

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
TUESDAY NOVEMBER 23, 2021

MOVE TO EXECUTIVE SESSION:

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

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

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

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:  
Litigation, 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, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

CLOSE EXECUTIVE SESSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

MEETING CALLED TO ORDER: By Mayor Schwager at 7:31 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck. Absent: None. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney; John Yakimik, Borough Engineer.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Mayor Schwager 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.

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**MAYOR'S REPORT:**

Mayor Schwager advised that a productive and informative meeting was held last night to discuss water. She thanked Borough Engineers Kevin Boswell and Giselle Diaz for their information. Mayor Schwager attended an Eagle Scout ceremony this past weekend. She gave kudos to Troop 49. Mayor Schwager attended the installation of Pastor Courtney Smith of the Messiah Lutheran Church. Winter Wonderland at Van Saun Park opened this past weekend. Oakland will have the Christmas Tree and Menorah Lighting ceremony on December 5<sup>th</sup> at 5:00 pm. The annual Holiday decorating contest registration is due by December 18<sup>th</sup>.

**OPENED FOR PUBLIC COMMENT:**

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

Nancy Krause, 22 Hickory Drive, spoke of the potential group home at 14 Hickory Drive. She advised that there is a lot of traffic on Hickory because it is used as a cut-through. She thinks there are better locations for the home.

Terry Vollmin, 16 Hickory Drive, stated that the property at 14 Hickory is very narrow and long and is all rock. She does not think this group home should go on Hickory.

Phil Malloy, 21 Hickory Drive, has been a resident for 64 years and is upset by this group home. He doesn't think it belongs on Hickory Drive and is not fair to the homeowners. Mr. Malloy showed a notice he received in December 2020 about a hearing for this property. Borough Engineer John Yakimik advised this was for an application for a single family home that was withdrawn.

Michael McMorow, 4 Hickory Drive, asked why the residents didn't know about this group home. Mr. Kunze explained that the potential developer approached the Mayor and Council about needing a resolution of support for a funding request with the County. The developer would still have to go before the Board for a site plan and the residents will be notified of that. At the last meeting, the Governing Body asked if the company could send out letters to the residents within 200 feet of this property. Councilman Kulmala explained that at the last meeting, the Council tabled the resolution of support for the grant and directed the company to notify the residents. Councilman Van Eck advised that there was a presentation two meetings ago and he raised major concerns with this.

Michael Salo, 17 Hickory Drive, is against the group home.

**CLOSED FOR PUBLIC COMMENT:**

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

Mr. Chewcaskie explained that the letter the homeowner received was from a prior application on the property. There was a request made to the Governing Body for endorsement of funding for a group home. Mr. Chewcaskie explained that group homes are permitted in every residential community in the State. The Governing Body can choose not to endorse the funding request. However, if the company chooses to proceed, they would have to go before the Board and the residents within 200 feet would be provided notice of the application. At the last meeting, the Governing Body asked the company to notify the residents. Mr. Chewcaskie explained that whether the Governing Body says yes or no to endorse the funding, the company can still proceed with an application before the Board.

**APPROVAL OF MINUTES: OCTOBER 27, 2021**

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of October 27, 2021 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

**APPROVAL OF MINUTES: NOVEMBER 10, 2021**

On motion of Councilman Pignatelli, seconded by Councilman Biale, the minutes from the Mayor and Council meeting of November 10, 2021 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

**APPROVAL OF MINUTES: OCTOBER 27, 2021 EXECUTIVE SESSION**

On motion of Councilman Pignatelli, seconded by Councilman Biale, the minutes from the Mayor and Council Executive Session of October 27, 2021 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

**APPROVAL OF MINUTES: NOVEMBER 10, 2021 EXECUTIVE SESSION**

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of November 10, 2021 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

**APPROVE RAFFLE LICENSE RL1415**

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, approval be granted for Raffle License RL1415 for Oakland Elks to hold an On-premise raffle for merchandise on December 9, 2021 at the Oakland Elks Lodge, 33 Ramapo Valley Road.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

#### APPOINTMENT TO SHADE TREE COMMISSION

Mayor Schwager appointed Alexandro Suriano to the Alternate position on the Shade Tree Commission. The term will expire December 31, 2025.

#### RESOLUTION 21-327 AUTHORIZE ENGINEERING 2022 ROAD PROGRAM

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

WHEREAS, the Borough of Oakland wishes to proceed with the 2022 Road Program; and

WHEREAS, the Borough of Oakland is in need of engineering services for the design and survey phase and construction inspection phases of the project; and

WHEREAS, Boswell Engineering has submitted a proposal November 4, 2021, and the fee for the design phase and survey phase is not to exceed \$ 58,000; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-810-101 \$ 12,279.14 and Account #C-04-56-810-102 \$ 46,220.86;

WHEREAS, Boswell Engineering has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted on July 11, 2012; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize Boswell Engineering to perform the design and survey services and construction inspection for the 2022 Road Program at a cost not to exceed \$ 58,000; 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, Pignatelli, Slasinski, Talamini, Van Eck.

#### RESOLUTION 21-328 HIRE SEASONAL SNOW PLOW OPERATORS

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

WHEREAS, there is a need to hire seasonal snow plow employees for the Department of Public Works; and

WHEREAS, the seasonal snow plow employees will be paid the snow rate as specified in the Blue Collar Labor Agreement for which the current snow rate of \$31.00 per hour;

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council hereby authorize the hiring of the following seasonal snow plow employee for the Department of Public Works effective November 24, 2021:

Brian Morrisroe  
Graziano Trafuoci  
Tim Trainor  
Myles McMahon  
Jeff Pereira  
John Lindstrom  
Kevin Healy  
Barry McMackin  
Josue Martinez

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

**RESOLUTION 21-329 REVISE AFFIRMATIVE MARKETING PLAN**

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

**WHEREAS**, in accordance with the regulations of COAH pursuant to N.J.A.C. 5:93-1, et seq., the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26., et seq., and in the Matter of the Application of the Borough of Oakland, County of Bergen, Docket No. BER-L-6274-15 regarding In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"), the Borough of Oakland is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Borough of Oakland, are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 1, which encompasses the Borough of Oakland

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

**Affirmative Marketing Plan**

A. All affordable housing units in the Borough of Oakland shall be marketed in accordance with the provisions herein unless otherwise provided in COAH's Rules at N.J.A.C. 5:93-1, et seq.

B. The Borough of Oakland has a Third Round obligation. This Affirmative Marketing Plan shall apply to all developments that contain or will contain low and moderate income units, including those that are part of the Borough's current Housing Element and Fair Share Plan and those that may be constructed in future developments not contemplated in the Borough's Housing Element and Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.

C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Oakland. All costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).

D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf

of the Borough of Oakland, shall undertake the following strategies:

1. Publication of one advertisement in a newspaper of general circulation within the housing region.
2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
3. At least one additional regional marketing strategy using one of the other sources listed below.

E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in the region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the Borough is located and covers the entire period of deed restriction for each restricted housing unit. The Borough of Oakland is located in COAH Housing Region 1, and is comprised of Bergen, Hudson, Passaic and Sussex Counties.

F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:

1. All newspaper articles, announcements and requests for application for low and moderate income units shall appear in the Bergen Record and Star Ledger.

2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Borough's Administrative Agent. All press releases and advertisements shall be approved in advance by the Borough's Administrative Agent.

3. The advertisement shall include a description of the:

- i. Location of the units;
- ii. Direction of the units;
- iii. Range of prices for the units;
- iv. Size, as measured in bedrooms, of units;
- v. Maximum income permitted to qualify for the units;
- vi. Location of applications;
- vii. Business hours when households may obtain an application; and
- viii. Application fees.

4. Newspaper articles, announcements and information on where to request applications for low and moderate income housing shall appear at least once a week for four consecutive weeks in at least four locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Bergen County and the other three of which shall be circulated primarily outside of Bergen County but within the housing region.

