

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

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, 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 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.

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MAYOR'S REPORT:

Mayor Schwager advised there is a mobile testing site for COVID at the Senior Center. It is held Monday and Wednesday from 10 to 6 and Saturday and Sunday from 10 to 3. You must register online for the testing. Mayor Schwager advised that we have tried to partner with the FLOW towns and the schools for vaccines. The problem is that the Borough uses the Bergen County Health Department. The sites that are getting their own vaccines have their own Health Department. The Senior Center has a vaccination assistance program for Seniors 75 and older to assist with getting an appointment for a vaccine. They are looking for volunteers to help schedule. The first day there were 75 people who signed up for the program. The Senior Center will assist with transportation to the vaccination appointment. Bergen County has a program called Ryde 4 Life. You must call 24 hours in advance to schedule a ride to get a vaccination. Mayor Schwager reminded residents to beware of scams. The Library will hold a zoom class on Thursday March 18<sup>th</sup> Spring Cleaning Tips. They will also hold a zoom program on March 18<sup>th</sup> at 7:00 pm called the Science of Styrofoam. Mayor Schwager advised that the State Board of Public Utilities will be investigating Optimum since there have been so many complaints. They will conduct a public hearing on Tuesday March 16<sup>th</sup> at 10 am.

Councilman Van Eck stated that the Recreation Commission has been getting complaints because the guidelines for quarantine from Bergen County Health Department are not the same as the high school is following. The Recreation Commission does not make policy and they follow the Bergen County Health Department. Councilman Van Eck wanted to make a motion to ask the County to reconsider their 14 day quarantine requirement for Recreation and the schools and allow the 7 day quarantine with a test at 5 days. Mr. Chewcaskie advised that the Council cannot include the school in the motion. Councilman Kulmala wanted to add to the motion that someone from the County should attend the next Council meeting.

**MOTION:**

On motion of Councilman Van Eck, seconded by Councilman Kulmala, the Borough should ask Bergen County to reconsider their 14 day quarantine policy and allow the Recreation Commission to follow the 7 day quarantine with 5 day test moving forward.

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

Mayor Schwager asked Councilman Talamini if he would contact the schools to see if they also want to contact the County.

**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.

Audrey Souders, appreciates the motion. The issue is the kids on the roller hockey team are allowed to go back to the high school tomorrow but they are not allowed to play in the playoffs this weekend. She asked if there is any way the kids can play this weekend. She stated that Dogwood school is now closed until March 25<sup>th</sup> and said this has a negative impact on the kids. Mayor Schwager advised that the request will be sent to the County tomorrow to see if we can get an answer. She reiterated that we follow the guidelines of the Bergen County Health Department.

Peter Kikot, 20 Minnehaha Blvd, asked why the Borough thinks they are exempt from their own ordinances. There is a problem with DPW taking trees down without an inspection from Shade Tree Commission. A legacy tree was cut down by Route 202 and Oak Street. Mr. Kikot was told the Borough does not have to take out a permit to cut a tree and asked why not. That is an additional loophole that must be cleared up.

**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.

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

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

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

**APPROVAL OF MINUTES: FEBRUARY 10, 2021 EXECUTIVE MINUTES**

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

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

APPOINTMENTS:

ENVIRONMENTAL COMMISSION:

Mayor Schwager brought forth the nomination to move Michael Miner from Alternate 1 to an unexpired term, move Karen Lanza from Alternate 2 to Alternate 1 and Matthew Shook for appointment as Alternate 2.

Motion to Consent:

On motion of Councilman Pignatelli, seconded by Councilman Biale, the Council consented to the appointment of Michael Miner to an unexpired term on the Environmental Commission whose term will expire December 31, 2022; the appointment of Karen Lanza as Alternate 1 whose term will expire December 31, 2022; and Matthew Shook to the unexpired term as Alternate 2 whose term will expire December 31, 2021.

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

GREEN TEAM:

Mayor Schwager appointed Carrie Terwilliger to the Green Team for a one-year term to expire December 31, 2021.

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

Mayor Schwager asked for a motion to remove this resolution from the table.

Motion to Remove from the Table:

On motion of Councilman Biale, seconded by Councilman Kulmala, Resolution 21-102 be removed from the table.

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

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

WHEREAS, a Bergen County HOME Investment Partnerships application of \$303,490 has been proposed by Eastern Christian Children's Retreat for The Yawpo House Project in the Borough of Oakland; and,

WHEREAS, pursuant to the State Interlocal Services Act, HOME funds may not be spent in municipality without authorization by the Mayor and Council, and

WHEREAS, the aforesaid project is in the best interest of the people of Oakland; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite the expenditures of the aforesaid HOME application,

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby confirm endorsement of the aforesaid project.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of Bergen County Division of Community Development so that implementation of the aforesaid project may be expedited.

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

#### RESOLUTION 21-120 AUTHORIZE PROMOTION TO SERGEANT-M. GRIFFIN

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 a vacant Sergeant's position due to a recent retirement; and

WHEREAS, Officer Griffin has qualified for promotion per the rules and regulations of the New Jersey Civil Service Commission; and

WHEREAS, the Borough Administrator, Public Safety Committee and the Police Chief have recommended that Officer Griffin be promoted to fill the open Sergeant's position; and

WHEREAS, the Council believes it is in the best interest of the department and community to promote Officer Griffin;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Oakland that Officer Griffin be promoted to the rank of Sergeant, effective March 10, 2021; and

BE IT FURTHER RESOLVED, that Sgt. Griffin's compensation shall be \$135,327 pursuant to the PBA Collective Bargaining Agreement.

