

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY SEPTEMBER 26, 2018

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Pignatelli, 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 Update
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 Knapp, Kulmala, Levy, Pignatelli, Talamini.

Councilman Biale entered the meeting at 7:03 pm.

The Borough Attorney updated the Mayor and Council on Affordable Housing. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:32 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Kulmala, Levy, Pignatelli, Talamini. Absent: Councilman Knapp. 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 Biale, seconded by Councilman Pignatelli, the absence of Councilman Knapp be excused.

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

MAYOR'S REPORT:

The Library Grand Opening will be held October 13th at 11 am. She thanked everyone who has helped on the project. Mayor Schwager congratulated the Gerard Berman School for receiving the 2018 BCUA Environmental Awareness Challenge Grant. The Oakland Custom Car show will be held on September 30th. It is being run by Oakland-Franklin Lakes Rotary. All proceeds will go to a charitable military veterans group. Mayor Schwager advised that the marijuana ordinance must be tabled. She explained that we are working on fine-tuning the final ordinance to protect us from litigation. The ordinance was sent to the Planning Board for comment since it involves zoning. The Borough Attorney is working with the Planning Board Attorney because we want to do the ordinance correctly. Mayor Schwager advised that she and the Borough Engineer met with P.S.E. & G. and the County regarding the condition of Ramapo Valley Road where the gas main was replaced. The road will not be repaved until November because it has to settle. She asked people to be patient and not to speed due to the condition of the road. She advised that the job needed to be done because the gas pipes were old and needed to be replaced.

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, Kulmala, Levy, Pignatelli, Talamini.

Frank Monaco, 60 Thackeray, advised that P.S.E. & G. did a good job repaving Thackeray. He commented that the First Aid Squad is very valuable to the residents.

Beatrice Mandice, 2119 Warren Way, Wanaque, thanked the Mayor and Council for their support for the Walk for Peace held last weekend. She thanked the Police Department for protecting everyone.

Corky Swiers, 22 Ramapo Terrace, has a problem with a dead tree across the street from her house that is dangerous because it will fall on her house. Borough Engineer John Yakimik

advised that he brought up the situation at a meeting with the DOT yesterday. He forwarded the info and the DOT has assured they will take care of the tree. They are treating this as an emergency.

Robin Gonzalez, 7 Rock Ledge, is curious as to the scope of the marijuana ordinance. There is a difference between medical marijuana and recreation marijuana. Mr. Chewcaskie advised that the present draft only prohibits retail establishments not medical dispensaries. He is waiting for the recommendations from the Planning Board. Mr. Chewcaskie has been informed that we may have legislation in effect at the State level by the beginning of the year. Mayor Schwager explained that the Council is being diligent trying to separate medical marijuana from retail.

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, Kulmala, Levy, Pignatelli, Talamini.

APPROVAL OF MINUTES: SEPTEMBER 12, 2018

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of September 12, 2018 be approved.

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

APPROVAL OF MINUTES: SEPTEMBER 12, 2018 EXECUTIVE SESSION

On motion of Councilman Pignatelli, seconded by Councilman Biale, the minutes from the Mayor and Council Executive Session of September 12, 2018 be approved.

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

RECOGNITION OF TEEN LIBRARY VOLUNTEERS:

Mayor Schwager thanked all the teen Library volunteers because they worked hard and were very helpful to Library staff. She hopes to see everyone at the Library Grand opening on October 13th and she hopes they keep volunteering. Ned Von Lindern from the Oakland Public Library gave certificates to the following:

Christian Arenas	Alexa Baiata	Avarie Bergen	Emily Bonini
Ryan Campbell	Veronica Campbell	Sophia Cascardi	Ava Dandeneau
Vidath Diyabalanage	Madhav Dua	Delicia Flores-Gomez	Skyler Fortunato
Juliana Franco	Sydney Gitlitz	Benjamin Good	Mollie Good
Tara Haymon	Kelsey Kamm	Josie Kaye	Katie Kaye
Ashley Lo	Maria Pan	Aayush Parekh	Suhani Parekh
Apollo Pascual	Athena Pascual	Amaya Pichardo	Lea Pichardo
Tola Marta Pikulinski	Nehali Reddy	Trisha Reddy	Olivia Salazar
Alexandra Singer	Gabrielle Singer	Christopher Supko	Alexandra Stellenwerf
Melissa Stellenwerf	Aliana Trianine	Isabella Trianine	Emilie Vaysee
Andrew Vollmin	Brett Vuurens	Kaly Vuurens	

Mr. Von Lindern explained that the volunteer program was started by the former Library Director seven years ago. It is very special working with these young people. He thanked the current Library Director, Peter Havel, for all his help with the volunteer program. Mayor Schwager thanked the parents for their support. Councilman Kulmala advised that Mr. Ned is retiring from

the Library after 31 years of service. He invited everyone to come to the Library on Friday from 3 to 5 pm for a celebration and to say goodbye to Mr. Ned.

