

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD VIA ZOOM VIDEO CONFERENCE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY FEBRUARY 10, 2021

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Kulmala, seconded by Councilman Van Eck, 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:
PBA Grievance Arbitration; Potential 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, Van Eck.

Councilman Talamini entered the meeting at 6:36 pm.

Discussion regarding PBA grievance arbitration, potential litigation and personnel matters. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:30 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Kulmala, Pignatelli, 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 this meeting is being held in accordance with the Open Public Meetings Law, duly announced, submitted to the newspaper and advertised more than 48 hours in advance of the meeting and notice posted in the Municipal Building and on the Borough website.

MAYOR'S REPORT:

Mayor Schwager administered the Oath of Office to the three new Police Officers at the Senior Center where everyone practiced social distancing. She congratulated Jacquelyn Jensen, Matthew Lopez and Jonathan Lyons. Mayor Schwager gave kudos to the DPW for an outstanding job clearing the roads. There is an ordinance on for adoption regarding mailbox damage due to snow plows. There is a new COVID testing site at the Oakland Senior Center. It will be held Monday and Wednesdays from 10 am to 6 pm and Saturday from 10 am to 3 pm. Pre-registration is required. Mayor Schwager has been asked about the vaccine. She advised that she will be on a call with other Mayors tomorrow to discuss vaccines and how to help Seniors. Oakland is now a Silver Certified Sustainable Jersey community. Mayor Schwager thanked the Green Team for all their efforts. This certification will help the Borough with applying for grants. There will be a virtual ceremony on March 11th.

OPENED FOR PUBLIC COMMENT:

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

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

Michael Verost, 72 Algonquin Trail, submitted the following written comment "Will all the streets in Oakland have complete parking restrictions in order to prevent sideswipes? And if not, why does the Council not care about the safety of those streets?"

Brian Reilly, 30 Andrew Avenue, has been working with the Board of Health on the chicken ordinance. The one concern about the proposed regulations is that the Animal Control officer can inspect the property. They are a private entity. He stated that these are strong regulations. He would like to know why this issue was brought up.

Stephanie Tufaro, 67 Monhegan Ave, asked if there are any other options for safety besides just eliminating parking on Monhegan.

Christina Miller, 38 Heath Rd, is not pleased with the way the ordinance to regulate chickens is written. Her husband is concerned with the restrictions and stated the ordinance was an overreach. She asked the Council to say no to the ordinance.

Martha Cajina, 64 Monhegan, spoke about the parking issue but could not be heard because of a connection issue.

Dale Grider, 68 Monhegan Ave, has lived there for 35 years and had no idea there was supposed to be no parking on either side of the street. She understands why there is no parking on parts of Monhegan but cannot understand why it would not be allowed on the straightaway. She stated if parking is allowed on Lakeside Blvd and Ramapo Hills Blvd, it should be allowed on Monhegan. She spoke about the problem of speeding on Monhegan.

Dana Andro, 43 Acorn Ave, would like the Mayor and Council to reconsider the chicken ordinance. She stated they were hoping for just a land use ordinance. She asked the Mayor and Council to grandfather current owners.

Larry Shiner, 63 Monhegan Ave, asked for reconsideration as to the parking on Monhegan. He would like other options.

Brian Harris attempted to speak but there were connection issues.

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, Talamini, Van Eck.

APPROVAL OF MINUTES: JANUARY 13, 2021

On motion of Councilman Pignatelli, seconded by Councilman Talamini, the minutes from the Mayor and Council meeting of January 13, 2021 be approved.

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

APPOINTMENTS:

ENVIRONMENTAL COMMISSION:

Mayor Schwager brought forth the nomination of Erich Kamm for reappointment to a three-year term on the Environmental Commission.

Motion to Consent:

On motion of Councilman Pignatelli, seconded by Councilman Van Eck, the Council consented to the reappointment of Erich Kamm to a three-year term on the Environmental Commission. The term will expire December 21, 2023.

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

GREEN TEAM:

Mayor Schwager appointed Salma Shamy and Jessica Stroud to one-year terms on the Green Team.

