

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY MAY 25, 2016

MEETING CALLED TO ORDER: By Council President Kulmala at 7:31 pm.

ROLL CALL: Council President Kulmala called the meeting to order and the Clerk called the roll. Present: Councilmembers Biale, Coira, Kulmala, Talamini. Absent: Mayor Schwager, Councilmembers Jensen, Visconti. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Steven Muhlstock, Borough Attorney.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

EXCUSE ABSENCES:

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

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

Councilman Kulmala advised that the Memorial Day Parade will be held Sunday May 29th at 1 pm. He thanked the American Legion and Public Events Committee for their efforts. The next Council meeting on June 8th will be Student Government night. The Baseball and Softball parade will be held June 4th. Councilman Kulmala attended the ceremony to dedicate the new scoreboard on Field 8. He thanked the Fathers Club and all those who donated their time to install the scoreboard.

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, Kulmala, Talamini.

Michael Pritchard, 23 Calumet Avenue, spoke about the school elections. He advised that 500 school boards moved the election to November. This is supported by the NJEA and the School Boards Association. Other towns are keeping the school elections non-partisan. Mr. Pritchard advised there is a public hearing on Transportation for Senior Citizens on June 15th at 9 am at the Bergen County Freeholders meeting room. The annual Bergen County Senior Citizens picnic will be held September 14th.

Michael Kozak, 24 Cayuga Ave, gave a reminder that the Memorial Day Parade will be held Sunday at 1pm. The parade will stage on Dogwood Drive. Route 202 will be closed for the parade. There will be a ceremony at Veterans Park after the parade. If it is pouring rain, the ceremony will be held at the American Legion at 1 pm. The carnival will be held June 15-18.

Wristbands will be offered for pre-sale at a price of \$ 20. The cost of the wristbands at the event will be \$ 25 for Wednesday, Thursday and Friday and \$ 30 for Saturday. There will be a new configuration for the tents this year. There will be a shuttle bus running for overflow parking. Councilman Kulmala thanked the Public Events Committee for all their hard work.

Steven Mulwinig, 98 Grove Street, advised that he has an easement for an underground storm pipe from the street to the stream behind his property. The pipe clogs and backs up in the manhole cover. The water pressure has popped the manhole cover and flooded his yard. The flooding has caused erosion where the pipe enters the stream. The flooding caused damage to a tree which fell on his deck and pool. He is looking forward to having this fixed. He hopes there is communication with the Borough and the contractor and he hopes the contractor takes care with his property.

Mark Barfoot, 18 Lenape Lane, asked when the houses from Phase 1 of the flood buyouts will be demolished. Councilman Kulmala advised that they haven't closed on all the properties. The Borough is closing on two properties at the end of June. Mr. Barfoot advised he wrote a letter to Mr. Kunze regarding 72 and 74 Roosevelt being gutted. He has not heard from Mr. Kunze. The Mayor and Council were copied on the letter and Mr. Barfoot did not hear from anyone. He commented that the former homeowners received more money than they deserved and then they took the fixtures from the houses. Mr. Barfoot also sent a letter to the Borough Attorney who never responded. Councilman Kulmala advised that the Fire Department has been doing drills on the houses. Mr. Muhlstock asked Mr. Barfoot some questions and advised he will respond to Mr. Barfoot. Mr. Barfoot read two other letters he had copied the Mayor and Council on-one addressed to Mr. Biale and one to the Borough Attorney. Mr. Muhlstock advised Mr. Barfoot that the Borough Attorney does not do work for the public unless authorized by the Mayor and Council to do so.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: MAY 11, 2016

On motion of Councilman Biale, seconded by Councilman Talamini, the minutes from the Mayor and Council meeting of May 11, 2016 be approved.

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

APPROVAL OF MINUTES: MAY 11, 2016 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Talamini, the minutes from the Mayor and Council Executive Session of May 11, 2016 be approved.

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

APPROVE RAFFLE LICENSE RL1277

On motion of Councilman Biale, seconded by Councilwoman Coira, approval be granted for Raffle License RL1277 for the Mothers Club of Oakland to hold an on-premise 50/50 raffle on June 3, 2016 at the American Legion, 65 Oak Street.

