

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY OCTOBER 16, 2019

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Talamini, seconded by Councilman Pignatelli, 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:
Police Promotions; Police Chief contract
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, Levy, Pignatelli, Talamini.

No action taken.

CLOSE EXECUTIVE SESSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Knapp, Kulmala, Levy, Pignatelli, 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, Knapp, Kulmala, Levy, Pignatelli, Talamini. Absent: None. 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.

MAYOR'S REPORT:

Mayor Schwager advised that the Borough won Honorable Mention in the NJ League of Municipalities Information contest. Online bill pay is now available for tax and utility payments. Mayor Schwager advised that the Borough is working on the bid specs to dismantle the Stream House. Borough Administrator Kunze advised that Bergen County may be able to help with the project. Mayor Schwager received information from the Green Team chairwoman about lantern flies which kill trees. Sightings of lantern flies should be reported to the NJ Department of Agriculture.

OPENED FOR PUBLIC DISCUSSION:

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

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

Sydney Gitlitz, 43 Overlook, and Julianna Spina, 2 Hidden Gorge, were in attendance to talk about the issues with the Patriots Way Bridge. The structural issues have affected the kids because the school bus route has become longer. The girls wanted to make a contribution towards the bridge repairs and raise awareness. They raised \$ 200 so far. They want to continue fundraising because they want to make an impact and want to make a difference. Mayor Schwager had met with the girls and suggested possible ideas for fundraising.

Alison Fleeson, 59 Seton Hall Drive and member of the Environmental Commission and Vice-Chair of the Green Team, was in attendance to discuss anti-idling. She advised that a meeting was held last month at the schools and parents were asked to sign an anti-idling pledge. She spoke of statistics of fine particle pollution. She asked people not to idle more than 10 seconds or turn their car off.

Jerri Angermueller, 24 Lakeview Terrace, commented that a lot of people are glad to see the work being done on the Van Allen House. The Historical Society is joining with other area Historical Societies to have a luncheon on the Prohibition. Ms. Angermueller commented that a lot of people would have appreciated if the Stream House was restored. Mayor Schwager responded that the Stream House was not salvageable due to structural instability, asbestos and lead. The State Historical Preservation Board does not want the Borough to replace the Stream House. They want us to give them a plan. Mayor Schwager thinks it would be great to make that a

museum to teach children. Councilman Pignatelli commented that the Van Allen House can be showcased once the Stream House is down. He asked if the Historical Society has plans for any fundraisers to help maintain the Van Allen House. Councilman Kulmala asked if that property belongs to the Borough and if it falls on the Borough to maintain it. Mr. Kunze responded it does. Councilman Pignatelli hopes someone inspects the building periodically so minor problems can be addressed before they become major.

Dave Richardson, 320 Ramapo Valley Road, complained about the billboard on 287. He thought there was a law not to have billboards on interstate highways. Borough Attorney Chewcaskie advised that the DOT issues permits and a permit was issued for this billboard. Mr. Richardson asked if Yawpo Ave, McCoy Road, Walnut Street or Doty Road was scheduled to be resurfaced because they are not in good condition. Mr. Richardson spoke about property maintenance issues. Mr. Kunze advised that the property owner will get a notice of violation and be given a chance to correct. If they don't correct the situation, the Borough can go fix it and put a lien on the property and issue a summons.

Ryan Schwertfeger, 58 Andrew Ave, thanked the OCC volunteers and Michael Carelli for their work in helping the Borough get the Honorable mention in the NJLM Information contest. The Candidates forum has been recorded and will be airing at 7 am, 3:30 pm and 10:00 pm every day until the election. It will also be shown online. The Dog Park is holding a fundraiser super 50/50 raffle. It is benefitting a good cause.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVE RAFFLE LICENSE RL1373:

On motion of Councilman Pignatelli, seconded by Councilman Biale, approval be granted for Raffle License RL1373 for Our Lady of Perpetual Help Church to hold a calendar raffle during January, February and March 2020 at OLP, 25 Purdue Ave.

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

APPOINTMENT: PUBLIC EVENTS COMMITTEE

Mayor Schwager brought forth the nomination of Anne Piombino for appointment to the Public Events Committee.