RESOLUTION 21-90 AUTHORIZE AGREEMENT-ALTERNATE PUBLIC DEFENDER

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 necessary for the Borough of Oakland to engage the services of Alternate Public Defender for 2021; and

WHEREAS, funds will be available by way of budget to compensate said Alternate Public Defender; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough did undertake a competitive process to select an Alternate Public Defender and solicited Requests for Qualifications in November 2020; and

WHEREAS, the applicants has submitted paperwork certifying that they have not made any disqualifying pay to play contributions pursuant to the Borough's Pay-to-Play Ordinance No.12-Code-669 adopted July 11, 2012; and

WHEREAS, the Borough's Review Team has determined that Sophy Sederat will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Schwager has nominated Sophy Sederat to serve as the Borough's Alternate Public Defender for the year 2021; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body the Borough of Oakland that said Alternate Public Defender be and is hereby appointed for the year 2021; and

BE IT FURTHER RESOLVED that the not to exceed contract amount shall not exceed \$ 3,000 without further authorization of the Governing Body and the Chief Financial Officer has certified that the funds are available in Account # 1-01-43-495-021; and

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

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

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

RESOLUTION 21-91 AUTHORIZE CONTRACT WITH PLANNER FOR IMPLEMENTATION OF AFFORDABLE HOUSING PLAN

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

WHEREAS, there is a need for Planning Services for implementation of the Affordable Housing Plan; and

WHEREAS, Burgis Associates has submitted a proposal dated January 20, 2021, for Planning services for the services required in an amount not to exceed \$ 57,500; and

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

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

WHEREAS, the Chief Financial Officer has certified funds are available in Account #T-27-56-286-002;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize a contract to Burgis Associates for the Planning Services for implementation of the Affordable Housing Plan in an amount not to exceed \$ 57,500 as specified in their Proposal dated January 20, 2021; 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, Talamini, Van Eck.

RESOLUTION 21-92 AUTHORIZE EXECUTION OF SAFE ROUTES TO SCHOOLS AGREEMENT

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 received funding from the State of New Jersey Department of Transportation for the Oakland School Safety Project at Heights Elementary School and Valley Middle School;

NOW, THEREFORE, BE IT RESOLVED that Mayor Linda H. Schwager and the Borough Clerk are hereby authorized to execute the agreement on behalf of the Borough.

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

RESOLUTION 21-93 APPROVE DOG PARK RULES

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

WHEREAS, the Mayor and Council approved the Jill Schwertfeger Memorial Dog Park at Great Oak Park; and

WHEREAS, there is a need to adopt rules and regulations for the new dog park;

NOW, BE IT RESOLVED that the Mayor and Council adopt the following rules and regulations for the Jill Schwertfeger Memorial Dog Park:

- Dogs that bark or howl persistently must be removed from the premises to be considerate of other pet owners and other park visitors
- Dogs must never be left unattended or allowed out of sight.
- Dogs shall be under the direct supervision of individuals 18 years or older.
- Dogs must be wearing a valid New Jersey dog tag and have paid the set yearly fee from the Borough of Oakland in order to use the dog park. To register your dog, please visit Oakland Borough Hall at 1 Municipal Plaza.
- Owners must clean up after their dogs pursuant to Borough Code 5-1.7(c)
- Dogs showing aggression towards people or other animals shall be removed from the park. Dogs with a history of aggressive behavior will not be permitted in the dog park.
- Dogs must be at least five months old to use the dog park.
- Children under 12 years old are not permitted inside the dog park and children from 12-18 years old must be accompanied by a parent or guardian at all times inside the dog park.
- Owners must have a leash at all times as dogs must be on leash when entering and when leaving the dog park.
- Dogs using the dog park must be spayed or neutered.
- Dogs that are sick are not permitted in the dog park.
- Dogs wearing metal choke or spike collars are not permitted in the dog park.
- Dog owners are responsible and liable for the actions and behavior of their dogs at all times. Use of park at your own risk. Oakland Borough will not provide supervision during dog park operating hours.
- Owners or persons responsible shall not allow their dogs to dig holes or engage in activities that may create a safety or maintenance hazard.
- No smoking, food of any type, glass items, or alcohol is permitted inside or surrounding the dog park.
- A maximum of two dogs per adult are allowed in the dog park.
- Bringing or allowing unregistered dogs into the dog park is strictly prohibited and violators of this policy may be subject to a fine and risk losing dog park privileges.
- The dog park may be closed for maintenance without prior notice.
- Small dog park section is limited to dogs weighing 25 pounds or lighter. Large dog park is open to dogs of all sizes.
- All dog bites or other incidences must be reported to the Oakland Police Department at 201-337-6171.
- All other rules pertaining to the Great Oak Park that do not conflict with these rules are also applicable to the dog park.