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

APPROVE RAFFLE LICENSE RL1278

On motion of Councilman Biale, seconded by Councilwoman Coira, approval be granted for Raffle License RL1278 for the Mothers Club of Oakland to hold an on-premise raffle for merchandise on June 3, 2016 at the American Legion, 65 Oak Street.

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

RESOLUTION 16-116 REFUND OVERPAYMENT BLOCK 4402, LOT 28

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

WHEREAS, an overpayment has been made to Block 4402 Lot 28, better known as 78 Franklin Avenue, due to a double payment;

THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Treasurer is authorized and directed to refund the amount as stated below:

David & Linda Jones
78 Franklin Avenue
Oakland, NJ 07436

Block: 4402 Lot: 28
78 Franklin Avenue
Refund: \$ 846.81

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Oakland that copies of this resolution be provided to the Tax Collector and the Treasurer.

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

RESOLUTION 16-117 AUTHORIZE S & L ARCHITECTURE STUDIO-FIRE CO. 2 RENOVATIONS

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

WHEREAS, there is a need for preparation of bid documents and construction administration for the Fire Co. 2 Renovation Project; and

WHEREAS, S & L Architecture Studio submitted a proposal dated March 15, 2016, for the services required broken down as follows:

Construction Documents	\$10,000
Bid Phase Service (hourly, not to exceed)	\$ 3,000
Construction Administration (hourly, not to exceed)	\$ 8,500

WHEREAS, S & L Architecture Studio has submitted all paperwork to comply with the Borough of Oakland's Pay-to-Play requirements; and

WHEREAS, this is a professional service for which no public bidding is required; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-691-403;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize a contract with S & L Architecture Studio in an amount not to exceed \$21,500 for the bid phase and construction administration for the Fire Co. 2 Renovation Project as specified in their March 15, 2016, proposal; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute the agreement with S & L Architecture Studio on behalf of the Borough.

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

RESOLUTION 16-118 AUTHORIZE LICENSE BOROUGH PROPERTY, BLOCK 2515 LOT 2 & 3

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

WHEREAS, the Borough has received a request to license Borough owned property at Block 2515, Lots 2 & 3; and

WHEREAS, the Superintendent of Public Works and Zoning Officer have reviewed the request and they recommend the issuance of the license for the year 2016;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the Borough Clerk to issue a license for the Borough property Block 2515 Lot 2 & 3 upon receipt of the \$ 1.00 fee to James Miuccio, 11 Lakeview Terrace, subject to the rules and regulations specified in Resolution 16-20 adopted on January 6, 2016.

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

RESOLUTION 16-119 AUTHORIZE RECREATION REFUND

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

WHEREAS, the Borough of Oakland has received a request for a refund of Roller Hockey Registration Fees in the amount of \$160.00; and

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

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

Michelle Monaghan, 8 Beech St., Oakland, NJ 07436 refund due \$160.00.

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

RESOLUTION 16-120 TEMPORARY BUDGET EMERGENCY

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

WHEREAS, NJSA40A:4-20 of the Local Budget Law provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget, the governing body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the adoption of the budget.

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, that the following emergency temporary appropriations be made and that a certified copy of this resolution be filed with the Director of the Division of Local Government Services:

Current Fund

Total \$ 2,000,000

Water Operating

Total \$ 50,000

Sewer Operating

Total \$ 20,000

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

RESOLUTION 16-121 AWARD BID-DRAINAGE IMPROVEMENTS 98 GROVE STREET
On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, on May 17, 2016, the Borough of Oakland received 9 bids for the Drainage Improvement Project at 98 Grove Street; and

WHEREAS, Reivax Contracting, 356 Thomas Street, Newark, NJ 07114, had the lowest responsive and responsible bid with a base bid price of \$114,640.00; and

WHEREAS, the Borough Engineer and Borough Attorney have reviewed the bid and have recommended acceptance of the bid from Reivax Contracting; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #'s C-04-56-690-203, \$8,190; C-04-56-691-408, \$100,000 and C-04-56-706-206, \$6,450;

NOW, THEREFORE, BE IT RESOLVED that the bid of Reivax Contracting in the amount of \$114,640 be accepted; and

BE IT FURTHER RESOLVED that the Borough Administrator is directed to prepare an appropriate contract for the same; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are directed to execute the agreement on behalf of the Borough.

