

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY AUGUST 14, 2019

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Levy, 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:
Sandy Beach; 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, Knapp, Kulmala, Levy, Pignatelli.

Discussion ensued. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:32 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. Absent: Councilman Talamini. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Mayor Schwager announced this meeting is being held in accordance with the Open Public Meetings Law duly announced and included in the schedule of regular meetings.

MOTION TO EXCUSE ABSENCE.

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, the absence of Councilman Talamini be excused.

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

MAYOR'S REPORT:

Mayor Schwager received a letter claiming she was ignoring a resident's email. She did not realize that the emails sent through the website were going into her junk email. She apologized to anyone who tried to email through the website. The resident asked why we were ignoring the sidewalk at the Ramapo River Reserve. Mayor Schwager advised that we hired a contractor but he did not submit all the proper paperwork yet. Once he does, the sidewalk will be done. Another resident complained about the traffic in the middle of town. Mayor Schwager thought that the timing on the lights could be adjusted to help traffic but it has not helped. She will have a meeting with the Public Safety Committee, the Police Captain and the Traffic Officer to discuss ways to mitigate traffic. Mayor Schwager advised that a resident in Ramapo Park complained about issues with the roads. She contacted Senator Cardinale and Assembly Auth since that is State property. Assembly Auth said he would go inspect the site and get back to the Mayor. Representatives from the Borough went to Trenton yesterday to meet with the DEP regarding sewers. The biggest issue is our treatment plants.

OPENED FOR PUBLIC DISCUSSION:

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

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

Store Manager, Staples, was in attendance to talk about a block party being held at the store this weekend. He spoke of programs involving donations to the local schools and teachers.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: JULY 24, 2019

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of July 24, 2019 be approved.

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

APPROVAL OF MINUTES: JULY 24, 2019 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Executive Session of July 24, 2019 be approved.

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

PRESENTATION BY COLUMBIA BANK:

Brian Gargano, Branch Manager at Columbia Bank, advised that Councilman Levy contacted him regarding a donation for the Roller Hockey Rink. Mr. Gargano presented Recreation Chairman Mike Guadagnino and Commissioners Vivan King and Sandra Coira with a check for \$25,000 for the renovation of the Roller Hockey Rink. Mr. Guadagnino thanked Columbia Bank and Councilman Levy. He thanked Vivian King for all her work as Roller Hockey Commissioner. Mayor Schwager thanked Columbia Bank as well. She advised that the Borough also received a check from the County for the project. Councilman Levy thanked John Yakimik from Boswell for cutting his fee to get this done. Mr. Yakimik advised that the re-bids will be received tomorrow. He is hoping the Borough will make out favorably with the bid tomorrow.

ENVIRONMENTAL COMMISSION UPDATE:

David Blanke, Chairman of the Environmental Commission, advised that the Environmental Commission's mission is to protect natural resources and educate residents. The Commission is going to do a monthly sustainable tip. He spoke about food waste of 1 lb per person per day. That has a huge environmental impact because it ends up in a landfill and generates methane gas. Mr. Blanke advised that residents can compost their waste. There are bins for sale at the DPW. He explained the process to make compost and showed a sample of the soil that is generated. Councilman Kulmala asked how long it would take a family of 4 to fill the compost bin. Mr. Blanke responded he got his bin 6 months ago and it is about 1/4 full. Councilman Knapp asked what is special about the bin. Mr. Blanke responded it is contained and it aerates. Mr. Blanke advised that there is an open seat on the Environmental Commission. Councilman Pignatelli advised that the Environmental Commission members have a tremendous amount of good ideas. Councilman Pignatelli composts leaves and greens. He advised that the University of Colorado has developed an enzyme that can decompose plastic. He advised that there is 9 million metric ton of plastic dumped in the ocean.

APPROVE SIGN REQUEST:

Rick Lepre from the Oakland-Franklin Lakes Rotary was in attendance to ask permission to hang a sign at Bush Plaza advertising their annual car show. It is held jointly with Oakland Community of Commerce. It will be held September 22nd from 1 to 6 pm at Copper Tree Mall. All funds taken in at the event are donated to the Mission of Honor which is an organization that gives military funerals to veterans whose remains are abandoned.