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

RESOLUTION 21-94 AUTHORIZE REFUND TAXES-VETERAN DEDUCTION BL.3903, L 42.37

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 2019 and 2020 Veteran Deduction in the amount of \$500.00; and

WHEREAS, N.J.S.A. 40A:5-17 requires Governing Body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the borough of Oakland hereby authorize a refund to:

Michael Croce, 101 East Oak St. (C-5), Oakland, NJ amount due \$ 500.00.

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

RESOLUTION 21-95 AUTHORIZE REFUND TAXES-EXEMPT VET-BL. 5402, LOT 19
On motion of Councilman Biale, seconded by Councilman Kulmala, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, Resolution 21-36 authorized a refund of 2020 taxes to Mr. Joziph Soliman, owner of 107 Pawnee Avenue, Block 5402, Lot 19, due to his full property tax exemption as a permanently disabled veteran; and

WHEREAS, there was an additional payment made in November 2020 that needs to be refunded; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that a refund in the amount of \$ 535.61 be issued to Joziph Soliman.

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

RESOLUTION 21-96 AUTHORIZE REFUND TAXES-OVERPAYMENT-BL. 1401, LOT 6
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 from Darren & Nadia Reid, Oakland, NJ for a refund of taxes due to an overpayment; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon advice of the Tax Collector, do hereby authorize a refund as follows:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
1401/6	10 Crooked Hill	\$ 3,115.76

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

RESOLUTION 21-97 AUTHORIZE REFUND TAXES-OVERPAYMENT-BL. 1801, LOT 9
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 from 91 West Oakland Ave LLC, Oakland, NJ for a refund of taxes due to an overpayment; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon advice of the Tax Collector, do hereby authorize a refund as follows:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
1801/9	83-91 West Oakland Ave.	\$ 4,041.95

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

RESOLUTION 21-98 SELF-EXAMINATION OF BUDGET

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

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Oakland, County of Bergen has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Oakland, County of Bergen that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a) Payment of interest and debt redemption charges
 - b) Deferred charges and statutory expenditures
 - c) Cash deficit of preceding year
 - d) Reserve for uncollected taxes
 - e) Other reserves and non-disbursement items
 - f) Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a) All estimates of revenue are reasonable, accurate and correctly stated,
 - b) Items of appropriation are properly set forth

- c) In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
- 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
- 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

RESOLUTION 21-99 APPROVE 2020 LOSAP CERTIFICATION LIST

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

WHEREAS, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a Length of Service Awards Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit for the previous year, and;

WHEREAS, the certification shall be based on records maintained by the emergency service organization in accordance with the sponsoring agency's adopted point system, and;

WHEREAS, the required certifications have been presented by the Oakland Fire Department & by the Oakland First Aid Squad to the Local Plan Administrator, and;

WHEREAS, the Local Plan Administrator has reviewed the annual list, and supporting documentation from the Oakland Fire Department & from the Oakland First Aid Squad to substantiate the information provided, and is satisfied that the list is complete and accurate;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey that the certified list of volunteer members of the Oakland Fire Department & the Oakland First Aid Squad who have qualified for credit under LOSAP for the year 2020 is hereby approved, and

BE IT FURTHER RESOLVED, that the approved certification list is posted at the office of the Municipal Clerk, and returned to the Oakland Fire Department & the Oakland First Aid Squad for posting at their locations, for a period of 30 days to allow sufficient time for membership review.

ROLL CALL: Yeas, Councilmembers Biale, Talamini, Van Eck.
Abstain, Councilmembers Kulmala, Pignatelli.