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

#### RESOLUTION 21-121 AUTHORIZE BOSWELL-DOWNTOWN TRAFFIC STUDY

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 a need for a traffic study of the downtown; and

WHEREAS, Boswell Engineering has submitted a proposal dated February 18, 2021 for the traffic engineering services required at a total not to exceed cost of \$ 15,490.00;

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 traffic engineering services for the Downtown Traffic Congestion Study project at a cost not to exceed \$ 15,490.00; 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, Slasinski, Talamini, Van Eck.

#### RESOLUTION 21-122 AUTHORIZE BOSWELL-NJDEP STORMWATER REGULATORY COMPLIANCE

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 environmental services to assist the Borough in complying with the New Jersey Department of Environmental Protection Stormwater regulations; and

WHEREAS, Boswell Engineering has submitted a proposal dated February 4, 2021 for the services required at a total not to exceed cost of \$ 4,500 for preparation of the Stormwater Control Ordinance and preparation of the Stormwater Management Plan;

WHEREAS, the Chief Financial Officer has certified funds are available in Account #1-01-20-165-100;

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 NJDEP Stormwater Regulatory Compliance project at a cost not to exceed \$ 4,500.00; 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, Slasinski, Talamini, Van Eck.

#### RESOLUTION 21-123 AWARD BID-RECREATION EQUIPMENT

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 a need to purchase a variety of recreational supplies and equipment throughout the year for the myriad of recreation programs provided to Oakland residents; and

WHEREAS, the Township of Wyckoff is the Lead Agency for Cooperative Pricing System Number 176-WCGCPS-WOLF Group; and

WHEREAS, this competitively bid procurement combines the purchasing volume for the WOLF Group and as such this procurement establishes unit prices for system members (Franklin Lakes, Oakland and Wyckoff); and

WHEREAS, a notice of bid specification availability was posted on November 6, 2020 on the Township of Wyckoff's website, [www.wyckoff-nj.com](http://www.wyckoff-nj.com) under "Bids & Employment" easily accessed from the Home Page and an advertisement for soliciting competitive bids was published in the November 6, 2020 issue of the Ridgewood News to encourage competition; and

WHEREAS, the Township of Wyckoff posted a notice that this bid specification is available to bidders on the Township's "Bids and Employment" quick link easily accessed from the Township's home page at [Wyckoff-nj.com](http://Wyckoff-nj.com) and to further encourage competition, the specifications were made available with no fee, and the advertisement notice of the bidding period exceeded the state requirement; and

WHEREAS, due to the global COVID-19 pandemic, all vendors who requested specifications were emailed a link (as stated in the legal advert soliciting competitive bids) to observe the bid opening via live-streaming on the Township of Wyckoff's You Tube channel. The video of the bid opening is also posted on the Township's website at the "Bids and Employment" quick link, easily accessible from the Township's home page; and

WHEREAS, on November 19, 2020 at 11:00 am, bids were publicly opened and their contents read aloud, the bid prices listed on the bid spread sheet reflecting the bid prices that is attached as if set forth at length; and

WHEREAS, following is a list of the vendors which provided the lowest responsive and responsible bids for individual unit prices on the items listed as recommended for an award by the Wyckoff Recreation Director; and

The following is a list of the companies which were low bidders on the items listed:

**Bidder #1**

BSN Sports  
Attn: AR Dept  
PO Box 660176  
Dallas, TX 75266-0176

Item #'s:

10Y, 10A, 41, 42, 44, 63, 89A, 89B, 89C, 95, 98, 109, 117, 118, 121, 124, 125, 126, 127, 136, 145, 149, 159A, 159C, 160A, 160B, 160C, 182Y, 184Y, 186A

Total #'s: 30

**Bidder # 2**

East Coast Designs Unlimited  
90 Columbus Avenue  
Hasbrouck Heights, NJ 07604

Item #'s:

1Y, 1A, 1 A2XL, 1 A3XL, 1Y HW, 1A HW, 1 A2XL HW, 1 A3XL HW, 2Y, 2A, 2 A2XL,

2 A3XL, 3Y, 3A, 26Y, 26A, 26 A2XL, 26 A3XL, 30A, 30A2XL, 30A3XL, 31A, 31A2XL,  
31A3XL, 32A, 32A2XL, 23A3XL, 33A, 33A2XL, 33A3XL, 34

