

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY NOVEMBER 9, 2016

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Kulmala, seconded by Councilman Biale, 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:
Personnel
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

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

Discussion regarding personnel. 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.

MEETING CALLED TO ORDER: By Mayor Schwager at 7:32 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. Absent: Councilman Visconti. 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.

MOTION TO EXCUSE ABSENCE:

On motion of Councilman Talamini, seconded by Councilman Biale, the absence of Councilman Visconti be excused.

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

MAYOR'S REPORT:

Mayor Schwager congratulated everyone who ran in the election. It is a commitment to the community, the County and the Country. She congratulated Councilman Kulmala and Councilman-elect Knapp.

OPENED FOR PUBLIC DISCUSSION:

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

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

Frank Monaco, 60 Thackeray, congratulated Councilman Kulmala and Councilman-elect Knapp. He advised he will miss Councilman Jensen. He thanked the Mayor and Council for paving Thackeray. He spoke about an issue contacting Rockland Electric over a street light. Councilman Biale advised Mr. Monaco to call and report it to DPW. Mr. Kunze responded that it is actually handled by the Police Department. Councilman Biale asked Mr. Kunze if he heard from Rockland about the LED installation. Mr. Kunze will follow up.

Dave Richardson, 320 Ramapo Valley Road, asked where the boulders at the Recreation field are being put. Mr. Kunze responded that the boulders are for eventual placement in the river for the river restoration project. Mr. Richardson advised that the lights are on at the Recreation fields tonight and it is raining. Mayor Schwager asked Councilwoman Coira to bring this to the Recreation Commission.

Brian Tully, 26 Calumet Avenue, congratulated Councilman Kulmala and Councilman-elect Knapp and thanked Councilman Jensen for his service. He thanked the residents of the college streets for their hospitality on Halloween and he thanked the Police Department for keeping the kids safe on Halloween.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: OCTOBER 26, 2016

On motion of Councilman Biale, seconded by Councilman Talamini, the minutes from the Mayor and Council meeting of October 26, 2016 be approved.

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

APPROVAL OF MINUTES: OCTOBER 26, 2016 EXECUTIVE MINUTES

On motion of Councilman Biale, seconded by Councilman Talamini, the minutes from the Mayor and Council Executive Session of October 26, 2016 be approved.

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

APPROVE RAFFLE LICENSE RL1290

On motion of Councilman Biale, seconded by Councilman Kulmala, approval be granted to Raffle License RL1290 for Sports Association of Oakland to hold an off-premise 50/50 raffle on December 9, 2016 at the Oakland Recreation Field.

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

APPROVE RAFFLE LICENSE RL1291

On motion of Councilman Biale, seconded by Councilman Kulmala, approval be granted to Raffle License RL1291 for Indian Hills PTSO to hold on-premise 50/50 raffles on December 1st, 2nd, and 5th, 2016; March 31, 2017; April 20th, 21st, 22nd, 2017; May 19, 2017 at Indian Hills High School.

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

APPROVE SIGN REQUEST:

On motion of Councilman Biale, seconded by Councilman Kulmala, approval be granted for Community of Commerce to post a sign at Bush Plaza announcing the Toys for Tot event for December 3, 2017.

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

**RESOLUTION 16-212 AUTHORIZE AGREEMENT WITH BERGEN COUNTY
DEPARTMENT OF HEALTH SERVICES**

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

WHEREAS, the County of Bergen Department of Health Services promotes a broad use of services to reduce local expenses and coordinates and assures the preservation, protection and promotion of essential public health services and seek to assist municipalities with their public health obligations; and

WHEREAS, the Mayor and Council of the Borough of Oakland desires to avail the Borough of the services provided by the Bergen County Department of Health Services; and

WHEREAS, in order to participate in the services provided by the Bergen County Department of Health Services, the Borough must enter into a Public Health Shared-Services Agreement for the term of five years commencing on January 1, 2016 and expiring on December 31, 2020; and

WHEREAS, although the cost of the participation with the Bergen County Department of Health Services is not a fixed fee and will be adjusted from year to year based upon need and use of the services, the Mayor and Council feels that participation will reduce the cost of the Borough employing individuals to perform the same services; and

WHEREAS, the Borough of Oakland desires to enter into a shared service agreement which sets forth the obligations and responsibilities of each party, with the Bergen County Department of Health Services, as reviewed by the Borough Attorney, in the form attached to this Resolution.

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 shared service agreement in the form annexed to this Resolution.
2. Certified copies of this Resolution shall be provided to the County of Bergen, Department of Health Service, the Borough of Oakland Department of Health and Brian M. Chewcaskie, Borough Counsel.

