

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD VIA ZOOM VIDEO CONFERENCE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY FEBRUARY 24, 2021

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Kulmala, seconded by Councilman Talamini, 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:
Contract Negotiations; Council Vacancy
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, Talamini, Van Eck.

Discussion ensued over contract negotiations and the Council vacancy. No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Van Eck, 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; Nylema Nabbie, 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 advised that she has been getting calls from residents asking why Oakland doesn't have the COVID-19 vaccine. She stated that Oakland does not have its own Health Department. She has reached out to Franklin Lakes and Wyckoff as well as the schools to see if they could potentially get vaccines. She advised that the State now has a hotline to help Seniors with appointments. Oakland has mobile COVID-19 testing at the Senior Center Mondays and Wednesdays from 10 to 6 and Saturdays from 10 to 3. You must pre-register online. Mayor Schwager thanked the hard-working DPW employees who have worked long hours with the snow removal this winter. She advised there is now a procedure to file a claim if a mailbox is damaged by the snowplow. The Public Safety Committee met with the Police Chief, Traffic Officer and Engineer on Monghegan Avenue this week. They will have to wait until the snow melts to make a determination if parking can be allowed. The NY Times will run an article on Oakland in the March 7th edition.

OPENED FOR PUBLIC COMMENT:

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

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

Jennifer Inglett, 1 Chapel Hill Road, is hoping Councilman Biale can give an update on the sewer lining project. She advised that the Chapel Hill treatment plant is pumped on a regular basis and there is a strong odor.

CLOSED FOR PUBLIC COMMENT:

On motion of Councilman Biale, seconded by Councilman Pignatelli, 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 27, 2021

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

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

APPROVAL OF MINUTES: JANUARY 27, 2021 EXECUTIVE SESSION

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

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

APPROVE RAFFLE LICENSE RL1390:

On motion of Councilman Biale, seconded by Councilman Kulmala, approval be granted to Raffle License RL1390 for Valley Middle School PTO to hold an off-premise 50/50 raffle on May 22, 2021 at Valley Middle School, 71 Oak Street.

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

APPROVE RAFFLE LICENSE RL1391:

On motion of Councilman Pignatelli, seconded by Councilman Biale, approval be granted to Raffle License RL1391 for Valley Middle School PTO to hold an on-premise raffle for merchandise on May 22, 2021 at Valley Middle School, 71 Oak Street.

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

APPROVE RAFFLE LICENSE RL1392:

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, approval be granted to Raffle License RL1392 for OLPH to hold a calendar raffle miscellaneous dates in April, May, June 2021 at OLPH, 25 Purdue Ave.

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

APPROVE RAFFLE LICENSE RL1393:

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, approval be granted for Raffle License RL1393 for Heights School PTO to hold an off-premise 50/50 raffle on March 15, 2021 at Heights School, 114 Seminole Ave.

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

EASTERN CHRISTIAN CHILDRENS RETREAT PRESENTATION:

Daryl Rogers, CEO of Eastern Christian Children's Retreat, was in attendance to talk about a proposed home in Oakland for individuals with developmental disabilities. They are proposing a 3400 square foot home professionally designed and built. The Borough would benefit from credits that can be used toward Affordable Housing requirements. The organization is asking for an endorsing resolution so that they can apply for funding from Community Development HUD. Councilman Pignatelli asked if this is a for-profit organization. Mr. Rogers responded it is a non-profit organization. Councilman Pignatelli asked if the residents all need wheelchairs. Mr. Rogers responded that some are semi-ambulatory but wheelchairs would most likely be needed. Councilman Pignatelli asked if the facility would be staffed 24 hours per day and what the qualifications are for hiring. Mr. Rogers responded that the staff are called Direct Support Professionals. They are trained and will assist in activities. There are background checks done for all staff. Mr. Rogers advised there is a similar home in Oakland run by Bethesda Lutheran. Councilman Pignatelli asked if the Direct Support Professionals are licensed. Mr. Rogers responded they are not licensed but are given continuing competency training. He advised that nurses will visit the home daily. There will be a manager and assistant manager who will be there a good part of the day. There will always be someone in charge on-site. Councilman Kulmala

asked how many staff will be there during the day and night. Mr. Rogers responded they will be required to have at least 2 people minimum on each shift. There are usually three staff members between 7 am and 11 pm. There will be two staff members overnight. Councilman Biale asked if there will be transport for the residents. Mr. Rogers responded there is a fleet of vehicles used to transport residents to day programs or shopping.