Total #'s: 31

### **Bidder #3**

EJG Sports, LLC  
96 Dewitt Avenue  
Garfield, NJ 07026

#### Item #'s :

12, 13, 35, 36, 37, 39, 43, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 66, 69, 70,  
71, 72, 74, 75, 76, 77, 80, 82, 83, 84, 85, 86, 87, 90, 91, 92, 93, 94, 96, 100, 101, 103, 104, 105,  
106, 107, 108, 110, 116, 120, 122, 123, 128, 135, 137, 138, 139, 140, 141, 142, 143, 144, 163,  
164, 165, 166, 168, 169, 170, 171, 173, 175, 176, 177, 180, 181, 183, 185, 187, 190, 192, 193,  
194, 196, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 213, 215, 235, 11A, 11Y, 115A,  
115B, 119A, 119Y, 129A, 129B, 131A, 131B, 131C, 132 A, 132B, 134I, 134L, 14A, 146, 147A,  
147B, 147C, 148A, 148B, 15A, 156, 150A, 150B, 150C, 155A, 155I, 155Y, 157A, 16A, 16Y,  
162A, 162B, 17A, 17Y, 18I, 18Y, 186Y, 189C, 19A, 19 A3XL, 19Y, 195A, 195I, 195Y, 197J,  
197S, 198J, 198S, 199 A, 199B, 199C, 19 A2XL, 20 A, 20 A2XL, 20Y, 200J, 200S, 21 A, 21  
A2XL, 21 A3XL, 212 A, 212Y, 216 A, 216C, 21Y, 22 A, 22 A2XL,  
22 A3XL, 22Y, 23 A, 23 A2XL, 23 A3XL, 24 A, 24 A2XL, 24 AEXL, 25 A, 25 A2XL,  
25 A3XL, 27 A, 27Y, 28 A, 28Y, 29 A, 5 A, 5 A2XL, 5 A3XL, 5Y, 6 A, 6 A2XL, 6 A3XL, 6Y,  
7 A, 73 O, 73Y, 78 A, 78B, 78C, 79 A, 79B, 79C, 9 A, 9Y, 99I, 99Y

Total #'s: 212

### **Bidder # 4**

Metuchen Center, Inc.  
10-12 Embroidery Street  
Sayreville, NJ 08872

#### Item #'s:

40, 62, 67, 97, 214, 188 A, 188B, 88 A, 88B, 88C

Total #'s: 10

### **Bidder # 5**

Pioneer Manufacturing  
4529 Industrial Parkway  
Cleveland, OH 44135

Item #'s: NONE

Total #'s: 0

### **Bidder # 6**

R&R Trophy & Sporting Goods  
155 Ridge Road  
North Arlington, NJ 07031

#### Item #'s:

38, 47, 65, 81, 114, 130, 158, 191, 219, 220, 223, 227, 228, 230, 231, 234, 133 (12'), 133(18')  
153 A, 153Y, 154 A, 154Y, 7Y

Total #'s: 23

### **Bidder #7**

Riddell  
7501 Performance Lane

North Ridgeville, OH 44039

Item #'s:

102, 156, 172, 151L, 151M, 151S, 151XL, 151XS, 152 2XL, 152L, 152M, 152S, 152XL, 12XS, 157Y, 4 A, 4 A2XL, 8 A, 8Y

Total #'s: 19

**Bidder #8**

S&S Worldwide

75 Mill Street

Colchester, CT 06415

Item #'s:

64, 111, 167, 174, 148C, 161 A, 161B

Total #'s: 7

**Bidder #9**

Winning Teams by Nissel

One Surrey Lane

Flemington, NJ 08822

Item #'s:

68, 146, 178, 179, 217, 218, 237, 238, 216B

Total #'s: 9

**Bidder #10**

ZGI Industries, LLC

DBA Bob's Trophy/BT Specialties

127 Kinderkamack Road, Suite 2

Park Ridge, NJ 07656

Item #'s: 224, 225, 229, 232, 233, 236

Total #'s 6

These recommendations are made on the basis of the low bid net unit price.

ITEM #	COMMENTS
19 Youth	*substitute not acceptable as specific brand requested to match inventory
19 Adult	*substitute not acceptable as specific brand requested to match inventory
20 Adult 2XL	*substitute not acceptable as specific brand requested to match inventory
20 Adult 3XL	*substitute not acceptable as specific brand requested to match inventory
22Youth	*substitute not acceptable as specific brand requested to match inventory **Tie awarded to vendor who won the larger sizes for ordering consistency purposes



22 Adult	*substitute not acceptable as specific brand requested to match inventory **Tie awarded to vendor who won the larger sizes for ordering consistency purposes
22 Adult 2XL	*substitute not acceptable as specific brand requested to match inventory
25 Adult 3XL	*awarded to 2nd lowest bidder for ordering consistency purposes
30 Adult 2XL	*awarded to 2nd lowest bidder who won smaller sizes for ordering consistency purposes
33 Adult 2XL	*awarded to 2nd lowest bidder who won smaller sizes for ordering consistency purposes
33 Adult 3XL	*awarded to 2nd lowest bidder who won smaller sizes for ordering consistency purposes
40	*tie awarded to vendor greater geographical distance away
41	*substitute not acceptable as specific brand requested to match inventory
43	*substitute not acceptable as specific brand requested to match inventory
45	*substitute not acceptable as specific brand requested to match inventory
53	*substitute not acceptable as specific brand requested to match inventory
54	*substitute not acceptable as specific brand requested to match inventory
55	*substitute not acceptable as specific brand requested to match inventory
56	*substitute not acceptable as specific brand requested to match inventory
57	*substitute not acceptable as specific brand requested to match inventory
112	NO BIDS FOR ITEM #112
113	NO BIDS FOR ITEM #113
153 YOUTH	*substitute not acceptable as specific brand requested to match inventory
153 ADULT	*substitute not acceptable as specific brand requested to match inventory
154 YOUTH	*substitute not acceptable as specific brand requested to match inventory
154 ADULT	*substitute not acceptable as specific brand requested to match inventory
159B	NO BIDS FOR ITEM #159B
185	*substitute not acceptable as specific brand requested to match inventory
189A-CASCADE CS	NO BIDS FOR ITEM #189A-CASCADE CS
189B-SCHUTT STALLION 100	NO BIDS FOR ITEM#189B-SCHUTT STALLION 100

221	NO BIDS FOR ITEM #221
222	NO BIDS FOR ITEM #222
226	NO BIDS FOR ITEM #226

WHEREAS, the Chief Financial Officer has certified the availability of funds appropriated in the 2021 annual budget under the Recreation-Other Expenses budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that they do hereby award ten (10) contracts to the vendors for the individual bid unit items that they bid the lowest responsive and responsible individual bid unit prices in accordance with the Wyckoff Recreation Director's December 9, 2020 recommendation attached as if set forth at length.