RESOLUTION 21-100 AUTHORIZE REFUND FOR 200' PROPERTY OWNERS LIST

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 fee for a 200' Certified Property Owners List in the amount of \$30.00; and

WHEREAS, N.J.S.A. 40A:5-17 requires Governing Body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the borough of Oakland hereby authorize a refund to:

E2 Project Management LLC, 87 Hibernia Avenue, Rockaway, NJ amount due \$ 30.00.

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

RESOLUTION 21-101 HIRE FIRE INSPECTOR

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

WHEREAS, there is a need to hire a part-time Fire Inspector for the Construction Office;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that William Bergner be hired as part-time Fire Inspector at a salary of \$ 27.50 per hour effective February 10, 2021.

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

RESOLUTION 21-102 ENDORSE CDBG HOME APPLICATION-TABLED

On motion of Councilman Van Eck, seconded by Councilman Biale, Resolution 21-102 be tabled until the next meeting when a presentation can be made by Eastern Christian Children's Retreat.

ROLL CALL: Yeas, Councilmembers Biale, Kulmala, Pignatelli, Van Eck.
Nay, Councilman Talamini.

RESOLUTION 21-103 RESERVE BUDGET TRANSFER

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

WHEREAS, it has become necessary to expend funds in excess of the amounts approved in the Calendar Year 2020 budget of the Borough of Oakland; and

WHEREAS, there exist certain budget expenditures with funds available in excess of the amounts approved in the Calendar Year 2020 budget of the Borough of Oakland; and

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of such funds between Appropriations Reserves during the first 3 months of the calendar year;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that based on the recommendation of the Chief Financial Officer, the following transfers be made to the Calendar Year 2020 Appropriations Reserves budget:

Current Fund

From

To

0-01-25-265-135	FIRE DEPT - RESCUE SQUAD	<u>\$ 1,568.58</u>
Sub-total		\$ 1,568.58

0-01-25-266-200	LOSAP	<u>\$ 1,568.58</u>
Sub-total		\$ 1,568.58

ROLL CALL: Yeas, Councilmembers Biale, Talamini, Van Eck.
Abstain, Councilmembers Kulmala, Pignatelli.

RESOLUTION 21-104 RENEW SHARED SERVICE AGREEMENT-EQUIPMENT SHARING
On motion of Councilman Biale, seconded by Councilman Kulmala, the following resolution be introduced, adopted and duly passed by roll call vote:

BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Borough shall renew the Shared Services Agreement "Lending of Vehicles and Equipment" with the Borough of Franklin Lakes and the Township of Wyckoff, for a one-year term to expire December 31, 2021 with an automatic one-year renewal option; and

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

Councilman Kulmala asked how often this is used and what type of equipment is involved. Mr. Kunze responded that we have not used this much. It is set up in case there is a need for equipment that the town may not have. Councilman Biale asked if there was an agreement for the street sweeper. Mr. Kunze responded that years ago, there was an agreement with the County for use of the street sweeper. That is not in use anymore.

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

RESOLUTION 21-105 AUTHORIZE RECREATION REFUNDS
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 Recreation fees; 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:

O'Neill Family, 47 West Sheffield, Oakland, NJ, amt. \$ 96 (Rec Basketball-2 kids)
Stroud Family, 68 Hickory Drive, Oakland, NJ amt. \$ 73 (Rec Basketball)
Paysour Family, 105 Dogwood Dr., Oakland, NJ amt. \$73 (Rec Basketball)
Gluchanisz Family, 39 West Sheffield St., Oakland, NJ amt. \$73 (Rec Basketball)
Coira Family, 162 Page Drive, Oakland, NJ amt. \$ 73 (Rec Basketball)
Cipriani Family, 384 W. Oakland Ave., Oakland, NJ amt. \$ 73 (Rec Basketball)
Bergamini Family, 31 Seminole Ave, Oakland, NJ amt. \$ 73 (Rec Basketball)
Struz Family, 270 Ramapo Valley Road, Oakland, NJ amt. \$ 73 (Rec Basketball)
Altonjy Family, 50 Chuckanutt Dr., Oakland, NJ amt. \$ 73 (Rec Basketball)

Lauler Family, 130 Chuckanutt Dr., Oakland, NJ amt. \$73 (Rec Basketball)
 Flanagan Family, 14 Mt. Holyoke Dr., Oakland, NJ amt. \$ 73 (Rec Basketball)

