

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY AUGUST 27, 2014

MEETING CALLED TO ORDER: By Mayor Schwager at 6:30 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Coira, Kulmala, Pignatelli, Talamini. Absent: Councilmembers Jensen, Visconti. Also Present: Kathlyn Gurney, Deputy Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, of excusing the absences.

ROLL CALL: All yeas, Councilmembers Coira, Kulmala, Pignatelli and Talamini.

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 reminded Council that the deadline for payment of third quarter Taxes would be September 5, 2014.

Mayor Schwager informed Council that she has received a complaint from a resident that the Borough is not implementing their noise ordinance. She responded to the resident that the complaint would be forwarded to the Administrator and the Chief of Police as well as to the police officers in order to investigate this complaint. Also, there was a complaint about shoveling sidewalks during the winter which would be addressed at a later meeting.

Mayor Schwager shared that she gave a presentation at the Senior Center that week and thanked everyone who attended. She advised that Walgreens also gave a presentation to the public informing that people 55 and older may receive a discount of 20-percent off of all items in the store every first Tuesday of the month.

Mayor Schwager informed Council that during her "open door policy"; residents have been coming in accusing Mayor and Council for the low level of Crystal Lake. She explained that she was informed that there was a sinkhole near the gates which is preventing the Borough from opening them.

RESOLUTION 14-199 AUTHORIZE HIRE POLICE OFFICER

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, 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 or organization; and

WHEREAS, the Police Chief has advised that Michael Griffin has completed the necessary pre-employment testing and background checks and has recommended his appointment;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Oakland that Michael Griffin be and is hereby appointed as a police officer for the Borough of Oakland, which appointment is effective as of August 28, 2014, and being made in accordance with the New Jersey Department of Personnel Intergovernmental Transfer Program, and his salary shall be \$46,360 in accordance with the current PBA contract.

ROLL CALL: All yeas, Councilmembers Coira, Kulmala, Pignatelli and Talamini.

Mayor Schwager administered the Oath of Office to Officer Griffin.

Councilman Jensen entered the meeting at 6:45 p.m.

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli and Talamini.

Mrs. Dorothy O'Connor with the Flood Commission came before the Council to clear up some misconceptions concerning flood mitigation efforts by the Borough. She gave her history as a life long resident in the flood plain and a member of the Flood Commission.

She explained that early on Oakland was considered a weekend getaway for many people who came to vacation in summer cottages surrounded by pools and lakes fed by the Ramapo River such as Mullers, Sandy Beach, Pleasureland, the Colony and White Birch Grove. The Ramapo River flooded significantly in 1951, 1955 and 1958 and after these flood events, people cleaned up and moved on with their lives.

As years went on there was a shortage of homes and most of these homes became winterized and turned into year round homes. The river changed as well as the demographics of Oakland. A flood occurred in 1960 that was different affecting these homes that were now being used as year round residential homes.

In the early 1970's a flood commission was formed where Mrs. O'Connor became a member and has been a member ever since. Countless hours went into researching the flooding problems and possible solutions and in 1976, the Water Resources Development Act was passed which

included funding for flood control projects. The Army Corps of Engineers became involved in some of the ideas that were studied but could not help Oakland because most of the flooding in Oakland was caused by water backing up behind the Pompton Lakes Dam during high river flow.

Their work continued which included constraints such as that any Oakland flood project could not increase the flow down stream and the benefit of the project had to be better than the cost of the project. This resulted in the installation of floodgates at the Pompton Lakes Dam which was partially funded by the state. There were a number of stumbling blocks which occurred including resistance with North Jersey District Water Supply Commission, owner of the dam, eventually halting the project.

Mrs. O'Connor explained that she and the Mayor at the time, Peter Kendall, went to Trenton to persuade Governor Whitman to allow the project to continue. Since then, the project, which started in 2003, included the widening of the Doty Road Bridge, the installation of the floodgates, widening and deepening of the river. She explained that about that time, Lou Levy joined the Flood Commission and since then, has put in countless hours.

Mrs. O'Connor explained that she has been asked by Senator Scott Romano to serve on New Jersey's Flood Task Force as a proponent of continual river maintenance and Lou Levy has established a good relationship with local, State and Federal officials.