5. Four or more of the following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:

- i. 2 WCBS-TV (CBS Broadcasting, Inc.)
- ii. 4 WNBC (NBC Telemundo License Co., General Electric)
- iii. 5 WNYW (Fox Television Stations, Inc., News Corp.)

iv. 7 WABC-TV (American Broadcasting Companies, Inc., Walt Disney)

v. 9 WWOR-TV (Fox Television Stations, Inc., News Corp.) vi. 10

WCAU (NBC Telemundo License Co., General Electric) vii. 11 WPIX

(WPIX, Inc., Tribune)

viii. 13 WNET (Educational Broadcasting Corporation)

IX. 58 WNJB (New Jersey Public Broadcasting Authority)

6. Applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:

- i. Oakland Municipal Building
- ii. Oakland Municipal Library
- iii. New Jersey Housing Resource Center

iv. Developer's Sales/Rental Office

v. Bergen County Administration  
Building

vi. Hudson, County Administration  
Building

vii. Passaic County Administration  
Building

viii. Sussex County Administration  
Building.

Applications shall be mailed by the Administrative Agent to the prospective applications upon request. Also, applications shall be made available at the developer's sales/rental office and shall be mailed to prospective applicants upon request.

7. The administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Bergen, Hudson, Passaic and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.

1. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Bergen County Board of Realtors  
Hudson County Board of Realtors  
Passaic County Board of Realtors

Sussex County Board of Realtors

ii. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Bergen, Hudson, Passaic and Sussex:

Welfare or Social Service Board

Rental Assistance Office (local office of DCA) Office on Aging

Housing Authority

Community Action Agencies Community Development

Departments

iii.. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all the major employers within the region in accordance with the Region 1 Affirmative Marketing Plan.

iv. Quarterly informational circulars and applications shall be sent to the following additional community and regional organizations:

Fair Share Housing Center

Bergen County Housing Coalition

The New Jersey State Conference of the NAACP

The Bergen County NAACP

Bergen Urban League

The Latino Action Network

8. A random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent in conformance with N.J.A.C.

5:80-26.16(1). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work COAH Housing Region 1 comprised of Bergen, Hudson, Passaic and Sussex Counties.

9. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.

10. The Administrative Agent shall provide or direct qualified low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.

11. All developers/owners of low-and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.

12. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all low-income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary.

13. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

#### INTRODUCTION: ORDINANCE NO. 21-CODE-864 REVISE CHAPTER 60

The Clerk was directed to take from table Ordinance No. 21-Code-864 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-864 entitled: " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, CHAPTER 60 ENTITLED "AFFORDABLE HOUSING REGULATIONS AND CONTROLS"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Chapter 60 Entitled "Affordable Housing Regulations And Controls", be introduced;

That said Ordinance be considered for final adoption at a meeting on December 20, 2021 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 December 8, 2021 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, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

#### INTRODUCTION: ORDINANCE NO. 21-CODE-865 20 PERCENT SETASIDE

The Clerk was directed to take from table Ordinance No. 21-Code-865 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-865 entitled: "AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING ORDINANCE OF THE BOROUGH OF OAKLAND" REGARDING 20 PERCENT AFFORDABLE HOUSING SETASIDE

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled "Land Use And Zoning Ordinance Of The Borough Of Oakland" Regarding 20 Percent Affordable Housing Setaside, be introduced;

That said Ordinance be considered for final adoption at a meeting on December 20, 2021 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 December 8, 2021 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, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

#### INTRODUCTION: ORDINANCE NO. 21-CODE-866 AMEND CBD I ZONE

The Clerk was directed to take from table Ordinance No. 21-Code-866 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-866 entitled: " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING ORDINANCE OF THE BOROUGH OF OAKLAND" REGARDING CBD I ZONE"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled "Land Use And Zoning Ordinance Of The Borough Of Oakland" Regarding CBD I Zone, be introduced;

That said Ordinance be considered for final adoption at a meeting on December 20, 2021 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 December 8, 2021 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, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

#### INTRODUCTION: ORDINANCE NO. 21-CODE-867 AMEND CBD II ZONE

The Clerk was directed to take from table Ordinance No. 21-Code-867 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-867 entitled: " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING ORDINANCE OF THE BOROUGH OF OAKLAND" REGARDING CBD II ZONE"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled "Land Use And Zoning Ordinance Of The Borough Of Oakland" Regarding CBD II Zone, be introduced;

That said Ordinance be considered for final adoption at a meeting on December 20, 2021 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 December 8, 2021 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, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

#### INTRODUCTION: ORDINANCE NO. 21-CODE-868 CBD I & II AFFORDABLE HOUSING OVERLAY ZONE

The Clerk was directed to take from table Ordinance No. 21-Code-868 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-868 entitled: " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled “Land Use And Zoning”, be introduced;

That said Ordinance be considered for final adoption at a meeting on December 20, 2021 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 December 8, 2021 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, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

#### INTRODUCTION: ORDINANCE NO. 21-CODE-869 RA-5AH ZONE

The Clerk was directed to take from table Ordinance No. 21-Code-869 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-869 entitled: " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED “LAND USE AND ZONING” REGARDING RA-5AH ZONE”

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled “Land Use And Zoning” Regarding RA-5AH Zone, be introduced;

That said Ordinance be considered for final adoption at a meeting on December 20, 2021 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 December 8, 2021 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, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

#### FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-858 AMEND CODE TO ALLOW FOR OUTDOOR DINING

The Clerk was directed to take from the table Ordinance No. 21-Code-858 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND,

LAND USE, CHAPTER 59 ENTITLED “ LAND USE AND ZONING” TO ALLOW FOR RESTAURANT OUTDOOR DINING”

OPENED FOR PUBLIC COMMENT:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled “ Land Use And Zoning” To Allow For Restaurant Outdoor Dining, 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, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

Councilman Pignatelli stated the restaurants should be warned that one wall must stay open. Councilman Van Eck stated this is one of the few silver linings of the pandemic. Councilman Kulmala stated this is a positive thing for the community.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-859 AMEND CODE-RESTAURANT PARKING REQUIREMENTS

The Clerk was directed to take from the table Ordinance No. 21-Code-859 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED “ LAND USE AND ZONING” TO REVISE RESTAURANT PARKING REQUIREMENTS”

OPENED FOR PUBLIC COMMENT:

On motion of Councilman Pignatelli, seconded by Councilman Van Eck, this portion of the meeting be opened for public comment.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

On motion of Councilman Van Eck, 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 Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled “Land Use And Zoning” To Revise Restaurant Parking Requirements, 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, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-862 AMEND CODE-TEMPORARY SIGNS AT BUSH PLAZA

The Clerk was directed to take from the table Ordinance No. 21-Code-862 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59, “LAND USE AND ZONING”, SECTION 59-63 “SIGNS”, SUBSECTION 59-63 O.(4) “EXEMPTED SIGNS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND”

OPENED FOR PUBLIC COMMENT:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing Chapter 59, "Land Use And Zoning", Section 59-63 "Signs", Subsection 59-63 O.(4) "Exempted Signs" Of The Revised General Ordinances Of The Borough Of Oakland, 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.

Councilman Pignatelli wanted clarification that this is only for 501c3 organizations to utilize. Mr. Chewcaskie stated that it must be a charitable organization. Councilman Van Eck stated it must be for a specific event. Mr. Chewcaskie confirmed it must be an Oakland non-profit 501c3.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

#### WORK SESSION:

##### 2022 MEETING DATES:

The Clerk distributed the tentative list of 2022 meeting dates. She advised that the date for the Oath of Office must be set. The consensus was to hold the Oath of Office on Sunday January 2<sup>nd</sup> at 12:00 noon.

##### ENGINEERING PROPOSALS:

Mr. Kunze stated that the Mayor and Council just awarded two bids for water main replacement projects. Boswell Engineering needs to be retained for Construction Administration and inspection. The cost for both projects is not to exceed \$ 65,000. Resolutions will be listed on the next agenda.

##### STREETSCAPE ORDINANCE:

Councilman Pignatelli questioned if the trees and benches standards are national figures. He would like to have seen a picture of the light posts. He wants to ensure it is what is outside of the Walgreens. Mr. Chewcaskie advised that the language is stated in the ordinance. Councilman Van Eck stated that a picture was not included. Councilman Kulmala stated it was the recommendation of the Planning Board committee to continue with the same lamp that is in the Walgreen's area. Mr. Kunze advised that he can distribute a picture of the lighting and bench. The Shade Tree Commission has provided comments on the tree species. He suggested maybe sending this back to the Planning Board committee to discuss the Shade Tree Commission's comments.

##### RECREATION FEE ORDINANCE AMENDMENTS:

Mr. Kunze advised that the Recreation fee ordinance is amended every year as the budget is done to ensure that fees are in place for the upcoming year. The increases are fairly modest. The Recreation Commission is planning to offer four new summer camps and a new lacrosse program. The ordinance will be introduced at the next meeting.

#### AREA IN NEED OF REHABILITATION STUDY:

Councilman Kulmala brought this idea up two meetings ago for Ramapo Valley Road from Franklin Avenue to Oak Street. He stated that we are asking the Borough Planner, Burgis Associates, to do a study on that area to ensure it fits the criteria of the law for an area in need of rehabilitation. Councilman Pignatelli stated this is a good investment. Councilman Kulmala explains that this law allows a tax abatement to property owners in the downtown to make improvements.

#### ZONING BOARD APPEAL:

Mr. Chewcaskie advised that the appellant has made arrangements to obtain transcripts. Mr. Chewcaskie had advised he wants them by the end of the month. He asked the Clerk to distribute the records from the Zoning Board hearings and he will discuss this again the first meeting of December. He explained that an appeal of a Zoning Board of Adjustment decision was filed by a resident. Pursuant to Borough ordinances, the Governing Body would review the appeal. Mayor Schwager explained that the Zoning Board granted a use variance for a non-conforming use. Our ordinance allows a resident to appeal the decision. The appellant must provide transcripts and then the Governing Body will set a hearing date. Councilman Pignatelli asked if the Council is allowed to talk to the Zoning Board members. Mr. Chewcaskie responded that the Council cannot talk to Zoning Board members. He stated that the Governing Body's obligation is to review the record and make a determination. Councilman Pignatelli asked if the Governing Body will get a verbatim transcript. Mr. Chewcaskie responded they would.

#### NEW BUSINESS:

Councilman Talamini asked if the Police Department could investigate Hickory Drive being used as a pass-through that the residents spoke about.

#### COUNCIL REPORTS:

Councilman Van Eck: He wished everyone a Happy Thanksgiving and a Happy Hanukkah.

Councilman Kulmala: The Green Team will sponsor a Styrofoam drive on January 8<sup>th</sup>. The Green Team along with the Community of Commerce will sponsor a Styrofoam free business program. He wished everyone a Happy Thanksgiving and Happy Hanukkah.

Councilman Pignatelli: He and Councilman Kulmala attended the League of Municipalities cannabis seminar last week. He distributed notes. He advised there will be a webinar on November 30<sup>th</sup>. The Cannabis Commission will be taking applications as of December 15<sup>th</sup>. He is not clear on the social equity aspect and if we have to provide it. He wished everyone a Happy Thanksgiving and a Happy Hanukkah. He thanked our volunteers who are the backbone of the community.

Councilman Biale: The Skyview lining project is complete except for one area that needs to be addressed. The water main project will start in February. The interior work is complete on the Van Allen House. He attended the JIF MEL meeting at the League conference. He wished everyone a Happy Thanksgiving and Happy Hanukkah.

Councilman Pignatelli reminded everyone that it is flu shot season and between 30,000 and 50,000 people die from the flu.

Councilman Talamini: The Christmas Tree and Menorah Lighting will be held December 5<sup>th</sup> at 5 pm. The Menorah will be lit early for Hanukkah. The Finance Committee will meet on December 1<sup>st</sup>. He wished everyone a Happy Thanksgiving and Happy Hanukkah.

Councilman Slasinski: He advised that it is status quo at the Library. They will host a Holiday concert on December 7<sup>th</sup> and registration is required. He wished everyone a Happy Thanksgiving and Happy Hanukkah.

OPENED FOR PUBLIC COMMENT:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

No comments made.

CLOSED FOR PUBLIC COMMENT:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

BILLS TO BE PAID:

On motion of Councilman Talamini, 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, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Van Eck, the meeting be adjourned at 8:35 pm.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

*Lisa M. Duncan*

*Linda H. Schwager*

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Lisa M. Duncan, Borough Clerk  
December 8, 2021

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Mayor Linda H. Schwager

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Date Approved