Motion to Consent:

On motion of Councilman Talamini, seconded by Councilman Pignatelli, the Council consented to the appointment of Anne Piombino to an unexpired term on the Public Events Committee. The term will expire December 31, 2019.

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

RESOLUTION 19-266 ANTI-IDLING RESOLUTION

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

WHEREAS, emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates; and

WHEREAS, numerous scientific studies have found links between exposure to fine particles and health effects including premature death, and increased incidents of allergies and other breathing disorders; and

WHEREAS, the United States Environmental Protection Agency has classified diesel exhaust as likely to be carcinogenic to humans; and

WHEREAS, asthma is a significant public health concern in NJ, especially among children (up to 25% of NJ's school age children are asthmatic) and the elderly; and

WHEREAS, the reduction of fine-particle emissions from diesel engines could also prevent 16,000 new asthma cases annually and save \$770 million to \$10 billion in health care and related costs in the State; and

WHEREAS, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO₂), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, vehicle idling occurs in locations (e.g. parking lots, strip malls, construction sites, business centers, drive-through etc.) where Oakland residents can be exposed to concentrated sources of air pollutant emissions; and

WHEREAS, the reduction of fine-particle emissions from diesel engines could also prevent 16,000 new asthma cases annually and save \$770 million to \$10 billion in health care and related costs in the State; and

WHEREAS, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted; and

WHEREAS, idling is not generally beneficial to a vehicle's engine because it wears engine parts; and

WHEREAS, idling more than ten seconds uses more fuel and emits more pollutants than turning an engine off and on again; and

WHEREAS, idling for ten minutes uses as much fuel as it takes to travel 5 miles; and

WHEREAS, current state law prohibits the idling of vehicles for more than three minutes and studies have shown that an anti-idling policy will save fuel, prolong engine life, and improve air quality.

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey supports the adoption of a strong anti-idling policy by government agencies, schools, businesses, and other organizations by:

1. Enforcing existing violations and penalties under New Jersey's existing no-idling law a priority for all municipal Police Officers pursuant to C. 39:3-70.2 and C. 26:2C-1;
2. Encouraging any gasoline or diesel-powered motor vehicle to turn off their engines immediately at schools and off-site school related events to minimize exposure of children to vehicle emissions;
3. Maintaining municipal vehicles to eliminate any visible exhaust and complying with the annual inspection requirement for those vehicles;
4. Promote the widespread use of emission controls in construction contracts (for example, see the "Diesel Emission Controls in Construction Projects: Model Contract Specification" developed by the Northeast Diesel Collaborative); and
5. Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

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

RESOLUTION 19-268 AUTHORIZE PURCHASE IN-CAR VIDEO

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

WHEREAS, the Police Department wishes to purchase a 4RE In-car Video System at a cost of \$ 45,184.00; and

WHEREAS, Watch Guard Video, 415 #. Exchange Pkwy, Allen, TX 75002 has NJ State Contract# 17-FLEET-00793 for this item; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-786-312;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorize the Borough Administrator to issue a Purchase Order to Watch Guard Video for the 4RE In-Car Video System at a cost of \$ 45,184.00.

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

RESOLUTION 19-270 AUTHORIZE BOSWELL-RAMAPO VALLEY ROAD SIDEWALK IMPROVEMENTS

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

WHEREAS, the Borough of Oakland wishes to install new sidewalks and repair existing sidewalks along the west side of Ramapo Valley Road from Navajo Way to Saratoga Drive; and

WHEREAS, there is a need for engineering services required for the project; and

WHEREAS, Boswell Engineering has submitted a proposal dated September 24, 2019 for the work required in an amount not to exceed \$ 44,100.00 broken down as follows; and

Task 1 Topographic & Boundary Survey \$ 21,600.00

Task 2 Preliminary Construction Plans
Including retaining wall concepts \$ 22,500.00

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

WHEREAS, the award of this contract is for a professional service for which no public bidding is required; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-787-311;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Boswell Engineering to perform the engineering services for the Ramapo Valley Road Sidewalk Improvements project at a cost to exceed \$ 44,100.00 as specified in their proposal; and

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

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

RESOLUTION 19-271 AUTHORIZE CDBG GRANT AGREEMENT-SENIOR CENTER IMPROVEMENTS

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

BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$ 119,316 in 2019-2020 Community Development Block Grant Funds for Senior Center Improvements; and

BE IT FURTHER that the Mayor and Council hereby authorizes Mayor Linda H. Schwager to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorizes Borough Administrator Richard S. Kunze to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED that the Mayor and Council recognizes that the Borough of Oakland is liable for any funds not spent in accordance with the Grant Agreement and that liability of the Mayor and council is in accordance with HUD requirements

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

RESOLUTION 19-272 APPOINT FIRE OFFICIAL

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

WHEREAS, John Wittekind has been Acting Fire Official for the Borough of Oakland since June 1, 2019; and

WHEREAS, the Mayor and Council wish to make the appointment of Mr. Wittekind permanent;

NOW, THEREFORE, BE IT RESOLVED that John Wittekind, is hereby appointed as Fire Official effective October 17, 2019.

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

RESOLUTION 19-273 AUTHORIZE ACCRUED TIME PAYOUT-K. DUBOWICK

On motion of Councilman Biale, seconded by Councilman Levy, 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 Chief Financial Officer has certified that the funds and authority exists to pay the part of the accumulated absence, as per the attached schedule, to Karin Dubowick for sick, vacation, personal and compensatory time accumulated in the amount of \$ 12,392.60; 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 \$12,392.60 composed of 52.5 hours of vacation time, 276 hours of sick time, and 2 hours of personal time and -3 hours compensatory time be paid out to Karin Dubowick. 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, Levy, Pignatelli, Talamini.

RESOLUTION 19-274 AUTHORIZE ACCRUED TIME PAYOUT-E. MacMAHON

On motion of Councilman Biale, seconded by Councilman Levy, 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 Chief Financial Officer has certified that the funds and authority exists to pay the part of the accumulated absence, as per the attached schedule, to Eugene MacMahon for sick, vacation, personal and compensatory time accumulated in the amount of \$ 13,905.74 ; 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 \$ 13,905.74 composed of 70 hours of vacation time, 276 hours of sick time, and 0 hours of personal time and 0 hours compensatory time be paid out to Eugene MacMahon. 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, Levy, Pignatelli, Talamini.

RESOLUTION 19-275 AUTHORIZE ACCRUED PAYOUT-L. SUPRICE

On motion of Councilman Biale, seconded by Councilman Levy, 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 Chief Financial Officer has certified that the funds and authority exists to pay the part of the accumulated absence, as per the attached schedule, to Luchrist Suprice for sick, vacation, personal and compensatory time accumulated in the amount of \$ 660.00; 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 \$ 660.00 composed of 33 hours of vacation time, 0 hours of sick time, and 0 hours of personal time and 0 hours compensatory time be paid out to Luchrist Suprice. 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, Levy, Pignatelli, Talamini.

RESOLUTION 19-276 AUTHORIZE CONTRACT-ROCK SALT

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

WHEREAS, the Borough of Oakland needs to purchase rock salt; and

WHEREAS, the Borough of Oakland is a member of the New Jersey Cooperative Purchasing Alliance (state ID #11-BeCCP); and

WHEREAS, the New Jersey Cooperative Purchasing Alliance has awarded a contract, Rock Salt, to Chemical Equipment Labs, Inc., and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended that the Borough of Oakland purchase rock salt through the New Jersey Cooperative Purchasing Alliance in an amount not to exceed \$75,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 9-01-26-306-058 and from appropriation in the 2020 budget, subject to adoption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes the purchase of Rock Salt, in an amount not to exceed \$75,000, through the New Jersey Cooperative Purchasing Alliance, contract Rock Salt, awarded to Chemical Equipment Labs, Inc.

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

RESOLUTION 19-277 AUTHORIZE PURCHASE OF TURNOUT GEAR

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

WHEREAS, the Fire Department wishes to purchase twenty-two (22) sets of Turnout Gear at a cost of \$ 2,698.00 each; and

WHEREAS, on April 24, 2019, the Borough of Oakland awarded the bid for the Turnout Gear to New Jersey Fire Equipment, 119-131 Route 22 East, Green Brook, NJ 08812 as bid by the WOLF Cooperative Pricing System Number 176-WCGCPS-Wolf Group; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-762-504 \$ 34,000 and Account # C-04-56-786-111 \$ 25,356;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorize the Borough Administrator to issue a Purchase Order to New Jersey Fire Equipment in the amount of \$ 59,356 for the Turnout Gear as specified in the bid award.

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

RESOLUTION 19-278 AUTHORIZE PURCHASE REPLACEMENT PICK UP TRUCKS

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

WHEREAS, the Department of Public Works wishes to purchase two (2) Ford F350 Pick-Up Trucks; and

WHEREAS, Winner Ford of Cherry Hill, NJ has State Contract #A88758,T2101 for the vehicles desired at a cost of \$37,533.00 per vehicle; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-786-411;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the purchase of two Ford F350 Pick-Up Trucks at a total cost of \$ 75,066.00.

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

RESOLUTION 19-279 AUTHORIZE PURCHASE OF POLICE NETWORK

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

WHEREAS, the Police Department needs to replace the Police Computer Network; and

WHEREAS, Dell Computers, One Dell Way, RR1 Box 17, Round Rock, TX 78682 has NJ State Contract #19-TELE-00656, M0483 for the equipment needed for the new Computer Network; and

WHEREAS, the Chief Financial Officer has certified that the funds are available in Account #C-04-56-786-312 \$ 156,121.45

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorized the Borough Administrator to issue a Purchase Order to Dell Computers in the amount of \$ 156,121.45 for the new Police Computer Network as per the specifications.

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

RESOLUTION 19-281 AUTHORIZE LIEN-37 LAKESHORE DRIVE

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

WHEREAS, the Borough of Oakland Zoning Officer has advised that the property located at 37 Lakeshore Dr. and identified as Block 1501, Lot 61 on the Tax Assessment Map of the Borough of Oakland was in violation of the Borough's property maintenance code; and

WHEREAS, the property owner of the premises was notified by the Borough on several occasions respecting the condition of the property and the need to remedy same consistent with the requirements of the Borough's property maintenance code 10-3.1 et seq.; and

WHEREAS, the Borough was compelled to provide labor and expend significant costs totaling \$2,286.06 in order to clean up the property at 37 Lakeshore Dr.; and

WHEREAS, the property maintenance code of the Borough of Oakland permits the imposition of the lien in the nature of additional taxes in such case; and

WHEREAS, a report dated September 26, 2019 detailing the work performed and expenses incurred has been provided to the Borough Administrator who has approved the cost and expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Tax Collector be and is hereby directed to charge as additional real property taxes to the owner of the property located at 37 Lakeshore Dr. the sum of \$2,286.06 being the amount due pursuant to the report dated September 26, 2019.

BE IT FURTHER RESOLVED that a copy of the report and this resolution approving the expenses and costs shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection of same.

BE IT FURTHER RESOLVED that a copy of the report, along with a certified copy of this resolution, shall be sent to the owner of the property of 37 Lakeshore Dr. by certified mail, return receipt requested.

BE IT FURTHER RESOLVED that the Tax Collector shall take whatever actions are necessary and reasonable in accordance with statutory law.

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

RESOLUTION 19-282 AUTHORIZE LIEN-39 ANDREW AVE.

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

WHEREAS, the Borough of Oakland Zoning Officer has advised that the property located at 39 Andrew Ave. and identified as Block 5305, Lot 10 on the Tax Assessment Map of the Borough of Oakland was in violation of the Borough's property maintenance code; and

WHEREAS, the property owner of the premises was notified by the Borough on several occasions respecting the condition of the property and the need to remedy same consistent with the requirements of the Borough's property maintenance code 10-3.1 et seq.; and

WHEREAS, the Borough was compelled to provide labor and expend significant costs totaling \$2,252.88 in order to clean up the property at 39 Andrew Ave.; and

WHEREAS, the property maintenance code of the Borough of Oakland permits the imposition of the lien in the nature of additional taxes in such case; and

WHEREAS, a report dated September 10, 2019 detailing the work performed and expenses incurred has been provided to the Borough Administrator who has approved the cost and expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Tax Collector be and is hereby directed to charge as additional real property taxes to the owner of the property located at 39 Andrew Ave. the sum of \$2,252.88 being the amount due pursuant to the report dated September 10, 2019.

BE IT FURTHER RESOLVED that a copy of the report and this resolution approving the expenses and costs shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection of same.

BE IT FURTHER RESOLVED that a copy of the report, along with a certified copy of this resolution, shall be sent to the owner of the property of 39 Andrew Ave. by certified mail, return receipt requested.

BE IT FURTHER RESOLVED that the Tax Collector shall take whatever actions are necessary and reasonable in accordance with statutory law.

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

RESOLUTION 19-283 AUTHORIZE LIEN-153 FRANKLIN AVE.

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

WHEREAS, the Borough of Oakland Zoning Officer has advised that the property located at 153 Franklin Ave. and identified as Block 4302, Lot 29 on the Tax Assessment Map of the Borough of Oakland was in violation of the Borough's property maintenance code; and

WHEREAS, the property owner of the premises was notified by the Borough on several occasions respecting the condition of the property and the need to remedy same consistent with the requirements of the Borough's property maintenance code 10-3.1 et seq.; and

WHEREAS, the Borough was compelled to provide labor and expend significant costs totaling \$2,686.46 in order to clean up the property at 153 Franklin Ave.; and

WHEREAS, the property maintenance code of the Borough of Oakland permits the imposition of the lien in the nature of additional taxes in such case; and

WHEREAS, a report dated September 26, 2019 detailing the work performed and expenses incurred has been provided to the Borough Administrator who has approved the cost and expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Tax Collector be and is hereby directed to charge as additional real property taxes to the owner of the property located at 153 Franklin Ave. the sum of \$2,686.46 being the amount due pursuant to the report dated September 26, 2019.

BE IT FURTHER RESOLVED that a copy of the report and this resolution approving the expenses and costs shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection of same.

BE IT FURTHER RESOLVED that a copy of the report, along with a certified copy of this resolution, shall be sent to the owner of the property of 153 Franklin Ave. by certified mail, return receipt requested.

BE IT FURTHER RESOLVED that the Tax Collector shall take whatever actions are necessary and reasonable in accordance with statutory law.

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

RESOLUTION 19-284 HIRE REPLACEMENT LABORER-J. GRIDER

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

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

WHEREAS, the Borough Administrator and Superintendent of Public Works recommend that Jason Grider 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 Jason Grider as a laborer in the Department of Public Works effective Monday, October 21, 2019 at an annual salary of \$ 37,103.

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

RESOLUTION 19-286 APPOINT PER-DIEM DISPATCHER-K. MULLENS

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

WHEREAS, the Police Chief has requested the appointment of a Per Diem Dispatcher and has completed all necessary background investigations and deemed the candidate to be qualified;

BE IT RESOLVED, that the Mayor and Council hereby appoints the following at a Step 1 salary of \$ 20.50 per hour effective October 17, 2019:

Kevin J. Mullens
5 Demartini Place
Waldwick, NJ 07463

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

RESOLUTION 19-287 AUTHORIZE RECREATION REFUND

On motion of Councilman Biale, seconded by Councilman Levy, 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 Recreation fees in the amount of \$ 320.00; 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:

Stacy Weidenmuller, 68 Martha Place, Oakland, NJ 07436, amount due \$ 260.00, Football fees
Cheri Potter, 38 Mohawk Ave., Oakland, NJ 07436, amount due \$ 60.00 Rutgers Safety Course

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

INTRODUCTION: ORDINANCE NO. 19-CODE-792 AMEND SITE PLAN DESIGN STANDARDS

The Clerk was directed to take from table Ordinance No. 19-Code-792 and read by title for its first reading.

The Clerk then read by title Ordinance No. 19-Code-792 entitled: " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 "LAND USE AND ZONING" ARTICLE VI "SUBDIVISION AND SITE PLAN", SECTION 59-40 "DESIGN STANDARDS"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 "Land Use And Zoning" Article VI "Subdivision And Site Plan", Section 59-40 "Design Standards", be introduced;

That said Ordinance be considered for final adoption at a meeting on December 4, 2019 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before November 1, 2019 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

INTRODUCTION: ORDINANCE NO. 19-BOND-793 AMEND ORDINANCE-ALLERMAN BROOK

The Clerk was directed to take from table Ordinance No.19-Bond-793 and read by title for its first reading.

The Clerk then read by title Ordinance No. 19-Bond-793 entitled: " BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$145,000 FOR THE REMEDIATION OF STREAM BANK EROSION AT ALLERMAN BROOK IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

BE IT RESOLVED that an Ordinance entitled, " Bond Ordinance To Appropriate An Additional Sum Of \$145,000 For The Remediation Of Stream Bank Erosion At Allerman Brook In, By And For The Borough Of Oakland, In The County Of Bergen, State Of New Jersey, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Additional Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds., be introduced;

That said Ordinance be considered for final adoption at a meeting on October 30, 2019 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before October 21, 2019 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

RESOLUTION 19-285 INTRODUCTION BOND ORDINANCE

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

BE IT RESOLVED that the ordinance entitled:

"BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$145,000 FOR THE REMEDIATION OF STREAM BANK EROSION AT ALLERMAN BROOK IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 30th day of October, 2019, at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

INTRODUCTION: ORDINANCE NO. 19-BOND-795 CAPITAL-VAN ALLEN HOUSE

The Clerk was directed to take from table Ordinance No. 19-Bond-795 and read by title for its first reading.

The Clerk then read by title Ordinance No. 19-Bond-795 entitled: " CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$73,218, for ORDINANCE 16-748 VAN ALLEN HOUSE IMPROVEMENTS IN AND BY AND FOR THE BOROUGH, AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE BOROUGH."

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

BE IT RESOLVED that an Ordinance entitled, Capital Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey Providing A Supplemental Appropriation Of \$73,218, For Ordinance 16-748 Van Allen House Improvements In And By And For The Borough, And Providing That Such Sum So Appropriated Shall Be Raised From The Capital Improvement Fund Of The General Capital Fund Of The Borough." , be introduced;

That said Ordinance be considered for final adoption at a meeting on October 30, 2019 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before October 21, 2019 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

WORK SESSION:

VACANT AND NUISANCE PROPERTY ORDINANCE:

Mr. Kunze explained that the idea of this ordinance is to establish procedures to register abandoned properties. Construction Official John Wittekind explained that this ordinance is primarily to address foreclosure properties which are bank-owned. It gives better control of the property. Part two of the ordinance is the nuisance portion. It allows the Borough an avenue to

rehabilitate or market or take possession of either foreclosure or vacant property which is deemed a nuisance. It will allow better enforcement of these properties.

Councilman Pignatelli commented that the problem is when the banks are located in a different state. Mr. Wittekind responded that the ordinance would require the property to be registered which would give the Borough more control. Councilman Knapp asked about an unoccupied rental property. Mr. Wittekind responded that would be handled under the property maintenance ordinance. Mr. Chewcaskie advised that the abandoned property statute went into effect in 2015 to address properties neglected in foreclosure. This ordinance is more detailed and is a good tool to get compliance. It is not a low cost ordinance-there is work to be done by the public officer and there is legal work but it can be an effective tool.

Councilman Pignatelli asked how many foreclosure properties are in Oakland right now. Mr. Wittekind estimates that there are 48 right now. Mayor Schwager asked what rights we have to get these properties cleaned up. Mr. Chewcaskie responded that the Borough can issue fines and we have the ability to clean the property and issue a lien. We have the right of foreclosure in certain instances. Councilman Knapp is happy to see this ordinance because this is a pet peeve of his. Mr. Wittekind explained that the object of the ordinance is that we have someone to hold accountable.

Councilman Kulmala gave pictures of various properties that have been neglected. Mr. Wittekind explained if the properties were foreclosure properties, the banks would get a violation notice and have to address the issue. Councilman Kulmala commented these properties are a blight in the neighborhood. He asked the timeframe to getting the properties cleaned up. Mr. Wittekind explained that each property is different. The properties that Councilman Kulmala provided pictures of were noticed under the property maintenance ordinance. We have gotten a quote from the DPW to clean the properties. If it was a foreclosure property, the bank would be cited. Councilman Kulmala asked about the old Burger King property and the abandoned motel and how these properties will be addressed. Mr. Wittekind responded that these properties would be covered under the property maintenance ordinance. Councilman Levy advised that those two properties have applications before the Planning Board.

Councilman Kulmala asked for an explanation of the fines. Mr. Wittekind advised that there are registration forms that have to be filled out and fees paid. The fee for year 1 would be \$ 400, the fee for year 2 would be \$ 800 and the fee for year 3 would be \$ 1600. The fines would be dependent on the violations. Councilman Kulmala stated the ordinance requires the creation of a data base. He asked if additional properties would be rolled in to the list. Mr. Wittekind responded they would and he advised that there is a module in the Construction Department software for property maintenance.

Mayor Schwager asked if there will be separate summonses for fire if there is a fire hazard. Mr. Wittekind responded he has two inspectors doing Fire Prevention. Mr. Kunze advised in adjunct to the new ordinance, we are going to be hiring additional administrative staff for the Construction Office. The long term plan is to hire someone dedicated to property maintenance. He explained that we need the resources if we are going to be proactive. Councilman Kulmala asked if the town takes care of the property, does the DPW still have to maintain it. Mr. Wittekind responded that he will still have to issue a violation notice. This ordinance should help be proactive. Councilman Talamini commented that the DPW has a lot of work to do and he asked if we would be better off contracting a landscaper to clean the properties. Mr. Kunze responded that this ordinance will decrease instances where the DPW has to go out to clean a

property. He will talk to the DPW Superintendent about the issue. Mayor Schwager thanked John Wittekind for all the work he has been doing.\

PROPOSAL-GREAT OAK PARK BANDSHELL:

Borough Engineer John Yakimik advised that there is a legal issue that he must discuss with the Borough Attorney so this must be carried.

OFF-DUTY POLICE ESCROW ORDINANCE:

Mr. Kunze advised that the CFO has been working on this with the Police Chief. The Borough is required to establish parameters on how to handle off-duty police details. An ordinance will be listed on the next agenda for introduction.

BEST PRACTICES CHECKLIST:

Mr. Kunze advised that the deadline for the Best Practices checklist is October 30th. The State changed the format this year based on feedback from the Finance Officers and Municipal Managers' Associations. There certain questions that are core and count toward the score. Thirty of the questions are seeking information only. Mr. Chewcaskie advised that the Flood ordinance qualifies for the question about resiliency with the Master Plan.

Mayor Schwager questioned why we should be penalized if we did not receive two bids for garbage collection. Mr. Kunze responded we are not being penalized for this question. Mayor Schwager advised that the NW Bergen Mayors Association complained to the State about the bids for garbage collection. Councilman Levy asked if we have talked to Pompton Lakes on how they fiscally handle garbage collection. Mr. Kunze responded that we have done an analysis to see if we should do in-house. There are some challenges and large upfront capital costs. Councilman Biale commented this could possibly be done as a shared service. Mr. Kunze responded that he has looked into contracting on a shared service basis.

SHADE TREE LOGO CONTEST:

Councilman Levy advised that the Shade Tree Commission would like to have a logo contest. The winner will receive a gift certificate. Mayor Schwager asked how this contest will be publicized. Councilman Levy responded he will speak about it at Council meetings. Peter Kikot will promote it through the Community of Commerce.

CONTRIBUTION TO FIRST AID SQUAD FOR BALLISTIC GEAR:

Councilman Knapp advised that he brought this up at the last Council meeting. First Aid Squad needs to get ballistic safety gear to have the ability to go into an active shooter situation. They are asking for a contribution of \$ 6,500. Mr. Kunze responded there is money to cover this cost. The consensus of the Council was to move forward.

NEW BUSINESS:

Councilman Pignatelli advised that Fair Lawn permits expanded uses in the Industrial zone. IN past years, Oakland has had to reduce taxes because the people can't rent out their properties in the Industrial Park. He believed if we add additional uses, there may be less tax appeals.

Councilman Knapp commented that we need to create a building infrastructure maintenance plan. Mr. Kunze responded that he and the CFO have started to address this issue. DPW is working on a survey. Mr. Kunze advised that his office is putting together a project for upgrades for energy efficiency.

COUNCIL REPORTS:

Councilman Talamini: The Halloween Parade is October 26th at 10 am. Touch a Truck will take place on November 2nd from 12 to 2 pm. Toys for Tots will take place on December 7th at Bush Plaza. The Tree and Menorah lighting will take place on December 8th. The Holiday lights contest will take place again this year. The Public Events Committee is always looking for new members. The Cooperstown Baseball team is having a Halloween fundraiser party on October 26th at the Knights of Columbus.

Councilman Kulmala: The OCC will meet on November 4th at 7:30 pm. If anyone wishes to film their events, they can be aired on Channel 77. He congratulated the OCC on attaining Honorable Mention for the Borough in the NJLM Information Contest. Last Saturday, Recreation had football and cheer pink out to honor breast cancer survivors. Next Saturday will be a salute to Veterans. Signups for Roller Hockey, Basketball and Wrestling are ongoing. The Roller Hockey rink curbs are done and the asphalt has been laid. We are currently waiting for the boards. Residents can now pay taxes and water bills online.

Councilman Biale: The weekly movie at the Senior Center takes place on Mondays at 1:30 pm. The movie for October 21st is Yesterday and the move for October 28th is Phantom of the Opera. On October 17th at 11 am, the Senior skin care series will take place. Line Dancing class will be held Friday October 18th at 2 pm. Halloween bingo will take place on October 31st. The Men's Club will have a cooking class on October 22nd where they will make chili. The flu shot clinic will be held October 22nd. The Water Department is continuing the fire hydrant flushing program. The only hydrants left to be completed are on County roads. They will be done between the hours of 10 pm to 6 am. Any non-functioning hydrants would be replaced or repaired within 10 days. The Road paving project is scheduled to be finished tomorrow. We are currently working on the 2020 program. The DPW has tested each piece of snow removal equipment in advance of snow storms.

Mayor Schwager advised she spoke yesterday at the Senior Center regarding wills and she has packets of information.

Councilman Pignatelli: Hazardous Waste Collection will be held October 20th at Bergen Community College from 9 am to 3 pm. The Green Team will meet on October 22nd. They are continuing efforts toward Sustainable Jersey. It is flu season and last year there were 80,000 deaths from flu. He asked residents to please get their flu shots.

Councilman Levy: The Shade Tree Commission is working on revising the Shade Tree ordinance. That will be discussed at the next Mayor and Council meeting. The Shade Tree Commission is looking for new members and the Flood Commission needs two new members.

Councilman Knapp: Councilman Knapp is happy that the bollard ordinance has been introduced. He asked if someone is writing a letter to existing businesses about the safety issue. Mr. Chewcaskie advised he is working on that with Mr. Kunze. Councilman Knapp spoke of the increased accidents on Skyline Drive and asked if the County could put in a vibrating center line. He spoke of the danger of garbage trucks. The Fire Department will bring Santa around on Saturday December 14th.

Councilman Biale commented that the radar unit on Seminole and Calumet is not working and there must be a battery issue.

OPENED FOR PUBLIC DISCUSSION:

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

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

Dave Richardson, 320 Ramapo Valley Road, spoke of the danger at Dairy Queen and said they need bollards. Councilman Biale asked why we cannot make existing businesses install the bollards. Mr. Chewcaskie explained that the existing facilities met the code at the time of their approval. He explained that the Borough may be able to offer an incentive to install them by waiving the site plan requirement and have the Borough pay the engineering review.

Ali Fleeson, Seton Hall Drive, advised that this Saturday, local veterans were invited to the football game and there will be military vehicles on hand. She invited residents to come to the game.

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, Levy, Pignatelli, Talamini.

BILLS TO BE PAID:

On motion of Councilman Talamini, seconded by Councilman Biale, the following bills be submitted for payment:

(see following pages)

BE IT RESOLVED that the foregoing bills be paid and charged to their respective accounts when the funds are available.

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

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Knapp, the meeting be adjourned at 9:25 pm.

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

Lisa M. Duncan, Borough Clerk

Mayor Linda H. Schwager

Date Approved