Motion to Approve:

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, approval be granted for Oakland-Franklin Lakes Rotary Club to put a sign in Bush Plaza advertising the car show to be held September 22nd.

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

APPROVE RAFFLE LICENSE RL1363:

On motion of Councilman Biale, seconded by Councilman Pignatelli, approval be granted for Raffle License RL1363 for Knights of Columbus to hold an off-premise 50/50 raffle on December 13, 2019 at 7 Courthouse Place.

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

SOCIAL AFFAIRS PERMIT:

On motion of Councilman Pignatelli, seconded by Councilman Biale, approval be granted for the Oakland Fathers Club to hold a pig roast at the Oakland Elks Club on September 7, 2019.

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

RESOLUTION 19-221 REAPPOINTMENT OF CFO

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

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

WHEREAS, David Young was appointed as the Temporary Chief Financial Officer for the term July 26, 2018 through July 26, 2019 in accordance with N.J.S.A. 40A:9-140.13(f) and N.J.A.C. 5:32-2.5(a); and

WHEREAS, the Borough of Oakland is seeking to reappoint Mr. Young for another one (1) term as the Temporary Chief Financial Officer; and

WHEREAS, the Borough of Oakland has sought the approval from the Director of the Division of Local Government Services for the additional one (1) term of Mr. Young as the Temporary Chief of Financial Officer and is waiting for a response on such approval; and

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

- 1) Subject to the final approval of the Director of Local Government Services, David Young is hereby appointed as Temporary Chief Financial Officer effective July 27, 2019 through July 27, 2020.

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

RESOLUTION 19-222 AMEND SALARY RESOLUTION -CFO

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

WHEREAS, in accordance with his employment letter, the Chief Financial Officer is due a \$ 5,000 pay increase effective July 26, 2019;

NOW, THEREFORE, BE IT RESOLVED that effective July 26, 2019, David Young's salary will be \$ 92,000.

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

RESOLUTION 19-223 CERTIFICATION OF 2018 AUDIT

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

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Oakland, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

RESOLUTION 19-224 CORRECTIVE ACTION PLAN

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

WHEREAS, the Borough of Oakland is in receipt of the Report of Audit for the period ending December 31, 2018; and

WHEREAS, the Mayor and Council of the Borough of Oakland formally accepted said audit document On August 14, 2019; and

WHEREAS, it is necessary to develop and obtain Mayor and Council approval of an Audit Corrective Action Plan; and

WHEREAS, said plan must be approved and filed within sixty days of formal notice.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the required Audit Corrective Action Plan, having been prepared and submitted by the Chief Financial Officer, is hereby approved and further that said plan document be placed on file and made available for public inspection in the Office of the Borough Clerk.

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

RESOLUTION 19-227 AUTHORIZE SETTLEMENT AGREEMENT

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

WHEREAS, certain matters have arisen pertaining to the prior employment of A.D. with the Borough of Oakland ("Borough"); and

WHEREAS, A.D. has agreed to a Settlement Agreement and Release and executed same on August 6, 2019; and

WHEREAS, the Borough Council has reviewed the Settlement Agreement and Release and seeks to accept and agree to the terms of same; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, as follows:

1). The Borough hereby accepts and agrees to the terms and conditions of the Settlement Agreement and Release dated August 6, 2019; and

2). The Borough hereby authorizes the Mayor to execute the Settlement Agreement and Release dated August 6, 2019; and

3). That this resolution shall take effect immediately.

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

RESOLUTION 19-228 AMEND SIGNATORIES ON ANIMAL CONTROL ACCOUNT

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

BE IT RESOLVED that TD Bank, Oakland Office, be designated as the Official Depository of this Borough for its account known as:

THE ANIMAL CONTROL ACCOUNT

BE IT FURTHER RESOLVED that Lisa M. Duncan, Borough Clerk, is hereby designated custodian of said account, and the Borough Clerk or Deputy Borough Clerk and the Chief Financial Officer or Borough Administrator be authorized to sign checks.