After watching some of the previous council meetings, she advised that flood protection would not be achieved by people going to local or State officials yelling, threatening, accusing or complaining. What has been achieved was done through a bipartisan partnership sponsored by volunteers, municipal officials and by State and Federal agencies as well as the support from every Mayor and Council since the Flood Commission began. She thanked them all for their efforts as well as all the First responders such as Roy Bauberger.

Mrs. O'Connor concluded that the Flood Commission would continue to advise the Mayor and Council and support their efforts on flood mitigation work. She also expressed that those who need help and are willing to put in the time and effort would be welcome to help. There is a need for members and their assistance would be appreciated.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli and Talamini.

Councilman Visconti entered the meeting at 7:00 p.m.

APPROVE REQUEST OF FIRST AID SQUAD FOR PORTABLE SIGN

On motion of Councilman Kulmala, seconded by Councilman Pignatelli, approval be granted to the Oakland First Aid Squad to post a portable sign for the purpose of recruiting new members.

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

APPROVE RAFFLE LICENSE RL1224

On motion of Councilman Pignatelli, seconded by Councilman Jensen, approval be granted for Raffle License RL1224 for Midland Park High School Performing Arts to hold an on-premise 50/50 raffle on October 12, 2014 at Indian Hills High School, 97 Yawpo Ave.

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

RESOLUTION 14-198 AUTHORIZE AGREEMENT FOR INCLUSION IN COMMUNITY DEVELOPMENT

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

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended and HOME Investment Partnership Act of 1990, as amended; and Emergency Solutions Grant Act of 2012, and

WHEREAS, it is necessary to supersede an existing interlocal services cooperative agreement for the County and its people to benefit from this program; and

WHEREAS, an agreement has been proposed under which the Borough of Oakland and the County of Bergen in cooperation with other municipalities, will modify an Interlocal Services Program pursuant to N.J.S.A. 40:8A-1 et.seq.; and

WHEREAS, it is in the best interest of the Borough of Oakland to enter into such an agreement,

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Oakland that the agreement entitled "Three Year Cooperative Agreement": An Agreement Superseding the Cooperative Agreement dated July 1, 2000 – June 30, 2003, to clarify the planning and implementation procedures, and to enable the Municipality to make a Three Year irrevocable commitment to participate in the Community Development Program, the HOME Investment Partnership Act Program and the Emergency Solutions Grant program for the Program Years: 2015, 2016, 2017 (July 1, 2015 – June 30, 2018) to be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately in accordance with law.

ROLL CALL: Yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.
Abstain, Councilman Visconti.

RESOLUTION 14-200 AUTHORIZE HIRE PART-TIME CLERK TYPIST

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

WHEREAS, there is a need to hire a part-time Clerk Typist to assist the Court Administrator with daily operation of the office; and

WHEREAS, the Municipal Court Judge and Court Administrator have interviewed candidates and recommend the hiring of Tracy Willis for the position; and

WHEREAS, the Borough Council believes such action to be in the best interest of the Municipal Court and the community;

NOW, THEREFORE, BE IT RESOLVED that the Borough hires Tracy Willis as a part-time Clerk Typist with an hourly rate of \$20.00 per hour for up to twenty-five (25) hours per week effective August 28, 2014.

ROLL CALL: Yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.
Abstain, Councilman Visconti.

RESOLUTION 14-201 AUTHORIZE RECREATION REFUNDS

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

WHEREAS, the Borough of Oakland has received requests for refunds of Summer Basketball, Cheerleading, Flag Football and Soccer Registration Fees in the amount of \$529.00; 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 refunds as follows:

Cindy Martinez, 13 Winding Ridge, Oakland, NJ 07436 refund due \$90.00
Teri-Anne Foster, 77 Seminole Ave., Oakland, NJ 07436 refund due \$88.00
Denyse Roy, 12 Silver Birch, Oakland, NJ 07436 refund due \$88.00
Terri Rampone, 83 Martha Place, Oakland, NJ 07436 refund due \$88.00
Jennifer Godfrey, 6 West Court, Oakland, NJ 07436 refund due \$50.00
Tom Allen, 125 Iroquois Ave., Oakland, NJ 07436 refund due \$75.00
Melissa Hernandez, 33 River Road, Oakland, NJ 07436 refund due \$50.00

ROLL CALL: Yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.
Abstain, Councilman Visconti.

RESOLUTION 14-202 DEDUCT CHANGE ORDER-TEKTON

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

WHEREAS, on August 25, 2012, a contract was awarded to Tekton Development Corp. for the renovations and additions to the DPW facility in the amount of \$2,579,000; and

WHEREAS, requests were made for the following Change Order:
Change Order 36 Contract price reduction for additional
costs incurred by Borough

\$-3,724.00

WHEREAS, the Change Order has been reviewed and recommended by the Borough's architect, Keith Lesser of S&L Architecture Studio LLC;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Change Order 36 for a contract price reduction of \$-3,724.00 to Tekton Development Corp.

ROLL CALL: Yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.
Abstain, Councilman Visconti.

RESOLUTION 14-203 AUTHORIZE CONTRACT AMENDMENT-EPIC

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

WHEREAS, a contract was issued to Epic Management, Inc. of Piscataway New Jersey for Owner's Representative Services for the DPW Building Renovation Project and the contract is due to expire on July 9, 2014; and

WHEREAS, it is necessary to amend Epic's contract in order to extend an additional month to continue providing needed services while construction continues; and

WHEREAS, the cost for the additional services required is \$2,604.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-663-100;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council hereby authorize the amendment to Epic Management's contract for an additional month to August 9, 2014.

ROLL CALL: Yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.
Abstain, Councilman Visconti.

RESOLUTION 14-204 AUTHORIZE CONTRACT AMENDMENT- S & L

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

WHEREAS, a contract was issued to S&L Architecture for the DPW Building Renovation Project; and

WHEREAS, it is necessary to amend S&L Architecture Studio's contract by an additional \$1,120.00 to continue providing needed services while construction continues; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-663-100;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the amendment to S&L Architecture Studio's contract for the period of July 1 through July 31, 2014 at a total cost of \$1,120.00.

ROLL CALL: Yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.
Abstain, Councilman Visconti.

RESOLUTION 14-205 AUTHORIZE LIQUOR LICENSE TRANSFER

On motion of Councilman Jensen, 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. 0242-33-007-011 presently in the name of Valen Associates LLC heretofore located at 20 Elm Street, Oakland, New Jersey to the corporation known as PCJJ, LLC located at the same address.

WHEREAS, an application for such Person-to-Person Transfer has been published in The Record on July 25, 2014 and August 1, 2014; and

WHEREAS, the Division of Alcoholic Beverages Control has requested that a resolution be 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: Yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.
Abstain, Councilman Visconti.

WORK SESSION AGENDA ITEMS:

GRANT AGREEMENT WITH BERGEN COUNTY AND RAMAPOUGH CONSERVANCY FOR VAN ALLEN HOUSE:

Mr. Kunze informed council that a grant agreement has been approved between Ramapough Conservancy, Bergen County and Oakland matching a grant award of \$225,000 for the restoration of the Van Allen House. The improvements would include restoring the Van Allen House back to a 20th Century style.

PROPOSAL FROM S & L ARCHITECTS FOR INTERIOR RENOVATIONS AT FIRE CO.#2:

Mr. Kunze informed council that he received proposals S&L Architects for the interior renovations to Fire Co. #2 to accommodate the new fire truck which to be delivered by the end year.

COUNCIL REPORTS:

Councilman Kulmala announced that the Planning Board had a productive meeting the week before resulting in approval for two homes in the flood plain to be lifted out of the flood elevation.

Councilman Visconti announced that he had re-organized the liaison placement as follows: himself as liaison for Water and Sewer, Councilman Talamini liaison for the Board of Education, Councilman Kulmala liaison for Operations of Emergency Management and Councilman Pignatelli is liaison for Department of Public Works.

Councilman Pignatelli announced that Bergen County Campgaw Reservation is hosting a collection of household hazards such as paint, gas, etc. The event is scheduled for Saturday, September 6, 2014 between the hours of 9 am to 3 pm.

Councilman Jensen had nothing to report.

Councilwoman Coira had nothing to report.

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

BILLS TO BE PAID:

On motion of Councilman Jensen, seconded by Councilman Kulmala, 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 Coira, Jensen, Kulmala, Pignatelli, Talamini, Visconti.

MEETING ADJOURNED:

On motion of Councilman Jensen, seconded by Councilman Pignatelli, the meeting be adjourned at 7:15 pm.

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

Kathlyn Gurney, Deputy Borough Clerk
September 23, 2014

Mayor Linda H. Schwager

Date Approved