BE IT FURTHER RESOLVED that the Recreation Commission shall purchase the estimated recreation items at the awarded unit prices only and only those items required for the 2021 program. The Recreation Director shall meet periodically throughout the year with the Recreation Directors of Franklin Lakes and Wyckoff to order common items, separately but at the same time for purchasing efficiencies.

BE IT FURTHER RESOLVED that the Municipal Clerk shall mail a certified copy of this resolution to the Franklin Lakes and Wyckoff Municipal Administrators.

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

#### RESOLUTION 21-124 AUTHORIZE EXECUTION OF DEED RESTRICTION ON AFFORDABLE HOUSING PROPERTY

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

WHEREAS, the unit known as 91 West Oakland Avenue, Unit 89 (Block 1801, Lot 9), Oakland, New Jersey, is an affordable unit (the "Unit"); and

WHEREAS, Bruce Whitaker, Esq. has submitted a Deed Restriction for the subject unit, executed by Richard Rizzo, as Managing Member of 91 West Oakland Avenue, LLC; and

WHEREAS, said Deed has been reviewed and approved by Megan York of Community Grants, Planning and Housing, as well as Borough Counsel and the Borough Planner, Steven Lydon, PP; and

WHEREAS, it is recommended that same be executed on behalf of the Borough of Oakland so that same may be recorded with the County of Bergen Clerk's Office; and

WHEREAS, the affordability controls on 91 West Oakland Avenue, Unit 89, Oakland, New Jersey shall run for the period of 30 years (the "Control Period") for the dwelling unit, commencing upon the date on which the first certified household occupies the unit; and

WHEREAS, the unit is a two-bedroom, low-income unit first occupied on January 15, 2021; and

WHEREAS, the Borough Council authorizes Mayor Linda Schwager to execute the Deed Restriction on behalf of the Borough.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Deed Restriction on Affordable Housing Property for 91 West Oakland Avenue, Unit 89, Oakland, New Jersey be executed by the Mayor, Linda Schwager, in accordance with the provisions of law.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately in accordance with law.

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

**RESOLUTION 21-125 AUTHORIZE CDBG GRANT AGREEMENT-SR. CTR. SOFTWARE**  
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 \$ 10,000 in Community Development funds for the Senior Center Software Application;

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.

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

**RESOLUTION 21-126 SUPPORT H.R.946 TO REMOVE CAP ON SALT DEDUCTION**  
On motion of Councilman Biale, seconded by Councilman Pignatelli, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, each provision of the Federal Tax Code, which is incredibly complex, was enacted for a reason. While some of those reasons may no longer serve the public's interest, others remain fair and effective tools that promote the general welfare; and

WHEREAS, the deduction for state and local taxes (SALT) has been a feature of the tax code for more than 100 years. In 1913, the first federal income tax form allowed taxpayers to deduct state and local taxes, one of only six deductions allowed at the time; and

WHEREAS, a federal tax reform law passed in 2017 capped the deductibility of state and local taxes at \$10,000 forcing double taxation for residents that pay in excess of that amount, as well as harm to states and communities that rely on tax payments that support public services which

benefit all citizens, such as K-12 schools, law enforcement and public safety, transportation and infrastructure, and vital community and public health services; and

WHEREAS, New Jersey 9<sup>th</sup> District Congressman Bill Pascrell has introduced H.R. 946 the Stop the Attack on Local Taxpayers (SALT) Act, which eliminates the \$10,000 cap on property tax deduction and retroactively removes the cap; and

WHEREAS, taxpayers in all 50 states benefit from the SALT deduction that is claimed by taxpayers of all income levels; and

WHEREAS, the deduction is especially important for middle-income homeowners, as fifty percent of the deductions claimed by taxpayers making \$50,000 to \$100,000 are for property taxes; and

WHEREAS, the SALT deduction does not unfairly benefit taxpayers in high tax states. To the contrary, low tax states are generally more dependent on the federal government, receiving more in federal funding than they pay in federal taxes. According to one study, New Jersey, New York, and Illinois are among the states that receive less than \$1 from the federal government for every \$1 paid in federal taxes;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland supports the full tax deductibility outlined in H.R. 946 and urges all members of the New Jersey Congressional Delegation as well as all members of congress to support the SALT Act, with voice and vote, to restore the fair and reasonable SALT deductibility provision from the Federal Tax Code; and,

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Congressman Gottheimer, Senators Booker and Menendez, President Joe Biden and the New Jersey State League of Municipalities.

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

#### RESOLUTION 21-127 CANCEL GRANT BALANCES

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

WHEREAS, there exist certain Grant Receivables and Grant Appropriated Reserves on the Balance Sheet that were adopted into previous Budgets for the Borough of Oakland; and

WHEREAS, the balances are no longer necessary for the purpose originally created,

WHEREAS, it is necessary to formally cancel the receivable balances and their offsetting appropriation balances from the balance sheet;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the following grant receivables and appropriation balances be cancelled:

#### **Grant Fund**

##### Account

##### Description

##### Authorization Balance to Cancel

G-02-07-727-010	Bergen County - Receivable	\$ 13,597.59
G-02-14-001-001	Bergen County Roller Hockey	\$ 13,597.59

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

RESOLUTION 21-128 AUTHORIZE GRANT SUBMITTAL-CDBG COVID-19 GRANT#2  
On motion of Councilman Biale, seconded by Councilman Pignatelli, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS a Bergen County Community Development Block Grant totaling \$ 59,151.72 has been proposed by the Borough of Oakland for the Oakland Senior Center COVID upgrades project in the Borough of Oakland; and

WHEREAS pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS aforesaid project is in the best interest of the people of the Borough of Oakland; and

WHEREAS this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development application.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Oakland hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Division of Community Development (Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, 4th Floor; Hackensack, NJ 07601) so that implementation of the aforesaid project may be expedited.

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

RESOLUTION 21-129 AUTHORIZE GRANT EXTENSION-ROOTS FOR RIVERS GRANT  
On motion of Councilman Biale, seconded by Councilman Pignatelli, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the governing body of the Borough of Oakland authorized the Roots for Rivers Reforestation Sustainable Jersey Grant application via Resolution 20-112;

WHEREAS, the Borough has applied for the Roots for Rivers Reforestation Watershed Institute Grant application during the extended application period ending on March 2<sup>nd</sup>, 2020,

WHEREAS, the Borough has been notified by the Watershed Institute that the application for the Roots for Rivers Reforestation project has been approved; and

WHEREAS, a grant agreement has been drafted by the Watershed Institute and approved by the Borough Attorney;

WHEREAS, a grant extension has been granted until June 30, 2021 by The Watershed Institute and The Nature Conservancy to account for COVID-19 related challenges to plantings

NOW, THEREFORE, BE IT RESOLVED, that Mayor and Council of the Borough of Oakland, State of New Jersey, authorizes Mayor Linda H. Schwager to execute the grant agreement and extension agreement with the Watershed Institute in an amount up to that awarded for the proposed project.

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

#### RESOLUTION 21-130 REQUEST GRANT EXTENSION-NJDOT SIDEWALK GRANT

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 received a \$217,000 grant on March 25, 2019 from the New Jersey Department of Transportation (NJDOT) Fiscal Year 2019 Municipal Aid Program; and

WHEREAS, on June 18, 2019 the Borough of Oakland received the executed Agreements for said grant whereby the Borough was notified that the Borough must award the construction contract for the project by March 25, 2021 and that a failure to comply would jeopardize the use of State funds on the project; and

WHEREAS, the NJDOT grants extensions of time for a period of six months for the construction award for legitimate facets of the design work, one of which being the obtainment of necessary permanent and temporary easements on private property to construct the improvements; and

WHEREAS, permanent and temporary construction easements are required for the project and have yet to be acquired; and

WHEREAS, the contract documents are 90% complete, having been recently reviewed and commented on by the NJDOT; and

WHEREAS, The effects of the current State of Emergency due to the COVID-19 pandemic have caused procedural delays in the development of contract documents.

NOW, THEREFORE, BE IT RESOLVED THAT, The Borough of Oakland respectfully requests from the NJDOT a six (6) month time extension to award the project from March 25, 2021 to September 25, 2021 for the purpose of obtaining the necessary temporary and permanent easements on private property for the construction of the project.

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

#### RESOLUTION 21-131 APPOINT CFO

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

WHEREAS, per N.J.S.A. 40A:9-140.10, every municipality is required to have a Chief Financial Officer; and

WHEREAS, David Young was hired as Temporary Chief Financial Officer while he obtained his certification; and

WHEREAS, Mr. Young has received certification as a Certified Municipal Finance Officer from the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby appoint David Young as Chief Financial Officer for a four-year term commencing January 1, 2021 through December 31, 2024 pursuant to the Statute.

BE IT FURTHER RESOLVED that in accordance with his employment agreement, Mr. Young's compensation for 2021 shall be \$ 110,817.

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

#### RESOLUTION 21-132 TEMPORARY BUDGET-2<sup>ND</sup> QUARTER

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

WHEREAS, NJSA40A:4-20 of the Local Budget Law provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget, the governing body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the adoption of the budget; and

WHEREAS, Local Finance Notice LFN 2020-28 established the date for the Adoption of the 2021 Municipal Budget as April 30<sup>th</sup>, 2021 or the next regular meeting thereafter; and

WHEREAS, the 2021 Borough of Oakland Municipal Budget will be adopted after the close of the 1<sup>st</sup> quarter of 2021 which will require temporary appropriations for the 2<sup>nd</sup> quarter of 2021; and

WHEREAS, the total appropriations in the 2020 Budget, less appropriations made for interest and debt redemption charges, capital improvements and public assistance are as follows:

Current Fund	\$17,444,325.88
Water Utility Operating Fund	\$1,629,600.00
Sewer Utility Operating Fund	\$474,800.00

WHEREAS, 26.25% of the total appropriations in the 2020 budget exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance are as follows:

Current Fund	\$4,579,135.31
Water Utility Operating Fund	\$427,770.00

Sewer Utility Operating Fund

\$124,635.00

NOW, THEREFORE, BE IT RESOLVED, that the following temporary 2<sup>nd</sup> Quarter 2021 appropriations, which do not exceed 26.25% of the appropriations in the 2020 budget exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance, be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Director of the Division of local Government Services.

