

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

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Coira, 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, Negotiations
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, Pignatelli, Talamini, Visconti.

Discussion ensued over negotiations with Universal Broadcasting and with recycling marketers.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:33 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini, Visconti. Absent: None. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Steven Muhlstock, 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.

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**PRESENTATION BY LAND CONSERVANCY:**

Aaron Cela of the Land Conservancy of New Jersey was in attendance to discuss application for the second phase of the flood buyout program. He explained that the Land Conservancy was hired by the Borough of Oakland to help coordinate their open space program. More specifically, they were working on a flood buyout and expansion of the Truman field through an application to Bergen County for open space funding. Oakland was awarded approximately \$ 1.4 million. The Land Conservancy is hoping the Borough continues with the program and tries to get more money for flood buyouts. Mr. Cela explained that Bergen County created a new flood buyout program this year. When the Borough first came up with the idea for these flood buyouts, there was no program in Bergen County for flood buyouts. The Land Conservancy came up with the idea to apply for open space funding instead and to request 75% of the acquisition costs instead of the normal 50%. After approving Oakland's application, Bergen County decided to create a flood buyout program. One requirement of the new flood buyout program is that a floodplain action plan needs to be created. That plan includes extensive mapping and analysis. The plan would be confidential. Once completed, the Borough can use the analysis in the plan to determine the next step in the flood buyouts. The deadline for the grant application is October 31<sup>st</sup>. If the Mayor and Council want to proceed, the floodplain action plan would need to be done immediately. The Land Conservancy can do the plan but the work is outside the scope of their original contract. This is the first plan to be done in the County and the Land Conservancy will work closely with Bergen County. Until the floodplain action plan is written, the Mayor and Council cannot decide what to apply for. The plan and application is due on October 31<sup>st</sup>. The County may give leeway on the October 31<sup>st</sup> application deadline.

Councilman Pignatelli commented that the last time the Borough applied to the County, we were the only applicant. He is sure this grant will be more competitive this year. Mr. Cela responded that he spoke with the County and they indicated that not many towns have expressed interest in the program. Councilman Pignatelli asked if the Borough would be looked upon favorably since we have already received funding from the County. Mr. Cela responded that if we have a good working relationship with the County, they would work favorably with the Borough. Councilman Pignatelli asked how much funding is available. Mr. Cela responded there is plenty of funding and he believes that the Borough will apply for a similar amount as last year's application. He explained that the County is looking for contiguity in their applications. They do not want checkerboarding of properties. The County wants to consider floodplain health. This program is about restoring the floodplain and helping the town as a whole. Councilman Jensen asked for clarification that there is a method to the funding and the Borough cannot just pick

individual homes for the application. Mr. Cela responded that it would be hard to convince the County to purchase individual properties.

Councilman Visconti advised that the plan will be a holistic view of the entire Borough. It will look at what the Borough can do in future years. Mr. Cela advised that once the plan is done, the Borough can decide where to focus attention. Councilman Visconti asked if Mr. Cela has reached out to the Flood Commission. They are involved in the CRS program right now so there may be some data that the consultant accumulated that can be used in the floodplain plan. Mayor Schwager suggested Mr. Cela should contact the Flood Commission Chairman. Mr. Kunze responded that he advised Mr. Cela that he needed to involve the Flood Commission on this project. Mayor Schwager asked if there will be enough time to meet the October 31<sup>st</sup> application deadline if the Mayor and Council authorize Land Conservancy at the next meeting to prepare the floodplain plan. Mr. Cela responded there was enough time. Mr. Kunze asked Mr. Cela to explain why the document will be confidential. Mr. Cela responded that a lot of the data that goes into the mapping and analysis is FEMA data. FEMA has strict confidentiality requirements. Councilman Kulmala commented that the Land Conservancy will be getting information from FEMA and not contacting homeowners.

#### **MOTION TO AUTHORIZE LAND CONSERVANCY TO PREPARE FLOODPLAIN PLAN**

On motion of Councilman Pignatelli, seconded by Councilman Jensen, authorization be granted to The Land Conservancy of NJ to prepare a floodplain action plan for the Borough of Oakland.

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

Dot O'Connor, Hemlock Street and member of Flood Commission, advised that there has been a lack of understanding as to what Oakland has done on flooding issues. She advised that Oakland was considered a weekend getaway years ago and people came to vacation in summer cottages. As years went on and there was a shortage of homes, these summer cottages became year-round homes. The river changed along with the demographics of Oakland. A flood that occurred in the 1960's was different from previous floods. The Flood Commission was established in the 1970's and Mrs. O'Connor has been a member since inception. Countless hours were spent researching flooding issues and potential solutions. In 1976, legislation was passed which included funding for flood control projects. She spoke of the history of the Army Corps of Engineers project for installation of floodgates at the Pompton Lakes dam. That project, which began in 2003, included installation of the floodgates, widening of the Doty Road bridge and deepening of the river. Around that time, Lew Levy joined the Flood Commission and has also put in countless hours. Mrs. O'Connor has been asked to serve on New Jersey's Flood Task Force and Lew Levy has established a good working relationship with local, State and Federal officials. She advised that what has been achieved so far has been done through a bipartisan partnership sponsored by Municipal officials and State and Federal agencies. She thanked First Responders for their work over the years with flooding and especially thanked Roy Bauberger. She spoke about the work the Flood Commission is doing today with the Community Rating System project. None of the work of the Flood Commission could be accomplished without the unwavering efforts of the volunteers and the support of every Mayor and Council. She suggested that those residents who have complained in the past should volunteer their time and help the efforts of the Flood Commission.

#### **BERGEN COUNTY PARK IMPROVEMENT GRANT APPLICATION:**

Mike Guadagnino, Chairman of the Oakland Recreation Commission and the Park Committee, came before the Mayor and Council to discuss the grant application for the Bergen County Park

Improvement Program. He advised that the Recreation Commissioners would like to apply for dugouts for Fields 3 and 9 because they get a lot of sun and there is no protection. The Recreation Commission researched the best type of dugout which is modern and aesthetically pleasing. Mr. Guadagnino spoke with DPW Superintendent Marcucilli and Mr. Marcucilli thought the DPW could do the construction of the dugouts. Mr. Guadagnino advised that the Borough will request \$19,480 from the County. The rest of the money for the dugouts will come from the Recreation Trust Fund. He is looking for approval from the Mayor and Council to proceed with the grant application. The consensus of the Council was to move forward with the application. Mr. Kunze advised that a public hearing will be required for the application as well as a resolution to endorse the application.

#### MAYOR'S REPORT:

Mayor Schwager advised that former Postmaster Frank Leone passed away. He was the last Postmaster that was appointed by a President of the United States. He was a former Councilman, former Fire Chief and former OEM coordinator. He will be missed. She offered sincere condolences to his family. Mayor Schwager advised that a new wellness program, Shape Up Oakland, will kick off on September 27<sup>th</sup>. Shop Rite is the sponsor of the program. It will be a 10-week program to help Oakland residents have healthier lives. Mayor Schwager advised that on October 8<sup>th</sup>, the Community of Commerce and Oakland-Franklin Lakes Rotary will sponsor Oakland Cruise Night at the Copper Tree Mall. Mayor Schwager advised residents that garbage is still being collected two days per week. She will announce at the next meeting when that will change to once per week pickup.

#### OPENED FOR PUBLIC DISCUSSION:

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

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

Ed Hudzina, 576 Ramapo Valley Road, advised that the State had Blue Acres funding through Hurricane Sandy so individual homeowners can apply for their own funding. He commented that there is a problem with traffic in town. The lights at Franklin Avenue and Courthouse Place are in different synch modes. Mayor Schwager responded that one of her issues has always been about the traffic lights. She was able to get the lights synched between Franklin Avenue and Courthouse Place. However, the light at Courthouse Place is controlled by the exit ramp of Route 287. She explained that when a certain amount of cars are on the exit ramp, it triggers the light. It takes three cycles to get back to synch. She advised that nothing can be done with the light at West Oakland Avenue. Mr. Hudzina gave suggestions about changing the lead green at Courthouse Place going north on Ramapo Valley Road.

Don Sena, 47 Thackeray Road, commented that the Environmental Commission has submitted their report to the Mayor and Council on the Pilgrim Pipeline project. He wants to request this be put on the next agenda. Mayor Schwager advised that the Environmental Commission is coming to the next Council meeting to present their report.

Jerome Wagner, Wayne, advised he is an Environmental Engineer that is concerned with climate change. There will be a march in New York on September 21<sup>st</sup>.

**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.

**APPROVAL OF MINUTES: AUGUST 13, 2014**

On motion of Councilman Jensen, seconded by Councilwoman Coira, the minutes from the Mayor and Council meeting of August 13, 2014 be approved.

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

**APPROVAL OF MINUTES: AUGUST 13, 2014 EXECUTIVE SESSION**

On motion of Councilman Jensen, seconded by Councilwoman Coira, the minutes from the Mayor and Council Executive Session of August 13, 2014 be approved.

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

**APPOINTMENT TO PUBLIC EVENTS COMMITTEE:**

Mayor Schwager brought forth the nomination of Joseph Ingle to fill an unexpired term on the Public Events Committee.

On motion of Councilman Jensen, seconded by Councilwoman Coira, the Council consented to the appointment of Joseph Ingle to fill the unexpired term of Pat Tirri which is due to expire on December 31, 2015.

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

**APPROVE RAFFLE LICENSE RL1225**

On motion of Councilman Jensen, seconded by Councilwoman Coira, approval be granted to Raffle License RL1225 to hold an off-premise 50/50 raffle on December 19, 2014 at the Knights of Columbus, 7 Courthouse Place.

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

**RESOLUTION 14-206 AUTHORIZE GRANT AGREEMENT**

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

WHEREAS, the Borough of Oakland is the owner of property located at 3-5 Franklin Avenue, Oakland, New Jersey, which property is leased to the Ramapough Conservancy; and

WHEREAS, the Bergen County Board of Chosen Freeholders has granted approval to the Ramapough Conservancy for a matching grant award in the amount of \$225,000.00 for restoration of the Van Allen House located on the property; and

WHEREAS, the Borough of Oakland, as owner of the property, is required to execute the Grant Agreement between the Borough, the County of Bergen and the Ramapough Conservancy with respect to this grant; and

WHEREAS, the Mayor and Council of the Borough of Oakland have determined that it is in the best interest of the Borough to authorize the execution of the 2013 Grant Agreement, which has been provided by the County of Bergen.

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 2013 Grant Agreement in the form annexed to this Resolution.
2. Such execution of the Agreement shall only be limited to the Van Allen House and not any other structure that may be associated with the site.
3. Certified copies of this Resolution shall be provided to the County of Bergen and the Ramapough Conservancy

Councilman Jensen asked if anyone researched if we can limit the Agreement. Mayor Schwager responded that we are researching but are attempting to limit to Van Allen House. Councilman Pignatelli asked if the Borough can subdivide the property and remove the Stream House from the Van Allen House property. Mayor Schwager responded that the attitude of the County is that they won't give us money for the Van Allen House if we do anything to the Stream House. Councilman Visconti advised that the whole site is historic. It is very difficult to separate the the Stream House.

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

#### RESOLUTION 14-207 AUTHORIZE S & L ARCHITECT FOR FIRE COMPANY #2 RENOVATIONS

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

WHEREAS, there is a need to renovate Fire Company #2 in order to accommodate the new fire truck; and

WHEREAS, S&L Architecture Studio has submitted a proposal dated July 10, 2014, for the architectural service required for the project broken down as follows:

Phase 1 – Schematic Design	\$2,000.00
Phase 2 – Construction Documents	\$3,500.00
Phase 3 – Construction Administration	\$2,000.00

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 \$7,500.00 for architectural services for the renovation for Fire Company #2 as specified in their July 10, 2014 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.

Councilman Visconti asked if the proposal includes engineering or mechanical work. Mr. Kunze responded that Mr. Lesser had indicated it is supposed to be all inclusive.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 14-CODE-703

The Clerk was directed to take from the table Ordinance No. 14-Code-703 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"

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

On motion of Councilman Jensen, seconded by Councilman Kulmala, 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", 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: Yeas, Councilmembers Coira, Jensen, Kulmala, Talamini, Visconti.  
Nay, Councilman Pignatelli.

**WORK SESSION:**

**BMED RENEWAL:**

Mr. Kunze explained that it is time to renew membership in the BMED. He advised that the Borough moved to the BMED in 2012. It has been a successful arrangement for the Borough. A resolution will be listed on the next agenda.

**BOSWELL PROPOSAL FOR HMGP ENERGY RELIANCE GRANT PROGRAM**

Mr. Kunze explained that the Borough is in line to receive a \$ 75,000 OEM grant for generators. He explained that it is now time to submit the full application. The Borough is in need of assistance from the Borough Engineer to prepare the application. Borough Engineer Rebecca Mejia explained that the FEMA deadline is October 29<sup>th</sup> but the State has set a soft deadline of October 1<sup>st</sup> so there is a need to expedite this. A resolution will be listed on the next agenda.

**NJDOT MUNICIPAL AID GRANT:**

Mr. Kunze advised that this year we are going to apply for the remainder of Page Drive. We think that is a strong application. Ms. Mejia explained this would be for Page Drive from Winters Street to the dead end. It is slightly over one-half of a mile. Mayor Schwager asked that all homeowners be given sufficient notice before any work is done.

**NEW BUSINESS:**

Councilman Visconti advised that the Water and Sewer Committee met today. Boswell and the engineers for the NWBCUA are comparing maps before we go to the DEP. That is the first step before we can enter into an agreement. Councilman Visconti advised that the Borough has a surplus of water of 25%. Engineer Kevin Boswell asked if the Borough would consider selling that to another user. We would never threaten the Borough's water supply. However, infrastructure would need to be improved. Councilman Visconti advised there are grants available that the Borough may be able to use for other items such as meter replacements and possibly a street sweeper.

**COUNCIL REPORTS:**

Councilman Talamini: He spoke to the school superintendents and the first day of school went well. The K-8 schools had a renovation to the Heights school library. The Ramapo Indian Hills district replaced windows, carpets and refurbished bathrooms. Indian Hills High School is celebrating its 50<sup>th</sup> anniversary and will be holding events throughout the year. He spoke of new security procedures being put in place.

Councilman Kulmala: The Planning Board heard two applications last month to raise homes on River Road. They will hear more applications tomorrow to raise houses. The OCC meeting will be held on September 17<sup>th</sup>. The town is in line to receive a \$ 75,000 grant for generators. OEM will hold a drill this fall.

Councilman Visconti: The Flood Commission met Monday. The flood level has changed so that will help all people in Oakland. The Park Committee is continuing with projects. A small miniature golf course was discovered at the site and is being excavated.

Councilman Pignatelli: He attended the Environmental Commission meeting in August. He pushed them to speed up their report on the Pilgrim Pipeline project. The Environmental

Commission was told to come to the next meeting but the issue needs to be pushed so that the DEP knows our opinion.

Councilman Visconti asked if we should invite Pilgrim Pipeline representatives to come to the next meeting to have both sides of the discussion. Councilman Pignatelli commented that the last time Pilgrim came to a meeting, they did not want to give information. Councilman Kulmala asked if we know of the filing timeline. Councilman Pignatelli responded that Pilgrim Pipeline said they would file in September or October. Councilman Kulmala asked if we can find out what the process is. Mr. Kunze responded that he can reach out to the DEP to see if Pilgrim filed paperwork yet. He advised that whether or not they filed, there is always an extensive public comment period. We are not under a deadline to get our opinion to the DEP yet.

Councilman Pignatelli advised that the First Aid Squad will hold its 60<sup>th</sup> Anniversary celebration on October 4<sup>th</sup> at 3 pm. He will meet with the Board of Health and Senior Citizens tomorrow. The Fire Department will hold a meeting next week. Mayor Schwager expressed disappointment that the First Aid Squad celebration is being held on the Jewish holiday of Yom Kippur.

Councilman Jensen: The Public Events will hold its Halloween Parade on October 25<sup>th</sup> at 10 am.

Councilwoman Coira: Recreation sign ups for winter sports will begin. Information will be posted on the Recreation website. Shade Tree Commission is in need of volunteers to help a few hours per week. Our recycling marketer is going out of business and it will affect recycling in Oakland. Mr. Kunze explained that it will not affect our collection. He advised that we did find another marketer. However, there will be revenue impacts. There will be changes in what plastic materials can be recycled. Information will be sent to residents.

Councilman Kulmala advised there was an incident last Friday where a firefighter had to go to the hospital. Everyone is doing well.

#### 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 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 Coira, Jensen, Kulmala, Pignatelli, Talamini, Visconti.

MEETING ADJOURNED:

On motion of Councilman Visconti, seconded by Councilman Kulmala, the meeting be adjourned at 9:02 pm.

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

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Lisa M. Duncan, Borough Clerk  
September 23, 2014

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Mayor Linda H. Schwager

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Date Approved