

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
OAKLAND SENIOR CITIZENS CENTER
20 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY AUGUST 30, 2017

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Talamini, 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:
Litigation, Negotiations, 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, 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 Knapp, Biale, Coira, Knapp, Kulmala, Talamini, Visconti.

MEETING CALLED TO ORDER: By Mayor Schwager at 7:00 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Coira, Knapp, Kulmala, Talamini, Visconti. Absent: None. Also Present: Kathlyn Gurney, Deputy 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.

MAYOR'S REPORT:

Mayor Schwager announced that the Council Chambers remain closed until further notice. School opens next week so please drive carefully especially at stop signs and crosswalks. She thanked members of Ponds Church for holding an interfaith service which she attended August 20th at 5:00 pm. The service focused on peace, love and unity in response to the protests in Charlottesville. A Light the Night for Recovery and Hope event will be held September 28th at the County to celebrate ongoing sober lifestyles, those in recovery for substance abuse and to remember those who have lost their lives to the disease of addiction. A special thanks to the Altana family for the donation of defibrulators for the Danny D'Elia building. Outdoor exercise equipment has been delivered to the Rec field off of the Walking Path by field 6. A uncover ceremony will soon follow.

OPENED FOR PUBLIC DISCUSSION:

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

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

Mr. Smith approached Council to request permission to work on weekends. Mayor Schwager responded that his request would be discussed later on in the meeting.

Mr. Ted L'Estrange, 6 Geoffrey Court, Otisville, NY, approached Council on behalf of Falun Gong practitioners in the Hudson Valley area. He explained that over the past decade, it has been reported that the Communist Chinese regime detain and torture these practitioners for their beliefs and harvest their organs for their lucrative organ transplant industry. He requests that Council consider passing a resolution in action to condemn the persecution of Falun Dafa, also known as Falun Gong, practitioners in China.

Ryan Schwertfeger, 58 Andrew Avenue, announced that a dog park fundraiser will be held September 15th at the Senior Center. They will conduct a silent auction and appreciate any donations.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: AUGUST 9, 2017

On motion of Councilman Biale, seconded by Councilman Knapp, the minutes from the Mayor and Council meeting of August 9, 2017 be approved.

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

APPROVAL OF MINUTES: AUGUST 9, 2017 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of August 9, 2017 be approved.

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

REQUEST BY OAKLAND SMITH PROPERTIES TO WORK SATURDAYS

Motion to Remove From the Table:

On motion of Councilman Knapp, seconded by Councilman Biale, the request by Oakland Smith Properties to work Saturdays be removed from the table.

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

Mr. Smith came before Council requesting permission that allows him to work on Saturdays from 8:00 a.m. to 4:30 p.m. He explained that his business is seasonal and he is losing days due to bad weather.

Councilman Kulmala informed Mr. Smith that he was on the Planning Board during his application and approval was subject to a "good neighbor" policy and using the industrial park for ingress and egress of all construction equipment. He has received complaints from his neighbors that these conditions of approval are not being followed. Heavy equipment is entering the subject property by way of Ryerson Avenue and Page Drive where an incident occurred when one of his trucks took down power lines. Mr. Smith responded that regular trucks are using Page Drive and Ryerson Avenue but not the excavation trucks and trucks with fill. A discussion ensued concerning Mr. Smith's trucks blocking the entrance through the industrial park and phone calls to the fire chief for the lock combination for the gates.

Councilman Biale expressed his belief that Saturdays and Sundays should be days used for rest and relaxation. He questioned the type of work being proposed for the weekends. Mr. Smith responded that he would be siding the house, grading the property and paving the driveway. Councilman Biale questioned the noise impact from that type of work. Mr. Smith responded that the noise level should be low. Councilman Biale confirmed with Mr. Smith that the industrial park entrance and exit will be used for all work vehicles from this day forward. Mr. Smith agreed.

Councilman Knapp expressed that a condition should be in place that the start time be no earlier than 9:00 a.m. and no later than 5:00 p.m. on the weekends.

Mayor Schwager confronted Mr. Smith's decision to work without permission on Saturdays and made him aware of the many police reports filed from residents. Mr. Smith responded that he has been to court on those summonses and the fines have been paid. He expressed his surprise that people are complaining about this development which will improve the area and bring more revenue to the town.

Councilwoman Coira expressed to Mr. Smith that this is a step in the right direction and suggested that this permission be monitored. Councilman Biale reminded Mr. Smith to keep in mind the noise limit.

Mr. Chewcaskie explained to Mr. Smith that the conditions will include limit of noise, scope of work as discussed, a 60 day provisional period, entering and exiting through the industrial park and approval will pertain to one home at a time. Mr. Smith will need to receive permission to work on the weekends for each home separately. He warned Mr. Smith that at the first complaint from any neighbors, the approval will be rescinded and he will have to return to the Council.

On motion of Councilman Knapp, seconded by Councilman Biale, approval be granted to Oakland Smith Properties to work Saturdays at Smith Pond Estates.

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

APPOINTMENT TO SHADE TREE:

Mayor Schwager appointed Nancy Krause an unexpired term on the Shade Tree Commission. The term will expire December 31, 2017.

RESOLUTION 17-243 AUTHORIZE REFUND REDEMPTION MONIES-LIEN #16-00039

On motion of Councilman Visconti, seconded by Councilman Biale, 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 16-00039, Block 3001, Lot 16, better known as 198 Long Hill Road on July 28, 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 \$112.36 payable to US Bank Cust/PC4 1st Trust Bank, Tax Lien Services Group, 50 south 16th St-Suite 2050, Philadelphia, PA 19102;

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$112.36 to the aforementioned lien holder.

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

RESOLUTION 17-244 AUTHORIZE REFUND REDEMPTION MONIES-LIEN #16-00086
On motion of Councilman Visconti, seconded by Councilman Biale, 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 16-00086, Block 5005, Lot 9, better known as 31 Massasoit Trail on July 24, 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 \$11,925.84 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 \$11,925.84 to the aforementioned lien holder.

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

RESOLUTION 17-245 AMEND RESOLUTION 17-221 TO AMEND AUDITOR CONTRACT
On motion of Councilman Visconti, seconded by Councilman Biale, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, Resolution 17-221 to amend the contract of Borough Auditor Frank DiMaria by an additional \$ 2,500 was adopted on July 26, 2017; and

WHEREAS, the Account Number to charge the funds was not listed correctly and the funds should be taken from Account # 7-01-20-130-028; and

WHEREAS, the Chief Financial Officer has certified the funds are available in Account # 7-01-20-130-028;

NOW, THEREFORE, BE IT RESOLVED, that the Resolution be amended and the additional \$ 2,500 in funding be taken from Account # 7-01-20-130-028.

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

RESOLUTION 17-246 AUTHORIZE REFUND REDEMPTION MONIES-LIEN #16-00050
On motion of Councilman Visconti, 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 16-00050, Block 3807, Lot 5, better known as 28 Ryerson Ave., on August 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 \$ 138.48 payable to US Bank Cust/PC4 1st Trust Bank, Tax Lien Services Group, 50 South 16th Street-Suite 2050, Philadelphia, PA 19102;

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$138.48 to the aforementioned lien holder.

Mr. Kulmala expressed safety concerns with the condition of the bank owned home stating it could take up to a year for the home to be demolished. He questioned if there was any way to expedite the demolition of the fire damaged home. Mr. Chewcaskie responded that the Borough may be able to deem it unsafe and order the demolition of the home.

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

RESOLUTION 17-247 RAMAPO RIVER RESTORATION PROJECT-CHANGE ORDER

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

WHEREAS, a contract was awarded to T.R. Weniger, Inc., in the amount of \$ 369,800 for the Ramapo River Restoration Project; and

WHEREAS, the following Change Order #2 has been requested:
Archaeological Reconnaissance Survey \$ 9,975

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

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-691-401;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby authorize Change Order #2 in the amount of \$ 9,975 for a new total contract amount of \$ 391,975.

A discussion ensued concerning the delay for the Ramapo River Restoration Project. Mr. Kunze explained that as a part of the permit process along with the muscle study, DEP is requiring an archaeological reconnaissance survey for the presence of Native American fishing weirs.

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

RESOLUTION 17-248 HIRE PART-TIME COURT CLERK

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

BE IT RESOLVED that the Mayor and Council authorize the hiring of the following Part-time Court Clerk for the Oakland Municipal Court at a rate of \$ 18.00 per hour not to exceed 24 hours per week effective Tuesday September 6, 2017:

Marisol Gaitan
Ramsey, NJ 07446

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

RESOLUTION 17-249 AUTHORIZE VEHICLE AUCTION

On motion of Councilman Visconti, seconded by Councilman Biale, 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 have determined that the property listed in this resolution is no longer needed for public use and wishes to divest said property,

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

1. The sale of the surplus property shall be conducted online using Municibid (www.municibid.com) pursuant to New Jersey Local Finance Notice 2008-9. Terms of the agreement are available on the vendor's website and available in the Borough Clerk's Office.
2. The surplus property to be sold is as follows:

YEAR	MAKE / MODEL	VIN #	PLATE #	TAG #
1999	Ford Expedition	1FMPU18L1XLC08870		
2011	Chevy Impala	2G1WD5EM1B1216687		
1985	Pucket Bros. Paving Box-Model #T650B	Serial #PBP85G2719		

3. The surplus property as identified shall be sold in 'as is' condition without express or implied warranties.
4. In accordance with NJSA 39:10-9.1, the certificates of ownership for former police vehicles shall state that the motor vehicles were used as police patrol vehicles and notice is provided that the buyer shall continue to so state on each subsequent sale or transfer
5. The successful bidder will be required to pay in cash or certified check made out to the Borough of Oakland at the time of pick up of the vehicle. The Borough will not deliver the vehicle to the successful bidder.
6. The vehicle is to be transferred and taken off the site within 10 business days after approval of the sale by the Governing Body.

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

FINAL ADOPTION: ORDINANCE NO. 17-CODE-757

Motion to Remove From Table:

On motion of Councilman Biale, seconded by Councilman Visconti, Ordinance 17-Code-757 was removed from the Table for adoption.

ROLL CALL: Yeas, Councilmembers Biale, Knapp, Kulmala, Talamini, Visconti.
Nays: Councilmember Coira

Mr. Chewcaskie explained that the draft ordinance was before Council last month and was tabled due to concerns that the ordinance was unconstitutional as it applies to Oakland. Mr. Chewcaskie expressed that this ordinance would have more protection than the last ordinance. The ordinance was the model for Chadham, NJ and revised to fit the needs of a town with an aquifer present.

Motion to Adopt:

On motion of Councilman Biale, 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, 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, be adopted;

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

ROLL CALL: Yeas, Councilmembers Biale, Knapp, Kulmala, Talamini.
Nays, Councilmember Coira, Visconti.

WORK SESSION:

DOT GRANT APPLICATIONS:

Mr. Kunze informed that they identified potential projects for three grant applications which include repaving the entire length of Chickasaw Drive, Sidewalks along Ramapo Valley Road and erosion repairs to Allerman Brook. Mr. Talamini questioned if some of that grant money can be used for the emergency repair of the erosion along Ramapo Valley Road and Doty Road.

Assemblyman Auth approached Council to explain that Governor Christie signed into law the reauthorization of the Transportation Trust Fund with an 8-year, \$2 Billion per year, capital program for NJDOT. This program will include funding for:

- Road resurfacing/reconstruction
- Intersection improvements
- Drainage systems
- Pedestrian & roadway safety

- Safe walking routes to and from schools
- Sidewalk installation
- Bikeways
- Bridge replacement and/or rehabilitation

Ms. Casey, with Capital Alternatives, approached Council to update them on information concerning Patriots Way Bridge repairs. She explained that she called the commissioner's office in Trenton and the assistant commissioner assured her that they would come out by next week to inspect the bridge. The request for aid has made it through all local offices and assured that a funding letter should be received soon. She reviewed in depth the different programs and explained Oakland would have to provide the need and location of where aid is needed. It was recommended that Oakland create a long term planning committee. This committee would need to be headed by a mayor or councilmember and work with the grant consultant to make a "wish list" for infrastructure needs and locations in the town.

A discussion ensued between Ms. Casey and the Council concerning some of the projects such as a river walk, sidewalks for the northern end of Ramapo Valley Road and the Van Allen House that have already been identified and fall within the NJDOT programs. Currently, she is working with Oakland on three grants for potential projects and there is much more opportunity. A discussion ensued questioning if funding could include the Ramapo River Bank stabilization project since this has become an emergency. Mr. Kunze responded that when Boswell completes the geotechnical report, we can forward it to Ms. Casey for review.

FINALIZE CELL TOWER SPECIFICATIONS:

The Cell Tower specifications are complete and we are seeking guidance whether the successful bidder will undergo a capital project review or a full site plan review before the Planning Board. Mr. Chewcaskie will provide more information on the differences in approach.

COUNCIL REPORTS:

Councilman Knapp: No report.

Councilwoman Coira: No report.

Councilman Visconti: No report.

Councilman Biale: Informed that the first group of LED 2016/2017 street lights are completed and next group will begin shortly after. Senior Center members welcome to join the Bergen County Picnic on September 13th from 10:00 a.m. to 3:00 p.m. Bus will leave the Senior Center at 9:00 a.m.

Councilman Kulmala: Informed that a speed sign has been installed along Lawlor Drive at the Rec field.

Councilman Talamini: Announced that there will be no fireworks this year. Due to the inclement weather, the fireworks that were scheduled last June were canceled. They have worked out an arrangement with the fireworks company for a bigger better display. School opens September 6th so drive carefully. Happy Labor Day.

Councilman Knapp: informed the Council that Don Morgan has retired and he would like his 40 years of work and dedication to be recognized at the next meeting.

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, Kulmala, Talamini, Visconti.

Mr. Frank Monaco, 60 Thackery, informed the Council that he did receive his Suburban News and that he is receiving fraudulent calls. He questioned what measures he can take to prevent this from happening. Mr. Kunze responded that he can report it to the police but other than that, there is not much that can be done. Mr. Chewcaskie explained that these calls are not local but out of the country and there is little you can do to track these people down. Councilman Visconti recommended that Mr. Monaco contact Consumer Affairs or the state may have some recommendations.

CLOSED FOR PUBLIC DISCUSSION:

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

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

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Kulmala, the meeting be adjourned.

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

Kathlyn Gurney, Deputy Borough Clerk

Mayor Linda H. Schwager

September 13, 2017

Date Approved