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

RESOLUTION 16-122 AUTHORIZE CO-SPONSORSHIP AGREEMENT-CARNIVAL

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

WHEREAS, the Borough of Oakland and the Ramapo Bergen Animal Refuge Inc. of Oakland wish to co-sponsor the 2016 Oakland carnival; and

WHEREAS, the Borough of Oakland and the Ramapo Bergen Animal Refuge Inc. have determined that it is in the best interest of the Borough and the Ramapo Bergen Animal Refuge Inc. to enter into a Co-Sponsorship Agreement in order to set forth the respective responsibilities with respect to the carnival and to authorize the execution of the Co-Sponsorship Agreement.

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

1. The Mayor and Borough Clerk are authorized to execute the Co-Sponsorship Agreement in the form annexed to this Resolution.
2. Certified copies of this Resolution shall be provided to the Ramapo Bergen Animal Refuge Inc.

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

RESOLUTION 16-123 APPOINT SUMMER CAMP COUNSELORS

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 Mayor and Council hereby authorize the hiring of Summer Camp staff at their respective rates as per the attached list effective June 20, 2016.

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

RESOLUTION 16-124 AUTHORIZE PURCHASE OF REPLACEMENT POLICE VEHICLE

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

WHEREAS, the Borough of Oakland is in need of purchasing a replacement 2016 Ram 1500 Crew Cab 4WD SSV for the Police Department; and

WHEREAS, Beyer Chrysler Dodge, 200 Ridgedale Avenue, Morristown, NJ has the Cranford Cooperative contract #47-CPCPS, Item #\$, for the vehicle as per the specifications desired; and

WHEREAS, the cost of the vehicle with the options desired is \$24,767.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #6-01-23-210-004, \$20,105.25 and 6-01-25-240-051, \$4,661.75;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland that the Purchasing Agent is hereby authorized to issue a Purchase Order to Beyer Chrysler Dodge of Morristown, NJ, for the purchase of a 2016 Ram 1500 Crew Cab 4WD SSV at a total cost of \$24,767.00.

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

RESOLUTION 16-125 CANCEL TAXES DISABLED VETERAN-BLOCK 5404, LOT 22
On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, on January 1, 2016, the Tax Assessor granted a full property tax exemption as a permanently disabled veteran to William Drury, as the owner of Block 5404 Lot 22; and

WHEREAS, the tax exemption is retroactive to January 1, 2016, and because of the foregoing, taxes for the year 2016 should be canceled and a refund be issued in the amount of \$ 4,296.66 for taxes paid to date;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the amount of 2016 property taxes be cancelled and a refund in the amount of \$ 4,852.80 be issued to William Drury.

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

RESOLUTION 16-126 AUTHORIZE REDUCTION PERFORMANCE BOND-CHILDREN'S THERAPY CENTER
On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, Cerebral Palsy Center, Bergen County, Inc., d/b/a The Children's Therapy Center, posted a performance bond by way of Irrevocable Performance Letter of Credit No. 22597 in the amount of \$826,200.00, with the Borough of Oakland; and

WHEREAS, the aforementioned guarantees were posted in connection with on site improvements for the premises known as Block 3601, Lot 40; and

WHEREAS, a substantial amount of site work has been completed by Cerebral Palsy Center, Bergen County, Inc. and same has been inspected and approved by the Borough Engineer, Boswell McClave Engineering; and

WHEREAS, Cerebral Palsy Center, Bergen County, Inc. has requested a reduction in the performance bond; and

WHEREAS, the Mayor and Council of the Borough of Oakland has reviewed the recommendation of Boswell McClave Engineering dated May 20, 2016, and have determined that the site improvements for the project have been sufficiently completed to warrant a reduction in the bond from \$826,200.00 to \$115,000.00.

