

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY MAY 11, 2016

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Jensen, 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:
Potential Litigation-Ramapo River Project
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 Coira, Jensen, Kulmala, Visconti.

Councilmembers Biale and Talamini entered at 7:05 pm. Discussion ensued over potential litigation from the Ramapo River Project. No action taken.

CLOSE EXECUTIVE SESSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

MEETING CALLED TO ORDER: By Mayor Schwager at 7:35 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti. 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 thanked Brownie Troop 95395 who toured Borough Hall today. The Library will hold a Comic Book Club on May 18th at 3 pm. On May 25th, the Manito School student council will tour Borough Hall. The Oakland Fire Department Ladies Auxiliary will hold a Fish and Chips dinner on June 11th. There will be paper shredding on May 14th from 9 am to 1 pm. May 5th was the National Day of Prayer. On Monday May 16th, there will be a meeting for parents and guardians for anyone interested in attending the Junior Police Academy. The Junior Police Academy will run from July 18 to July 22, 2016. It is open to Valley Middle School students. May is National Stroke Awareness Month. Mayor Schwager read a thank you card commending the work of the DPW.

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

Don Burns, 22 Whittier Lane, commented about pedestrian safety crossing Ramapo Valley Road. He suggested police should enforce pedestrian safety. Councilman Kulmala will bring this up at the next Public Safety meeting.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

APPROVAL OF MINUTES: APRIL 12, 2016 BUDGET

On motion of Councilman Biale, seconded by Councilman Visconti, the minutes from the Mayor and Council Budget meeting of April 12, 2016 be approved.

ROLL CALL: Yeas, Councilmembers Biale, Kulmala, Talamini, Visconti. Nay, Councilman Jensen. Abstain, Councilwoman Coira.

APPROVAL OF MINUTES: APRIL 27, 2016

On motion of Councilman Biale, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of April 27, 2016 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

APPROVAL OF MINUTES: APRIL 27, 2016 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of April 27, 2016 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

APPROVE RAFFLE LICENSE RL1275

On motion of Councilman Biale, seconded by Councilman Visconti, approval be granted for Raffle License RL1275 for Sports Association of Oakland to hold an on-premise 50/50 raffle on June 18, 2016 from 6 to 10 pm at the Oakland Recreation Fields, Oak Street.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

APPROVE RAFFLE LICENSE RL1276

On motion of Councilman Biale, seconded by Councilman Visconti, approval be granted for Raffle License RL1276 for Ramapo Bergen Animal Refuge, Inc. to hold carnival games on June 15, 16, 17, and 18, 2016 at the Oakland Recreation Fields, Oak Street.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-99 AUTHORIZE RETAINER-SCARINCI HOLLENBECK

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

Discussion ensued. Councilman Jensen asked how many towns have committed to this. Councilman Biale advised that 11 towns have already passed resolutions and another 5 are passing resolutions this week. He advised that letters are being sent out to another 30 towns that are affected by the pipeline. It may lower the number if more communities sign up. Councilman Jensen asked if the Borough would get money back if other towns sign up. He suggested this be postponed until at least 15 towns sign up. Mr. Chewcaskie advised there is a condition in the resolution which states the services are not in effect until at least 15 towns agree. Councilman Jensen asked why there is a rush to pass this resolution until the other towns agree. Mr. Chewcaskie explained that the agreement with Scarinci Hollenbeck can only be executed once 15 towns commit. The retainer agreement would not be signed until that time. Mr. Chewcaskie amended the language.

