPOSALS FOR CRS AND FLOODPLAIN MANAGER:

Mr. Kunze advised that Agnoli Engineering has submitted a proposal for continuing services with the CRS program. The proposal is for a not to exceed amount of \$ 8,000. Mr. Kunze advised that we spent \$ 3,500 last year on the CRS program. Mr. Agnoli also submitted a proposal for Floodplain Manager. This position is currently held by Construction Official Dan Hagberg who is retiring at the end of May. Mr. Agnoli is qualified to be our Floodplain Manager and the two positions go hand-in-hand. Councilman Levy explained that we need to have an annual review of the CRS program. He explained that we are trying to increase our rating. Councilman Knapp questioned why we are authorizing more than double what was spent last year. Mr. Kunze responded that this year's work is more intensive.

#### DUE DILIGENCE PROPOSALS-76 ROOSEVELT BLVD:

Mr. Kunze explained that this will be the third purchase under Phase 2 of the Acquisition program. There is finally a willingness by the owners to move forward as quickly as possible. Resolutions will be listed on the April 10<sup>th</sup> agenda.

#### OLD BUSINESS:

Councilman Levy advised that he has been speaking with Assemblywoman Shepisi regarding the DOT drainage at Allerman Brook. Assemblywoman Shepisi will talk to Senator Sarlo for money so we will do maintenance.

#### COUNCIL REPORTS:

Councilman Talamini: The Finance Committee has been working on the budget. There is a budget meeting scheduled for April 2<sup>nd</sup>. The Public Events Committee will hold the Easter Egg Hunt on April 13<sup>th</sup> at 9:30 pm. The raindate will be Sunday April 14<sup>th</sup>. The Public Events Committee needs more members. The annual School Election will be held April 16<sup>th</sup> from 2 pm to 8 pm. The proposed budget will maintain optimal class sizes, hire a new STEM teacher, and provide a new soccer program. The Heights School gym will be renovated and the rest of the roof at Valley Middle School will be redone.

Councilman Biale: The Senior Center is scheduled to reopen on April 8<sup>th</sup>. Until then, programs are still being held at the Library. Bingo will be held on April 15<sup>th</sup>. The trip to Resorts will be held on April 4<sup>th</sup>. There will be a movie day for those not taking the trip. Bergen County is offering help for tax prep assistance at the Senior Center in Midland Park until April 9<sup>th</sup>. There will be a new instructional golf swing class on April 17<sup>th</sup> and April 24<sup>th</sup>. There is a new program called Shovels for Seniors. They are asking for community volunteers to help shovel for Seniors after snowstorms. There is a program called Crafts and Coffee every Tuesday. The Senior Art Show reception is Saturday April 6<sup>th</sup> at 1 pm. Regarding DPW, yard waste collection will begin on April 1<sup>st</sup>. From April 1<sup>st</sup> to April 14<sup>th</sup> construction will take place for the completion of the 2018 Road program. This includes Chicasaw, Pima, West Sheffield and Saratoga. The specifications for the 2019 Road program are being developed. Since March 13<sup>th</sup>, the DPW has filled 177 potholes. They have filled a total of 490 potholes since the beginning of the year. The DPW opened the gate at Great Oak Park.

Councilman Knapp asked about the resurfacing to be done on 287. He asked if they are resurfacing three lanes. Mr. Yakimik advised about the work to be done by the DOT. He stated

they are using a high performance overlay which the DOT said would last three years. Councilman Knapp would like to know if they are filling the potholes in the cement areas.

Councilman Knapp: The Fire Department had 24 calls in February for a total of 244 hours. They have had 48 calls year-to-date for a total of 455 hours. The First Aid Squad has responded to 55 calls in February totaling 110 hours. The total calls year-to-date are 123. They have spend a total of 2245 hours on duty. The Police Department has information about scams on the website. They will be having a community event involving Seniors and residents to educate them on scams. In February, the Police had 367 Motor Vehicle stops, 22 radar details, 15 traffic enforcement details, issued 377 motor vehicles summonses, did 49 school checks and responded to all Fire and Ambulance calls.

Councilman Pignatelli: the Green Team is sponsoring a bulk Styrofoam collection on April 28<sup>th</sup>. The Environmental Commission received a Roots for Rivers grant to plant tree seedlings in Great Oak Park along the river. There will be a program at the Library for Butterfly gardening on June 11<sup>th</sup> at 7 pm. There will be a program for toys to repurpose and donate them. There is a proposal for a community garden on Roosevelt Boulevard. The Green Team is working toward gold certification next year. Councilman Pignatelli did not attend the Board of Health meeting and will not attend the Environmental Commission meeting on April 2<sup>nd</sup> because the Mayor and Council have a budget meeting. There will be Hazardous Waste Collection events at Campgaw in Mahwah on May 11<sup>th</sup>, July 20<sup>th</sup>, and September 14<sup>th</sup>.

Councilman Levy: Shade Tree Commission will meet on April 1<sup>st</sup> at Borough Hall. The Flood Commission will meet on April 8<sup>th</sup> at Borough Hall.

Councilman Pignatelli offered First Aid Squad member Shane O'Connor congratulations. She will be serving a six-year term in the Air Force.

**OPENED FOR PUBLIC DISCUSSION:**

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

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

Ryan Schwertfeger, 58 Andrew Ave, the Communications Commission is looking for members and they are looking for people to join the various committees within the Commission. Mr. Schwertfeger would like to recognize Don Burns who is working his last meeting on the TV Committee. Mr. Schwertfeger thanked Mr. Burns for his service over the years.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

**BILLS TO BE PAID:**

On motion of Councilman Talamini, 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 Biale, Knapp, Levy, Pignatelli, Talamini.

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Pignatelli, the meeting be adjourned at 9:03 pm.

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

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Lisa M. Duncan, Borough Clerk

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Robert Knapp, Council President

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Date Approved