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

RESOLUTION 21-106 AUTHORIZE ACCRUED TIME PAYOUT-B. PAGERIE

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

WHEREAS, N.J.A.C. 5:30-15 establishes rules that govern how local government units manage and finance compensation for accumulated absence time for their respective employees, and

WHEREAS, accumulated absence includes any sick days, vacation days, personal days, compensatory time or any other absence time authorized as part of an employer agreement, which is not used by the employee during the allowed period and which is permitted to accumulate over time to the benefit of the employee, and

WHEREAS, the Chief Financial Officer has certified that the funds and authority exists to pay the part of the accumulated absence, as per the attached schedule, to Bart Pagerie for sick, vacation, personal and compensatory time accumulated in the amount of \$ 60,958.63; and

WHEREAS, the attached certification and documentation are presented to comply with the rules and regulations established by the Local Finance Board.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the total sum \$ 60,958.63 composed of 240 hours of vacation time, 341.75 hours of sick time, and 12 hours of personal time and 175.25 hours compensatory time be paid out to Bart Pagerie. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose.

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

INTRODUCTION: ORDINANCE NO 21-CODE-822 FEES FOR DOG PARK

The Clerk was directed to take from table Ordinance No. 21-Code-822 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-822 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND CHAPTER IX, RECREATION FACILITIES AND RECREATION AREAS, SUBCHAPTER 9-2.3, ENTITLED "FEE SCHEDULE FOR ACTIVITIES," TO PROVIDE FOR THE USE OF THE OAKLAND DOG PAR AND THE FEE SCHEDULE THEREOF."

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing The Revised General Ordinances Of The Borough Of Oakland Chapter IX, Recreation Facilities And Recreation Areas, Subchapter 9-2.3, Entitled "Fee Schedule

For Activities,” To Provide For The Use Of The Oakland Dog Par And The Fee Schedule Thereof.”, be introduced;

That said Ordinance be considered for final adoption at a meeting on February 24, 2022 held via Zoom video conference at Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before February 15, 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, Talamini, Van Eck.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-821 MAILBOX STORM DAMAGE POLICY

The Clerk was directed to take from the table Ordinance No. 21-Code-821 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 12 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND ENTITLED “STREETS, SIDEWALKS, PUBLIC RIGHTS-OF-WAY AND SANITATION” TO INCLUDE SECTION 12-5.1A ENTITLED “MAILBOX DAMAGE DUE TO SNOW PLOWING”

OPENED FOR PUBLIC COMMENT:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

On motion of Councilman Pignatelli, seconded by Councilman Biale, 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 12 Of The Revised General Ordinances Of The Borough Of Oakland Entitled “Streets, Sidewalks, Public Rights-Of-Way And Sanitation” To Include Section 12-5.1a Entitled “Mailbox Damage Due To Snow Plowing, 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, Talamini, Van Eck.

WORK SESSION:

2021 ROAD PROGRAM:

Mr. Kunze explained that we are preparing for this year's road program. We are looking at repaving 2 ½ to 3 miles of roads. The estimate for the work is \$ 1.1 million. Boswell Engineering has submitted a proposal for the design phase. Mayor Schwager asked for an explanation on how the roads are chosen. Mr. Kunze explained that the list is developed by the DPW to rate the roads. They are ranked by priority order and then the DPW and the Engineer develop the final list. Councilman Pignatelli understands that the roads need to be repaved but there are extensive expenditures this year with the Patriots Way Bridge. He thinks the \$ 1.1 million needs to be reduced. Mr. Kunze explained that due to the timing of the road program, the funding for this year's project was authorized last year. This discussion is for next year's budget. Councilman Kulmala stated that the Borough is looking to do water main replacements. He asked if P.S.E. & G. is aware of the roads to be done. Mr. Kunze advised that P.S.E. & G. asks for a list of our projects but he does not know if they adhere to it. Borough Engineer John Yakimik advised that P.S.E. & G. has been given the list of roads for the next three years. He advised that P.S.E. & G. assumes a five year moratorium. We have been successful in getting them to pave the roads that were done in the last five years. Councilman Pignatelli asked if a traffic study should be done before Ramapo Valley Road is paved. A study may reveal different ways to route traffic. He stated that we should get proposals from other firms. Mr. Yakimik advised that he is working on the proposal and it includes the adaptive signals. Councilman Pignatelli advised that the last traffic study was done 20 years ago.

ENGINEERING PROPOSAL-WATER MAIN REPLACEMENTS

Mr. Kunze advised that the Water Quality and Accountability Act requires utilities to regularly upgrade and replace water mains. We have put together a program to start in place to start in the Pleasureland area. There will be four roads done-Doty Road, Lakeview Terrace, Grandview Ave and Mountainview Ave-and the Borough was awarded a \$ 75,000 grant for Grandview. Boswell has submitted a proposal for the engineering work in the amount of \$ 63,000. There will be 3500 linear feet of water main at a projected construction cost of \$ 700,000 not including the cost of repaving the roads. Mayor Schwager asked if we should get another proposal. Mr. Kunze advised that Boswell has been heavily involved with this project so far and he thinks it is best to stick with them. Councilman Pignatelli advised he was contacted by a resident of Island Terrace to ask if the water main could be extended to Island Terrace and assess the property owners for the cost. Mayor Schwager asked what would happen if a resident did not want to pay. Mr. Chewcaskie responded the homeowners would be assessed. Councilman Pignatelli will ask the resident if he is still interested. Mr. Yakimik can look at the technical challenges that would be involved.

ORDINANCE TO REGULATE THE DELIVERY OF HANDBILLS, CIRCULARS AND PRINTED MATERIALS TO PRIVATE RESIDENCES

Mr. Chewcaskie advised this ordinance would regulate the delivery of printed material. This ordinance is similar to Franklin Lakes' ordinance. The issue arose as to the throwing of unwanted papers in driveways. This ordinance would allow homeowners to send a certified letter to the newspaper to cease delivery. If the delivery does not cease, the newspaper would be subject to a fine. Mayor Schwager asked how this is enforced in Franklin Lakes. Mr. Chewcaskie responded he did not know. Councilman Van Eck had brought up this issue and hopefully this ordinance would be a step in the right direction because this is causing a big pollution problem. This would allow residents to opt out. Mayor Schwager asked for clarification that this doesn't affect delivery of the newspaper. Mr. Chewcaskie advised this is to prevent

papers that have not been requested such as the Suburban News. Councilman Talamini asked Mr. Kunze to find out about enforcement.

ENGINEERING PROPOSAL-LSRP SERVICES BLOCK 2207, LOT 1

Mr. Kunze advised there is a piece of property along Potash Lake that is adjacent to Great Oak Park. There are transformers that were previously tested for PCB's. He explained that we need to determine the amount of ECH's in the soil to determine remediation. Boswell has submitted a proposal and the work involves soil samples, lab analysis and a report to the DEP. This is being done to determine the extent the Borough needs to remediate.

ORDINANCE REGULATING CHICKENS:

Councilman Pignatelli advised that a resident had come before the Council to ask us to consider allowing chickens. He explained if the Council moves forward with the ordinance, many residents would be out of conformance. He suggested that the Borough may not need such an extreme ordinance that was proposed. He is asking the Council to let him go through the ordinance and point out what should be kept. Councilman Biale agreed that the ordinance doesn't have to be that specific. Councilman Pignatelli can't see having rules and regulations if there has been no problem with people having chickens. Councilman Kulmala stated that he does not know how it got to this point. Councilman Pignatelli stated it was reviewed by professionals who are having problems in other towns. He stated there are only 5 or 6 items that need to be in the ordinance.

COUNCIL REPORTS:

Councilman Biale: The Borough is utilizing the Ibank for funding for the decommissioning project. They are requiring additional submittals which are being worked on. The Borough has received approval for the minor modification to the water allocation permit. The NBCUA submitted a draft agreement for connection at the end of January. The Highlands Council acceptance has been received. A road opening application was submitted to Bergen County and we are waiting for a permit. The IBank requires many submittals from the CFO. It called for a Level 2 environmental review and a public hearing was held November 30th. We are waiting for comments from IBank on the public hearing. The Lining project for the Skyview-Hibrook system is being done to reduce infiltration in the system from groundwater and other sources. Bid documents are being prepared but there are problems with easements and encroachments that need to be resolved. Councilman Biale is going to be setting up a meeting regarding the Stream House. He is still waiting to hear from a representative from Oakland Historical Society.

