

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY AUGUST 28, 2019

MOVE TO EXECUTIVE SESSION:

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, (N.J.S.A. 10:4-12) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:  
Affordable Housing; Shared Service agreement-Electrical Inspector.
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.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:30 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: Kathlyn Gurney, Deputy Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

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MAYOR'S REPORT:

Mayor Schwager announced that the Patriots Way Bridge sidewalks will be open Friday. She thanked Mr. Yakimik for all his efforts with the repair of the sidewalks and working with the Railroad to have a tree removed at Bush Plaza. Recreation will now offer a fall golf clinic for Kindergarten through 5<sup>th</sup> grade September 19<sup>th</sup> – October 24<sup>th</sup>. On September 7<sup>th</sup> at 3:00p.m. the Fathers Club will be hosting a pig roast at The Oakland Elks Lodge. Oakland Elks Lodge will be holding a Special Children's Picnic September 15<sup>th</sup>. School will be opening next week so be careful driving. If you notice potholes in the roadways, please notify DPW and they will fill and repair them. Tonight there is a resolution appointing Connolly and Hickey Architects to design a plan to dismantle the Stream House and replace it. Once it is replaced, the Council intends to keep the rich history with perhaps a children's museum.

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.

Mr. Michael Prichard approached the Council to discuss generators and portable generators and put together some information for the Council concerning safety measures. He alerted the Council that the billboard sign on Interstate 287 was in violation of federal state law. Mayor Schwager responded that she received Mr. Prichard's email and forwarded to the Borough Attorney. Mr. Chewcaskie responded that billboard signs require a ND Transportation permit before erecting a sign and gave him some history behind the application made to Oakland's Board of Adjustment which was denied. A lawsuit was filed and the decision was overturned allowing Interstate to erect the sign. A discussion ensued concerning studies done with no conclusive evidence that these signs cause any safety concerns to drivers. The Mayor thanked Mr. Prichard's for his information.

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.

APPROVAL OF MINUTES: None

APPROVAL OF MINUTES: None

SPECIAL ANNOUNCEMENTS:

Mayor Schwager announced that she was approached by a group of residents expressing interest in a community pool so she decided to form an ad hoc committee to achieve this. She informed possible members that they would need to research this project and report back to Council. A discussion ensued concerning limited locations and the possibility of working out something with Mahwah's town pool.

Mayor Schwager suggested that they reach out to the Borough Clerk with possible meeting dates for this committee.

RESOLUTIONS:

RESOLUTION: 19-246 AUTHORIZE ARCHITECT SERVICES FOR DISMANLING STREAM HOUSE

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 is in need of professional services to prepare bid documents, bid the project and construction oversight for the project to dismantle the Stream House located on the property of the Van Allen House; and

WHEREAS, Connolly & Hickey Historical Architecture LLC submitted a proposal dated August 7, 2019 for the services required at a cost not to exceed \$ 21,150 for the services required; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-787-511; and

WHEREAS, Connolly & Hickey Historical Architects LLC have submitted all necessary paperwork to comply with the Borough's Pay-to-Play Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award a contract to Connolly & Hickey Historical Architects LLC in the amount not to exceed \$ 21,150 for the services specified in their August 7, 2019 proposal for the project to dismantle the Stream House ; 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, Talamini.

Councilman Pignatelli was not happy with the cost of the project and questioned if there were any other quotes for this work. A discussion ensued concerning that Connolly & Hickey was the least expensive out of very few qualified contractors.

RESOLUTION: 19-247 APPOINT REGISTRAR OF VITAL STATISTICS

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 a vacancy in the position of Registrar of Vital Statistics upon the retirement of the current Registrar on September 30, 2019;

NOW, THEREFORE, BE IT RESOLVED that Sandra Steele be appointed as Deputy Registrar of Vital Statistics for training purposes effective August 29, 2019; and

BE IT FURTHER RESOLVED that Ms. Steele's compensation as Registrar of Vital Statistics shall be \$5,000 annually.

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

RESOLUTION: 19-248 AWARD BID FOR ROLLER HOCKEY RINK

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

WHEREAS, 3 bids were received on August 15, 2019 for the Roller Hockey Rink; and

WHEREAS, Halecon, Inc., 136 Billian Street, Bridgewater, NJ 08807, submitted the lowest responsive and responsible bid with a total bid price of \$ 385,000.00 and

WHEREAS, the Borough Administrator, Borough Engineer and Borough Attorney have reviewed the bids and recommend the bid award go to Halecon, Inc.; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-787-111 \$ 30,000.00, Account # C-04-56-787-112 \$320,000.00 and Account # T-13-56-286-202 \$ 35,000.00 ;

NOW, THEREFORE, BE IT RESOLVED, that the bid of Halecon, Inc. in the total amount of \$ 385,000.00 be accepted; and

BE IT FURTHER RESOLVED that the Borough Administrator is directed to prepare an appropriate contract for the same; and

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

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

RESOLUTION: 19-249 AMEND CONTRACT FLOODPLAIN MANAGER

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 need of additional Floodplain Manager services for the remainder of 2019 to address emergency repairs within the Borough; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #9-01-20-165-100 in the amount of \$4,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby agrees to amend Agnoli Engineering's contract in an amount not to exceed \$ 4,000.00 effective immediately; and

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

RESOLUTION 19-250 RECREATION FALL SOCCER FEE 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 Fall Soccer Fees in the amount of \$ 77.00; 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:

Brenda McElkenny, 556 Colonial Rd., Apt. 307, Franklin Lakes, NJ amount due \$ 77.00

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

INTRODUCTION: ORDINANCE NO. 19-CODE-790 TOWING ORDINANCE

The Clerk was directed to take from table Ordinance No. 19-Code-782 and read by title for its first reading.

The Clerk then read by title Ordinance No. 19-Code-790 entitled: "ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IV "GENERAL LICENSING", SECTION 5 "TOWERS AND WRECKERS" OF THE CODE OF THE BOROUGH OF OAKLAND, pursuant to N.J.S.A. 40:48-2.49 et seq. and N.J.S.A. 56:13-7

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

BE IT RESOLVED that an Ordinance entitled, Ordinance Amending and Supplementing Chapter IV “General Licensing”, Section 5 “Towers and Wreckers” of the CODE of the Borough of Oakland, pursuant to N.J.S.A. 40:48-2.49 et seq. and N.J.S.A. 56:13-7 be introduced;

That said Ordinance be considered for final adoption at a meeting on September 11, 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 Sept 3, 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-CODE-791 AMEND FEE ORDINANCE

The introduction of the Ordinance No. 19-CODE-791 will be carried to the September 11, 2019 meeting.

#### FINAL PUBLIC HEARING: ORDINANCE NO. 19-BOND-789 ALLERMAN BROOK REPAIRS

The Clerk was directed to take from the table Ordinance No. 19-Code-789 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled “A 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”

#### OPENED FOR PUBLIC DISCUSSION:

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

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

Mr. Prichert commended the Council on the repairs. Councilman Levy thanked Mr. Fetger for allowing their property to be accessed to make the repairs and Mr. Yakimik, Roy Bauberger and Mr. Kunze for their support and immediate action.

**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.

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

BE IT RESOLVED that an Ordinance entitled, A 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 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, Talamini.

**WORK SESSION:**

**ORDINANCE TO REGULATE GENERATORS**

Mr. Kunze explained that after the last meeting, he checked with staff and no departments have received any complaints about residents using their generators during non-emergencies. This matter can be listed for further discussion

**NEW BUSINESS:**

Councilman Knapp recommended that an investigation be brought up again requiring store fronts to install bollards. A discussion ensued concerning how to enforce older business be to install them. Mr. Chewcaskie responded that he believes that during a site plan application, bollards are required and existing businesses can be require to install bollards if they come back for an amended site plan. They discussed tax relief incentives in the event this cannot be enforced.

**COUNCIL REPORTS:**

Councilman Talamini had no report.

Councilman Kulmala reported that a pre-construction meeting has be set up to discuss the construction detail of the Roller Hockey Rink. He recognized Justin Minor who received the highest rank as Eagle Scout. OCC is in need of volunteers.

Councilman Biale reported that the Senior Center will begin “Monday Movies” in September. There will be a line dance class on Friday, September 6<sup>th</sup> and 20<sup>th</sup>. A hearing loss

presentation and screening will be held on Thursday, September 5<sup>th</sup> at 1:00 p.m. and a memory loss presentation and screening will be held Tuesday, September 10<sup>th</sup> at 10:00 a.m. A weekly Men's Coffee Club will be held Tuesdays beginning September 3<sup>rd</sup>. Weekly Trivia will be held Wednesdays at 1:30 p.m. starting September 4<sup>th</sup>. There will be a trip to Paper Mill Playhouse on October 13<sup>th</sup> to see the musical "Chasing Rainbows". Pre-registration for flu shots starts September 12<sup>th</sup> and the Flu Clinic will be held October 22<sup>th</sup> from 1:00 p.m. to 3:00 p.m.

Councilman Pignatelli reported that there was an Admin Committee meeting held August 26<sup>th</sup>. At the last Green Team meeting, they discussed locations for the Community Garden. There will be a Board of Health meeting September 17<sup>th</sup>.

Councilman Levy reported that a Flood Commission meeting will held Monday September 9<sup>th</sup>. Shade Tree Commission canceled their last meeting. There will be a Planning Board meeting September 12<sup>th</sup> at 7:00 p.m. Emergency work on Allerman Brook has been completed and repairs will continue.

Councilman Knapp reported the number of calls for Police, First Aid and Fire department for the month of July. All police officers will be required to take "mass shootings" and "active shooters" training. Safety Town and the Jr. Police Academy program had their best turnout. Dairy Queen is giving out coupons for ice cream to kids wearing helmets while bicycling. The P.D. reminds the public that school opens next week and urges people to drive safely. Parents needing to check restraints of their car seats can contact Officer Catenacci. There have been complaints that one of the great white oak trees in Great Oak Park is bug infested so a specialist has been contacted to check it out.

**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.

No comments.

**CLOSED FOR PUBLIC DISCUSSION:**

On motion of Councilman Pignatelli, 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.

**BILLS TO BE PAID:**

On motion of Councilman Talamini, seconded by Councilman Knapp, 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 Pignatelli, seconded by Councilman Biale, the meeting be adjourned at pm.

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

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Kathlyn Gurney, Deputy Borough Clerk  
September 25, 2019

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Mayor Linda H. Schwager

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Date Approved