Louis Cuomo, 160 Yawpo Ave, asked if any work has been done to see if this project is feasible for the neighborhood. He is concerned about traffic and noise. Mr. Rogers responded that aesthetically, this will be a good addition. There is not much traffic and the residents are quiet. He suggested people take tours of their other homes. He trusts this will be welcome in the community. Mr. Cuomo stated this is on a hill on a main road. He asked if there are any concerns about getting fire trucks up there especially in the snow. Mr. Rogers responded that their properties are cleaned right away.

Cesar Arredondo, 120 Dogwood Drive, asked if there is a documented evacuation plan in the event of an emergency. Mr. Rogers advised that there is monthly testing because they are required to have residents out within 2 minutes. This has to be documented and reported to the State.

Councilman Kulmala asked what attracted Eastern Christian to this particular property. Mr. Rogers advised that Bergen County is a great area. They needed appropriate real estate to accommodate a 3400 square foot ranch style home. This property was suitable.

Maureen Mulligan, 28 Page Drive, asked how the residents are chosen for the home. She stated this is close to Franklin Lakes where there is already a complex for disabled people. She feels like this is segregating the area. Mr. Rogers advised they looked in other areas of Bergen County as well but thought this property is suitable. He stated there is another group home on Thackeray run by Bethesda Lutheran for 17 years. He stated most of the residents are medically fragile.

George Aswaldo, 3 Spear Street, shares a common boundary with this property. He asked if any Council members have walked the property to see it. Mayor Schwager responded that if this goes before the Planning Board, Mr. Aswaldo would be able to ask questions about the project.

SHADE TREE PRESENTATION:

Peter Kikot from the Shade Tree Commission spoke about a change to the Shade Tree ordinance. There has been an issue with replacement of trees that are being taken down. There had been no enforcement of the current ordinance. In 2019, only 4 of 267 trees taken down were replaced. In 2020, only 7 of 309 trees were replaced. There is an enforcement issue. The Shade Tree Commission worked on amending the ordinance. They looked at other ordinances that were very restrictive. The revised ordinance was kicked back to the Shade Tree Commission because it was too restrictive. He is not talking about replacing trees that were taken down because they were dying or because of storm damage. This is for the purpose of taking down healthy trees. He spoke of the value of the tree canopy. He advised under the proposed ordinance, all applications will be charged a \$ 25 fee which would result in approximately \$ 2,000 revenue and allow for 40 to 60 new trees to be planted each year. There would be a new Adopt-a-Tree program with the goal of planting 1000 trees in ten years.

Mr. Kikot spoke of the benefits of replanting shade trees. He advised that trees reduce amount of stormwater runoff which is a major source of pollution entering wetlands, streams and lakes. Trees can help remove pollutants from air, soil and water. Trees can be used for energy conservation by providing shading buildings and lowering temperatures in summer. Trees can

reduce carbon dioxide in the air. Mr. Kikot gave examples of monetary values for the benefits the trees provide.

Councilman Biale thanked Mr. Kikot for all the work he put into the presentation. He stated the numbers are staggering and he didn't know there has been no follow-up. Councilman Pignatelli asked about ash trees. Mr. Kikot responded that they don't charge a fee for residents to remove ash trees or ask for them to be replaced. He advised there are three vendors removing dead trees now. Councilman Pignatelli asked about the budget. Mr. Kikot advised that the money coming from permits and mitigation will go into a separate account to be used toward the Adopt-a-Tree program. The budget last year went to removing dangerous trees. He stated the goal is to plant 100 trees per year for ten years. Councilman Pignatelli asked where the trees would be planted. Mr. Kikot responded they won't be planted by power lines. He stated there are no trees on the east side of Yawpo Ave. Mr. Kikot stated they will plant Shade Trees that will last hundreds of years. Councilman Pignatelli asked Mr. Kikot to replace the tree for Frank Scardo at the park. Councilman Talamini asked what is going to ensure that there is enforcement. Mr. Kikot responded that they are looking to hire a part-time person for enforcement. Councilman Talamini asked what the liability is when Shade Tree says a resident can't cut down a tree and a storm takes the tree down. Mr. Kikot responded that Shade Tree cannot legally say no to a resident. That will be fixed by rewriting the ordinance which is going to restrict the number of trees that can be taken down in a year. Councilman Talamini thanked Mr. Kikot and the Shade Tree Commission for all their work on this. Mayor Schwager stated she learned a lot from the presentation.

