

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY JUNE 26, 2019

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Biale, seconded by Councilman Kulmala, 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:
Litigation, Negotiations, Personnel
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, Kulmala, Levy, Pignatelli, Talamini.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:30 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Knapp, Kulmala, Levy, Pignatelli, Talamini. Absent: None. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

MAYOR'S REPORT:

Mayor Schwager advised that we have an active Green Team. They have set up a program to recycle Solo Cups and plastic cups as well as razors. These items can be brought to Shop Rite. On June 30th, Bergen County will have the Unity in Community from 11 am to 4 pm at Overpeck Park. This event is sponsored by Bergen County Crisis Intervention Team. The annual Bergen County Senior Picnic will be held on September 5th at Van Saun Park from 10 am to 3 pm.

RESOLUTION 19-198 AUTHORIZE HIRE OF POLICE OFFICER-ANDREW VECCHIONE

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

WHEREAS, the Mayor and Council of the Borough of Oakland has determined the need to authorize the hiring of a police officer for the Oakland Police Department based on a vacancy and the current table of organization; and

WHEREAS, the Officer-in-Charge has recommended the appointment of Andrew Vecchione pending the completion of the necessary pre-employment testing and background checks;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Oakland that Andrew Vecchione be and is hereby appointed as a police officer for the Borough of Oakland, which appointment is effective as of June 27, 2019, and being made in accordance with the New Jersey Department of Personnel Certification of Eligibles for Appointment List, and his salary shall be \$ 41,296 in accordance with the current PBA contract.

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

RESOLUTION 19-199 AUTHORIZE HIRE OF POLICE OFFICER-TIFFANY BOWER

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

WHEREAS, the Mayor and Council of the Borough of Oakland has determined the need to authorize the hiring of a police officer for the Oakland Police Department based on a vacancy and the current table of organization; and

WHEREAS, the Officer-in-Charge has recommended the appointment of Tiffany Bower pending the completion of the necessary pre-employment testing and background checks;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Oakland that Tiffany Bower be and is hereby appointed as a police officer for the Borough of Oakland, which appointment is effective as of June 27, 2019, and being made in accordance with the New Jersey Department of Personnel Certification of Eligibles for Appointment List, and her salary shall be \$ 41,296 in accordance with the current PBA contract.

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

RESOLUTION 19-200 AUTHORIZE HIRE OF POLICE OFFICER-MICHAEL DI DONATO
On motion of Councilman Knapp, seconded by Councilman Biale, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Mayor and Council of the Borough of Oakland has determined the need to authorize the hiring of a police officer for the Oakland Police Department based on a vacancy and the current table of organization; and

WHEREAS, the Officer-in-Charge has recommended the appointment of Michael Di Donato pending the completion of the necessary pre-employment testing and background checks;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Oakland that Michael Di Donato be and is hereby appointed as a police officer for the Borough of Oakland, which appointment is effective as of June 27, 2019, and being made in accordance with the New Jersey Department of Personnel Certification of Eligibles for Appointment List, and his salary shall be \$ 41,296 in accordance with the current PBA contract.

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

Mayor Schwager gave the Oath of Office to the new officers.

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, Kulmala, Levy, Pignatelli, Talamini.

Don Sena, 47 Thackeray Rd, spoke about the school board election. The survey that the Board of Education conducted on the school board election was done on Survey Monkey. It only went to the people whose email the Board had or who visited the school website. The results are questionable. In April, 477 votes cost \$ 21,000. In the Regional school election in November, there were 1,944 votes and the cost was zero.

Manuel Martinez, 41 Joseph Street, Moonachie, is representing Segovia Prime, LLC who is on the agenda tonight for a liquor license transfer. Mayor Schwager welcomed them to the Borough.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: JUNE 12, 2019

On motion of Councilman Pignatelli, seconded by Councilman Biale, the minutes from the Mayor and Council meeting of June 12, 2019 be approved.

ROLL CALL: Yeas, Councilmembers Biale, Knapp, Kulmala, Levy, Pignatelli.
Abstain, Councilman Talamini.

APPROVAL OF MINUTES: MAY 22, 2019 EXECUTIVE

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of May 22, 2019 be approved.

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

APPROVAL OF MINUTES: JUNE 12, 2019 EXECUTIVE

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of June 12, 2019 be approved.

ROLL CALL: Yeas, Councilmembers Biale, Knapp, Kulmala, Levy, Pignatelli.
Abstain, Councilman Talamini.

PRESENTATION: PETER MARCALUS-SCULPTURE IN GREAT OAK PARK

Peter Marcalus, 125 Mandigo, spoke about public art in Oakland. He explained that public art can benefit tourism and business attraction, create community vitality and broaden intellectual thinking. Mr. Marcalus has proposed to donate a sculpture called "Swords to Plowshares" which is intended to inspire peace, non-violence and mutually equitable solutions to solve conflicts. Mr. Marcalus met with the Great Oak Park Committee and they have agreed on a location to put the sculpture. Mr. Marcalus advised that the cost of the sculpture will be \$20,000 and he will be seeking donations to cover the cost. Prior to fundraising, Mr. Marcalus has requested that the Council approve three items. One is to accept the sculpture and pedestal as a gift to the Borough and that it be allowed to be installed in Great Oak Park. The Borough will agree to maintain the seat-wall pedestal base and the Borough will be responsible for any and all repairs to the sculpture and base. The second would be to allow Mr. Marcalus to retain artistic licensing rights to the sculpture's image and any future print or reproduction rights of the sculpture. The third would be that the Borough agrees to hold harmless, indemnify and defend Mr. Marcalus from any claims or liability for losses or damage or injuries arising from the sculpture and the seat-wall base. Mr. Chewcaskie suggested this be listed on work session for discussion by the Council. Mr. Chewcaskie would not object to Mr. Marcalus retaining copyright. He will put the terms in the resolution once the Mayor and Council discuss the matter. Mayor Schwager is happy that the

Park Committee worked with Mr. Marcalus to find a location for the sculpture. The attorney will draft a resolution after the Council discusses this issue in work session.

PRESENTATION: KEVIN HEFFERNEN-STATION PARK

Kevin Heffernen, 40 Grove Street, former Chair of the Station Park Committee was in attendance to speak about Station Park. The concept was created over two and a half years ago for Bush Plaza. It would serve as a springboard for the beautification of the downtown, would enhance civic pride and would enhance property values. The purpose of his presentation was to present the facts associated with the loss of the grant for Station Park. He feels the loss of the Station Park grant was a result of the absence of transparency, inaction and failed leadership.

Mr. Heffernen voiced concerns last year about the grant writer and the Mayor never responded. Mr. Heffernen stated the Station Park Committee agreed that any downtown improvements beyond Station Park should wait until after sewers. In June 2018, Mr. Heffernen presented the final design for Station Park and presented a budget of \$863,000 and promised there would be no cost to the taxpayers because the Borough would get a grant. However, the cost estimate submitted to the NJDOT in August 2018 was for \$ 2,000,000 with a contribution from the Borough of \$400,000. The grant application submitted to the DOT violated the Committee's decision not to pursue downtown redevelopment. The issues were made known to the Mayor and no action was taken. In October 2018 a 90 page report on the grant irregularities was handed to the Mayor and there was no response or action. Mr. Heffernen produced a list of emails regarding the TAP grant application. Mr. Heffernen advised that there were consistent efforts to make the Mayor aware of the issues. He believes the Mayor should have done the right thing and withdrew the grant application and resubmit with the costs that the Station Park Committee presented. She should have also found alternative grant sources and another grant writer. Now there is no Station Park.

Councilman Levy advised that the Borough received a letter from the DOT yesterday explaining that there were 120 applications submitted for \$ 99 million in requests and there was only \$15 million in available funding. The DOT encouraged the Borough to reapply in the next funding round. Councilman Levy suggested he give up his seat on the grant committee and allow Mr. Heffernen to work with Councilman Kulmala. Mayor Schwager commented that there was a great group of people on the Station Park Committee. It was an ad-hoc committee which was formed specifically to come up with the design for Station Park. Once the design was complete, the committee was dissolved. Regarding the grant writer, she was brought to the Borough by Councilman Kulmala. Mayor Schwager advised that there are many grants that the Borough has gotten rejected from the first time. She does not want to give up on Station Park and wants to reapply for grants. This is a beautiful park and will be an asset. The Borough is currently looking for a new grant writer since Ms. Casey has passed away.

Mr. Chewcaskie advised that the Council discussed the report submitted in October 2018. Mr. Chewcaskie provided a letter to the Mayor and Council stating there were no improprieties with the grant. The expenditure of funds is not done until the grant award is accepted by the Mayor and Council so the Borough was not obligated by submitting the grant application. Mr. Chewcaskie advised that an ad-hoc committee can be disbanded once their purpose is met. Councilman Kulmala thinks it is in Oakland's best interest to move forward. There is a discrepancy in what was originally presented by the Station Park Committee. He would like to make a motion to have Mr. Kunze look for grants to support Station Park.

SOCIAL AFFAIRS PERMIT:

On motion of Councilman Biale, seconded by Councilman Pignatelli, the Council consented to the Social Affairs Permit for Oakland Fathers Club to hold a pig roast at the Oakland Elks Club on Saturday July 20, 2019.

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

RESOLUTION 19-170 APPOINT REPRESENTATIVES TO B.C. COMMUNITY DEVELOPMENT

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 entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A.40A:8a-1 et seq. and Title 1 of the Housing and Community Development Act: and

WHEREAS, said Agreement requires that the Municipal Council appoint a representative and alternate and that the Mayor appoint a representative and alternate for the FY 2019-2020 term;

WHEREAS, Mayor Schwager has designated Borough Administrator Richard Kunze to serve as the Mayor's representative and Michael Carelli as its alternate to serve on the Community Development Regional Committee for a one-year term, July 1, 2019 through June 30, 2020;

BE IT RESOLVED, that the Borough Council hereby appoint Councilman John Biale to serve as the Council's representative and Lew Levy as its alternate for a one-year term, July 1, 2019 through June 30, 2020;

BE IT FURTHER RESOLVED that an original, certified copy of this resolution immediately emailed and sent via postage to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor, Hackensack, NJ 07601 no later than Monday July 15, 2019.

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

RESOLUTION 19-182 APPOINT ASSISTANT TAX COLLECTOR

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 been determined that the Borough is in need of the services of a part-time Assistant Tax Collector on an as-needed basis; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby appoints Lidia Leszczynski as part-time Assistant Tax Collector at a salary of \$35 per hour with no benefits to be called on an as-needed basis effective Monday July 1, 2019.

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

RESOLUTION 19-188 CANCEL CAPITAL BALANCES

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

WHEREAS, certain Capital Improvement Authorization balances remain dedicated to projects which have been completed; and

WHEREAS, the balances are no longer necessary for the purpose originally created,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the following balances of unexpended General Capital Improvement Authorizations be cancelled as follows:

General Capital

<u>Ordinance</u>		<u>Unexpended Improvement</u>
<u>Number</u>	<u>Description</u>	<u>Authorization Balance to</u>
<u>Cancel</u>		
18-770	B&G – Det Bureau Reno Chairs	\$ 15,000.00
	Total – General Capital	\$ 15,000.00

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

RESOLUTION 19-189 OPPOSE ROCKLAND ELECTRIC RATE HIKE

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

WHEREAS, Rockland Electric has made an application to the NJ Board of Public Utilities for an Electric Rate Increase (BPU Docket No. ER19050552); and

WHEREAS, Rockland Electric Company has requested a 9.6% rate hike, which would force the typical customer to pay \$19.20 more per month to Rockland Electric; and

WHEREAS, the residents of the Borough of Oakland and all citizens served by Rockland Electric deserve reliable and affordable energy; and

WHEREAS, the Mayor and Council recommends that the NJ Board of Public Utilities (NJBPU) consider Rockland Electric's poor service before making a decision to impose a 9.6% rate hike or approximately \$ 19.20 more per month on customers; and

WHEREAS, Assemblyman Christopher DePhillips has introduced Bill A-3736 which would require the NJBPU to deny approval of any franchise matter, if the public utility cannot provide adequate service that rate payers expect and deserve.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the NJ Board of Public Utilities deny Rockland Electric's proposed increase of 9.6% as excessive and that the NJBPU consider the wisdom contained in Bill A-3736 during their deliberation and reject this rate hike.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the NJ Board of Public Utilities; Senator Cardinale, Assemblyman Auth, Assemblywoman Schepisi and the Mayors of the municipalities in Northwest Bergen County.

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

RESOLUTION 19-190 AUTHORIZE DONATION REQUEST TO TD BANK

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

WHEREAS, the Great Oak Park Committee would like to request a donation from TD Bank Charitable Foundation to be used towards the Bandshell for Great Oak Park;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the Borough of Oakland to submit a donation request for \$10,000 to TD Bank Charitable Foundation.

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

RESOLUTION 19-191 AUTHORIZE GRANT APPLICATION TO DOT-PATRIOTS WAY BRIDGE

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

NOW, THEREFORE, BE IT RESOLVED that the 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-2020-Patriots Way Bridge-00179 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, Knapp, Kulmala, Levy, Pignatelli, Talamini.

RESOLUTION 19-192 AUTHORIZE DPW PROMOTIONS-C. KELLY, M. GOODRICH

On motion of Councilman Biale, seconded by Councilman Pignatelli, 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, upon the endorsement of Department of Public Works Superintendent, Anthony Marcucilli, hereby approve the following promotional recommendation and salary increase effective Monday, July 1, 2019:

Chris Kelly, from Grade 1 Laborer to Grade 2 Public Works Repairer, \$44,821 as per contract.

Matt Goodrich, from Grade 1 Laborer to Grade 2 Public Works Repairer, mid-grade, \$48,900 as per contract.

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

RESOLUTION 19-193 AUTHORIZE LIQUOR LICENSE TRANSFER

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

WHEREAS, the application has been made to transfer Person-to-Person, Plenary Retail Consumption License No. 0242-33-008-009 presently in the name of Wolfpack, LTD. heretofore located at 110 West Oakland Avenue, Oakland, New Jersey to the corporation known as Segovia Prime, LLC located at the same address.

WHEREAS, an application for such Person-to-Person Transfer has been published in The Record on April 19, 2019 and April 26, 2019 and

WHEREAS, the Division of Alcoholic Beverages Control has requested that a resolution adopted by the Mayor and Council approving such transfer complying with N.J.A.C. 13:2-7.10, and

WHEREAS, the said applications have been filed along with the required fee of \$200 for said license with the Borough and a \$200.00 check made payable to the Alcoholic Beverage Control Commission, Trenton, New Jersey, and

WHEREAS, the necessary background checks have been completed by the Oakland Police Department and the Alcoholic Beverage Retail Licensee Clearance Certificate (Transfer) from the State of New Jersey, Department of the Treasury, Division of Taxation has been received.

NOW, THEREFORE, BE IT RESOLVED said Person-to-Person Transfer is approved and the Borough Clerk be directed to send a certified copy of this resolution to the Alcoholic Beverage Control Commission, Trenton, New Jersey together with a \$200.00 check made payable to the Alcoholic Beverage Control Commission.

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

RESOLUTION 19-194 CHAPTER 159-JIF WELLNESS PROGRAM

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

WHEREAS, N.J.S. 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 thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Oakland has received notification of a contribution of \$10,000.00 from the Bergen Joint Insurance Fund for the purpose of starting an Employee Wellness Program, and wishes to amend its 2019 budget to include this amount as a revenue,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Oakland hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:
 Special Items of General Revenue Anticipated with Prior Written
 Consent of Director of Local Government Services - Public and
 Private Revenues Offset with Appropriations:
 BMED – Wellness Program.

BE IT FURTHER RESOLVED that a like sum of \$10,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:
 (A) Operations - Excluded from "CAPS"
 Public and Private Appropriations Offset by Revenues:
 BMED – Wellness Program
 Other Expenses - \$ 10,000.00

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

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

RESOLUTION 19-195 CHAPTER 159-ALCOHOL EDUCATION REHAB.

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

WHEREAS, N.J.S. 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 thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Oakland has received notification of a grant in the amount of \$321.50 from the State of New Jersey for the purpose of Alcohol Education, Rehabilitation and Enforcement, and wishes to amend its 2019 budget to include this amount as a revenue,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Oakland hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written
Consent of Director of Local Government Services - Public and
Private Revenues Offset with Appropriations:
Alcohol Education and Rehabilitation Fund.

BE IT FURTHER RESOLVED that a like sum of \$321.50 be and the same is hereby
appropriated under the caption of:

General Appropriations:
(A) Operations - Excluded from "CAPS"
Public and Private Appropriations Offset by Revenues:
Alcohol Education and Rehabilitation Fund
Other Expenses - \$ 321.50

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this
resolution to the Director of Local Government Services.

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

RESOLUTION 19-196 AWARD VEHICLE AUCTION BIDS

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

WHEREAS, pursuant to the provisions of NJSA 40A:11-36, the Borough of Oakland
may sell any personal property; and

WHEREAS, the Mayor and Council of the Borough of Oakland previously authorized
the sale of surplus vehicles via online public auction; and

WHEREAS, said auction took place and the Governing Body now wishes to approve the
winning bids.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of
Oakland that the winning bids and amounts thereof are hereby approved for the following:

<u>Vehicle</u>	<u>Winning Bidder</u>	<u>Winning Bid</u>
2001 Ford F-250	Louis Zaneri	\$ 1,400
1999 International	Thomas Berg	\$ 6,900
Swenson Salt spreader	Robert Doidge	\$ 216
10' Trailer	Robert Doidge	\$ 240
Jersey Contractor Trailer	Kevin Edwards	\$ 501
1997 Brush Bandit	Liberty Motors	\$ 7,000
2013 Chevy Tahoe	Yauar Syed	\$ 5,500

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

RESOLUTION 19-197 AUTHORIZE CONSENT TWA APPLICATION-OAKLAND CARE CENTER

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

WHEREAS, an application has been made to the Borough of Oakland by the Oakland Rehabilitation and Health Care Center for the replacement of the wastewater treatment system for the facility located at 20 Breakneck Road.

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

The Mayor is hereby authorized to execute the necessary consent by Governing Body to be attached to the Treatment Works Application to be filed by Oakland Rehabilitation and Health Care Center 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. Oakland Rehabilitation and Health Care Center 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. Oakland Rehabilitation and Health Care Center 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. Oakland Rehabilitation and Health Care Center shall comply with all conditions imposed by the Oakland Board of Health.
- H. Oakland Rehabilitation and Health Care Center 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 Oakland Rehabilitation and Health Care Center and the Oakland Board of Health.

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

MOTION: CONTINUE LOOKING FOR STATION PARK GRANTS

On motion of Councilman Kulmala, seconded by Councilman Pignatelli, the Council authorizes Borough Administrator Kunze to continue to look for grants for Station Park up to \$ 400,000.

ROLL CALL: Yeas, Councilmembers Biale, Kulmala, Levy, Pignatelli, Talamini.
Nay, Councilman Biale.

INTRODUCTION: ORDINANCE NO. 19-BOND-786 CAPITAL PURCHASE

The Clerk was directed to take from table Ordinance No. 19-BOND-786 and read by title for its first reading.

The Clerk then read by title Ordinance No. 19-Bond-786 entitled: " CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$881,250 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE BOROUGH"

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, Capital Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey Authorizing The Making Of Various Public Improvements And Acquisitions In, By And For The Borough, Appropriating Therefor The Sum Of \$881,250 And Providing That Such Sum So Appropriated Shall Be Raised From The Capital Improvement Fund Of The General Capital Fund Of The Borough", be introduced;

That said Ordinance be considered for final adoption at a meeting on July 10, 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 July 1, 2019 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 Biale, Knapp, Kulmala, Levy, Pignatelli, Talamini.

INTRODUCTION: ORDINANCE NO. 19-BOND-787 2019 CAPITAL BOND ORDINANCE

The Clerk was directed to take from table Ordinance No.19-Bond-787 and read by title for its first reading.

The Clerk then read by title Ordinance No.19-Bond-787 entitled: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,780,500 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

On motion of Councilman 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, Bond Ordinance To Authorize The Making Of Various Public Improvements And The Acquisition Of A New Automotive

Vehicle, Including Original Apparatus And Equipment, In, By And For The Borough Of Oakland, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$2,780,500 To Pay The Cost Thereof, To Appropriate Various Grants, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds.”, be introduced;

That said Ordinance be considered for final adoption at a meeting on July 10, 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 July 1, 2019 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 Biale, Knapp, Kulmala, Levy, Pignatelli, Talamini.

RESOLUTION 19-201 INTRODUCTION OF BOND ORDINANCE

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

BE IT RESOLVED that the ordinance entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,780,500 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS" heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 10th day of July, 2019, at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 19-CODE-785

The Clerk was directed to take from the table Ordinance No. 19-Code-785 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" ARTICLE VII

ENTITLED “ZONING”, SECTION 59-49 ENTITLED “RESIDENTIAL ZONES” SUBPARAGRAPH D ENTITLED “CONDITIONAL USES IN RESIDENTIAL ZONES” TO ELIMINATE SECTION 59-49D(7).

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

Mr. Chewcaskie explained that this zone was created to rezone the property for the Smith subdivision. There was a clause that did not make sense because it contradicted the Municipal Land Use Law. The standard for review of the bulk standard would be reviewed by the Planning Board not the Board of Adjustment.

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled “Land Use And Zoning” Article VII Entitled “Zoning”, Section 59-49 Entitled “Residential Zones” Subparagraph D Entitled “Conditional Uses In Residential Zones” To Eliminate Section 59-49d(7), be adopted;

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published by title in The Record in the manner provided by law.

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

WORK SESSION:

SCHOOL ELECTION:

Mr. Chewcaskie advised that there was a question whether the Mayor and Council can ask for a referendum to be put on the ballot regarding moving the school election. Title 19:37.1 only allows getting a sentiment of the voters if there is no other statute to govern. However, there is a statute that governs moving the school election. There are three options to move the school election: resolution by the Board of Education; resolution by the Governing Body; petition of the voters. Mr. Chewcaskie explained that back in 2012, there was a movement to get enough signatures of voters and that failed because there were not enough signatures. The Mayor and Council had a discussion already with the Board of Education. The Board does not want to move

the election. There have been other communities who moved the election to November and are now moving back to April. Mr. Chewcaskie advised that the only option the Governing Body has is to pass a resolution to move the election.

Mayor Schwager commented that there have been so many discussions already with the Board of Education and the Superintendent of Schools on this subject. She advised that this can be listed on the next agenda and the Borough Attorney can draft a resolution. Councilman Pignatelli is not in favor of moving the election. Councilman Talamini thinks that this should be a school board decision. Mayor Schwager commented that the Borough Attorney should draft a resolution and then the Council should vote on it. Councilman Pignatelli stated if most of the Council don't want to move the election, then we shouldn't waste time preparing a resolution. Councilman Talamini would rather take a poll and present this to the Board of Education to decide. Councilman Levy stated that if the school board professionals want the election in April, then so be it. Mayor Schwager asked that this be listed on the next agenda as a resolution.

NEW BUSINESS:

Councilman Levy is working with the DOT regarding Allerman Brook. A meeting was held with the DOT, DEP, Senator Cardinale, Assemblyman Auth, a representative from Assemblywoman Schepisi's office, Borough Engineer John Yakimik and the NJ Soil Conservation. They all looked at the drainage facility next to Exit 58. There is a problem. However, Senator Cardinale brought up the issue of DOT funding this project and that it would impede the Patriot's Way Bridge funding. Senator Cardinale is also afraid that funding for Station Park would affect the Patriot's Way Bridge funding as well.

Councilman Kulmala had brought up in December to have the large tree by Bush Plaza taken down. He asked if this can be done. Councilman Levy commented that we would have to make sure this is not on railroad property. Councilman Kulmala asked if Shade Tree will look at this.

OLD BUSINESS:

Councilman Knapp advised that he completely supports Station Park but he is not sure about the limit of \$400,000 because he is not sure if that would be enough money. By the time the Park is constructed, the original figures may be old and it may cost more money. Mr. Kunze explained that it depends on the grant program. Some have a particular match and others don't. However, if we put in for the entire amount, we are not likely to get the whole amount. Mr. Kunze understands the Council's intent and will look to see if there are funding sources. Councilman Levy wanted to clarify that the original grant that was applied for was not a matching grant according to the grant writer, Capital Alternatives. He explained that they told us to apply for everything and we would get a percentage. The Borough was not obligated to do the entire project and it was never a matching grant.

COUNCIL REPORTS:

Councilman Talamini: He congratulated the 9u baseball team for winning the Maywood Slam tournament. He thanked the DPW for all they did during the 11u baseball tournament. Out of town people commented on how nice our facility is and how well-maintained it is. The DPW also does so much for the carnival. Public Events had another successful carnival. Councilman Talamini thanked all the volunteers on the Public Events Committee and all the vendor. He advised that the Public Events Committee needs more volunteers. School is out. The Finance Committee held a meeting.

Councilman Kulmala: The summer reading program has started. There are summer reading programs for children, teens and adults. 225 people have registered so far. There will be laser tag on July 19th and a game truck at the Library on July 25. Circulation at the Library is up from last year. Recreation football and soccer sign ups are happening now. The bid opening for the Roller Hockey rink will be held next week. Mayor Schwager, Councilman Kulmala, and Councilman Pignatelli attended the Hall of Fame ceremony.

Councilman Biale: The Senior Center will have Summer Movie Mondays at 1:30 pm. Bingo will be held July 18th at 1 pm. There will be a program on July 24th where Walgreens will give a free makeover. The Senior Center will offer an Arthritis Fitness Class. There will be a trip to the Paper Mill Playhouse on Thursday October 3rd. The DPW is in the process of doing the annual fire hydrant flushing program. This will be ongoing through August. All non-functioning hydrants will be replaced. The DPW is working with Wind River company to video the sanitary sewer lines. A DPW employee will be onsite to answer residents' questions. The Road Department will be repairing potholes.

Councilman Pignatelli: The Green Team held a meeting last night. They discussed Styrofoam collection. They would like to know if a Styrofoam collection box can be put in the gravel by the Rec field. Ramsey collected two tons of Styrofoam. Councilman Talamini asked what Ramsey did and how much did the program cost. Mr. Kunze responded that there is no disposal cost. The issue is the volume of material. We did receive a small BCUA grant and are potentially looking at the site where the clothing bins are located. The Elks may be willing to put a container on their property. There is a cost to truck the material to the disposal site. Councilman Pignatelli advised that the idea is to keep the Styrofoam out of the waste stream. The Green Team discussed having a program for middle school students. They discussed a community garden on one of the properties on Roosevelt. The issue is not being able to put up a fence. They are going to ask about a temporary fence. Mr. Kunze explained that the issue is with the County since the properties were purchased with open space funds. Councilman Pignatelli commented that there are 8 cigarette receptacles that the DPW currently empties and he asked if the contents can be brought to a central location. Councilman Pignatelli advised that Volkswagon has grants available for an electric bus. Mr. Kunze advised there are many grants available and we are exploring if we are eligible for any. Councilman Biale had spoken with the CDBG representatives about the possibility of getting funding for a bus. They advised that we would have a good chance if we entered into a shared service with Franklin Lakes. Councilman Pignatelli advised that the Borough has accumulated 245 points for Bronze certification from Sustainable Jersey. There are more things that need to be done to upgrade to Silver certification. Carol Peterson will forward a list. Mr. Kunze responded that there are 16 different action categories with Sustainable Jersey. Some of the things will require purchases while others are policy changes. Councilman Pignatelli commented that there is a very enthusiastic group of people on the Green Team that are trying to make the environment better.

Councilman Levy: The Shade Tree Commission will meet July 1st. They are reworking the current Shade Tree ordinance. The new ordinance is not going to prohibit taking down trees but will change the replacement requirements. They will forward the ordinance to the Borough Attorney for review. The Flood Commission will meet the second Monday of the month. As of August 28th, the Ramapo River and its tributaries will be categorized as C1 waterways. There are strict requirements within 300 feet. On August 28th, the new flood elevations will be out.

Councilman Pignatelli advised that Hazardous Waste Pick up will take place on July 20th at Campgaw.

Councilman Knapp: No report other than to remind residents to lock their vehicles because there have been people trying to steal vehicles.

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, Kulmala, Levy, Pignatelli, Talamini.

No comments.

CLOSED FOR PUBLIC DISCUSSION:

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

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

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Levy, the meeting be adjourned at 9:31 pm.

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

Lisa M. Duncan, Borough Clerk
July 24, 2019

Mayor Linda H. Schwager

Date Approved