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

RESOLUTION 16-214 APPOINT MUNICIPAL 9-1-1 COORDINATOR

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 ("Borough") is required pursuant to State law and the regulations of the State Department of Treasury to appoint a coordinator for the Borough's emergency telephone system ("9-1-1 System"); and

WHEREAS, the municipal coordinator of the 9-1-1 System is responsible for maintaining a plan for enhanced emergency services throughout the Borough and for developing such revisions to the plan as may be necessary for review by the Mayor and Council of the Borough; and

WHEREAS, the Borough is empowered by law to appoint and employ professionals, technical advisors and experts as the Borough may determine to be necessary for its efficient operation; and

WHEREAS, the Borough has received a written recommendation from Chief Edward Kasper of the Oakland Police Department, requesting the appointment of Keith Docwra as the municipal coordinator of the 9-1-1 System; and

WHEREAS, the Mayor and Council of the Borough are desirous of appointing Keith Docwra to serve as municipal coordinator for the 9-1-1 System in accordance with the requirements and procedures mandated under N.J.S.A. 52: 17C-1 et seq., and N.J.A.C. 17:24-5.,1 et seq.,

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

1. That Keith Docwra of the Oakland Police Department is hereby appointed to serve as the municipal coordinator for the Borough's 9-1-1 System.
2. That Keith Docwra shall perform all such duties and carry out all of the responsibilities as set forth in the existing plan for enhanced emergency services throughout the Borough and in accordance with the requirements and procedures mandated under N.J.S.A. 52: 17C-1 et seq., and N.J.A.C. 17:24-5.,1 et seq.,
3. That no further action of the Borough shall be required.

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

RESOLUTION 16-215 CANCEL TAXES-66 ROOSEVELT BLVD.

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 purchased the property located at Block 1605, Lot 3 and more commonly known as 66 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 November 3, 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 in the amount of \$934.66 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 in the amount of \$ 934.66 with respect to the property located at Block 1605, Lot 3, commonly known as 66 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.

INTRODUCTION: ORDINANCE NO. 16-CODE-747 AMEND SIGN ORDINANCE

The Clerk was directed to take from table Ordinance No. 16-Code-747 and read by title for its first reading.

The Clerk then read by title Ordinance No. 16-Code-747 entitled: " AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF OAKLAND, CHAPTER 59, "LAND USE AND ZONING", ARTICLE VII, "ZONING", TO ADD THE DEFINITION OF NONCOMMERCIAL SIGNS AND TO PERMIT TEMPORARY SIGNS IN THE BOROUGH OF OAKLAND, AND TO AMEND THE REQUIREMENTS FOR LIGHTING AND ILLUMINATION OF SIGNS.

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 To Amend And Supplement The Code Of The Borough Of Oakland, Chapter 59, "Land Use And Zoning", Article Vii, "Zoning", To Add The Definition Of Noncommercial Signs And To Permit Temporary Signs In The Borough Of Oakland, And To Amend The Requirements For Lighting And Illumination Of Signs", be introduced;

That said Ordinance be considered for final adoption at a meeting on November 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 November 12, 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, Jensen, Kulmala, Talamini.

FINAL PUBLIC HEARING: ORDINANCE NO. 16-CODE-746 SOLAR PANEL

The Clerk was directed to take from the table Ordinance No.16-Code-747 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF OAKLAND, CHAPTER 59, "LAND USE AND ZONING", TO AMEND AND SUPPLEMENT SECTION 59-66.6, "SOLAR PANEL INSTALLATION" TO REGULATE THE INSTALLATION OF SOLAR PANELS."

OPENED FOR PUBLIC DISCUSSION:

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

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

Dave Richardson, 320 Ramapo Valley Road, asked if this is for residential properties. Mr. Chewcaskie explained that years ago, the Mayor and Council enacted an ordinance that had a zoning and construction standard. Since then, the State has adopted a new Building code with regard to solar panels. This repeals the sections of our ordinance that go against the State Building code.

Bob Knapp, 38 Lakeshore Drive, was involved in writing the solar panel ordinance. He does not agree with changing the ordinance. This is a major safety issue for firefighters. Mr. Chewcaskie advised that the Department of Community Affairs scrutinized our ordinance. The State Building code supercedes the Borough's ordinance. The only way to address Mr. Knapp's concerns is to amend the State code. Mr. Chewcaskie advised that the Construction Code Official can be disciplined by the DCA for following our ordinance instead of State code. Mr. Kunze advised that Construction Official Dan Hagberg provided an analysis of the State Code vs. the Borough's code for the Governing Body. Mr. Kunze read the following from Mr. Hagberg's analysis: "Section 605.11.3.2.1 of the 2012 International Fire Code Residential buildings with hip roof layouts shall be located in a manner that provides a 3- foot- wide clear access pathway from the eave to the ridge on each roof slope where panels/modules are located. The access pathway shall be located at a structurally strong location on the building capable of supporting the live load of a firefighter accessing the roof. Roofs of less than 2:12 pitch are exempt from this requirement."

Mr. Knapp advised that not all roofs are hip roofs. He asked if a group can be put together to appeal to the State. Mr. Chewcaskie advised that there have been requests made in the past by local officials where the code does not work and then the State has made exemptions.

CLOSED FOR PUBLIC DISCUSSION:

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

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

On motion of Councilman Biale, 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 The Code Of The Borough Of Oakland, Chapter 59, "Land Use And Zoning", To Amend And Supplement Section 59-66.6, "Solar Panel Installation" To Regulate The Installation Of Solar Panels, be adopted;

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

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

WORK SESSION:

SHARED SERVICE AGREEMENTS WITH NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

Mr. Chewcaskie recused himself at 8:05 pm. Mr. Kunze advised that these two shared service agreements expire on December 31, 2016. The DPW Superintendent has advised that prices are

competitive and he recommends renewal of the agreements. A resolution will be listed on the next agenda.

Mr. Chewcaskie re-entered the meeting at 8:06 pm.

RESOLUTION SUPPORTING INVESTMENT LEGISLATION:

Mr. Kunze explained that the Joint Insurance Fund has requested that we pass a resolution supporting S-2663. This proposed legislation would permit JIFs to invest in debt obligations of other organizations in New Jersey and at the federal level which carry a low level of risk. Based on current interest rates, it is estimated that the change would increase the JIFs annual investment income by some \$ 10 million.

ROOSEVELT BLVD PHASE 2 DUE DILIGENCE PROPOSALS:

Mr. Kunze advised that the Land Conservancy has solicited proposals for the “due diligence” work required in order to proceed with Phase 2 of the Roosevelt Blvd flood buyouts. This work covers title searches, surveys and preliminary environmental assessments. The recommended firms will be Title Lines for the title searches at a cost of \$ 7,363; Dykstra Walker Design Group for the Surveys at a cost of \$ 6,500; and Boucher and James for the preliminary environmental assessments at a cost of \$ 6,247. The prices are based on the firms performing work on all seven properties. However, at this point only two of the seven property owners have signed contracts for sale. We will award these contracts in the future when we have commitments from all the property owners.

COUNCIL REPORTS:

Councilwoman Coira: No report. She congratulated Councilman Kulmala and Councilman-elect Knapp and she thanked Councilman Jensen for his service.

Councilman Jensen: The Planning Board will meet on November 10th. The Wawa application is not being heard. It will be possibly going to the Zoning board in December. The next Board of Adjustment meeting will be held November 15th at 8 pm.

Councilman Biale: The Water and Sewer Committee met on October 28th. There are many obstacles to getting sewers. He congratulated Councilman Kulmala and Councilman-elect Knapp and he thanked Councilman Jensen for his service.

Councilman Kulmala: He attended the First Aid Squad meeting. The new 2016 ambulance was delivered two weeks ago. It should be in service in another two weeks. The First Aid members have spent 94 member hours on calls. The DPW worked with Boswell Engineering to realign the parking lots at the Recreation fields. Councilman Kulmala thanked everyone for their support in the election.

Councilman Talamini: He congratulated Councilman Kulmala and Councilman-elect Knapp and he thanked Councilman Jensen for his service. The Board of Health meets on November 22nd. The schools are closed Thursday and Friday for Teachers’ convention. The survey for the school board election is closed. Councilman Talamini wants to set up a meeting with the Board of Education to discuss the results of the survey. The Halloween Parade was great. He thanked Peter Kikot for setting up the maze. He thanked the DPW and the members of the Public Events Committee for all their work. The DPW did a great job realigning the Recreation parking lot.

Councilman Biale commented that the lights in the Post office parking lot are out at night. He thinks they should be on.

Mayor Schwager reminded residents that Friday is Veterans Day. It is held on the 11th day of the 11th month. There will be a ceremony at 11 am at Veterans Park.

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments.

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, Jensen, 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, Jensen, Kulmala, Talamini.

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Talamini, the meeting be adjourned at 8:17 pm.

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

Lisa M. Duncan, Borough Clerk
December 7, 2016

Mayor Linda H. Schwager

Date Approved