APPROVE RAFFLE LICENSE RL1338

On motion of Councilman Biale, seconded by Councilman Pignatelli, approval be granted for Raffle License RL1338 for St. Elizabeth Interparochial School to hold an on-premise 50/50 raffle on November 9, 2018 at Knights of Columbus, 7 Courthouse Place.

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

APPROVE RAFFLE LICENSE RL1339

On motion of Councilman Biale, seconded by Councilman Levy, approval be granted for Raffle License RL1339 for St. Elizabeth Interparochial School to hold an on-premise raffle for merchandise on November 9, 2018 at Knights of Columbus, 7 Courthouse Place.

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

APPROVE RAFFLE LICENSE RL1340

On motion of Councilman Pignatelli, seconded by Councilman Biale, approval be granted for Raffle License RL1340 for St. Elizabeth Interparochial School to hold an off-premise raffle for merchandise on November 9, 2018 at Knights of Columbus, 7 Courthouse Place.

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

APPROVE RAFFLE LICENSE RL1341

On motion of Councilman Levy, seconded by Councilman Pignatelli, approval be granted for Raffle License RL1341 for Oakland Elks to hold an on-premise tricky tray raffle on November 17, 2018 at Oakland Elks Lodge, 33 Ramapo Valley Road.

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

APPROVE RAFFLE LICENSE RL1342

On motion of Councilman Pignatelli, seconded by Councilman Biale, approval be granted for Raffle License RL1342 for New Friends of Oakland Library to hold an on-premise 50/50 on October 13, 2018 at the Oakland Library, 2 Municipal Plaza.

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

APPOINTMENT TO PUBLIC EVENTS COMMITTEE:

Mayor Schwager brought forth the nomination of Sarah Michel for appointment to an unexpired term on the Public Events Committee.

Motion to Consent:

On motion of Councilman Talamini, seconded by Councilman Kulmala, the Council consents to the appointment of Sarah Michel to the Public Events Committee for an unexpired three-year term to expire on December 31, 2020.

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

APPOINTMENT TO COMMUNICATIONS COMMISSION:

Mayor Schwager brought forth the nomination of Alex McVeigh for appointment to an unexpired term on the Communications Commission.

Motion to Consent:

On motion of Councilman Kulmala, seconded by Councilman Levy, the Council consented to the appointment of Alex McVeigh to the Communications Commission for an unexpired three-year term to expire on December 31, 2020.

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

APPOINTMENT TO GREEN TEAM:

Mayor Schwager brought forth the nomination of Abigail Andro for appointment to the Green Team.

Motion to Consent:

On motion of Councilman Pignatelli, seconded by Councilman Levy, the Council consented to the appointment of Abigail Andro to the Green Team for a term to expire December 31, 2018.

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

RESOLUTION 18-289 AMEND CONTRACT-BOROUGH PROSECUTOR

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 awarded a contract to Andrew M. Cimiluca, P.C., to serve as Borough Prosecutor for 2018; and

WHEREAS, additional court sessions have been scheduled and the 2018 contract needs to be amended; and

WHEREAS, the cost for the additional sessions will not exceed \$ 8,550.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #8-01-25-275-021;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby amend the 2018 contract for Andrew M. Cimiluca by an additional \$ 8,550.00.

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

RESOLUTION 18-296 SUPPORT SYTROFOAM RECYCLING PROGRAM

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

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Oakland strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Oakland is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program; and

WHEREAS, the Sustainable Jersey Bergen County Hub, with Ridgefield Park being the lead agency, wishes to apply for a grant for a Styrofoam-Free Initiative.

BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland has determined that Oakland should apply for the Sustainable Jersey Grant for a Styrofoam-Free Initiative.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorizes the submission of an application for the aforementioned Sustainable Jersey Grant in the amount of \$10,000 for a Styrofoam-free Initiative.

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

RESOLUTION 18-299 RENEW MEMBERSHIP B.C. JOINT INSURANCE FUND

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 Bergen County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2018 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Borough of Oakland agrees to renew its membership in the Bergen County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made part hereof and to deliver same to the Bergen County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

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

RESOLUTION 18-300 READOPT PERSONNEL POLICIES

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

WHEREAS, it is the policy of the Borough of Oakland to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination,

the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all municipal officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by municipal employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Oakland.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough of Oakland shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that Matthew J. Giacobbe of the firm of Cleary, Giacobbe, Alfieri, Jacobs LLC was as Labor Counsel for the Borough of Oakland to advise the Borough of Oakland in personnel matters.

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Labor Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

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

RESOLUTION 18-301 AMEND CONTRACT-ALTERNATE PROSECUTOR

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 awarded a contract to Andrew Roth to serve as Alternate Borough Prosecutor for 2018; and

WHEREAS, 2018 contract can be amended to reduce the amount since his services have not been required to date;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby amend the 2018 contract for Andrew Roth to reduce the amount from \$ 2,700 to \$ 450.

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

RESOLUTION 18-302 AUTHORIZE NJDOT MUNICIPAL AID APPLICATION

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019, Ramapo Valley Road Pedestrian Safety-00156 to the New Jersey Department of Transportation on behalf of the Borough of Oakland.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Oakland, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

RESOLUTION 18-303 SPECIAL ASSESSMENT-44 LOYOLA

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 Zoning Officer has advised that the property located at 44 Loyola Pl. and identified as Block 4903, Lot 8 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 \$ 593.36 in order to clean up the property at 44 Loyola Pl.; 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 5, 2018 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 44 Loyola Pl. the sum of \$ 593.36 being the amount due pursuant to the report dated September 5, 2018.

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 44 Loyola Pl. 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, Kulmala, Levy, Pignatelli, Talamini.

RESOLUTION 18-304 SPECIAL ASSESSMENT-29 THACKERAY

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 Zoning Officer has advised that the property located at 29 Thackeray Rd. and identified as Block 4301, Lot 2 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 \$ 385.48 in order to clean up the property at 29 Thackeray Rd.; 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 5, 2018 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 29 Thackeray Rd. the sum of \$ 385.48 being the amount due pursuant to the report dated September 5, 2018.

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 29 Thackeray Rd. 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, Kulmala, Levy, Pignatelli, Talamini.

RESOLUTION 18-305 NAMING POTASH LAKE

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 the owner of property on West Oakland Avenue identified as Block 2207, Lot 1 which consists of a lake of approximately 30 acres; and

WHEREAS, for years this lake has been known and commonly identified as Potash Lake; and

WHEREAS, the tax map and assessment records of the Borough refer to the lake as Schuyler Lake; and

WHEREAS, the Mayor and Council of the Borough of Oakland believe that the common name for the lake, Potash Lake, be identified on all Borough records.

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

1. The lake located on Block 2207, Lot 1 shall be identified on all Borough documents as Potash Lake.
2. The Tax Assessor and Borough Clerk are hereby authorized and directed to revise any Borough records to identify the property as Potash Lake.
3. Certified copies of this Resolution shall be provided to the Borough Clerk and Tax Assessor.

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

RESOLUTION 18-306 AUTHORIZE RADIO AGREEMENT WITH STATE

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 replacing the radios for the Oakland Police Department; and

WHEREAS, it was determined that the best way to provide effective communication for our first responders was to utilize the State of New Jersey's 700 MHz, P-25 Trunked Radio System; and

WHEREAS, an agreement must be entered into between the Borough of Oakland and the New Jersey Office of Information Technology, 300 Riverview Plaza, PO Box 212, Trenton, NJ 08625; and

WHEREAS, the annual subscriber fee for use of the state system is \$45.00 per radio for a total cost of \$2,610.00; and

WHEREAS, the chief Financial Officer has certified that funds are available in account 8-01-25-240-077;

NOW, THEREFORE, BE IT RESOLVED, that Mayor Linda H. Schwager is authorized to execute the agreement on behalf of the Borough of Oakland.

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

RESOLUTION 18-307 TAX APPEAL SETTLEMENT-302 WEST OAKLAND AVE.

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

WHEREAS, Brown Realty, Inc., the owner and/or taxpayer of property known as Block 203, Lot 1, located at 302 West Oakland Avenue, has filed real property tax appeals for tax years 2016, 2017 and 2018; and

WHEREAS, the Borough Assessor, Borough Appraiser and Tax Appeal Attorney have recommended a settlement of the litigation, which is in the best interests of the Municipality;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary, in order to effectuate a settlement of the appeals entitled Brown Realty, Inc. vs. Oakland, whereby for tax year 2016, the complaint will be withdrawn, and the assessment of \$3,254,500 will remain intact; for tax years 2017 and 2018, the assessment of \$3,254,500 will be reduced to \$2,800,000, resulting in a total approximate refund of \$25,8002; and be it further

RESOLVED that this settlement is made with the understanding that the Assessor will reduce the 2019 assessment to a total of \$2,750,000; and be it further

RESOLVED that the refund will be made without any interest to the taxpayer, as long as same is made within 60 days of receipt of the Judgment.

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

RESOLUTION 18-308 AUTHORIZE REFUND RECREATION FEES

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 Flag Football Registration Fees in the amount of \$65.00; 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:

Rafael Mello, 59 Page Drive, Oakland, NJ 07436, \$ 65.00

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

RESOLUTION 18-310 AWARD CONTRACT-SANDY BEACH BUILD OUT ANALYSIS

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 examining the possible purchase of the “Sandy Beach” property, Block 2302, Lot 1, for open space; and

WHEREAS, there is a need to conduct a Realistic Development Potential Assessment for the property; and

WHEREAS, Boswell Engineering has submitted a proposal dated September 20, 2018 for the work required in an amount not to exceed \$2,500.00; and

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 T-18-56-286-000;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize Boswell Engineering to perform a Realistic Development Potential Assessment for the Sandy Beach property as specified in their proposal dated September 20, 2018 in an amount not to exceed \$2,500.00.

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

RESOLUTION 18-311 AUTHORIZE AGNOLI ENGINEERING PHASE II RAMAPO RIVER PROJECT

Councilman Levy has been working with the DEP on getting the River Project underway. The DEP wants us to conduct a mussel survey. The season for the survey ends in September. The DEP agreed to extend this to the first week of October. This cannot wait until the next meeting due to the time sensitivity. This survey will determine how much work can be done in the river. Councilman Pignatelli asked if cancelling the former contract for the project cancel the project itself. Mr. Chewcaskie responded that the former contract was terminated because the contractor failed to act in a timely manner and the DEP did not issue the permit. Councilman Levy advised that this study must be done before any contract to do work in the river can be awarded. Mr. Chewcaskie reiterated that this study must be done in order to get a permit for the work to be done in the river. Councilman Levy explained that we will construct a design once we know how much work can be done in the river. Once we do the mussel study, it will be submitted to the DEP. We must mark the areas where the mussels are and there needs to be a 50 foot buffer. Councilman Pignatelli thought that we disagreed with the cost of the former study and this cost is higher. Mr. Kunze responded that the scope of the former study was insufficient. Councilman Levy explained that this study is being requested by the DEP. Councilman Pignatelli asked if we are going to use the boulders in the new project. Councilman Levy responded that the DEP is not happy with the boulders. The project will call for 4 to 6 ft. boulders. Councilman Pignatelli asked if there is an eventual benefit to the project. Councilman Levy responded it is for the health of the river as well as a fish habitat enhancement and there is some measure of flood control. Councilman Kulmala asked how much is budgeted for this. Mr. Kunze responded that the

balance of the soft costs was \$42,000 prior to the award of this contract. Councilman Kulmala asked what the expected project cost will be. Councilman Levy responded that his guesstimate would be \$ 250,000 to \$ 300,000 but we won't know for sure until the mussel study is done. Mr. Kunze advised that we have about \$ 480,000 for the project. Councilman Kulmala asked if someone can give the Council a presentation on this project after the study is done.

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

WHEREAS, the Borough of Oakland has previously authorized Agnoli Engineering for Phase 1 of the Ramapo River Restoration Project; and

WHEREAS, Agnoli Engineering has submitted a proposal dated September 26, 2018 to provide services for Phase II of the project for a total cost of \$30,700.00 broken down as follows:

Part A: Mussel Management Plan	\$ 20,900.00
Part B: Drone Survey Pre-Construction	\$ 6,050.00
Part E.Pre-application preparation of Materials and meeting with NJDEP In Trenton	\$ 3,750.00

WHEREAS, the 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 #C-04-56-691-401;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize a contract to Agnoli Engineering for Phase II of the Ramapo River Restoration Project in an amount not to exceed \$ 30,700.00 as specified in their proposal dated September 26, 2018; 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, Kulmala, Levy, Pignatelli, Talamini.

FINAL PUBLIC HEARING: ORDINANCE NO. 18-CODE-767 TABLED

On motion of Councilman Biale, seconded by Councilman Pignatelli, the final adoption of Ordinance 18-Code-767 be tabled.

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

COUNCIL REPORTS:

Councilman Talamini: There will be a meeting with school personnel on September 27th to discuss security. An Administration meeting was held yesterday to discuss the Building Department. The Public Events Committee will participate on September 30th with the Car Show. On October 14th, the Mothers' Club will have pumpkin painting at the Danny D'Elia Building. On October 13, they will participate with the Library Grand Opening. The Halloween Parade will be held on October 27th.

Councilman Kulmala: The Library Grand Opening will be held on October 13th at 11 am. He advised residents to come to the Library on Friday between 3 and 5 pm to say goodbye to Mr.

Ned. Councilman Kulmala attended the Fire One graduation last Thursday. He congratulated the graduates. Recreation fall sports are underway. They are getting ready for sign ups for winter sports. The Recreation Commission is adamant about having the bathrooms done. Mr. Kunze advised that we will go out to bid for the project in October. We are anticipating construction to occur over the winter in order to be ready for spring sports.

Councilman Biale: The Seniors will have bingo on October 18th. The Senior Flu Clinic will be held October 2nd and pre-registration will be held September 27th from 11 am to 1 pm. The Seniors will have a pizza party and play jeopardy on October 24th. The DPW is continuing compliance with the Water Accountability Act by flushing valves and hydrants. The DPW is inspecting stormwater basins between October and November. Boswell Engineering is updating the water system map. The DPW is prepping the plows already in anticipation of the winter. Councilman Biale congratulated the Mayor. She is receiving the Attorney Community Service Award from the Bergen County Bar Association on October 4th. He congratulated the group he works for because they just received an award for the project in Franklin Lakes.

Councilman Pignatelli: He attended the Board of Health meeting. The Senior Flu shot clinic will be held October 2nd. There are over 30,000 people who die annually from the flu. Seniors and young children are susceptible. The rabies clinic will be held November 3rd from 1 to 3 pm at the Recreation shed. The Oakland Police Department provided traffic support for the P.S.E. & G. project. They completed mandated active shooter training. There are 150 hours mandated for firearms training. The Police Captain met with the schools and they did a monitored test of the panic buttons. The officers will walk through the schools starting in September. Officer McDonough will be on the road by himself by the beginning of October. Officers Martin and Fitzgerald are still in the Academy. The First Aid Squad had 70 calls in August which equated to 140 man hours. They have 628 calls for 1256 hours for the year-to-date. The Fire Department had 27 calls in August for 331 man hours. They have had 302 calls for 6406 man hours for the year-to-date.

Councilman Levy: The Flood Commission met and discussed the Army Corps review of the Flood project. We have work that needs to be done to maintain the project. The Flood Commission will need two new members in January. Councilman Levy did not attend the Shade Tree meeting. The Planning Board discussed the marijuana ordinance. They are looking at expanding the drug-free school zones.

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments.

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, Kulmala, Levy, Pignatelli, Talamini.

BILLS TO BE PAID:

On motion of Councilman Pignatelli, 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, Kulmala, Levy, Pignatelli, Talamini.

Councilman Kulmala asked for an update on the Patriots Way Bridge. Borough Engineer John Yakimik responded that he received the report from the DOT. He will take the draft recommendations and revise the plans to resubmit to the DOT. They will take five weeks to review the revised plans. We are looking to go out to bid in November and will probably award the bid at the beginning of the year. The project can get started in the winter but would have to wait until the spring to be paved. Mayor Schwager announced she would like to meet with the residents of Ramapo River Reserve but no one has gotten back to her.

Councilman Kulmala asked if the demolition of the houses on Roosevelt will be done by the end of the year. Mr. Kunze responded that we are on track for that.

MEETING ADJOURNED:

On motion of Councilman Levy, seconded by Councilman Pignatelli, the meeting be adjourned at 9:00 pm.

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

Lisa M. Duncan, Borough Clerk
October 10, 2018

Mayor Linda H. Schwager

Date Approved