Councilman Kulmala asked if the salary for the part-time person will be covered by the fees. Mr. Kunze responded that the Borough is looking to hire a forester who is a certified arborist. This would take the inspection work off of the volunteers. There is money in the Shade Tree budget for a portion of that. He stated there used to be a separate fund for trees but there was no approval for it from the DCA so it had to be dissolved. Mr. Kunze asked if the Council wants this on the next agenda for work session or introduction. Mayor Schwager responded it should be on work session.

RESOLUTION 21-102 ENDORSE CDBG APPLICATION-EASTERN CHRISTIAN CHILDREN'S RETREAT-TABLED

Mayor Schwager advised this resolution is tabled and she asked if there was a motion to remove this from the table. No motion was made so the resolution remains tabled.

RESOLUTION 20-107 AUTHORIZE BOSWELL-LSRP SERVICES BLOCK 2207, LOT 1

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

WHEREAS, there is a need for Licensed Site Remediation Professional services at Block 2207, Lot 1, Potash Lake, West Oakland Avenue; and

WHEREAS, Boswell Engineering has submitted a proposal dated February 4, 2021, and the fee for the services is not to exceed \$ 9,000.00 broken down as follows:

Task 1 Subsurface Investigation	\$ 1,500
Task 2 Remedial Investigation Report	\$ 6,500
Task 3 Document upload to DEP	\$ 1,000

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-55-002-013 ;

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 services as Licensed Site Remediation Professional for Block 2207, Lot 1 at a cost not to exceed \$ 9,000.00; 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 21-108 AUTHORIZE BOSWELL-WATER MAIN REPLACEMENTS

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

WHEREAS, there is a need to replace water mains on Doty Road from Lakeview Terrace to West Oakland Ave and the entire lengths of Grandview and Mountview Avenue; and

WHEREAS, there is a need for engineering services for the project; and

WHEREAS, Boswell Engineering has submitted a proposal dated February 5, 2021, and the fee for the engineering services is not to exceed \$ 63,000.00 broken down as follows:

Task 1 Data Collection and Survey	\$ 19,000
Task 2 Design	\$ 38,000
Task 3 NJDEP Highlands Exemption	\$ 6,000

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-06-01-001-003 ;

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 engineering services for the water main replacement project at a cost not to exceed \$ 63,000.00; 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 21-109 AUTHORIZE BOSWELL-2021 ROAD PROGRAM

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

WHEREAS, the Borough of Oakland wishes to proceed with the 2021 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 January 27, 2021, and the fee for the design phase is \$ 35,000 and fee for the construction phase is \$ 85,000 for a total not to exceed amount of \$120,000; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-810-101;

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 2021 Road Program at a cost not to exceed \$ 120,000; 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, Talamini, Van Eck.

RESOLUTION 21-110 AUTHORIZE RECREATION REFUNDS

On motion of Councilman Biale, seconded by Councilman Pignatelli, 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:

Gall Family, 11 Manito Avenue, Oakland, NJ, amt. \$ 53 (Rec Basketball only)
Manning Family, 34 Algonquin Trail, Oakland, NJ amt. \$ 53 (Rec Basketball)
Herrick Family, 5 Geronimo Way, Oakland, NJ amt. \$53 (Rec Basketball only)

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

RESOLUTION 21-111 AUTHORIZE REFUND ESCROW FEES-LASPINA, 14 SILVER BIRCH

On motion of Councilman Biale, seconded by Councilman Pignatelli, 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 escrow fees in the amount of \$251.50; 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 from Escrow Account #T-26-00-020-455 to:

Peter LaSpina, 14 Silver Birch Avenue, Oakland, NJ amount due \$ 251.50.