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

RESOLUTION 19-229 AUTHORIZE REFUND 2019 TAXES-DISABLED VETERAN EXEMPTION

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

WHEREAS, on July 2, 2019, the Tax Assessor granted a full property tax exemption as a permanently disable veteran to Michael Elston, as the owner of Block 51, Lot 18; and

WHEREAS, the tax exemption is retroactive to January 1, 2019, and because of the foregoing, taxes for the year 2019, in the amount of \$9,856.96, should be canceled and a refund be issued, in the amount of \$4,824.60 for taxes paid to date;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the 2019 property taxes, in the amount of \$9,856.96 be cancelled and a refund in the amount of \$4,824.60 be issued to Michael Elston.

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

RESOLUTION 19-230 AUTHORIZE RECREATION REFUND

On motion of Councilman Biale, seconded by Councilman Kulmala, 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 various Recreation fees in the amount of \$ 395.00; 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:

Jill Matejunas, 3 Morningstar Lane, Oakland, NJ 07436 amount due \$ 170.00 (open camp)

Frank Menzel, 14 Kiowa Terrace, Oakland, NJ 07436 amount due \$ 225.00 (summer camp)

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

**RESOLUTION 19-231 REVISE CHANGE ORDER #2-SENIOR CENTER FIRE
SUPPRESSION SYSTEM PROJECT**

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

WHEREAS, a contract was awarded to La Rocca Inc. in the amount of \$ 354,000 for the Fire Suppression System project at the Senior Citizens Center; and

WHEREAS, the Mayor and Council adopted Resolution 19-99 on February 27, 2019 authorizing Change Order #2 in the amount of \$ 9,375; and

WHEREAS, the amount authorized for Change Order #2 was incorrect and must be revised;

WHEREAS, the actual amount for the requested Change Order 2 is as follows:

Upgrade Ceiling Tiles	\$ 9,843.75
-----------------------	-------------

WHEREAS, the Change Order has been reviewed and recommended by the architect for the project, Daniel Dressel; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-763-509;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorize revised Change Order 2 for an increase of \$ 9,5 for a new total contract amount of \$ 382,553.70 including all Change orders.

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

**RESOLUTION 19-232 AUTHORIZE AGNOLI ENGINEERING-EMERGENCY REPAIRS
ALLERMAN BROOK**

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

WHEREAS, there is a need for Emergency Repairs to Allerman Brook; and

WHEREAS, Agnoli Engineering has submitted a proposal dated August 1, 2019, for engineering services for the project in an amount not to exceed \$ 6,500 broken down as follows:

Design and Construction Support Services	\$ 4,000
Inspection and Construction Cost Estimate	\$ 2,500

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

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

WHEREAS, the Chief Financial Officer has certified funds are available in Account # 9-01-46-873-000;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize a contract to Agnoli Engineering for engineering services for the Emergency Repairs to the Allerman Brook Project in an amount not to exceed \$6,500 as specified in their Proposal dated August 1, 2019; and

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

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

RESOLUTION 19-233 AUTHORIZE AGNOLI ENGINEERING-CONCEPTUAL DESIGN SERVICES FOR ALLERMAN BROOK

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

WHEREAS, the NJ DOT has requested that the Borough of Oakland submit a concept plan of the Improvements to Allerman Brook project; and

WHEREAS, Agnoli Engineering has submitted a proposal dated July 19, 2019, for engineering services for the project in an amount not to exceed \$ 5,500 broken down as follows:

Hydrologic and Hydraulic Analysis	\$ 3,500
Conceptual Drawings with Cost Estimate	\$ 2,000

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

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

WHEREAS, the Chief Financial Officer has certified funds are available in Account # 9-01-20-165-100;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize a contract to Agnoli Engineering for engineering services for the Conceptual Design for the Improvements to the Allerman Brook Project in an amount not to exceed \$5,500 as specified in their Proposal dated July 19, 2019; and

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

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

RESOLUTION 19-234 JOIN U.S. COMMUNITIES NATIONAL CO-OP

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

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the U.S. Communities/Graybar is a cooperative purchasing program operating under Chapter 19, Intergovernmental Relations; and

WHEREAS, on August 14, 2019, the Governing Body of the Borough of Oakland, County of Bergen, State of New Jersey, duly considered participation in this Cooperative Pricing System, for the provision of goods and services.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council are hereby authorized to enter into a Cooperative Pricing Agreement with the lead agency;

BE IT FURTHER RESOLVED that the Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon passage.

