

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY APRIL 12, 2017

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Biale, seconded by Councilman Talamini, 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:  
Affordable Housing
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, Knapp, Kulmala, Talamini, Visconti.

CLOSE EXECUTIVE SESSION:

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

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

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, Knapp, Kulmala, Talamini, Visconti. Absent: Councilwoman Coira. Also Present: Kathlyn Gurney, Deputy Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

EXCUSING ABSENCES:

On motion of Councilman Biale, seconded by Mr. Knapp, excusing the absence of Councilwoman Coira.

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

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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MAYOR'S REPORT:

Mayor Schwager thanked Public Events and volunteers for their efforts hosting this year's Easter Egg Hunt. She announced upcoming events:

1. Team Up to Clean Up Oakland's Parks will be held Saturday, April 22<sup>nd</sup> from 9 am to 12pm, rain date April 23<sup>rd</sup>.
2. The Bergen County Care Fair will be held Sunday, April 23<sup>rd</sup> from 12 pm to 5 pm at the Hasbrouck Heights Hilton.
3. The 14<sup>th</sup> Annual Spring Clean Communities Spring Conference will be held Wednesday, May 24<sup>th</sup> from 9 am to 2:00 pm at the Essex County Turtle Back Zoo.

She announced that the spring schedule for garbage pickup will go back to twice a week beginning April 3<sup>rd</sup> and yard waste collection will begin April 4<sup>th</sup>. Please do not use plastic bags for yard waste.

Mayor Schwager shared a letter of appreciation thanking DPW for the excellent job with snow removal this year.

PRESENTATION BY FRANK ROSSI:

Mr. Rossi advised Council that test results confirmed that chlordane was found on portions of the Great Oak Park property. This problem is due to pesticides but poses no danger to the public. He explained that tilling these affected areas with clean soil will dilute the chlordane to acceptable levels. Mr. Guadagnino clarified that the cleanup is part of a Green Acres grant which will reimburse the Borough for the cleanup.

Mr. Rossi advised the Council that they are on a deadline to perform an aerial survey in order to complete an L.O.I. He expressed that they would like to conduct the aerial survey before the spring bloom occurs.

**OPENED FOR PUBLIC DISCUSSION:**

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

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

Mr. Ysordia from 10 Hiawatha Blvd., was served with the RML lawsuit. He expressed that he has never been a member of Crystal Lake and that this lawsuit should be between the developer and the association and not him. He asked if the Council could do anything about this. Mayor Schwager responded that RML, Inc. served many residents with a lawsuit, even Council members. She recommended that he look at their title policy from when the home was purchased to find out whether his property is listed as part of RML, Inc. Association or contact your title company if your title agency is no longer in business. She explained the difference between a title agency and title company. Mr. Chewcaskie responded if a mortgage was needed for the property, contact the lender which would have required a title search. If you paid cash you may not have title insurance. He suggested to check the deed which can be acquired from the Bergen County Clerk's Office which may reference the title company used.

Mayor Schwager informed the audience that the residents who were served with the lawsuit are having meetings but she is unable to attend these meetings since she is not part of the association. Councilman Visconti expressed that if you had title insurance when you purchased your home and a claim has been issued against your title, your title company needs to be notified. The title company certifies past owners and your ownership along with the rules and regulations that go with the property. It is in the best interest of the title company to know this so that they can defend and protect you against these types of claims. Mayor Schwager verified that the complaint is coming from a private corporation not the Borough.

A woman from Yawpo Avenue shared that she too is a part of the association and would like to know what the town intends to do and why this private association is allowed within the town. Mayor Schwager responded that there are more than one private associations in the town and referred to Ramapo River Reserve. These associations can charge maintenance fees and assessments to fix a problem within. Mr. Chewcaskie added that RML did not approach the Borough concerning this lawsuit. Therefore, there is no information concerning any issues and why dues are being collected. The argument is that all these homes being served are part of the association which has maintenance obligations and can assess dues to the people within the association. The town has limited information. Some individuals have the member provision in their deed and some do not but if this provision is not in the deed, the title company needs to be notified to certify that the association has no right to assert maintenance obligation on the property owner. Since your deed shows you are part of the association, you will need to defend your action.

Mr. Kuzma, 17 Seneca Avenue expressed his concerns with the resale of their homes. He is aware that this is a sensitive position for Mayor and Council but would like to see something done to prevent this from happening again. Mayor Schwager responded that she has tried to reach out to RML and the attorney representing the lawsuit but they will not discuss anything with her since she is not a shareholder.

Mr. Bigelow, 77 Roosevelt Blvd., questioned the timeframe in which the houses from Phase I Project will be demolished. Mr. Kunze responded that bid specs will be going out shortly to demolition companies.

**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, Knapp, Kulmala, Talamini, Visconti.

**APPROVAL OF MINUTES: MARCH 22, 2017**

On motion of Councilman Biale, seconded by Councilman Visconti, the minutes from the Mayor and Council meeting of March 22, 2017 be approved.

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

**APPROVAL OF MINUTES: MARCH 22, 2017 EXECUTIVE SESSION**

On motion of Councilman Biale, seconded by Councilman Visconti, the minutes from the Mayor and Council Executive Session of March 22, 2017 be approved.

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

**APPOINTMENTS:**

**MUNICIPAL ALLIANCE:**

Mayor Schwager appointed Mark Piercy, Ellen Mihovics, Jacqueline Micari-Christiano, Henry Wasserstein, Nathan Busker, and Debbie Pierce to one-year terms on the Municipal Alliance Committee.

**RECREATION COMMISSION:**

Mayor Schwager appointed Vivian King to an unexpired term ending December 31, 2017.

**LIBRARY BOARD:**

Mayor Schwager appointed Lucille Nicolaysea to an unexpired term ending December 31, 2017.

**APPROVE REQUEST EXTENDED HOURS-P.S.E. & G.**

P.S.E. & G. is requesting to work extended hours Monday through Friday from 7 am to 6 pm and Saturday from 8 am to 7 pm in order to complete their Gas System Modernization Program in a timely manner.

On motion of Councilman Biale, seconded by Councilman Kulmala, the request from P.S.E. & G. to work extended hours be granted.

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

**APPROVAL OF RAFFLE LICENSE RL1298**

On motion of Councilman Biale, seconded by Councilman Kulmala, approval be granted to Raffle License RL1298 for Sports Association of Oakland to hold a calendar raffle on various dates in September, October and November 2017.

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

**APPROVAL OF RAFFLE LICENSE RL1299**

On motion of Councilman Biale, seconded by Councilman Talamini, approval be granted to Raffle License RL1299 for Mothers Club of Oakland to hold an on-premise 50/50 raffle on May 5, 2017 at 65 Oak Street.

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

#### APPROVAL OF RAFFLE LICENSE RL1300

On motion of Councilman Biale, seconded by Councilman Talamini, approval be granted to Raffle License RL1300 for Mothers Club of Oakland to hold an on-premise raffle for merchandise on May 5, 2017 at 65 Oak Street.

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

#### RESOLUTION 17-102 AUTHORIZE REFUND REDEMPTION MONIES LIEN #12-00018

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

WHEREAS, the Oakland Tax Collector has received funds from a property owner or other party of interest for redemption of a Tax Sale Lien 12-00018, Block 3801, Lot 74, better known as 44 Walton Ave., on March 21, 2017; and

WHEREAS, lien holders are entitled to payment for redemption of the Tax Lien upon receipt of funds by the Tax Collector;

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$ 64,763.28, payable to Sunshine State Certs IV LLP, Bank United Trustee, 7900 Miami Lakes Dr. West, Miami Lakes, FL 33016;

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$ 64,763.28 to the aforementioned lien holder.

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

#### RESOLUTION 17-103 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	\$ 3,000,000
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Water Operating

Total	\$ 120,000
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Sewer Operating

Total	\$ 50,000
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ROLL CALL: All yeas, Councilmembers Biale, Knapp, Kulmala, Talamini, Visconti.

**RESOLUTION 17-104 TITLE WORK-PHASE 2 ROOSEVELT FLOOD BUYOUTS**

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 is in need of obtaining title work in order to proceed with Phase II of the Flood Acquisition Program at Roosevelt Boulevard; and

WHEREAS, Title Lines submitted a proposal dated October 21, 2016, for the services required in an amount not to exceed \$ 2,944 broken down as follows:

71 Roosevelt Blvd.	\$ 912
78 Roosevelt Blvd.	\$ 1,022
80 Roosevelt Blvd.	\$ 1,010

WHEREAS, Title Lines has submitted all necessary paperwork to comply with the Borough of Oakland's Pay-to-Play requirements; and

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

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-712-212;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize a contract with Title Lines in an amount not to exceed \$2,944 for the services as outlined in their proposal; and

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

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

**RESOLUTION 17-105 SURVEYS-PHASE 2 ROOSEVELT FLOOD BUYOUTS**

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 is in need of obtaining surveys in order to proceed with Phase 2 of the Flood Acquisition Program at Roosevelt Boulevard; and

WHEREAS, Dykstra Walker submitted a proposal for the services required in an amount not to exceed \$ 6,200 broken down as follows; and

Block 1601, Lot 5   \$ 2,200  
Block 1605, Lot 9   \$ 2,000  
Block 1605, Lot 10   \$ 2,000

WHEREAS, Dykstra Walker has submitted all necessary paperwork to comply with the Borough of Oakland's Pay-to-Play requirements; and

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

WHEREAS, the Chief Financial Officer has certified funds are available in Account # C-04-56-712-212

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize a contract with Dykstra Walker in an amount not to exceed \$ 6,200 for the services as outlined in their proposal; and

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

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

**RESOLUTION 17-106 ENVIRONMENTAL ASSESSMENTS-PHASE 2 ROOSEVELT FLOOD BUYOUTS**

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 is in need of obtaining environmental assessment reports in order to proceed with Phase 2 of the Flood Acquisition Program at Roosevelt Boulevard; and

WHEREAS, Boucher & James, Inc. submitted a proposal dated October 20, 2016, for the services required in an amount not to exceed \$ 3,510 broken down as follows: for the properties located at

Block 1601, Lot 5   \$ 1,170  
Block 1605, Lot 9   \$ 1,170  
Block 1605, Lot 10   \$ 1,170

WHEREAS, Boucher & James, Inc. has submitted all necessary paperwork to comply with the Borough of Oakland's Pay-to-Play requirements; and

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

WHEREAS, the Chief Financial Officer has certified funds are available in Account # C-04-56-712-212

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize a contract with Boucher & James Inc. in an amount not to exceed \$ 3,510 for the services as outlined in their proposal; and

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

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

**RESOLUTION 17-107 AUTHORIZE REFUND RECREATION FEES**

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 Spring Basketball Registration Fees in the amount of \$360.00; 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:

Pearlie Murphy, 65 Oneida Ave., Oakland, NJ 07436 refund due \$45.00  
Edward Clark, 6 Morton Pl., Oakland, NJ 07436 refund due \$45.00  
Christine D'Anna, 87 Oneida Ave., Oakland, NJ 07436 refund due \$45.00  
Maria Nougues, 23 Sky Top Ridge, Oakland, NJ 07436 refund due \$45.00  
Kristine Gonzalez, 27 Iroquois Ave., Oakland, NJ 07436 refund due \$45.00  
Peter Pascual, 22 Sky Top Ridge, Oakland, NJ 07436 refund due \$45.00  
Gina Nerotto, 51 Seton Hall Dr., Oakland, NJ 07436 refund due \$45.00  
Anna Sasson, 101 Yawpo Ave., Oakland, NJ 07436 refund due \$45.00

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

**RESOLUTION 17-108 AUTHORIZE REFUND-TAX OVERPAYMENT BLOCK 5101, L29**

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 5101 Lot 29 better known as 81 Oneida Ave., due to a duplicate 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 amounts as stated below:

Jerry M. & Jennifer L. Young  
81 Oneida Ave.  
Oakland, NJ 07436  
Refund: \$ 2,476.56

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, Knapp, Kulmala, Talamini, Visconti.



**RESOLUTION 17-109 AUTHORIZE REFUND REDEMPTION MONIES LIEN#16-00048**

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

WHEREAS, the Oakland Tax Collector has received funds from a property owner or other party of interest for redemption of a Tax Sale Lien 16-00048, Block 2804 Lot 22, better known as 99 McNamee Street, on March 27, 2017; and

WHEREAS, lien holders are entitled to payment for redemption of the Tax Lien upon receipt of funds by the Tax Collector;

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$ 8,862.39, payable to Tower Fund Services/Cust Ebury, TWR as CST for Ebury Fund 1 NJ, PO Box 37695, Baltimore, MD 21297;

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$ 8,862.39 to the aforementioned lien holder.

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

**RESOLUTION 17-110 AUTHORIZE AERIAL SURVEY-GREAT OAK PARK**

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 to obtain an aerial survey of Great Oak Park; and

WHEREAS, Boswell, McClave engineering has submitted a proposal dated March 4, 2017, for the services required in an amount not to exceed \$7,500; and

WHEREAS, Boswell, McClave has submitted all necessary paperwork to comply with the Borough's Pay-to-Play requirements; and

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

WHEREAS, The CFO has certified that funds are available in account #C-04-56-607-001;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize Boswell McClave to perform the aerial survey of Great Oak Park in an amount not to exceed \$7,500 as specified in their March 4, 2017, proposal; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are authorized to execute the contract on behalf of the Borough

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

**RESOLUTION 17-111 AMEND CONTRACT-BOSWELL-LSRP SERVICES**

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

WHEREAS, Boswell McClave Engineering was issued a contract for Licensed Site Remediation Professional Services for Great Oak Park; and

WHEREAS, the environmental testing revealed soil contamination for which further investigation is required; and

WHEREAS, Boswell's original contract did not include an allowance for work related to the soil contamination and therefore needs to be amended by an additional \$ 2,300 as per their proposal dated February 14, 2017; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-607-001;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize that the contract for Boswell McClave Engineering for LSRP services for Great Oak Park be amended by an additional \$ 2,300.

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

#### RESOLUTION 17-112 HIRE SEASONAL LABORERS-DPW

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 the following seasonal laborer for the Department of Public Works:

NAME	EFFECTIVE DATE	SALARY
Sean Kicinski	April 17, 2017	\$ 12.00/hour
Thomas McPhee	April 17, 2017	\$ 12.00/hour
Dylan Morgan	April 17, 2017	\$ 12.00/hour
Giuseppe Capparelli	April 17, 2017	\$ 12.00/hour
Brian Morrisroe	April 17, 2017	\$ 12.00/hour

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

#### RESOLUTION 17-113 AUTHORIZE CHANGE ORDER-LIBRARY PROJECT

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

WHEREAS, a contract was awarded to Daskal LLC in the amount of \$1,346,100.00 for the Library Renovation Project; and

WHEREAS the following Change Order 1 has been requested:

Wall repair at removed light cove		\$7,051
	TOTAL	\$7,051

WHEREAS, the Change Order has been reviewed and recommended by the Borough's Engineer, Boswell McClave Engineering; and

WHEREAS, the CFO has certified that funds are available in Account #C-04-56-714-201;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorize Change Order 1 for an increase of \$7,051 for a total contract amount of 1,353,151.00.

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

**RESOLUTION 17-114 AMEND CONTRACT-PRELIMINARY ASSESSMENT REPORT-7 FIRST STREET**

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

WHEREAS, Boucher & James, INC. was issued a contract to provide environmental assessment reports on 84 Roosevelt Boulevard and 7 First Street as part of Phase 2 of the Flood Acquisition Program; and

WHEREAS, the firm must conduct additional investigation regarding a possible oil tank located at 7 First Street, Block 1601, Lot 4; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-712-212;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize that the contract for Boucher & James for an environmental assessment report be amended by an additional \$ 455.00.

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

**RESOLUTION 17-115 AUTHORIZE REFUND REDEMPTION MONIES LIEN#16-00033**

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

WHEREAS, the Oakland Tax Collector has received funds from a property owner or other party of interest for redemption of a Tax Sale Lien 16-00033, Block 2511, Lot 8, better known as 105 Doty Road on March 22, 2017; and

WHEREAS, lien holders are entitled to payment for redemption of the Tax Lien upon receipt of funds by the Tax Collector;

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$2,003.21, payable to Christiana Trust as Custodian, GSRAN-Z Deposit Account, P.O. Box 71276, Philadelphia, PA 19176;

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$2,003.21 to the aforementioned lien holder.

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

**RESOLUTION 17-116 AUTHORIZE REFUND REDEMPTION MONIES LIEN# 16--00007**

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

WHEREAS, the Oakland Tax Collector has received funds from a property owner or other party of interest for redemption of a Tax Sale Lien 16-00007, Block 802, Lot 72, better known as 40 Hunters Run on March 22, 2017; and

WHEREAS, lien holders are entitled to payment for redemption of the Tax Lien upon receipt of funds by the Tax Collector;

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$4,252.31, payable to US Bank Cust/PC4 1stTrust Bank, Tax Lien Services Group, 50 South 16<sup>th</sup> St – Suite 2050, Philadelphia, PA 19102

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$4,252.31 to the aforementioned lien holder.

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

**RESOLUTION 17-117 SUPPORT VALLEY HOSPITAL'S SUBMISSION OF CERTIFICATE OF NEEDS APPLICATION**

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

WHEREAS, The Valley Hospital, through its award-winning clinical care, exceptional service and numerous community health programs, contributes greatly to the health and wellness of our community; and

WHEREAS, in order to continue providing its vital programs and services and meet the long-term healthcare needs of our community, The Valley Hospital must be able to adapt to changes in healthcare and modernize; and

WHEREAS, The Valley Hospital's plans to build a modern, state-of-the-art hospital in Paramus, New Jersey will ensure that our residents have access to high quality healthcare for many years to come;

WHEREAS, The Valley Hospital in Paramus, New Jersey will be built with single-patient rooms to enhance the privacy, safety and comfort of its patients; and

WHEREAS, The Valley Hospital in Paramus, New Jersey will incorporate the best practices in creative, innovative and sustainable healthcare facility design, such as flexibility and the use of advanced technology, in order to enhance patient care and service; and

WHEREAS, The Valley Hospital, as a not-for-profit hospital since its inception in 1951, gives back to its community, providing more than \$97 million in Community Benefit and uncompensated care dollars in 2015, including \$5.6 million for community health programs, services and essential health information and preventive education; and

WHEREAS, The Valley Hospital, as the second largest employer in Bergen County, will be a significant driver of economic activity, create construction jobs and permanent jobs, and support local businesses in our area and throughout the region.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, express their full support for The Valley Hospital's Submission of a Certificate of Need Application to Relocate The Valley Hospital to Paramus, New Jersey; and

BE IT FURTHER RESOLVED, that the Mayor and Council of Oakland, New Jersey hereby urge The New Jersey Department of Health to approve The Valley Hospital's Certificate of Need Application to Relocate The Valley Hospital to Paramus, New Jersey; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to The New Jersey Department of Health.

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

#### RESOLUTION 17-118 CHANGE ORDER-DOGWOOD DRAINAGE PROJECT

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

WHEREAS, a contract was awarded to Consolidated Maintenance Solutions in the amount of \$74,950 for the Dogwood Hill School Drainage Improvement Project; and

WHEREAS the following Change Order 1 has been requested:

Additional Fencing to Enclose Property	\$3,000
Remobilization	<u>\$3,500</u>
TOTAL	\$6,500

WHEREAS, the Change Order has been reviewed and recommended by the Borough's Engineer, Boswell McClave Engineering; and

WHEREAS, the CFO has certified that funds are available in Account #C-04-56-712-215;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorize Change Order 1 for an increase of \$6,500 for a total contract amount of \$81,450.

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

#### RESOLUTION 17-119 APPROVE VEHICLE AUCTION BIDS

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

WHEREAS, pursuant to the provisions of NJSA 40A:11-36, the Borough of Oakland may sell any personal property; and

WHEREAS, the Mayor and Council of the Borough of Oakland previously authorized the sale of surplus vehicles via online public auction; and

WHEREAS, said auction took place between March 15, 2017 and March 29, 2017 and the Governing Body now wishes to approve the winning bids.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the winning bids and amounts thereof are hereby approved in accordance with the information on the attached spreadsheet entitled "2017 Vehicle Auction Winning Bidder List".

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

**RESOLUTION 17-120 ACCRUED TIME PAYOUT-D. MOLLINEAUX**

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

WHEREAS, N.J.A.C. 5:30-15 establishes rules that govern how local government units manage and finance compensation for accumulated absence time for their respective employees, and

WHEREAS, accumulated absence includes any sick days, vacation days, personal days, compensatory time or any other absence time authorized as part of an employer agreement, which is not used by the employee during the allowed period and which is permitted to accumulate over time to the benefit of the employee, and

WHEREAS, the Borough Administrator has certified that the funds and authority exists to pay the part of the accumulated absence, as per the attached schedule, to Donna Mollineaux for vacation time accumulated in the amount of \$ 11,531.25; and

WHEREAS, the attached certification and documentation are presented to comply with the rules and regulations established by the Local Finance Board.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the total sum \$ 11,531.25 composed of 175 hours of vacation time be paid out to Donna Mollineaux. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose.

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

**RESOLUTION 17-121 AUTHORIZE GRANT APPLICATION-VAN ALLEN HOUSE**

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 is in need of assistance in preparing a grant application to the New Jersey Historic Trust to assist with the restoration of the Van Allen House Property; and

WHEREAS, Connolly & Hickey Historical Architecture LLC submitted a proposal to prepare this application at a cost not to exceed \$2,300.00; and

WHEREAS, any funds secured through this grant would be used to offset the Borough's required matching funds for the County Historic Preservation grants previously awarded to help with the exterior and interior renovations to the Van Allen House; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #7-01-20-110-044; and

WHEREAS, Connolly & Hickey Historical Architects LLC have submitted all necessary paperwork to comply with the Borough's Political Contribution Disclosure Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award a contract to Connolly & Hickey Historical Architects LLC in the amount not to exceed \$2,300.00 for application preparation for a New Jersey Historic Trust 2017 Capital Preservation Grant; and

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

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

#### RESOLUTION 17-122 APPOINTMENT OF TEMPORARY CFO

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

WHEREAS, there currently exists a vacancy in the position of Chief Financial Officer; and

WHEREAS, N.J.S.A. 40A:9-140.10 requires every municipality to have a Chief Financial Officer; and

WHEREAS, N.J.S.A 40A:9-140.13 (f) permits individuals without a CMFO license to be appointed as Temporary CFO for a period of up to one year without approval of the Director of Local Government Services; and

WHEREAS, the Borough Administrator, Richard Kunze, has agreed to serve as Temporary CFO;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that Richard Kunze is hereby appointed as Temporary CFO for a period not to exceed one year from April 8, 2017.

#### FINAL PUBLIC HEARING: ORDINANCE NO. 17-CODE-754 CAP BANK

The Clerk was directed to take from the table Ordinance No. 17-Code-754 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) "

#### 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, Knapp, Kulmala, Talamini, Visconti.

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, Knapp, Kulmala, Talamini, Visconti.

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

BE IT RESOLVED that an Ordinance entitled, Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40A: 4-45.14), 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, Knapp, Kulmala, Talamini, Visconti.

**WORK SESSION:**

**PUBLIC DEFENDER CONTRACT:**

Mr. Kunze explained that under bail reform, public defenders will be required to provide legal representation at pre-trial detention hearings under certain circumstances but it's unlikely this will happen. He recommended to amend the contract to include it in the scope of services and if additional funding is needed, this can be addressed later in the year.

**SHARED SERVICE AGREEMENT-PAVING OF BEECH STREET:**

Mr. Kunze explained that Beech Street is scheduled for repaving this year and part of the roadway is in Franklin Lakes. A Shared Service Agreement is being proposed whereby the section of roadway in Franklin Lakes would be reimbursed by them based on actual costs incurred.

**ASSUMPTION OF ARCHITECTURAL CONTRACT BY AXIS ARCHITECTURAL GROUP:**

Mr. Kunze informed Council that Axis Architectural Group is the successor firm to S&L Architecture, which was contracted to provide design and construction, administrative and inspection services for the Senior Center Bathroom renovation and Fire Co. #2 Expansion Projects. To complete the work, we should assign the contracts from S&L Architecture to Axis Architectural Group. Brian will discuss how we would do that.

**COUNCIL REPORTS:**

Councilman Talamini reports that Spring Break starts April 10, 2017. He thanked Public Events, DPW and all volunteers for a successful Easter Egg Hunt. A Citizen Leadership form can be obtained at Borough Hall for anyone wishing to become a Public Events member.

Councilman Kulmala reports a free Rutgers Safety Course will be given, contact the Recreation secretary at the Borough. A Golf Program will be offered at the Recreation Field beginning April 27<sup>th</sup>. Recreation football sign-ups are coming up, contact the Recreation secretary at the Borough for more information. A special needs bowling event was held at Holiday Bowl. An OCC



meeting is scheduled Wednesday, April 19<sup>th</sup> at 7:00 pm. A Green Team meeting is scheduled for Thursday, April 20<sup>th</sup> at 7:00 pm. He thanked all who participated on the success of the Pilgrim Pipeline fundraiser. He informed the public that emergency repairs would be underway on April 13th for a portion of Ramapo Valley Road. It was discussed at the Public Safety meeting that three possible candidates are being interviewed for the Police Department.

Councilman Biale reports that Valley Hospital Auxiliary will be hosting a Tea Party at the Senior Center on Tuesday, April 20<sup>th</sup> at 12:00 pm. Credit Union Day will feature a speaker from the Visions Federal Credit Union on Thursday, May 18<sup>th</sup> beginning at 11:00 am. at the Senior Center. Josefine Burkowiz will be celebrating her 102 birthday on April 25<sup>th</sup>. On Thursday, May 4<sup>th</sup>, there will be a public hearing on the Needs of Older Adults in Bergen County which will be held in Hackensack. He informed Council that a meeting has been arranged with members of Open Space to discuss the exterior and interior improvements for the Van Allen House. He thanked Eugene McMahon, DPW, for all his efforts concerning trash and yard waste collection. He announced that over \$6000 was raised at the Pilgrim Pipeline fundraiser.

Councilman Visconti reports that the Library construction continues. A meeting is scheduled for next week with a company concerning the furniture for the Library. There was discussion at the Flood Commission meeting last week concerning a problem with people dumping yard waste in the river. He announced that a Water/Sewer meeting with the DEP and Highlands has been scheduled.

Councilman Knapp reported that he urges anyone interested in attending a speaker from Hidden in Plain Sight sponsored by the Interactive Awareness Program at Westwood H.S. on April 25<sup>th</sup> at 7:00 pm. The program gives insight to parents, caretakers, educators and community members on the drug epidemic. There will be a prescription drug drop-off box on site to get rid of your used prescription drugs.

#### **BOSWELL UPDATE ON PATRIOTS WAY BRIDGE:**

Kevin Boswell explained that an inspection back in 2015 determined that the bridge has some deterioration causing a weight restriction and detouring a certain weight of trucks and buses. Boswell was contracted to do their own inspection of the bridge. He explained their findings on the condition of the bridge and explained the repairs needed as well as the costs. He informed Council of the possible cause for this corrosion and gave suggestions on how the town can prevent further destruction to the bridge. Mayor Schwager confirmed that currently there is a detour for vehicles such as fire trucks, school buses and trucks of that nature, but cars are safe to access the bridge.

#### **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, Knapp, Kulmala, Talamini, Visconti.

Mr. Tryon, 702 Ramapo Valley Road, questioned the bridge repair process. Mr. Boswell responded they would replace the areas of corrosion and repaint the bridge. The gentleman questioned who reviewed the plans of the bridge when it was built. Mr. Boswell responded that the bridge was owned by the association at the time but since then, the Borough has assumed the maintenance role. The gentleman informed the public that an RML meeting will be held at the Knights of Columbus April 18<sup>th</sup> at 6:30. Bring your summons and your identification.

Mr. Stallman, 44 Truman Drive expressed his displeasure concerning County trucks parked in the Elks parking lot without permission. Mr. Boswell explained that he would need to contact the County in this matter. However, they received an inquiry that emergency action needed to be taken due to the serious condition of the roadway.

Mr. Stallman also expressed his displeasure of the lack of support the Elks Club receives from the town. A discussion ensued concerning his reasons. The Mayor apologized and urged him to announce any upcoming events. He announced that the Elks Club would be sponsoring a Fishing Derby, Saturday, April 22 at 8:00 a.m.

**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, Knapp, Kulmala, Talamini, Visconti.

**BILLS TO BE PAID:**

On motion of Councilman Visconti, seconded by Councilman Talamini, 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, Knapp, Kulmala, Talamini, Visconti.

**MEETING ADJOURNED:**

On motion of Councilman Biale, seconded by Councilman Kulmala, the meeting be adjourned at 9:35 pm.

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

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Kathlyn Gurney, Deputy Borough Clerk

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Mayor Linda H. Schwager

May 10, 2017

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Date Approved