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

1. The site improvements required by that certain Developer's Agreement with Cerebral Palsy Center, Bergen County, Inc. d/b/a The Children's Therapy Center at the property located at Block 3601, Lot 40 have been sufficiently completed to warrant a reduction of the performance bonds from \$826,200.00 to \$115,000.00.
2. The Chief Financial Officer of the Borough of Oakland is hereby authorized to accept the reduction in performance bond as set forth herein by either a new Letter of Credit or cash in the amount of \$115,000.00.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to: (i) the Chief Financial Officer of the Borough of Oakland; (ii) the Construction Code Official of the Borough of Oakland; (iii) Cerebral Palsy Center, Bergen County, Inc. d/b/a The Children's Therapy Center; (iv) Brian M. Chewcaskie, Borough Attorney.

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

INTRODUCTION: ORDINANCE NO. 16-CODE-735 HIGHLANDS EXEMPTION

The Clerk was directed to take from table Ordinance No. 16-Code-735 and read by title for its first reading.

The Clerk then read by title Ordinance No. 16-Code-735 entitled: " An Ordinance mending Chapter 59 Land Use and Zoning of the Borough of Oakland to Enable Local Determination of Certain Highlands Area Exemptions"

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

BE IT RESOLVED that an Ordinance entitled, " An Ordinance mending Chapter 59 Land Use and Zoning of the Borough of Oakland to Enable Local Determination of Certain Highlands Area Exemptions", be introduced;

That said Ordinance be considered for final adoption at a meeting on June 22, 2016 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 June 10, 2016 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, Coira, Kulmala, Talamini.

INTRODUCTION: ORDINANCE NO. 16-CODE-736 HIGHLANDS CHECKLIST

The Clerk was directed to take from table Ordinance No. 16-Code-736 and read by title for its first reading.

The Clerk then read by title Ordinance No. 16-Code-736 entitled: " AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE BOROUGH OF OAKLAND TO UPDATE SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT

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

BE IT RESOLVED that an Ordinance entitled, AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE BOROUGH OF OAKLAND TO UPDATE SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 22, 2016 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 June 10, 2016 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, Coira, Kulmala, Talamini.

INTRODUCTION: ORDINANCE NO. 16-BOND-737 CAPITAL ORDINANCE-NJDOT GRANT

The Clerk was directed to take from table Ordinance No. 16-Bond-737 and read by title for its first reading.

The Clerk then read by title Ordinance No. 16-Bond-737 entitled: " AN ORDINANCE OF THE BOROUGH OF OAKLAND APPROPRIATING \$149,000 DEPARTMENT OF TRANSPORTATION GRANT FOR THE PAGE DRIVE PROJECT"

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 OF THE BOROUGH OF OAKLAND APPROPRIATING \$149,000 DEPARTMENT OF TRANSPORTATION GRANT FOR THE PAGE DRIVE PROJECT , be introduced;

That said Ordinance be considered for final adoption at a meeting on June 8, 2016 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 May 30, 2016 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, Coira, Kulmala, Talamini.

COUNCIL REPORTS:

Councilwoman Coira: No report.

Councilman Biale: He offered condolences to Senior Center Director Rose Burik on the passing of her husband. Councilman Biale met with the Seniors but it was on a somber note. The Water & Sewer Committee met and spoke about the proposed sewers.

Councilman Talamini: The Board of Health will meet on June 21st at 7:30 pm. The Public Events Committee is working on the Memorial Day Parade, the Baseball and Softball Parade and the Carnival. He thanked the Committee and advised they are a great group of people. The schools are closed May 27 and May 30th.

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, Kulmala, Talamini.

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, Kulmala, Talamini.

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, Kulmala, Talamini.

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Talamini, the meeting be adjourned at 8:18 pm.

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

Lisa M. Duncan, Borough Clerk
June 8, 2016

Mayor Linda H. Schwager

Date Approved