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

RESOLUTION 21-112 RATIFICATION OF SETTLEMENT-PBA ARBITRATION

Mr. Kunze explained that a grievance arose out of applicability of the Chapter 78 retiree benefit payments. This settlement was agreed upon. Anyone who retires under the current contract which expires December 31, 2024 will pay 1.5% of salary toward retiree benefits. Anyone who retires after that time will pay the full amount of contribution as specified in the Chapter 78 law enacted in 2011. Language will be inserted into the contract.

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

WHEREAS, the Borough of Oakland (hereinafter "Borough") and PBA Local 164 (hereinafter "PBA") were scheduled before Arbitrator Joyce M. Klein for an arbitration hearing on January 21, 2021;

WHEREAS, the arbitration, docketed no. AR-2021-064, is regarding PBA retiree health benefit contributions; and

WHEREAS, at the request of the Arbitrator, the parties first actively engaged in settlement discussions; and

WHEREAS, the Borough and the PBA reached a tentative settlement agreement resolving the January 21, 2021 arbitration and a settlement agreement was drafted; and

WHEREAS, on February 23, 2021 the PBA executed and ratified the settlement agreement resolving the arbitration docket no. AR-2021-064; and

WHEREAS, the settlement agreement was reviewed by the Borough Council; and

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oakland, in the County of Bergen, State of New Jersey, that the settlement agreement executed by the PBA on February 23, 2021 resolving the arbitration between the Borough of Oakland and PBA Local 164 regarding PBA retiree health benefit contributions docket no. AR-2021-064 is hereby ratified.

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Borough of Oakland at a meeting of said Borough Council on February 24, 2021.

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

RESOLUTION 21-113 AUTHORIZE CDBG GRANT AGREEMENT

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

BE IT RESOLVED that the Mayor and Council of the Borough of Oakland wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$ 75,000 in FY2020 Community Development funds for Grandview and Mountainview Avenue Water Main Improvement;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Mayor Linda H. Schwager to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Richard S. Kunze to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Oakland is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

This resolution was adopted by the Mayor and Council of the Borough of Oakland on February 24, 2021.

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

RESOLUTION 21-115 HIRE BUILDING INSPECTOR

On motion of Councilman Biale, seconded by Councilman Pignatelli, 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 Michael Dalessio be hired as part-time Building Inspector at an hourly rate of \$ 32.50 effective Thursday February 25, 2021.

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

RESOLUTION 21-116 HIRE BUILDING SUBCODE OFFICIAL

On motion of Councilman Biale, seconded by Councilman Pignatelli, 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 Dariusz Pokoj be hired as part-time Building Subcode Official at an hourly rate of \$ 35.00 effective Thursday February 25, 2021.

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

RESOLUTION 21-117 AUTHORIZE REFUND TAX OVERPAYMENT BL. 3301, LOT 27

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

WHEREAS, the Borough of Oakland has received a request from Douglas & Nicole Leodori, 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>
3301/27	93 Long Hill Rd.	\$ 2441.19

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

RESOLUTION 21-119 AUTHORIZE REFUND-TAX OVERPAYMENT BL 4702, LOT 3
On motion of Councilman Biale, seconded by Councilman Pignatelli, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough of Oakland has received a request from Jagjit & Viran K. Sethi, 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>
4702/3	16 Minnehaha Blvd	\$ 3,348.87

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

RESOLUTION 21-118 APPOINTMENT-COUNCIL VACANCY

Councilman Talamini advised the Republican County Committee submitted the names of Kevin Slasinski, John McCann and Joseph Kuhns to fill the vacancy.