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

WHEREAS, certain pipelines are not public utilities that distribute service to end users and are unregulated by the State of New Jersey Board of Public Utilities; and

WHEREAS, these pipelines are designed to transport a variety of materials, including hazardous substances which, if a discharge occurred, result in environmental degradation to the environment, including the land, water and air; and

WHEREAS, these pipelines do not directly provide the public with necessities, such as electricity, gas or water; and

WHEREAS, these pipelines may pose a threat to the infrastructure that provides these public utility services; and

WHEREAS, these pipelines are not public utilities that distribute services to end users and are unregulated by the Board of Public Utilities; and

WHEREAS, as these pipelines are not regulated by the New Jersey Board of Public Utilities, there is limited accountability to the public; and

WHEREAS, Pilgrim Pipeline has proposed to build two pipelines that will run between Albany, New York and Linden, New Jersey, known as the Pilgrim Oil Pipeline Project; and

WHEREAS, the Pilgrim Oil Pipeline Project will run through the Borough of Oakland; and

WHEREAS, the Borough of Oakland opposes the Pilgrim Oil Pipeline Project due to the threat posed by these unregulated pipeline; and

WHEREAS, a number of municipalities in New Jersey are also opposed to the Pilgrim Oil Pipeline Project and accordingly, have agreed to join together in opposition to the Project (the "Municipal Pipeline Group"); and

WHEREAS, the Municipal Pipeline Group seeks to retain counsel for legal environmental services to represent its interests; and

WHEREAS, John M. Scagnelli, Esq. of Scarinci Hollenbeck has provided a proposal and retainer agreement to provide legal environmental services to the Municipal Pipeline Group, dated March 11, 2016; and

WHEREAS, the Borough of Oakland would be responsible for an amount not to exceed \$4,706.67 to join the Municipal Pipeline Group and retain Mr. Scagnelli; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #6-01-20-155-027;

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

- The Borough of Oakland is hereby authorized to join the Municipal Pipeline Group.
- The Mayor and Borough Clerk are hereby authorized to execute the retainer agreement provided by Scarinci Hollenbeck for legal environmental services

provided that at least fourteen (14) other municipalities have joined the Municipal Pipeline Group and retained the firm of Scarinci Hollenbeck for legal environmental services.

- The Borough of Oakland hereby accepts the terms of the Retainer Agreement of John M. Scagnelli, Esq. of Scarinci Hollenbeck, dated March 11, 2016, for Mr. Scagnelli to provide legal environmental services to the Municipal Pipeline Group, for a fee not to exceed \$4,706.67 for the Borough of Oakland, predicated on 15 municipalities having joined the Municipal Pipeline Group.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to the Borough of Oakland Chief Financial Officer, the Municipal Pipeline Group and John M. Scagnelli, Esq. of Scarinci Hollenbeck

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-109 AUTHORIZE REFUND REDEMPTION MONIES

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

WHEREAS, the Oakland Tax Collector has received funds from a property owner or other party of interest for redemption of a Tax Sale Lien 15-00002, Block 1001 Lot 26, better known as 42 Saratoga Drive on March 30, 2016, and

WHEREAS, lien holders are entitled to payment for redemption of the Tax Lien upon receipt of funds by the Tax Collector, and

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$ 8459.39, payable to TWR cust for Ebury Fund 2 NJ LLC, P.O. Box 54908, New Orleans, LA 70154;

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$ 21,500.00 (Premium) to the aforementioned lien holder.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-110 CANCEL TAXES-68 ROOSEVELT BLVD.

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

WHEREAS, the Borough of Oakland purchased the property located at Block 1605, Lot 4 and more commonly known as 68 Roosevelt Boulevard, Oakland, New Jersey through a grant received from the Bergen County Open Space Trust Fund for the expansion of Roosevelt Boulevard Park; and

WHEREAS, the transfer of title took place on February 11, 2016; and

WHEREAS, there are outstanding taxes for the balance of 2016 due on this property;
and

WHEREAS, the Mayor and Council have determined that it is in the best of the Borough to cancel all outstanding real property taxes due as a result of the conveyance of the property to the Borough of Oakland.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that all outstanding taxes with respect to the property located at Block 1605, Lot 4, commonly known as 68 Roosevelt Boulevard, which is now owned by the Borough of Oakland, be cancelled.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Borough Tax Collector and Tax Assessor.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-111 CANCEL TAXES-64 ROOSEVELT BLVD.

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

WHEREAS, the Borough of Oakland purchased the property located at Block 1605, Lot 2 and more commonly known as 64 Roosevelt Boulevard, Oakland, New Jersey through a grant received from the Bergen County Open Space Trust Fund for the expansion of Roosevelt Boulevard Park; and

WHEREAS, the transfer of title took place on April 27, 2016; and

WHEREAS, there are outstanding taxes for the balance of 2016 due on this property; and

WHEREAS, the Mayor and Council have determined that it is in the best of the Borough to cancel all outstanding real property taxes due as a result of the conveyance of the property to the Borough of Oakland.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that all outstanding taxes with respect to the property located at Block 1605, Lot 2, commonly known as 64 Roosevelt Boulevard, which is now owned by the Borough of Oakland, be cancelled.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Borough Tax Collector and Tax Assessor.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-112 AWARD RIVER PROJECT BID

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

WHEREAS, on February 17, 2016, bids were received for the Ramapo River Restoration Project; and

WHEREAS, two bids were received for the project, one of which was determined to be non-responsive; and

WHEREAS, T.R. Weniger, Inc. submitted a responsive bid which was thoroughly vetted by the Borough Engineer, the Borough Administrator and the Borough Attorney; and

WHEREAS, pre-award meetings were conducted with T.R. Weniger, Inc. on March 14, 2016 and April 21, 2016; and

WHEREAS, T.R. Weniger, Inc. extended the time for the Borough to award the bid; and

WHEREAS, a report was received from the Borough Engineer dated April 25, 2016 outlining the bid documents, along with a summary of the pre-award meetings; and

WHEREAS, during the course of the pre-award meetings, T.R. Weniger, Inc. has indicated that it would provide specific oversight of the project which would be included in any contract for the Ramapo River Restoration as awarded by the Borough of Oakland; and

WHEREAS, the Borough of Oakland has determined that it would be in the best interest of the Borough of Oakland to award the bid for the Ramapo River Restoration Project to T.R. Weniger, Inc; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-691-402;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the contract for the Ramapo River Restoration Project be and the same is hereby awarded to T. R. Weniger, Inc. on their bid of \$369,800 representing \$285,800 for the base bid and \$84,000 for the alternate bid.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute a contract for same, which contract will include the provisions as identified in the Borough Engineer's report of April 25, 2016.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-113 MOTOR VEHICLE COMMISSION LEASE PROGRAM RENEWAL
On motion of Councilman Biale, seconded by Councilman Visconti, the following resolution be introduced, adopted and duly passed by roll call vote:

BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Chief of Police is hereby authorized to sign the agreement between the Borough of Oakland and the State of New Jersey, Division of Purchase and Property on behalf of the New Jersey Motor Vehicle Commission for the Law Enforcement Agency Security Enhancement Program subject to written agreement with the PBA.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

RESOLUTION 16-114 HIRE SEASONAL LABORER FOR DPW

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

BE IT RESOLVED that the Mayor and Council hereby authorize the hiring of the following seasonal laborers for the Department of Public Works:

<u>NAME</u>	<u>EFFECTIVE DATE</u>	<u>SALARY</u>
Matthew Walsh	May 12, 2016	\$11.00/hr

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

PUBLIC HEARING ON BUDGET AMENDMENT

Mr. Kunze explained the reason for the budget amendment was to utilize extra surplus. This is being done to abide by the surplus policy. The extra money is being used towards capital.

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

Michael Pritchard, 23 Calumet Avenue, commented that people don't understand how much time and effort everyone puts in to the budget.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

Mayor Schwager advised that Resolution 16-115 to adopt the budget will be carried because the State has not given clearance to adopt yet.

WORK SESSION:**HIGHLANDS EXEMPTION ORDINANCE AND HIGHLANDS CHECKLIST ORDINANCE:**

Mr. Kunze advised that the Planning Board is working on addressing a few ordinances that are part of the Highlands Plan Conformance process. We must now bring our ordinances in compliance.

Borough Planner Steve Lydon explained that the Highlands Act adopted 17 exemptions. This ordinance would allow Oakland to assume responsibility to grant 7 of the exemptions. This would save residents from having to go down to the Highlands Council for the exemption. Mr. Lydon advised that other towns have adopted this ordinance. The ordinance is resident friendly so it makes sense to adopt. The Borough's staff would need to be trained by the Highlands Council. Mr. Lydon feels there should be two staff members that are trained. Mr. Kunze asked if there is a sense of how much the workload will be. Mr. Lydon feels it will be fairly heavy.

Councilman Visconti commented that these people are coming in to the Borough for a permit anyway. It will simplify the process for the residents.

Mr. Lydon explained that Oakland already has a checklist for people who have to go before the Land Use Boards. For applicants that need to go for Highlands approval, there are checklist items that would advise them of additional steps that need to be taken. This also would simplify the process. The Highlands Council want to see these ordinances adopted before they grant Plan Conformance.

Councilman Kulmala commented that these ordinances take away a step of beauracracy for the resident. Councilman Biale commented that it will also ease the burden on the Highlands Council. Mr. Lydon advised this will make the process faster for residents. Councilman Talamini asked if we can get out of this if we find it does not work out. Mr. Lydon responded that we could. Councilman Jensen asked if the forms that the homeowner will use will be amended. Mr. Lydon responded there will be an addendum. The checklist will just list additional items for those that need Highlands approval. Councilman Jensen asked if this includes the Planning and Preservation areas. Mr. Lydon responded that it did. Mr. Chewcaskie asked if these checklist requirements were reviewed against the Borough's requirements. Mr. Lydon responded that there will be an addendum for any application requiring Highlands approval.

COUNCIL REPORTS:

Councilwoman Coira: Signups have started for Recreation summer sports camps and clinics. Information is posted on the Recreation website. The signups for the Mountain Bike program have begun as well. The Baseball and Softball parade will be held June 4th at 9 am.

Councilman Jensen: The Planning Board will meet on May 12th. He congratulated Eric Kozak and Lucas Dishian on achieving Eagle Scout.

Councilman Visconti: There has been a lot of activity at Great Oak Park. Paps Landscaping agreed to seed the lawn area. The skate park and dog park groups have met. Rising Phoenix completed 80% of the clean up on the mini golf course. The Girl Scouts have been working in the park. The next Park Committee meeting will be held May 17th at 8 pm. The Flood Commission will meet June 6th at 7:30 pm. The Library is making progress on the design for the renovation and is evaluating the HVAC system.

Councilman Biale: The Valley Middle School string section performed for the Seniors. Councilman Biale will meet with the Seniors on May 20th. The Pipeline group met today. The Water & Sewer Committee will meet on May 18th. Councilman Biale and Councilman Kulmala attended the Arbor Day ceremony at Heights School.

Councilman Kulmala: The Arbor Day ceremony was very nice. Councilman Kulmala attended the First Aid Squad meeting. They had 307 calls so far and members spent 96 hours on calls this month. The Fire Department held a drill last month at the Roosevelt Boulevard houses. The OCC needs a new volunteer to make slides for the Bulletin Board. There will be a Junior Police Academy run by Officer Ed McDermott. The radio committee is continuing to meet and work through issues.

Councilman Talamini: Valley Middle School students can attend the Junior Police Academy this summer. There will be a mandatory meeting on May 16th for parents. The Public Events Committee will participate in the Fever Pitch Baseball and Softball Parade on June 4th. The Public Events Committee will also participate in the Memorial Day Parade on May 29th and the

Carnival from June 15 to 18th. There will be discount tickets available. The Board of Health will meet on May 17th.

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

BILLS TO BE PAID:

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

(see following pages)

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

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

MEETING ADJOURNED:

On motion of Councilman Talamini, seconded by Councilwoman Coira, the meeting be adjourned at 8:25 pm.

ROLL CALL: All yeas, Councilmembers Biale, Coira, Jensen, Kulmala, Talamini, Visconti.

Lisa M. Duncan, Borough Clerk
May 25, 2016

Mayor Linda H. Schwager

Date Approved