

May 11, 2022

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY MAY 11, 2022

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Saliani, 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:
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 Kulmala, Pignatelli, Saliani Slasinski, Talamini.

CLOSE EXECUTIVE SESSION:

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

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

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MEETING CALLED TO ORDER: By Council President Pignatelli at 7:00 pm.

ROLL CALL: Council President Pignatelli called the meeting to order and the Clerk called the roll. Present: Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini. Absent: Mayor Schwager. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Council President Pignatelli announced that this meeting is being held in accordance with the Open Public Meetings Law, duly announced, advertised and posted in the Municipal Building. The meeting will adjourn at 10:00 pm unless a majority of the Councilmembers that are present vote to extend the time.

EXCUSE ABSENCE:

On motion of Councilman Saliani, seconded by Councilman Kulmala, the absence of Mayor Schwager be excused.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

APPOINTMENT OF JUNIOR FIREFIGHTER:

Councilman Pignatelli administered the Oath of Office to Junior Firefighter Brian Kindergan.

OPENED FOR PUBLIC COMMENT:

On motion of Councilman Saliani, seconded by Councilman Kulmala, this portion of the meeting be opened for public comment.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

Filomena LaForgia, 54 Saratoga, is a 26 year resident and is co-host to a podcast entitled Board Buzz. On Tuesday, she received a cease and desist notice from an attorney. She stated she will not comply since it is against her First Amendment rights. She considers this harassment.

John Scerbo, 77 Spear Street and Vice-President of the Board of Education, stated he appreciates the time the Council spent with the Board of Education to go over the budget. He thinks that a lot was accomplished. The Board of Education was surprised at the defeat of the budget which was only a 1.23% increase. He believes it was impacted by the revaluation and the Ramapo Indian Hills budget which increased 3.6%. One of the things that came up at the meeting on Monday was about the abundance of supervisors. Mr. Scerbo explained that the line item they were referring to encompasses more than just supervisors. He explained that there are three supervisor positions and they are in line with the FLOW districts. Mr. Scerbo advised that there are 34 special needs students that are sent out of the district. That costs over \$ 3 million dollars. The Board of Education is looking for all avenues to improve the budget. He explained they are looking to bring the special needs students back to the district once they find the space to do so. He stated they obtained a lot of grants this year. Mr. Scerbo appreciated everyone who came out to vote.

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CLOSED FOR PUBLIC COMMENT:

On motion of Councilman Saliani, seconded by Councilman Slasinski, this portion of the meeting be closed to public comment.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

APPOINTMENT-PUBLIC EVENTS COMMITTEE:

Council President Pignatelli brought forth the nomination of Mame Schwarzfischer for reappointment to the Public Events Committee for a three-year term. He spoke about all the work she does for the Public Events Committee.

Motion to Consent:

On motion of Councilman Talamini, seconded by Councilman Saliani, the Council consented to the reappointment of Mame Schwarzfischer to a three-year term on the Public Events Committee. The term will expire December 31, 2024.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

APPOINTMENTS-ACCESS FOR ALL:

Councilman Pignatelli indicated this is a Mayoral appointment and the Mayor will make these appointments at the next meeting.

APPROVE RAFFLE LICENSE RL1423:

On motion of Councilman Kulmala, seconded by Councilman Saliani, approval be granted for Raffle License RL1423 for Valley Middle School PTO to hold an on-premise 50/50 raffle on May 21, 2022 at 71 Oak Street.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

APPROVE RAFFLE LICENSE RL1424:

On motion of Councilman Kulmala, seconded by Councilman Slasinski, approval be granted for Raffle License RL1424 for Valley Middle School PTO to hold an on-premise raffle for merchandise on May 21, 2022 at 71 Oak Street.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

APPROVAL RAFFLE LICENSE RL1425:

On motion of Councilman Slasinski, seconded by Councilman Talamini, approval be granted for Raffle License RL1425 for Ramapo Bergen Animal Refuge Inc. to conduct carnival games June 15, 16, 17 and 18, 2022 at the Oakland Recreation Fields.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

REQUEST FOR SIGN AT BUSH PLAZA:

On motion of Councilman Talamini, seconded by Councilman Kulmala, approval be granted to Ponds Church to post a sign at Bush Plaza to advertise their Pride Month Kick-off concert to be held June 5, 2022 at the Ponds Church Parking Lot.