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

WHEREAS, Robert Knapp resigned as a Council member on February 2, 2021; and

WHEREAS, on February 16, 2021 the Republican County Committee submitted the names of three nominees for a successor to fill Mr. Knapp's vacancy; and

WHEREAS, the Mayor and Council of the Borough of Oakland has considered the nominees and desire to make an appointment in accordance with N.J.S.A.40A:16-11;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that Kevin Slasinski is hereby appointed Council person for the Borough of Oakland as successor to Robert Knapp; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that Kevin Slaskinski shall serve on the Borough Council until a successor has been elected and certified; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to the Committee members and shall be kept on file in the Office of the Borough Clerk.

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

Council President Kulmala advised that he will take over as liaison to the Green Team and Councilman Slasinski will be liaison to the Library.

INTRODUCTION: ORDINANCE NO. 21-CODE-823 REGULATE DELIVERY OF HANDBILLS, CIRCULARS AND PRINTED MATERIALS

The Clerk was directed to take from table Ordinance No. 21-Code-823 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-823 entitled: " AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3 "POLICE REGULATIONS", SECTION 3-1.8 "DISTRIBUTION OF HANDBILLS AND CIRCULARS PROHIBITED; EXCEPTIONS" TO REGULATE THE DELIVERY OF HANDBILLS, CIRCULARS AND OTHER PRINTED MATERIALS TO PRIVATE PREMISES."

On motion of Councilman Van Eck, 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 And Supplement Chapter 3 "Police Regulations", Section 3-1.8 "Distribution Of Handbills And Circulars Prohibited; Exceptions" To Regulate The Delivery Of Handbills, Circulars And Other Printed Materials To Private Premises.", be introduced;

That said Ordinance be considered for final adoption at a meeting on March 10, 2021 held via Zoom Video Conference, Oakland, New Jersey at 7:30 P.M. Instructions to access the meeting will be on the Borough website www.oakland-nj.org.

That said Ordinance be published in full in The Record on or before March 1, 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: Yeas, Councilmembers Biale, Kulmala, Pignatelli, Talamini, Van Eck.
Abstain, Councilman Slasinski.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-822 DOG PARK FEES

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

The Clerk then read by title 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 PARK AND THE FEE SCHEDULE THEREOF.”

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 Biale, seconded by Councilman Talamini, 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 Pignatelli, seconded by Councilman Talamini, 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 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 Park And The Fee Schedule Thereof., 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.

WORK SESSION:

TRAFFIC STUDY:

Mr. Kunze advised that Boswell submitted a proposal to conduct a traffic congestion study. This study would analyze an adaptive system and possible lane changes and restriping. Mayor Schwager thought the Borough was also going to get proposals from other firms. All the resolutions tonight are from Boswell. She asked the purpose of appointing two other engineering firms. Mr. Kunze responded that we prequalified other firms so when we want to solicit other proposals, it is easier to do. In regard to the projects awarded tonight, Boswell was already heavily involved so it didn't make sense to solicit other proposals in these particular cases. When new issues come up, that will be the opportunity to solicit other proposals. Councilman Pignatelli thought the Council had asked for another proposal for this. Mr. Kunze thought that other proposals were not needed because Boswell was already involved in this project and he thought the Council wanted to move forward quickly with the traffic study.

Councilman Pignatelli asked what the deadline would be for submission of the report. Borough Engineer Yakimik responded he could have it done one month after authorization to proceed. Councilman Pignatelli hopes this will be helpful in finding a solution. Mr. Yakimik advised that once the model is set up, it can be changed to know the effect of any new development. Mayor Schwager stated that traffic will be bad until something is done by Yawpo Ave. and 202. Councilman Pignatelli stated the Borough has not had a traffic study done in over 20 years. This will provide good historical information.

Councilman Kulmala reached out to colleagues in other towns who are working with the State on adaptive systems. He asked with the analysis that Boswell is doing, if there has been success with the DOT in predictive adaptive analytics. Mayor Schwager stated the problem is that some traffic lights are controlled by the State and others are controlled by the County. Mr. Yakimik advised that adaptive systems are not meant for the linear arrangement in Oakland. They are effective in a grid system such as in the Meadowlands or Fort Lee. Councilman Kulmala asked if the data in this study will reflect if these systems are effective for Oakland. Mr. Yakimik advised that the data was collected pre-pandemic. He will look at adaptive systems which are quite expensive. Mr. Yakimik thinks we need to look at what can be done at first to alleviate congestion. Councilman Kulmala asked if there is any guarantee that the lights can be synchronized. Mr. Yakimik advised he will identify specific needs and what needs to be done to correct them. Mayor Schwager stated the light by the exit of 287 is controlled by the amount of cars because the State will not allow traffic to back up on Route 287. Mr. Yakimik stated when he met with the DOT, they were concerned with traffic backing up from West Oakland Ave. Mr. Yakimik will share the results of the report with the County and the State.

CAPITAL ORDINANCE FOR LIBRARY HVAC UNIT:

Mr. Kunze advised there are two HVAC units at the Library that need to be replaced. We have a proposal through a National coop. This ordinance would be supplemental funding for \$ 65,000. He explained that we want to replace these units before the summer. Councilman Kulmala stated that these units are at the end of their life. He stated the Library is used as temporary shelter and a cooling station so this is important to get done. The ordinance will be listed for introduction at the next meeting.

PROPOSAL FOR STORMWATER REGULATORY COMPLIANCE:

Mr. Kunze advised that the DEP updated the stormwater regulations. It requires an update to the stormwater control plan and the stormwater control ordinance. It is a very involved process. It also requires a new stormwater management plan. This requires the engineer's assistance to complete so Boswell has submitted a proposal. Mr. Yakimik advised the cost will be capped at \$ 4,500.

SUPPORT HR946 TO REMOVE CAP ON FEDERAL SALT DEDUCTIONS:

Mr. Kunze advised that several years ago, the federal government capped the deduction on federal taxes for State and local taxes. A lot of residents took a hit on their taxes. Legislation has been introduced in the House to repeal this cap. This would have a positive impact on NJ residents. It has been a goal of the League of Municipalities to get this repealed. The resolution will be listed on the next agenda.

NEW BUSINESS:

Councilman Pignatelli stated last meeting he brought up the question of extending the water main to Island Terrace. Mr. Yakimik advised that Giselle Diaz from his office could put together a proposal to do that. He stated there needs to be discussion at the Water & Sewer Committee or

Capital Projects Committee. Councilman Pignatelli would like the Water & Sewer Committee to discuss this because he has received several emails from a resident on Island Terrace.

Councilman Kulmala spoke about the new marijuana law. He is upset with the provision that if a minor gets caught with marijuana, the Police give them a warning and can't notify the parents. Councilman Kulmala stated if his child gets caught, he wants to know about it. He does not want the State raising his child. He got information on the law from Assemblyman Auth who voted against it. Councilman Kulmala would like a resolution put on the next agenda because this law is infringing on the rights of parents.

Councilman Van Eck advised that the Borough reached out to the Bergen County Health Department for guidance on the length of quarantine time. The response from Bergen County was that the quarantine time depends on the risk level in the County. Currently, the level is high so the quarantine time would be 14 days. If the risk level drops to moderate, the quarantine time would be 10 days. If the risk level drops to low, the quarantine time would be 7 day with a test at day 5. This has been a major topic of conversation in the community. The Recreation Commission and parents are asking for a 7 day quarantine rather than the 14 day that Bergen County is asking for. Mr. Kunze advised he did receive comments from Recreation parents making an argument about the lack of clarity for what is considered close contact. He understands the desire to have a shorter quarantine period but the Borough is in the same boat as the schools and needs to follow the guidelines of the State and of Bergen County. Right now, the rate of transmission is high but as that drops, the quarantine period will drop.

COUNCIL REPORTS:

Councilman Pignatelli: The Senior Center has winter hours Monday to Friday from 9 am to 2 pm through February 26th. Local Boy Scouts will provide snow removal services to Seniors. The Book Club is a hybrid program with the next meeting on February 25th. The Books to Go program will deliver books to Seniors. There was an Alzheimer's presentation on February 11th that was well attended. Line Dancing has been indefinitely postponed. The Senior Center has Ipads available to borrow. There are weekly shopping trips. Bingo will be held on March 11th from 12:30 pm to 2 pm and registration is required. The Police Chief sent a message to residents on the law regulated marijuana. Do research to make sure the activity is legal. It is still illegal to operate a vehicle under the influence of marijuana. The Police officers began receiving COVID vaccinations in January. The PBA is sponsoring a youth writing contest. The three new Police Officers are participating in field training. In January the Police had 446 motor vehicle stops which resulted in 538 summonses and 11 arrests for controlled substances and 4 DWI. The Fire Department had 25 calls for 143 hours. The Public Safety Committee met on Monhegan Ave with the Police Chief, Traffic Officer and Borough Engineer. The snow must be gone to make accurate measurements before any recommendations are made. The Board of Health spoke about tightening regulations on licensing installers.

Councilman Kulmala: The Planning Board met last week and are reviewing the Affordable Housing plan. The Great Oak Park Committee met yesterday and they will put up fencing and do tree work once the snow thaws. Councilman Kulmala reached out to Congressman Gottheimer's office and there are three leads for grants. He is expecting to get more leads next week. The Green Team had a great meeting. It was an eye opening experience. Ali Fleeson is the Chair and Carol Peterson is the Vice-Chair. The Green Team is working on bat boxes and bird boxes for Great Oak Park. The program Science of Styrofoam will be held March 9th for students in Grades 1 to 5 and on March 15th for adults. He spoke about Arts Amble 2021 and the house plant exchange.

Councilman Biale: The Borough is waiting on the approval from the Ibank on the application to fund the sewer plant decommissioning project. There are issues with easements for the I & I lining project. The ACO fines have been transferred to the Current fund and the previous payment will be refunded to the sewer utility in the upcoming budget. There was a meeting held with residents from Ramapo River Reserve regarding an update on the bridge. Councilman Biale sent out a request for a meeting on the Stream House.

Councilman Van Eck: The Shade Tree Commission did not have a quorum to meet. The DPW did a great job with snow removal. The DPW asks residents not to put snow back in the street when they clear their driveways. If a storm drain is clogged with snow, it must be cleared to avoid flooding. Recreation has baseball and softball sign ups and summer camp counselor applications are available. Summer sports camps are being announced. Field 8 is undergoing an overhaul and the field is being resodded. The OCC is looking for volunteers for many committees. The OCC is looking for original music for the bulletin board. The new equipment is getting installed in the tv room. The next meeting of the OCC is March 1st at 7:30 pm.

Councilman Talamini: The Finance Committee is putting the budget together. The budget presentation to the Council will be held March 8th. The Public Events Committee will meet March 8th. The schools are holding registration for kindergarten.

OPENED FOR PUBLIC COMMENT:

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

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

Jill Hurley, 93 Algonquin Trail, is a Recreation parent. She is asking that the longer quarantine period be for new cases and not the cases from this past weekend.

Tim Parker, 21 Lee Way and President of the Board of the Eastern Christian Children's Retreat, thanked the Mayor and Council for the opportunity to make a presentation. This would bring grant money to the town for a project that would give the town Affordable Housing credits. The resolution was tabled two weeks ago for more information. Mr. Parker is perplexed why it was not taken off the table tonight.

Louis Cuomo, 160 Yawpo Ave, advised that the neighbors were never notified about Resolution 21-102. He asked what metric the Council is using to endorse this resolution.

George Gesualdo, 3 Spear Street, is concerned that the property proposed by Eastern Christian Children's Retreat has been dormant for the 42 years Mr. Gesualdo has lived here. He spoke about access to the property. He encouraged someone from the town to visit the property.

Lorraine O'Shaughnessy, 6 Valley Forge, asked that the change in quarantine be for cases moving forward so that these boys can get their life back together.

CLOSED FOR PUBLIC COMMENT:

On motion of Councilman Van Eck, seconded by Councilman Pignatelli, 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 Biale, the following bills be submitted for payment:

(see following pages)

BE IT RESOLVED that the foregoing bills be paid and charged to their respective accounts when the funds are available.

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

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Van Eck, the meeting be adjourned at 10:30 pm.

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

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk
March 24, 2021

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager