

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
OAKLAND SENIOR CITIZENS CENTER  
20 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY JULY 26, 2017

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Talamini, seconded by Councilman Knapp, 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-DPW; 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, Coira, Knapp, Talamini, Visconti.

Discussion regarding DPW personnel and Affordable Housing. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Council President Talamini at 7:33 pm.

ROLL CALL: Council President Talamini called the meeting to order and the Clerk called the roll. Present: Councilmembers Biale, Coira, Knapp, Talamini, Visconti. Absent: Mayor Schwager, Councilman Kulmala. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Council President Talamini 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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EXCUSE ABSENCE OF MAYOR SCHWAGER:

On motion of Councilman Biale, seconded by Councilwoman Coira, the absence of Mayor Schwager be excused.

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

EXCUSE ABSENCE OF COUNCILMAN KULMALA:

On motion of Councilwoman Coira, seconded by Councilman Biale, the absence of Councilman Kulmala be excused.

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

RESOLUTION 17-223 AUTHORIZE PROMOTION-RYAN O'KEEFE

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

WHEREAS, the Borough of Oakland has a vacant Sergeant's position due to a recent retirement; and

WHEREAS, Officer Ryan O'Keefe has qualified for promotion per the rules and regulations of the New Jersey Civil Service Commission; and

WHEREAS, the Borough Administrator and Chief of Police have recommended that Officer O'Keefe be promoted to fill the open Sergeant's position; and

WHEREAS, the Council believes it is in the best interest of the department and community to promote Officer O'Keefe;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Oakland that Officer Ryan O'Keefe be promoted to the rank of Sergeant, effective July 27, 2017; and

BE IT FURTHER RESOLVED, that Sgt. O'Keefe's compensation shall be \$ 125,317 pursuant to the PBA Collective Bargaining Agreement.

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

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: JULY 12, 2017

On motion of Councilman Biale, seconded by Councilman Knapp, the minutes from the Mayor and Council meeting of July 12, 2017 be approved.

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

APPROVAL OF MINUTES: JULY 12, 2017 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Knapp, the minutes from the Mayor and Council Executive Session of July 12, 2017 be approved.

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

REQUEST TO APPROVE SIGN-FAMILY REACH FOUNDATION

On motion of Councilman Biale, seconded by Councilman Knapp, the request by Family Reach Foundation to post a sign at Bush Plaza to advertise their annual 5K & Family Run to be held October 15<sup>th</sup>.

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

REQUEST TO EXTEND VARIANCE:

On motion of Councilman Knapp, seconded by Councilman Visconti, approval be granted to extend the variance until September 16, 2017 to allow work to be done on Saturdays from 9 am to 4 pm for 21 Seton Hall Drive.

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

RESOLUTION 17-220 AWARD BID-FIRE CO. 2 RENOVATIONS

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

WHEREAS, bids were received on June 15, 2017, for the Renovation at Fire company #2; and

WHEREAS, the lowest responsive and responsible bidder is GMT Contracting Corp. in the amount of \$120,000.00; and

WHEREAS, the architect and Borough Attorney have reviewed the bid and recommend the award to GMT Contracting Corp.; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-690-202 - \$23,346.00 and Account #C-04-56-691-404 - \$96,654.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby award the bid for the Renovation of Fire Co. #2 to GMT Contracting Corp., in the amount of \$120,000.00; 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, Talamini, Visconti.

#### RESOLUTION 17-221 AMEND CONTRACT-BOROUGH AUDITOR

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

WHEREAS, the Borough of Oakland awarded a contract to Frank DiMaria and the firm of DiMaria and DiMaria to serve as Borough Auditor for 2017; and

WHEREAS, there was a need for Mr. DiMaria to provide additional non-audit MAS Service in connection with the CY2017 budget review conducted by the DLGS; and

WHEREAS, the cost for this additional service will not exceed \$2,500; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #7-01-20-135-028;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby amend the contract for DiMaria and DiMaria by an additional \$2,500 for a new total contract of \$39,500.

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

#### RESOLUTION 17-222 AMEND CONTRACT-BOROUGH ATTORNEY

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

WHEREAS, the Borough of Oakland awarded a contract to Brian Chewcaskie and the firm of Gittleman, Muhlstrock & Chewcaskie to serve as Borough Attorney for 2016; and

WHEREAS, additional work was required due to litigation for Affordable Housing and the 2016 contract needs to be amended; and

WHEREAS, the cost for this additional service will not exceed \$ 3,521.63; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #6-01-20-155-028;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby amend the 2016 contract for Brian Chewcaskie and the firm Gittleman, Muhlstock & Chewcaskie by an additional \$3,521.63.

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

**RESOLUTION 17-224 CHAPTER 159 CLEAN COMMUNITIES GRANT**

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland in the County of Bergen, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$ 27,000.06 which is now available from the State of New Jersey – FY2017 Clean Communities Grant;

BE IT FURTHER RESOLVED, that the like sum of \$ 27,000.06 is hereby appropriated under the caption State of New Jersey – FY2017 Clean Communities Grant;

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Oakland in the amount of \$ 27,000.06.

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

**RESOLUTION 17-225 CHAPTER 159 SUSTAINABLE JERSEY GRANT**

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

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland in the County of Bergen, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the

year 2017 in the sum of \$ 2,000.00 which is now available from the Sustainable Jersey – PSE&G Municipal Small Grant Award;

BE IT FURTHER RESOLVED, that the like sum of \$2,000.00 is hereby appropriated under the caption Sustainable Jersey – PSE&G 2017 Municipal Small Grant Award;

BE IT FURTHER RESOLVED, that the above is the result of funds due to the Borough of Oakland in the amount of \$2,000.00.

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

#### RESOLUTION 17-226 ONLINE TAX SALE

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

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs, and

WHEREAS, the rules and regulations authorize the municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Oakland wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Oakland, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

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

#### RESOLUTION 17-227 CONTRACT AMENDMENT-BOUCHER & JAMES

On motion of Councilman Biale, seconded by Councilman Visconti, 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 contract was amended in order to conduct additional investigation regarding a possible oil tank located at 7 First Street, Block 1601, Lot 4; and

WHEREAS, the investigation was inconclusive and an exploratory dig must now be performed; and

WHEREAS, the additional cost for this work is \$1,200; 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 \$ 1,200.00.

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

RESOLUTION 17-228 AUTHORIZE REFUND REDEMPTION MONIES LIEN 16-00061  
On motion of Councilman Biale, seconded by Councilman Visconti, 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 16-00061, Block 4302, Lot 21, better known as 21 Cardinal Drive on June 30, 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 \$3,122.83, payable to US Bank Cust/PC4 1<sup>st</sup> Trust Bank, Tax Lien Services Group, 50 South 16<sup>th</sup> Street, Suite 2050, Philadelphia, PA 19102;

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$3,122.83 to the aforementioned lien holder.

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

RESOLUTION 17-229 AUTHORIZE REFUND RECREATION FEES  
On motion of Councilman Biale, seconded by Councilman Visconti, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough of Oakland has received requests for refunds of Summer Camp Fees in the amount of \$725.00; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refunds;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Oakland hereby authorize refunds to:

Lisa Cooper, 45 Overlook Ridge, Oakland, NJ 07436 refund due \$215.00  
Christina Masiello, 5 Lakeshore Drive, Oakland, NJ 07436 refund due \$510.00.

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

**FINAL PUBLIC HEARING: ORDINANCE NO. 17-CODE-757**

The Clerk was directed to take from the table Ordinance No. 17-Code-757 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND CHAPTER 59 LAND USE AND ZONING, ARTICLE 7 ZONING, SECTION 59-45 REGULATIONS APPLICATION TO ALL ZONES TO PROVIDE REGULATIONS APPLICABLE TO OIL AND HAZARDOUS SUBSTANCE PIPELINES WITHIN THE BOROUGH OF OAKLAND"

**OPENED FOR PUBLIC DISCUSSION:**

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

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

No comments made.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

Mr. Chewcaskie advised that the public hearing requirement has now been completed. Councilwoman Coira had a question about the ordinance and the restriction with respect to critical land use. Mr. Chewcaskie advised he did not draft this ordinance so he cannot address Councilwoman Coira's concerns. He suggested that Councilman Biale should go back to the attorney who drafted the ordinance to address her concerns before adopting.

**MOTION TO TABLE:**

On motion of Councilman Biale, seconded by Councilwoman Coira, the adoption of Ordinance 17-Code-757 be tabled until the August 9, 2017 meeting.

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

**WORK SESSION:**

**SUSTAINABLE LAND USE PLEDGE:**

Mr. Kunze explained that in 2011, the Borough adopted by resolution committing the Borough to consider certain factors and take certain actions regarding planning and development that are consistent with smart growth land use principles. Our 2011 resolution was based on the model resolution from Sustainable Jersey. In order to receive points from Sustainable Jersey, we must readopt this resolution. The resolution will be listed on the next agenda.

**PROPOSAL BY AGNOLI ENGINEERING:**

Mr. Kunze advised that earlier this year, the Borough was officially notified that it was accepted into the FEMA Community Rating System with a rating of 7. Generally, this will result in a 15% reduction in flood insurance premiums for our homeowners. In order to remain qualified in the program, annual updates are required. This year, FEMA set a deadline of October 15<sup>th</sup>. Agnoli Engineering submitted a proposal to assist with the necessary update. The contract would be not to exceed \$ 5,000.



**APPRAISAL FOR SANDY BEACH PROPERTY:**

The Land Conservancy solicited proposals on our behalf to prepare a Green Acres compliant appraisal of the Sandy Beach property. This appraisal is required for our grant application to Bergen County. A contract will be awarded to Joshua Mackoff, LLC for a price of \$ 2,500.

**COUNCIL REPORTS:**

Councilman Biale: The Senior Center has portable air conditioning units. The August calendar will be coming out tomorrow. Councilman Biale attended the ceremony on Cardinal Drive in commemoration of Lt. Joseph Silva. Councilman Talamini commented that it was a great ceremony.

Councilman Visconti: No report.

Councilwoman Coira: No report.

Councilman Knapp: There was another incident on Rt. 287 in the same place. He commented that the Borough needs to push DOT to do something. Mr. Kunze advised that after the last meeting, he reached out to DOT and is still waiting for a call back. He will reach out to them again. He doesn't know if maybe we should get the legislators involved. Councilman Visconti recommended that we cite the incidents that have occurred.

Councilman Talamini: No report. Councilman Biale questioned if the Board of Education has done anything about school election. Councilman Talamini responded they are still waiting from the report from the State. Councilman Biale advised that if the Board of Education doesn't come back with a decision, he will make a motion for the Council to decide.

Mr. Kunze advised that the Ramapo Indian Hills Board of Education has decided to use their extra aid to reduce the tax levy. Once Bergen County gets their new certificate, they can give us a tax rate.

**OPENED FOR PUBLIC DISCUSSION:**

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

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

No comments made.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

**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, Knapp, Talamini, Visconti.

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Visconti, the meeting be adjourned at 8:00 pm.

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

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Lisa M. Duncan, Borough Clerk

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Mayor Linda H. Schwager

August 9, 2017

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Date Approved