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ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

APPROVAL OF MINUTES: APRIL 27, 2022

On motion of Councilman Saliani, seconded by Councilman Slasinski, the minutes from the Mayor and Council meeting of April 27, 2022 be approved.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

RESOLUTION 22-149 REFUND PERMIT FEES-WILLIAM GUARINI

On motion of Councilman Talamini, 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 a Building Department permit fee for Permit 22-0087 issued February 18, 2022; 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:

William J. Guarini, Inc., 152 Stevens Avenue, Jersey City, NJ 07305 \$ 65.00

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

RESOLUTION 22-150 REFUND PERMIT FEES-HOUSER, 75 PAGE DRIVE

On motion of Councilman Talamini, 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 a Building Department permit fee for Permit 22-0084; 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:

Chad Houser, 75 Page Drive, Oakland, NJ 07436, \$ 180.00

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

RESOLUTION 22-151 ACCEPT OFFER ON MUNICIPAL LIEN-CARRY

This resolution is being carried.

RESOLUTION 22-152 AUTHORIZE GRANT SUBMITTAL TO NJDEP COMMUNITY FAST CHARGER SOLICITATION PROGRAM

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

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WHEREAS, the New Jersey Department of Environmental Protection is providing funding to municipalities to assist with the installation of Electric Vehicle Charging Stations on public properties; and

WHEREAS, the Borough Administrator or his/her designee are hereby authorized to submit a New Jersey Department of Environmental Protection It Pay\$ to Plug In DC Fast Charger Community Solicitation Grant Application to install a DC-fast charger in the Central Business District.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, hereby authorize the submission of the New Jersey Department of Environmental Protection It Pay\$ to Plug In DC Fast Charger Community Solicitation Grant Application.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

RESOLUTION 22-153 AUTHORIZE GRANT SUBMITTAL FY23 BULLETPROOF VEST PARTNERSHIP

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

WHEREAS, the Bureau of Justice Assistance (BJA) is offering the Fiscal Year 2022 Patrick Leahy Bulletproof Vest Partnership (BVP) Grant; and

WHEREAS, the Borough of Oakland wishes to submit an application for funding;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, hereby authorize the submittal of an application to the Bureau of Justice Assistance (BJA) for the FY22 Patrick Leahy Bulletproof Vest Partnership in the amount of \$910.00.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

RESOLUTION 22-154 CERTIFYING OAKLAND BOARD OF EDUCATION TAX LEVY
Councilman Talamini recused himself.

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

WHEREAS, the Board of Education of the Borough of Oakland presented to voters at the annual school election held on April 19, 2022 a question concerning the approval of the local share of the budget for the General Fund in the amount of \$ 31,732,377 for the 2022-2023 school year; and

WHEREAS, the voters at said election rejected the budget for the General Fund;
and

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WHEREAS, the Board of Education transmitted its budget documentation for the 2022-2023 school year to the Mayor and Council on April 21, 2022; and

WHEREAS, pursuant to N.J.S.A. 18A:22-37, the Mayor and Council are charged with the responsibility of determining the amount which is necessary to be appropriated for each item in the budget and certifying the tax levy for the local share; and

WHEREAS, the Mayor and Council thoroughly reviewed the budget and related information presented to it; and

WHEREAS, it was determined that keeping the staffing level for the Dogwood Guidance Counselor and the VMS Media Specialists at their 2021-22 levels would not negatively impact the Districts ability to provide a thorough and efficient education;

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

1. The local share of the General Fund of the budget of the Oakland Board of Education for the 2022-2023 school year be established at \$ 31,615,461 a reduction of \$ 116,916 from the budget which was rejected by the voters of the Borough of Oakland, by reducing the former proposed budget as follows:

<u>Account Description</u>	<u>Account No.</u>	<u>Amount</u>
Salaries of Other Professional Staff	11-000-218-104	\$
29,998		
Salaries	11-000-222-100	
\$ 23,540		
Health Benefits	11-000-291-270	
\$ 63,378		
Total Tax Levy Reduction		\$ 116,916

2. The Borough Clerk is directed to certify by May 19, 2022 to the Bergen County Board of Taxation, the Bergen County Superintendent of Schools, the Tax Assessor for the Borough of Oakland and the Division of Local Finance of the Department of Community Affairs, State of New Jersey, that the amount necessary to be raised by taxation in the Oakland Board of Education for the General fund revenue is \$ 31,615,461.
3. This Resolution shall be maintained on file in the Office of the Borough Clerk and that copies of the Resolution shall be forwarded as directed herein.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski.

RESOLUTION 22-155 REQUEST HD FROM ALTICE FOR CHANNEL 77

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

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WHEREAS, the Borough of Oakland, through the Oakland Communications Commission, operates a public access television station (channel 77 on Cablevision); and

WHEREAS, the channel is operated pursuant to a franchise for public education and government ("PEG channel"); and

WHEREAS, the current resolution for the operation of the PEG channel is restricted by Altice (formerly Cablevision) at 480 pixels; and

WHEREAS, 480 pixels is standard definition resolution and is outdated, and 720 pixels is the minimum high definition resolution, and the increase in pixels will sharpen the image quality; and

WHEREAS, the Mayor and Council of the Borough of Oakland deem it in the best interest of the residents of the Borough of Oakland that the resolution of the Borough public access channel be improved to 720 pixels to better serve the population that utilizes the public access channel; and

WHEREAS, the Borough will be requesting the Board of Public Utilities and its local legislative team to address the resolution issue by requiring Altice (formerly Cablevision) to increase the resolution to 720 pixels.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough's public access cable channel provider, Altice (formerly Cablevision), increase resolution to 720 pixels.

BE IT FURTHER RESOLVED that a copy of this resolution be provided to the New Jersey Board of Public Utilities, the Borough's State Legislative team and Altice.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

RESOLUTION 22-156 HIRE DPW SUMMER HELP

On motion of Councilman Saliani, seconded by Councilman Talamini, 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
Thomas Bognini	May 16, 2022	\$ 13.00/hour
William Kilpatrick	May 16, 2022	\$ 13.00/hour
Michael Kilpatrick	May 16, 2022	\$ 13.00/hour
James Hickey	May 16, 2022	\$ 13.00/hour

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

WORK SESSION:

ENGINEERING-REPLACE GENERATOR AT SOONS WELLFIELD

Mr. Kunze advised that the emergency generator at Soons Wellfield broke after 50 years of service and is not repairable. It is a high priority to purchase and install a new unit. We need to move ahead with engineering services that are needed for the project. Proposals were solicited from Boswell Engineering and Neglia Engineering. Based on the cost proposals received and Boswell's previous involvement in other successful generator projects, he is recommending that a contract be awarded to Boswell Engineering in the amount of \$ 12,000. Councilman Kulmala stated he supports this since it is for critical infrastructure. A resolution will be listed on the next agenda.

ENGINEERING SERVICES-BOUNDARY SURVEY BLOCK 3301, LOT 11

Mr. Kunze advised that Block 3301, Lot 11 is a vacant Borough-owned flag lot on Long Hill Road and is a property that had been previously authorized for sale. It appears that there are encroachments that will need to be removed in order to proceed with the sale and a boundary survey is needed. Proposals were solicited from Boswell Engineering and Neglia. Based on the fact that required corner markers and ancillary expenses were included in Boswell's cost, Mr. Kunze is recommending a contract be awarded to Boswell in the amount of \$ 5,250. A resolution will be listed on the next agenda.

ENGINEERING SERVICES-MINOR SUBDIVISION BLOCK 4303, LOT 9

Mr. Kunze explained that Block 4303, Lot 9 is another vacant Borough-owned property that was authorized for sale. It has frontage on both Franklin Ave. and Meadowlark Court. In order to increase the marketability of the property, our realtor has recommended the property be subdivided to remove the flagpole portion of the property. Boswell Engineering cannot provide the necessary engineering services since they serve as the Planning Board Engineer. Neglia Engineering has submitted a proposal for a not-to-exceed price of \$ 13,660. A resolution will be listed on the next agenda.

ORDINANCE-ELECTRIC VEHICLES

Mr. Kunze advised that the State sent out a model ordinance to municipalities that they said must be adopted. The State already adopted a law to enact a model EV ordinance which is in effect whether or not the town adopts it. Mr. Chewcaskie explained this is the first time the State created a zoning ordinance for municipalities. These guidelines have to be followed by the Land Use Board. Most of the items in the model ordinance are mandatory but there are some options. He suggested sending the model ordinance to the Planning Board to review and give recommendations on the optional sections before the ordinance is introduced.

Councilman Kulmala questioned Section D and asked who the financial burden for these requirements will fall on. Mr. Chewcaskie responded it would be covered in the Developers Agreement and they would not get a Certificate of Occupancy unless this was done. Councilman Kulmala asked if the builder is required to put charging stations in immediately. Mr. Chewcaskie responded the first third of the requirement must be done upfront. Then in years 3 and 6, there are additional requirements. Councilman Kulmala questioned who pays in years 3 and 6. Mr. Chewcaskie responded that the developer would pay upfront but may pass it on to property owner or tenants in future. Councilman Talamini asked if these chargers would be metered. Mr. Chewcaskie responded that there is an expectation that there will be a charge determined by the owners of the property. Mr. Chewcaskie will forward this ordinance to Planning Board to review before it comes to the Governing Body for introduction.

CAPITAL ORDINANCE:

Mr. Kunze advised that since the budget has been adopted, he would like to move forward with authorizing capital ordinances for items included in the capital plan. He explained that the Library HVAC, network replacement and supplemental funding for Tennis Court resurfacing and Bandshell projects were already authorized in other capital ordinances. The total funding for this year's ordinances would be over \$ 4.8 million. He explained that we are using cash from the Capital Improvement fund, Capital surplus and a variety of grants. He explained that 60% of the funding will come from outside funding such as grants and ARP funding. He advised this is the first time since he was hired that Oakland is authorizing no additional debt. The ordinances will be listed for introduction at the next meeting.

RESOLUTION URGING OPRA REFORM:

Mr. Chewcaskie advised this resolution has been recommended by the Bergen County League of Municipalities since OPRA has gone beyond what it is intended for. This form of resolution is recommending certain restrictions be put in the law protecting an individual's personal information and to prohibit requests for commercial purposes. A resolution will be listed on the next agenda.

NEW BUSINESS:

Councilman Kulmala advised he received a request from a resident to honor the Indian Hills Seniors that are going into the Army in June and to do so from now on. Councilman Pignatelli supports honoring the young people who are volunteering their service to the Government. Councilman Talamini stated it is a great idea and maybe we could include Oakland residents who go to other schools. Councilman Kulmala asked that a letter be sent to the guidance office of Indian Hills and Ramapo High Schools.

COUNCIL REPORTS:

Councilman Kulmala: The Public Safety Committee met regarding parking on Roosevelt and Truman Blvd. The Borough Engineer is reviewing and analyzing the issue. The First Aid Squad had 58 calls in February and 1226 miles for the rigs. They responded to 70 calls in March and the rigs logged 1300 miles. In April, they responded to 63 calls and logged 1072 miles. The First Aid Squad is always looking for new members. Recreation signups are ongoing for football, soccer, cheer and summer camp. The schedule for tennis courts is online. The OCC is discussing their sponsorship program. They are looking for a part-time secretary. The newsletter committee is looking for volunteers. The TV Committee is looking for volunteers.

Councilman Pignatelli: The Environmental Commission meeting is Monday. They held a successful town cleanup on April 30th. The Board of Health will meet Tuesday and the Planning Board will meet Thursday.

Councilman Talamini: He thanked the Board of Education for all their work on the budget. He stated that serving on the Board of Education was one of the best experiences. The Public Events Committee is running the Memorial Day Parade on May 29th. He thanked Mame Schwarzfischer for all her work in organizing the event. Fever Pitch will be held June 4th and the Carnival will be held June 15th to the 18th. Tickets will be \$ 30 for Wednesday and Thursday nights and \$ 35 for Friday and Saturday nights.

Councilman Slasinski: The contractor is establishing a local material storage yard for the Sewer treatment plant decommissioning project. Materials are being ordered but some have a long lead time. Materials are being ordered for the Iroquois Pump Station project. Some materials will not be delivered for several months. The permit application has been submitted to the DEP for the

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PFAS project. Councilman Slasinski stated that the use of grants has helped with this year's capital purchases. It is astonishing that there is no new debt incurred.

Councilman Saliani: The paper shredding event will be held Saturday from 9 am to 1 pm. Residents should report potholes to the DPW. They have filled almost 750 potholes so far. The DPW is getting Vets Park ready for Memorial Day. The Shade Tree Commission's Arbor Day presentation is being shown on OCC TV. They gave out 40 saplings and on May 1st gave out 150 saplings. There will be a meeting of the Bush Plaza committee tomorrow to discuss fundraising.

Councilman Pignatelli advised that Hazardous Waste collection is being held May 14th at Campgaw from 9 am to 3 pm.

Councilman Kulmala advised that Patriots Way Bridge remains safe for vehicular and pedestrian traffic. There will be a detailed inspection in June. The estimated cost of replacement is currently \$ 7 million.

OPENED FOR PUBLIC COMMENT:

On motion of Councilman Saliani, seconded by Councilman Kulmala, this portion of the meeting be opened for public comment.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

Deb Mutterer, 101 Walnut Street, also received a cease and desist letter. She will continue to assert her First Amendment rights.

William Sisti, 12 Eagle Crest, asked if there are going to be fireworks at the carnival. Councilman Talamini advised there will not because the fireworks impact the footprint of the carnival and they lose a lot of parking spaces. He advised that it was a big decision for the Public Events committee but the carnival did better without the fireworks last year. There is discussion about possibly doing fireworks on a different date.

CLOSED FOR PUBLIC COMMENT:

On motion of Councilman Saliani, seconded by Councilman Kulmala, this portion of the meeting be closed to public comment.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

BILLS TO BE PAID:

On motion of Councilman Slasinski, seconded by Councilman Kulmala, 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.

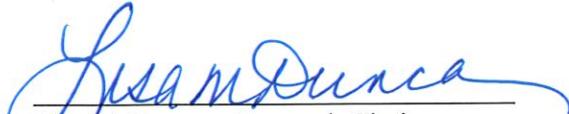
ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

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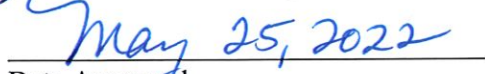
MEETING ADJOURNED:

On motion of Councilman Talamini, seconded by Councilman Slasinski, the meeting be adjourned at 8:09 pm.

ROLL CALL: All yeas, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.



Lisa M. Duncan, Borough Clerk



Date Approved



Council President Pasquale Pignatelli