Councilman Talamini: The Finance Committee held the initial budget meeting. There will be another meeting to come up with a preliminary budget and then it will be presented to the Council. That meeting will be open to the public. Councilman Talamini congratulated the CFO on passing his exam. Mr. Young is doing a great job for the town in leading us on the budget. Councilman Talamini congratulated the new police officers. He spoke of how nice it was to see neighbors being helpful with the snow.

Councilman Kulmala: The Planning Board will meet tomorrow. The Library Board is meeting this week. The Fire Department lost long time member Don Hoyt and Keimpe Jacobs. Councilman Kulmala reached out to Congressman Gottheimer to see if there is any money available for Patriots Way Bridge or the sewer project. The office will research and get back to Councilman Kulmala.

Councilman Van Eck: He thanked the DPW workers for doing an amazing job during the snow. In 2020, the DPW inspected 2267 storm basins and 267 needed clearing, 101 needed repairs and

24 needed to be reconstructed. The DPW repaired over 1500 potholes. Residents can report potholes through the service request form. If any resident missed the Christmas tree collection, call the DPW. The DPW has collected 1055 trees. Residents were reminded that they are responsible for clearing snow from their sidewalks and from fire hydrants. Oakland has a great Recreation program. Basketball and softball signups are open. Summer camp is accepting applications for counselors. Summer sports camp will be announced. Recreation is investing in sodding for Field 8. The OCC is looking for volunteers. The new member, David Dorsi, will be working on the newsletter committee. The OCC is looking for original music for the bulletin board. The TV committee is talking of a new show on the town history. The newsletter committee wants to tell stories about neighbors doing great things. Councilman Van Eck congratulated the new Police officers.

Councilman Pignatelli: The Police Chief reminded residents it is a violation to park a vehicle on the street during a snow storm. The Oakland Police Department addressed 30 reports of sidewalks or fire hydrants not being properly cleaned. Councilman Pignatelli congratulated the new Police officers. The Environmental Commission met February 2nd. Lee Haymon was elected Chairman and Mike Miner is Vice-Chairman. They welcomed the new members. The Environmental Commission would like to know if the Land Conservancy could assist in the acquisition of Sandy Beach and Bi-County. The Sandy Beach property would be an asset to the town. The next meeting of the Environmental Commission will be March 2nd. The Board of Health will meet February 16th.

OPENED FOR PUBLIC COMMENT:

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

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

Alison Fleeson, 59 Seton Hall Drive, asked Councilman Pignatelli to reach out to her to go over the chicken ordinance.

Tim Parker, 21 Lee Way and President of the Board of the Eastern Christian Children's Retreat, thought there would be an opportunity for a presentation tonight. Eastern Christian has 14 group homes and they are hoping to purchase property in Oakland and build a group home for five residents. The facility would give Oakland Affordable Housing credits.

Dana Andro, 43 Acorn Ave, thanked the Mayor and Council for consideration on the chicken ordinance. She thinks it would be a good idea to have a chicken advisory board.

Brian Harris, attempted to speak regarding Monhegan Avenue parking but had audio issues. Councilman Pignatelli acknowledged that the Mayor and Council received an extensive email from Mr. Harris voicing his concerns. Mayor Schwager advised that the Public Safety Committee will meet with the Police Chief and the Traffic Officer to discuss this again.

Kelly Rooney, 61 Monhegan Ave., advised that Mothers Club gets calls from students who need to do volunteer hours. She can put together a list of volunteers for people who can't shovel their fire hydrants. Mr. Kunze advised that the Senior Center has tried to get a list of volunteers several times to help Seniors with shoveling snow. We can try to reactivate that if Ms. Rooney has volunteers.

Joan Check, 18 Crosby Lane, thanked Councilman Pignatelli for trying to help with the chicken ordinance.

Christina Miller, 38 Heath Road, thanked the Council for listening and keeping the chicken ordinance simple.

CLOSED FOR PUBLIC COMMENT:

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

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

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Talamini, the meeting be adjourned at 9:30 pm.

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

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk
March 10, 2021

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager