

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY DECEMBER 7, 2016

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Biale, 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:
Ramapough Conservancy; 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, Kulmala.

Discussion ensued over Ramapough Conservancy and personnel matters. Councilman Talamini entered at 7:15 pm. 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, Kulmala, Talamini.

MEETING CALLED TO ORDER: By Mayor Schwager at 7:31 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Coira, Kulmala, Talamini. Absent: Councilmembers Jensen, 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 ABSENCES:

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

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

MAYOR'S REPORT:

Mayor Schwager advised that today is Pearl Harbor Day and it is the first year that both the U.S. and Japan are observing. This Council is made up of different parties but we all work together. She read an email from the Fire Chief about the rescue of an autistic male from the Ramapo Park woods. She advised that the Fire Department was also dispatched to assist with a suicidal female on the 287 bridge in Wanaque. Mayor Schwager advised that the Public Events Committee did an outstanding job with the Tree and Menorah Lighting ceremony. She thanked Councilman Talamini's daughter Gabriella for helping to light the tree. Mayor Schwager asked anyone who is interested in being appointed to any Board, Commission or Committee to fill out a Citizens Leadership Form.

PRESENTATION REGARDING BUSH PLAZA

Mike Guadagnino, Recreation Chairman, and Peter Kikot, head of Community of Commerce, presented an idea to create a pedestrian park called Station Park on the site of the 1871 Oakland Railroad station which is currently called Bush Plaza. This would be the start of the revitalization of the downtown. Design elements of the new park will include a four-sided clock, decorative safety fence along the railroad, an electronic town bulletin board, period lighting and benches. They will seek funding from donations, grants and fundraising. Mr. Kikot showed a video presentation of the proposed design.

Councilman Biale commented that this project is something we can all be proud of. Councilman Kulmala commented this is a wonderful idea and it starts to develop the downtown focal point. Mr. Guadagnino advised that this idea was started by resident Kevin Heffernen. Mayor Schwager advised there are great people working on this project. Mr. Kunze commented that if the Governing Body wishes to endorse the project, we need to have discussions with the Borough Engineer, Borough Planner, Emergency Services, etc.

MOTION TO ENDORSE STATION PARK PROJECT:

On motion of Councilman Biale, seconded by Councilman Kulmala, the Governing Body endorses the Station Park project.

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

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, Kulmala, Talamini.

Peter Kikot, 20 Minnehaha Blvd, the Community of Commerce is in its fifth year. The Shred It and Shed It event was held this past Saturday to help raise awareness for mental health. He thanked everyone involved. He does not like that Oakland residents cannot recycle shredded documents. Oakland residents donated almost 4,000 toys for Toys for Tots. Next year, the Marine Corps will make the stop in Oakland longer since it is so successful.

Brian Tully, 26 Calumet Avenue, asked if there is anything new on the dispatch issue. Mayor Schwager advised that there has been some talks but nothing is moving forward. Mr. Tully asked for the timeline. Mayor Schwager advised that there has just been an informational meeting held with Franklin Lakes. There is no timeline.

Andrew Gargano, West Milford, questioned sewers coming to town. Councilman Biale responded that the Water & Sewer Committee just held a meeting to map out the system. Mr. Kunze responded that the Borough is in negotiations with the regional sewer authority and the DEP.

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, Kulmala, Talamini.

APPROVAL OF MINUTES: NOVEMBER 9, 2016

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council meeting of November 9, 2016 be approved.

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

APPROVAL OF MINUTES: NOVEMBER 22, 2016

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council meeting of November 22, 2016 be approved.

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

APPROVAL OF MINUTES: NOVEMBER 9, 2016 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of November 9, 2016 be approved.

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

APPROVAL OF MINUTES: NOVEMBER 22, 2016 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of November 22, 2016 be approved.

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

APPROVE RAFFLE LICENSE RL1292

On motion of Councilman Biale, seconded by Councilman Kulmala, approval be granted for Raffle License RL1292 for Gerrard Berman Day School to hold an off-premise raffle for merchandise on March 22, 2017 at 45 Spruce Street.

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

APPROVE RAFFLE LICENSE RL1293

On motion of Councilman Biale, seconded by Councilman Kulmala, approval be granted for Raffle License RL1293 for Indian Hills High School PTSO to hold an on-premise raffle for merchandise on January 25, 2017 (snow date February 8, 2017) at 97 Yawpo Avenue.

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

APPROVE RAFFLE LICENSE RL1294

On motion of Councilman Biale, seconded by Councilman Kulmala, approval be granted for Raffle License RL1294 for Indian Hills High School PTSO to hold an on-premise 50/50 on January 25, 2017 (snow date February 8, 2017) at 97 Yawpo Avenue.

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

RESOLUTION 16-190 AUTHORIZE GRANT FUNDING AGREEMENT

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

WHEREAS, the Van Allen House is: (a) owned by the Borough of Oakland; (b) located at 3-5 Franklin Avenue, Oakland, NJ (Tax Map Lot 1 in Block 4601); and (c) is listed on the New Jersey Register of Historic Place and/or has received a Certification of Eligibility for listing on the New Jersey Register of Historic Places; and

WHEREAS, on or about July 25, 2012, the Borough entered into a lease with the Ramapough Conservancy for the nonprofit's preservation of the Van Allen House; and

WHEREAS, the County of Bergen approved two Bergen County Open Space, Recreation, Floodplain Protection, Farmland, and Historic Preservation Trust Fund (the "Bergen County Open Space Trust Fund") grant awards to the Ramapough Conservancy in the amount of \$225,000 for roof restoration and \$150,000 for interior restoration of the Van Allen House; and

WHEREAS, on November 22, 2016, the Borough of Oakland adopted Resolution 16-221 terminating the Van Allen House lease with the Ramapough Conservancy and in the absence of lease the Conservancy has no standing to complete the work; and

WHEREAS, the Mayor and Council deems it in the best interests of its citizens to complete the restoration of the Van Allen House.

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

- a. The Borough requests the County's transfer of the Bergen County Open Space Trust Fund grant awards for: (i) the *Van Allen House Historic Roof Restoration* and the *Van Allen House Interior Restoration* to the Borough of Oakland; and (ii) requests the continuation of the 25% cash match contribution with a 75% reimbursement for work approved by the County for these historic preservation projects; and
- b. The Borough accepts responsibility for: (i) the administration of grant funds including but not limited to the payment of bills and requests for grant reimbursement pertaining to the *Van Allen House Historic Roof Restoration* grant; and (ii) requests the transfer of the grant for the *Van Allen House Interior* and accepted the responsibility for the administration of grant funds including but not limited to the payment of bills and requests for grant reimbursement; and
- c. The Mayor and Borough Clerk are hereby authorized to execute these Open Space Trust Fund Grant Agreements on behalf of the Borough of Oakland.
- d. A true copy of this Resolution shall be provided to the County of Bergen and the Ramapough Conservancy.

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

RESOLUTION 16-222 HIRE DPW LABORER

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

WHEREAS, the Borough of Oakland has a vacant full-time position in the Department of Public Works; and

WHEREAS, the Borough Administrator and Superintendent of Public Works recommend that Zachary Sirgant be appointed to fill the full-time vacancy; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Borough does hereby hire Zachary Sirgant as a laborer in the Department of Public Works effective December 12, 2016, at an annual salary of \$33,435.00.

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

RESOLUTION 16-223 AUTHORIZE GIS DATA EXCHANGE AGREEMENT

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

WHEREAS, the Borough of Oakland wishes to enter into a GIS Data Exchange Agreement with the County of Bergen; and

WHEREAS, the exchange and sharing of GIS Data serves a public purpose in that it facilitates the development of geographic information systems for the mutual aid and public safety of all the Parties;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the Mayor is hereby authorized to execute the GIS Data Exchange Agreement with the County of Bergen which Agreement is annexed hereto and made a part hereof.

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

RESOLUTION 16-224 AUTHORIZE PURCHASE DUMP TRUCK

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

WHEREAS, the Borough of Oakland is in need of purchasing a Western Star Dump Truck; and

WHEREAS, Hoover Truck Center of Flanders, New Jersey has the vehicle desired through the Educational Services Commission of NJ Cooperative Purchasing Group; and

WHEREAS, the cost of the vehicle with salt spreader and snow plow is \$ 195,677.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account C-04-56-712-205 \$ 190,000.00 and Account #T-13-56-286-208 \$ 5,677.00;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Purchasing Agent is hereby authorized to issue a Purchase Order to Hoover Truck Center of Flanders, New Jersey for the purchase of a Western Star Dump Truck with salt spreader and snow plow at a total cost of 195,677.00.

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

RESOLUTION 16-227 ACCEPT WITHDRAWAL OF BID

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

WHEREAS, the Borough of Oakland advertised for bids with respect to a project at the Library; and

WHEREAS, bids were submitted and one of the bidders, SLS Construction, LLC, determined that there was an inadvertent error in their bid and requested that the bid be withdrawn; and

WHEREAS, in accordance with N.J.S.A. 40A:11-23.3, the Borough may approve the withdrawal request providing the following four criteria are met:

1. The enforcement of the contract, if actually made, would be unconscionable.
2. The mistake relates to a material feature of the bid.

3. The mistake occurred notwithstanding the fact that the bidder exercised reasonable care in preparation of the bid.
4. The bidder making the mistake is able to get relief by way of withdrawing the bid without serious prejudice to the contracting unit, except for the loss of the bargain to the contracting unit; and

WHEREAS, the withdrawal request was reviewed by the Borough Attorney and Project Architect; and

WHEREAS, the Borough Attorney and Project Architect have determined that the statutory criteria has been met and that the bid of SLS Construction, LLC can be withdrawn; and

WHEREAS, the Mayor and Council deems it in the best interests of the citizens of the Borough of Oakland that the bid of SLS Construction, LLC be withdrawn.

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

- a. The bid submitted by SLS Construction, LLC, be and the same, is hereby withdrawn as requested.
- b. Any performance guarantee submitted with the bid by SLS Construction, LLC shall be returned to SLS Construction, LLC.
- c. A true copy of this Resolution shall be provided to SLS Construction, LLC.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 16-BOND-748

The Clerk was directed to take from the table Ordinance No. 16-Bond-748 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS TO THE VAN ALLEN HOUSE, BY AND FOR THE BOROUGH OF OAKLAND, APPROPRIATING THEREFOR THE SUM OF \$273,750.00 AND PROVIDING THAT SUCH SUM IN THE AMOUNT OF \$213,750 SO APPROPRIATED SHALL BE FUNDED BY THE BERGEN COUNTY HISTORICAL PRESERVATION TRUST FUND AND THAT SUCH SUM IN THE AMOUNT OF \$60,000 SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE BOROUGH. "

OPENED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, Capital Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey Authorizing The Making Of Various Public Improvements To The Van Allen House, By And For The Borough Of Oakland, Appropriating Therefor The Sum Of \$273,750.00 And Providing That Such Sum In The Amount Of \$213,750 So Appropriated Shall Be Funded By The Bergen County Historical Preservation Trust Fund And That Such Sum In The Amount Of \$60,000 So Appropriated Shall Be Raised From The Capital Improvement Fund Of The General Capital Fund Of The Borough, 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, Kulmala, Talamini.

WORK SESSION:

2017 MEETING SCHEDULE:

The draft meeting schedule was distributed to the Mayor and Council. Mr. Kunze advised if the Governing Body does not want to have a meeting the week in between Christmas and New Years, they can schedule the meetings in December for the 6th and the 20th. The schedule will be adopted at the Reorganization meeting.

BOROUGH ATTORNEY CONTRACT:

Mr. Kunze advised that at the beginning of 2016, the Council awarded the Borough Attorney contract at an amount not to exceed \$ 50,000 for work outside the retainer. There are two issues driving the workload this year-tax appeals and Affordable Housing issues. The contract needs to be increased by an additional \$ 10,000. A resolution will be listed on the next agenda. Councilman Talamini asked if we are going to increase the initial authorization next year. Mr. Kunze responded that we may need a higher not to exceed amount in January. Councilwoman Coira asked if the closings for the Roosevelt properties are being charged to the retainer. Mr. Kunze advised that some of the closings took place last year. The Attorney is charging a flat rate for the closings.

WATER & SEWER ENGINEER CONTRACT:

Mr. Kunze advised that the Water & Sewer Engineer is doing extra work with the sewer issue specifically reviewing our data against the DEP data. They are asking for an additional \$ 10,000 in their contract. There is sufficient funding. A resolution will be listed on the next agenda.

PURCHASE POLICE VEHICLE:

Mr. Kunze advised that the purchase is part of the annual replacement program. A resolution will be listed on the next agenda.

RFQ REVIEW SCHEDULE:

The review committee will consist of Mayor Schwager, Council President Kulmala, Councilman Biale, and Mr. Kunze. They will meet on December 15th at 5:00 pm.

COUNCIL REPORTS:

Councilwoman Coira: The Recreation Commission will start a Girls High School basketball program in late March. She congratulated the Pee-wee football team for winning their league championship. The next Recreation Commission meeting will be held December 20th.

Councilman Biale: Spoke about Senior events. The Water and Sewer Committee met last Thursday and mapped out locations for the sewer system. Councilman Biale advised that within two weeks, Rockland will put in LED lights by Dogwood and Heights schools. We will make application for next year's allocation of lights. He suggested maybe looking into how much of an investment it will be to switch to LED lights.

Councilman Kulmala: The next OCC meeting will be held Wednesday at 7 pm. The new website is going through content review. The launch date will be December 19th. There will be one more Public Safety Committee meeting set up before the end of the year. He thanked Peter Kikot for setting up the Shredding event and the Toys for Tots. He thanked File Bank for donating their services to shred documents.

Councilman Talamini: The Board of Health will meet on December 20th. He thanked Public Events for their work on the Tree and Menorah lighting ceremony. They are a great Committee. Councilman Talamini was supposed to schedule a meeting with the Board of Education this week to go over the survey results regarding the school election but he dropped the ball. He will set up a meeting.

Councilman Biale thanked Mike Guadagnino, Peter Kikot and Kevin Heffernen for their work so far on the new park at Bush Plaza.

Councilman Kulmala asked people to volunteer to coach basketball.

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, Kulmala, Talamini.

Bob Knapp, 38 Lakeshore Drive, reminded residents that the Fire Department will bring Santa around on the Fire truck on Saturday December 17th. The schedule is on the Fire Department website.

Peter Kikot, 20 Minnehaha Blvd, advised that the street light across from his house is very dim. He advised that basketball coaches are needed for 5th to 8th grades.

Councilman Talamini praised the Oakland recreation program.

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 Councilwoman Coira, 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 Kulmala, the meeting be adjourned at 8:52 pm.

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

Lisa M. Duncan, Borough Clerk

Mayor Linda H. Schwager

December 21, 2016

Date Approved