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

RESOLUTION 19-235 PURCHASE AMBULANCE

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

WHEREAS, the Borough of Oakland is a member of the Houston-Galveston Area of Governments (HGAC) purchasing program, a national purchasing cooperative; and

WHEREAS, HGAC published notice soliciting sealed competitive bids on Sunday, March 11, 2018 for Ambulances, EMS, and other Special Service Vehicles and awarded a contract (AM10-18) to Bay Head Investments, Inc., d/b/a VCI Emergency Vehicle Specialists for the Type 1, Ford F450, Model 623 ambulance for the period October 1, 2018 to September 30, 2020; and

WHEREAS, P.L. 2011 c139(the "Law" or "Chapter 139") allows local contracting units to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the New Jersey Department of Community Affairs, Division of Local Government Services (DLGS) has published LFN 2012-10, a Local Finance Notice detailing guidance to contracting units desiring to purchase under the Law; and

WHEREAS, the Borough Administrator and First Aid Chief are satisfied that the procurement conducted by HGAC and the contract awarded to Bay Head Investments, Inc, d/b/a VCI Emergency Vehicle Specialists with the associated documentation submitted by both HGAC and VCI Emergency Vehicle Specialists are compliant with the guidance in LFN 2012-10; and

WHEREAS, the Borough of Oakland published a notice in the July 26, 2019 edition of the Bergen record and posted a notice on www.oakland-nj.org of its intent to award a contract to Bay Head Investments, Inc., d/b/a as VCI Emergency Vehicle Specialists for a new Ford F450 Model 623 Ambulance; and

WHEREAS, the total purchase price is \$242,704.00; and

WHEREAS, a cost savings determination in accordance with LFN 2012-10 demonstrates that purchasing this equipment through the HGAC Co-Op will save the Borough \$ 8,952.50 compared to other methods of procurement; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-762-524 \$ 125,000 and Account # G-02-19-003-102 \$ 117,704; and

WHEREAS, the Borough Attorney has reviewed this procurement and concurs with the procurement through the national cooperative contract.

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

1. The Borough of Oakland is authorized to purchase from the HGAC National Cooperative Contract.
2. The proposal submitted by VCI Emergency Vehicle Specialists in accordance with HGAC contract # AMD10-18 mount of \$ 242,704.00 is hereby accepted.

Councilman Pignatelli asked if the First Aid Squad is contributing towards the funding. Mr. Kunze explained that they are contributing funds but the Borough has to do the procurement.

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

RESOLUTION 19-236 CONFIRM EMERGENCY CONTRACT-JEROME AVE. WATER MAIN

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

WHEREAS, N.J.S.A. 40A:11-6 provides that a purchase, contract or agreement may be made, negotiated or awarded without public advertising for bids and bidding therefore, notwithstanding that the cost or contract price will exceed the amount set in the prevailing bidding threshold, when an emergency affecting the public health, or welfare requires the immediate delivery or performance of services provided:

A written requisition for the performance of such work or labor, or the furnishing of materials, supplies or service is filed with the contracting agent describing the nature of the emergency, the need for invoking this section, certified by the officer or director in charge of the department wherein the emergency occurred, or such other officer or employee as may be authorized to act in place of said officer or director, and the contracting agent in charge, being satisfied that the emergency exists, is hereby authorized to award a contract for said work or labor, materials, supplies or services; and

WHEREAS, according to information provided by Anthony Marcucilli, the Superintendent of Public Works, in a memo dated June 5, 2019, the transite water main on Jerome Ave. has experienced at least 9 breaks in the last five years, causing loss of service and property damage to area homeowners; and

WHEREAS, the large number of repairs has further weakened the pipe to the point that a temporary repair to fix another break may not be possible; and

WHEREAS, this situation constitutes an emergency within the meaning of N.J.S.A. 40A:11-6 and must be addressed on an expedited basis; and

WHEREAS, three quotes were solicited and two were obtained as follows:

John Garcia Construction	\$ 98,550
P.M. Construction Corp.	\$ 288,400

WHEREAS, the CFO has certified that funds are available in Account #9-05-55-512-000 in the amount of \$98,550;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorize the Purchasing Agent to issue a Purchase Order to John Garcia Construction Co. Inc., 183 Friar Lane, Clifton, NJ 07013 in the amount of \$ 98,550 for the emergency purchase described herein in accordance with N.J.S.A. 40A:11-6.

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

RESOLUTION 19-237 HIRE SEASONAL LABORER

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

BE IT RESOLVED that the Mayor and Council hereby authorize the hiring of the following seasonal laborer for the Department of Public Works:

NAME	EFFECTIVE DATE	SALARY
Jason Grider	August 15, 2019	\$ 12.00/hour

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

RESOLUTION 19-238 AUTHORIZE PAYOUT-S. EISENMANN

On motion of Councilman Biale, seconded by Councilman Kulmala, 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 Sussana Eisenmann for sick, vacation, personal and compensatory time accumulated in the amount of \$ 7,644.90; 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 \$ 7,644.90 composed of 168 hours of vacation time, 55.5 hours of sick time, and 11.8 hours of personal time and 0 hours compensatory time be paid out to Sussana Eisenmann. 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.

RESOLUTION 19-239 APPOINT ACTING FIRE SUBCODE OFFICIAL

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

BE IT RESOLVED that the Construction Official, John Wittekind, is hereby appointed as Acting Fire Subcode Official effective June 1, 2019 and will serve in that capacity without additional compensation.

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

RESOLUTION 19-240 APPOINT ACCOUNT CLERK

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

WHEREAS, there is a vacancy in the Account Clerk position in the Finance Department due to a resignation; and

WHEREAS, the Chief Financial Officer has interviewed candidates and is recommending the appointment of Anisa K. Mainiero to the position;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby appoint Anisa K. Mainiero as Account Clerk at a salary of \$ 52,000 effective September 5, 2019.

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

RESOLUTION 19-242 AUTHORIZE RELEASE OF ESCROW FUNDS-WEST BERGEN MENTAL HEALTHCARE

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

WHEREAS, West Bergen Mental Healthcare Inc. has requested that any Professional Review Escrow funds be returned for their application to the Oakland Planning Board; and

WHEREAS, the Chief Financial Officer has determined the amount of \$ 20,114.09 remains in Escrow Account #T-11-00-005-045;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Chief Financial Officer is hereby directed to return the balance of Professional Review Escrow funds in the amount of \$ 20,114.09 to West Bergen Mental Healthcare, Inc., Attention: Mr. Carlton E. Meier, 120 Chestnut Street, Room 229, Ridgewood, NJ 07450.

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

**RESOLUTION 19-243 ADDITIONAL EMERGENCY FUNDING AUTHORIZATION-
ALLERMAN BROOK**

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

WHEREAS, an emergency has arisen with respects to expenses related to the erosion of Allerman Brook and no adequate provision was made in the 2019 budget for the aforesaid purpose, and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$350,000.00 and three per cent of the total operations in the budget for the year 2019 is \$585,232.02, and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three percent of the total current appropriations in the budget for the year 2019,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oakland, in the County of Bergen as follows:

1. An emergency appropriation be and the same is hereby made pursuant to N.J.S.A. 40A:4-46 for funding of expenses related to the erosion of Allerman Brook in the amount of \$350,000.00.

2. That said emergency appropriation shall be provided in full in the 2020 budget, except if financing of such emergency appropriation shall have been made by authorization of notes or bonds pursuant to N.J.S.A. 40A:2-3 or 40A:2-51.

3. That two certified copies of this resolution be filed with the Director of Local Government Services.

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

**RESOLUTION 19-244 AUTHORIZE AGNOLI ENGINEERING PHASE B EMERGENCY
REPAIRS-ALLERMAN BROOK**

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

WHEREAS, there is a need for additional Emergency Repairs to Allerman Brook; and

WHEREAS, Agnoli Engineering has submitted a proposal dated August 11, 2019, for engineering services for the project in an amount not to exceed \$ 11,500 broken down as follows:

Construction Inspection	\$ 7,500
Soil Testing	\$ 4,000

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

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

WHEREAS, the Chief Financial Officer has certified funds are available in Account # 9-01-46-873-000;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize a contract to Agnoli Engineering for engineering services for the Phase B Emergency Repairs to the Allerman Brook Project in an amount not to exceed \$11,500 as specified in their Proposal dated August 11, 2019; and

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

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

RESOLUTION 19-245 AUTHORIZE EMERGENCY CONTRACT-ALLERMAN BROOK
On motion of Councilman Biale, seconded by Councilman Kulmala, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, N.J.S.A. 40A:11-6 provides that a purchase, contract or agreement may be made, negotiated or awarded without public advertising for bids and bidding therefore, notwithstanding that the cost or contract price will exceed the amount set in the prevailing bidding threshold, when an emergency affecting the public health, or welfare requires the immediate delivery or performance of services provided:

A written requisition for the performance of such work or labor, or the furnishing of materials, supplies or service is filed with the contracting agent describing the nature of the emergency, the need for invoking this section, certified by the officer or director in charge of the department wherein the emergency occurred, or such other officer or employee as may be authorized to act in place of said officer or director, and the contracting agent in charge, being satisfied that the emergency exists, is hereby authorized to award a contract for said work or labor, materials, supplies or services; and

WHEREAS, a heavy rainstorm on July 22, 2019 destabilized sections of embankment along Allerman Brook, creating an imminent hazard and emergency situation affecting public health and safety within the meaning of N.J.S.A. 40A:11-6; and

WHEREAS, in a letter dated August 9, 2019, the Borough's Floodplain Manager and Engineer, Nicholas Agnoli, has certified to this condition and set forth the scope of repairs that are needed; and

WHEREAS, Robbie Lane Enterprises has experience in undertaking the required work, both within the Allerman Brook and identical work performed on the Peckman River; and

WHEREAS, the CFO has certified that funds are available in Account #9-01-46-873-000 in the amount of \$322,480;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorize the Purchasing Agent to issue a Purchase Order to Robbie Lane Enterprises, 38 Jacksonville Road, Towaco, NJ 07082 in the amount of \$ 322,480 for the emergency purchase described herein in accordance with N.J.S.A. 40A:11-6.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 19-CODE-788

The Clerk was directed to take from the table Ordinance No. 19-Code-788 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO REPEAL AND REPLACE CHAPTER XIV OF THE CODE OF THE BOROUGH OF OAKLAND ENTITLED " FLOOD DAMAGE PREVENTION"

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.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Repeal And Replace Chapter XIV Of The Code Of The Borough Of Oakland Entitled " Flood Damage Prevention" be adopted;

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

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

INTRODUCTION: ORDINANCE NO. 19-BOND-789 ALLERMAN BROOK REPAIRS

The Clerk was directed to take from table Ordinance No. 19-Bond-789 and read by title for its first reading.

The Clerk then read by title Ordinance No.19-Bond-789 entitled: "BOND ORDINANCE TO AUTHORIZE 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 APPROPRIATE THE SUM OF \$400,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO

AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.”

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, Bond Ordinance To Authorize 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 Appropriate The Sum Of \$400,000 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such 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 August 28, 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 August 19, 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.

RESOLUTION 19-241 INTRODUCTION BOND ORDINANCE

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 ordinance entitled:

"BOND ORDINANCE TO AUTHORIZE 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 APPROPRIATE THE SUM OF \$400,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH 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 28th day of August, 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.

WORK SESSION:**TOWING ORDINANCE:**

Mr. Kunze advised that the Police Department has been working with the Borough Attorney for some time to amend the towing ordinance. Captain Sanzari has provided a memo detailing the changes. All fees are being replaced with the State towing rates. Our rates will automatically adjust when the State's fees are adjusted. Mr. Chewcaskie advised that there was an appellate decision last year regarding towing fees. This ordinance is designed to agree with the current standards. Councilman Kulmala asked if this covers 287. Mr. Chewcaskie stated it depends who calls. If the State Police call, then it will be a State tower.

ORDINANCE TO REGULATE GENERATORS:

Mr. Chewcaskie advised that this issue was brought up at the last meeting by Councilman Talamini who was aware that certain utility companies were allowing customers to use generators in non-emergency situations. The question is whether the Borough wants to enact an ordinance regulating generators in non-emergency situations. Mayor Schwager thinks more research is required. Councilman Kulmala asked for an example. Mr. Chewcaskie stated that Councilman Talamini heard some companies are encouraging generator owners to come off the power grid by using the generators to power the house. Mr. Chewcaskie hasn't found evidence of that in this part of the State. Mr. Kunze will follow up with our agencies to see if this is an issue. He advised that the noise ordinance needs to be updated.

AMEND FEE ORDINANCE:

Mr. Kunze advised that the Borough created a street banner program and a town calendar. Both have fees associated and those fees must be established by ordinance. An ordinance will be introduced at the next meeting.

PROPOSAL FOR REMOVAL OF STREAM HOUSE:

Mr. Kunze advised that Connolly & Hickey met with the DEP to ascertain what permits are required for the removal of the Stream House. They have provided a proposal to cover the remainder of the design services and to handle bidding and project management services. This expense will come out of the capital ordinance. Councilman Pignatelli asked if we have already paid them to do the application and if this amount is excessive. Mr. Kunze responded that this proposal is for bid services and project oversight as well as design. A resolution will be listed on the next agenda.

NEW BUSINESS:

Mayor Schwager warned residents about a new P.S.E. & G. scam alert.

COUNCIL REPORTS:

Councilman Biale: The Senior Center summer movie is held on Mondays at 1:30 pm. The movie for August 19th will be Hidden Figures. There will be a line dancing lesson at the Senior Center on Friday August 23rd at 2 pm. There will be a seminar on the 10 Warning Signs of Alzheimers on August 15th. Name that Tune will be held August 21st at 1 pm. There is a new Arthritis Fitness Class which will be held on Fridays at 12:45. The fall trip to Paper Mill Playhouse will be held Thursday October 3rd. Rockland Electric has hired a contractor to check utility poles.

Mayor Schwager asked residents to call or email to report potholes. Mr. Kunze responded that there is also a service request function on the website to report potholes. Councilman Kulmala commented that it is a very efficient way to handle reporting of potholes.

Councilman Kulmala: Football is underway and soccer will start soon. There will be a bid opening tomorrow for the Roller Hockey improvements project. The OCC is looking for volunteers for the TV Committee. The new bulletin board is up and running. The OCC is looking for volunteers to show the OLPH mass.

Mayor Schwager advised that any other religious affiliation has the right to put their service on Channel 77 as well. Councilman Kulmala agreed that the channel is for the residents.

Councilman Pignatelli: There is no Board of Health meeting in August. The Environmental Commission thanked Councilman Levy for attending the last meeting and explaining the Allerman Brook project. The Environmental Commission had planted trees next to the brook in Great Oak Park with funding from the Roots for Rivers grant. Someone vandalized some of the trees by running over them with an ATV. These trees are starting to sprout and grow. The trees are important to shade the water for trout. The Green Team meets next week.

Councilman Levy: There is no Flood Commission meeting in August and there was no quorum for the Shade Tree Commission. The Flood Commission will meet the second Monday of September at 7:30 pm at Borough Hall. The Shade Tree Commission meets the first Monday of the month at 7 pm at Borough Hall. The Capital Projects ad-hoc committee will meet August 23rd at 10 am.

Councilman Knapp: There is an upcoming Public Safety meeting to be held at the Police Department. Councilman Knapp is trying to come up with a flag policy to standardize when the flags can be put at half-mast.

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.

Ryan Schwertfeger, 58 Andrew and Chairman of the Communications Commission, reiterated that the invitation stands to all houses of worship to air their services on Channel 77.

Dennis Bruger, Franklin Lakes, advised that his daughter lives on Lakeshore and was affected by Allerman Brook. He thanked everyone for helping to alleviate the situation with Allerman Brook. Councilman Levy advised a resolution was passed tonight for an emergency authorization to continue the work in Allerman Brook on the emergency permit. Mr. Bruger asked about the research done by Mr. Pritchard that he spoke at the last meeting about. Councilman Levy advised we are going to the DOT to try to get them to take some responsibility.

CLOSED FOR PUBLIC DISCUSSION:

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

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

BILLS TO BE PAID:

On motion of Councilman Levy, seconded by Councilman Pignatelli, 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.

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Levy, the meeting be adjourned at 9:05 pm.

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

Lisa M. Duncan, Borough Clerk

Mayor Linda H. Schwager

September 11, 2019

Date Approved