CURRENT	S&W	OE
ADMINISTRATIVE & EXECUTIVE	53,138	1,340
COMMUNICATION COMMISSION	-	871
GENERAL SERVICES	-	8,040
MAYOR & COUNCIL	9,015	2,144
MUNICIPAL CLERK	18,030	3,685
ELECTION	-	2,144
FINANCIAL ADMINISTRATION	45,074	5,561
AUDIT	-	-
INFORMATION TECHNOLOGY	-	43,550
TAX COLLECTION	13,869	1,206
TAX ASSESSMENT	15,256	1,206
LEGAL SERVICES	-	20,100
ENGINEERING	-	10,050
PLANNING BOARD	2,881	1,005
BOARD OF ADJUSTMENT	2,881	1,005
UNIFORM CONSTR CODE	38,140	7,303
INSURANCE	-	395,533
POLICE DEPARTMENT	771,505	29,480



EMERGENCY MANAGEMENT	1,608	1,809
FLOOD CONTROL COMMITTEE	871	268
Contribution to First Aid Squad	-	30,150
FIRE DEPARTMENT	-	16,080
PROSECUTOR	-	3,417
STREETS & ROADS	95,003	20,100
SHADE TREE	-	6,700
STORMWATER MANAGEMENT	12,482	6,700
GARBAGE & TRASH REMOVAL	9,708	234,500
SNOW REMOVAL	18,626	20,100
BUILDINGS & GROUNDS	32,592	26,800
VEHICLE MAINTENANCE	13,869	13,400
BOARD OF HEALTH	9,708	10,050
ENVIRONMENTAL COMMISSION	268	201
RECREATION	8,040	53,600
SENIOR CITIZENS ACTIVITIES	13,869	8,040
PUBLIC LIBRARY	76,973	73,700
ELECTRICITY	-	48,240
STREET LIGHTING	-	28,810
TELEPHONE	-	15,410
NATURAL GAS	-	8,040
GASOLINE	-	53,600
PERS	-	470,242
PFRS	-	1,000,565

Social Security	-	94,336
Defined Contribution Plan	-	1,139
MUNICIPAL COURT	24,964	1,340
PUBLIC DEFENDER	-	2,010
<b>Totals</b>	<b>1,288,370</b>	<b>2,783,570</b>

Total	4,071,940
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<b>Account Description</b>	<b>S&amp;W</b>	<b>OE</b>
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**WATER**

WATER - OPERATIONS	196,650	130,000
WATER - UTILITIES	-	70,000
WATER - Social Security	-	15,000
<b>Totals</b>	<b>196,650</b>	<b>215,000</b>

Total	411,650
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<b>Account Description</b>	<b>S&amp;W</b>	<b>OE</b>
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**SEWER**

SEWER - OPERATIONS	-	108,400
SEWER - UTILITIES	-	10,800
SEWER - Social Security	-	-
<b>Totals</b>	<b>-</b>	<b>119,200</b>

Total	119,200
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ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini,

RESOLUTION 21-133 AUTHORIZE APPLICATION-B.C. CLEAN COMMUNITIES GRANT  
On motion of Councilman Biale, seconded by Councilman Pignatelli, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Bergen County Department of Health Services is offering a Bergen County Clean Communities Mini Grant to municipalities to sponsor programs to eliminate litter;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the Borough Administrator to apply for the Bergen County Clean Communities Mini Grant in the amount of \$ 300 to be used for the Team Up to Clean Up Event to be held April 24 and 25, 2021.

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

#### INTRODUCTION: ORDINANCE NO. 21-CAPITAL-824 HVAC SYSTEM-LIBRARY

The Clerk was directed to take from table Ordinance No. 21-Capital-824 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Capital-824 entitled: " CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$65,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE BOROUGH."

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, Capital Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey Authorizing The Making Of Various Public Improvements And Acquisitions In, By And For The Borough, Appropriating Therefor The Sum Of \$65,000 And Providing That Such Sum So Appropriated Shall Be Raised From The Capital Improvement Fund Of The General Capital Fund Of The Borough.", be introduced;

That said Ordinance be considered for final adoption at a meeting on March 24, 2021 held via Zoom Video Conference, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before March 17, 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-823 REGULATE DELIVERY PRINTED MATERIALS

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

The Clerk then read by title 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.

OPENED FOR PUBLIC COMMENT:

On motion of Councilman Biale, seconded by Councilman Talamini, 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 Pignatelli, 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 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 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 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 Van Eck thanked everyone for the support of this ordinance since there are major pollution issues with the Suburban News. Now there is a recourse for residents.

WORK SESSION:

SHADE TREE ORDINANCE:

Mr. Kunze advised this is a follow up discussion to the presentation made last week by Peter Kikot. The Shade Tree Commission worked with the Borough Attorney to prepare a proposed amendment to the tree code. Councilman Van Eck stated they really dug into this ordinance. Mr. Chewcaskie explained that this ordinance was subject to many iterations. It was completed in August of last year. However, in November, it was suggested that there should be a more streamlined process so it went back to this version of the ordinance. The Mayor and Council should analyze this ordinance in terms of cost to the resident and determine what the impact is to the resident.

Mayor Schwager questioned if the \$25 fee was per tree. Mr. Chewcaskie explained the fee is

\$25 total. Councilman Kulmala also questioned the tree replacement fee of \$ 350 which he felt was excessive. Mr. Kunze responded that he was told the \$ 250 fee is in the current ordinance. The \$ 350 fee would apply specifically to commercial property. Councilman Kulmala stated a lot of the presentation at the last meeting revolved around the lack of enforcement. Councilman Talamini asked if the current ordinance could remain if we start enforcing it. Mr. Chewcaskie explained that there were a number of revisions originally recommended by the Shade Tree Commission. This is the 5<sup>th</sup> or 6<sup>th</sup> version. The enforcement provision has not changed. There have been a list of approved trees added to clarify the mitigation.

Councilman Pignatelli advised that when he was liaison to the Shade Tree Commission ten years ago, there were 2 or 3 members who volunteered to enforce the ordinance. They are no longer with us so enforcement has fallen off. Councilman Talamini asked if we are looking to hire someone. Mr. Kunze responded that we are bringing in a forester who is a certified arborist to review applications. Code enforcement would probably handle enforcement of the Shade tree ordinance.

Councilman Kulmala asked if someone would be able to remove a legacy tree if they are putting in a septic or an addition. Mr. Chewcaskie responded they are entitled to remove the tree. Councilman Talamini questioned the Borough taking down a legacy tree. Mr. Chewcaskie advised that the legislature exempts itself from rules and laws. The Shade Tree Commission is an inferior agency of the Borough and the Borough is sovereign. The Borough does not have to comply with zoning. Mayor Schwager stated the Borough was not aware at the time the tree was taken down that it was a legacy tree. Councilman Van Eck stated it is sad but now everyone has become aware and the landmark tree list has been distributed. This situation can be avoided going forward. Mr. Kunze advised he had a fruitful conversation with Chair Ed Clark and the Borough will work with Shade Tree to plant a suitable tree to mitigate. Mr. Kunze explained that the Borough does not follow the same process as the public for anything that is internal to our operation. There are State laws that we must comply with for Building, Health and Fire code. Councilman Biale stated that the Borough didn't know about the landmark tree but we will make a commitment to replace it to ensure we stand by the Shade Tree Commission.

Councilman Kulmala questioned section 5 which states the mitigation fee is \$ 250 for residential and \$350 for commercial. If someone takes down 4 trees for a septic, they would have to pay \$ 1000 plus the \$ 25 for the permit. Mr. Chewcaskie responded they can replace the trees on their property from the approved list. If the resident chooses not to replace the tree or can't, they would pay the \$ 250 per tree. Councilman Kulmala asked what a replacement tree would cost. Mr. Kikot responded it depends on the variety of tree. A 2" caliper tree can be purchased for \$ 120 to \$ 175 plus installation. A commercial 3" caliper tree will cost between \$ 180 and \$250. There is no mitigation if the tree taken down is dead. Councilman Talamini said what if he were taking a tree down that he thought was dead but Shade Tree said it is not dead. Mr. Kikot responded that they were told by the Borough Attorney that they can no longer deny a tree being cut down. He advised that there must be a strong mitigation plan in place.

Councilman Kulmala commented that the Shade Tree Commission is not prohibiting people from taking down trees as long as they replace a tree on their property or give a fee. Mr. Kikot spoke of the mitigation plan and the amount of trees depends on the size of the caliper and measurement of the width of the tree at 4 feet. Commercial properties require a larger tree. Councilman Pignatelli doesn't want everyone to claim ignorance of the ordinance so the ordinance should be sent to tree removal people. He did not recall seeing anything in the revision about a gator bag to water the tree. Mr. Kikot stated that the homeowners have a responsibility to water and keep the tree alive for two years. Councilman Kulmala asked how many replacement trees are required if

a homeowner takes down a tree that is 36" in diameter. Mr. Kikot responded 10 trees. Councilman Kulmala stated that would cost \$ 2500 and asked if that was fair to the resident. Councilman Talamini asked if the fee schedule is in old ordinance. Mr. Kunze responded that the \$250 fee was there. Councilman Kulmala asked if there is a way to cap fees for someone who needs to take trees down to put in a septic. Mr. Kikot responded there are many municipalities where they are stricter about trees. Councilman Pignatelli advised that other towns have sewers. A new septic can cost \$ 30,000 and above so this is putting an additional cost on homeowners. Mr. Kikot stated there are lakes, rivers and streams that they want to protect. He stated the Shade Tree Commission can discuss consideration regarding septic.

Mr. Chewcaskie stated that in the ordinance the Council is discussing, the number of replacements depends on the size of the tree removed. He stated that with the septic example, maybe the trees should be replaced by an equal amount and not in a multiplier. There are a number of situations where a tree may be removed for construction of additions or swimming pools. All alternatives should be considered. Councilman Kulmala asked if this ordinance can be sent back to the Shade Tree Commission to address these issues. Councilman Van Eck stated the ideas listed tonight will be taken back to the Shade Tree Commission.

#### REGULATE CHICKENS:

Councilman Pignatelli advised that the Council received quite a bit of input from residents on the proposed ordinance so he suggested paring it down. He brought the number of items in the ordinance down from 20 to 10. Mayor Schwager spoke about emails received today. Councilman Pignatelli advised they stated the location of the chicken coop should be determined from the dwelling rather than the side yard set back. Councilman Pignatelli responded these setbacks are already in the existing zoning ordinance. He stated if a person put a chicken coop right on their property line, it will affect their neighbor more than themselves.

Councilman Pignatelli read the ten items he proposed for the ordinance. He thinks it is a good compromise but it is up to the Council. Councilman Biale thinks it was a great job paring it down. He stated that one resident who has a permitted chicken run would not be in compliance with this ordinance because it was built between the shed and the property line which is fenced. He asked if those with permitted coops and runs should be grandfathered in. Councilman Van Eck agreed with Councilman Biale on item 6 for compliance with accessory structure setbacks according to schedule B & C. Mr. Chewcaskie responded this ordinance is an amendment to the zoning ordinance so there will be an amount of certainty on what can and can't be done. The side yard setback for accessory structure is measured from the lot line. Measuring from the dwelling should not be in a zoning ordinance because the dwelling next to someone could be expanded in the future. Anyone with a hardship in compliance can make application for a variance. He explained that typically in a zoning context, you would grandfather anything that currently exists legally. It is difficult something that does not exist legally. Mr. Chewcaskie stated the objective criteria is to use side yard setbacks. Councilman Pignatelli questioned if the resident who emailed had a permit for the chicken run or for the tool shed.

Councilman Pignatelli stated he feels there has to be some regulation to ensure humane treatment of animals. Mayor Schwager asked who would enforce the chickens. Councilman Pignatelli responded it would be the animal control officer. He reiterated he pared the ordinance down to ensure humane treatment of animals. Mayor Schwager questioned the wiring. Councilman Talamini stated that wiring permitted by the National electric code should be permitted. Councilman Kulmala suggested striking item 8 if this is covered by UCC and National electric code regulations. He suggested striking item 6 regarding setbacks. Councilman Pignatelli responded if it is not referenced in the ordinance, people won't know there is a requirement.

Councilman Van Eck stated part of item 6 states the chicken coop needs to be in the rear yard and the other part is the schedule B & C for side yard setbacks. Councilman Kulmala suggested removing schedule B & C. Mr. Kunze asked if people are going to need a zoning permit. Mr. Chewcaskie does not see that a permit is required. Schedule B & C are the setback requirements of the zoning ordinance. Mayor Schwager stated it should have the setback as an accessory structure. There is a setback for sheds and there should be a setback for coops. Mr. Kunze responded it should have the same permit requirements as an accessory structure.

Councilman Kulmala asked for an explanation of a chicken run. Councilman Pignatelli responded it is a fenced area so chickens can run. He stated that if the Council wants to take more items out of the ordinance, they can. Mayor Schwager asked if this ordinance should be introduced. Councilman Pignatelli stated they have to decide about item 6. He personally would leave it in. Mr. Chewcaskie would leave item 6 in the ordinance.

#### RESOLUTION TO URGE LEGISLATURE TO AMEND SENATE BILL 3453 RELATED TO MARIJUANA LEGISLATION:

Mayor Schwager advised that the legislature adopted marijuana legislation. Assemblyman Robert Auth was in attendance for the discussion and advised that he voted no on the assembly bill. There are very bad components. One issue regarding parental notification is being addressed. Assemblyman Auth does not know if the issue of police officers facing criminal liability will be addressed. His opinion is that the whole bill should be repealed and the legislature should start fresh. They should get opinions of local legislators. Assemblyman Auth advised that a number of municipalities have submitted resolutions asking for the legislation to be repealed and he recommended that Oakland should do that. Mayor Schwager asked what the discussion was behind the legislation and what the intent was. Assemblyman Auth responded the legislation was prompted by urban legislators. They feel there is a higher instance of minority arrest because of this and they got the language in the legislation. The part about not notifying parents serves no purpose except to have the offender do it again with no repercussions.

Mayor Schwager advised this legislation is hard on Police Officers. Police Chief Sanzari commented that the odor of marijuana is no longer a reason to stop and search or contain. The Police office would have to observe signs of intoxication and would only be able to charge with a DWI. There is no more possession of marijuana in a motor vehicle or possession of marijuana, the Police can only charge a DWI. Mayor Schwager stated the Police Department's hands are tied. Chief Sanzari appreciates the comments of Assemblyman Auth and stated that is exactly how he felt. The issue not notifying parents is a big issue with law enforcement and parents alike. The Police Department's jobs are to keep children safe and the parents should be involved in the safety of their kids. Mayor Schwager asked if people are allowed to smoke on the beach. Chief Sanzari responded they are not because it is public property. She asked if they would be able to smoke marijuana. Chief Sanzari responded that they may not. Mayor Schwager asked if people are allowed to smoke on the beach at Crystal Lake. Chief Sanzari stated that is not clear. Chief Sanzari stated the ballot question which was overwhelmingly passed asked if marijuana use should be legal for adults. The legislation that came out in February addressed everything but that.

Chief Sanzari appreciates the Assemblyman's comments about deprivation of civil rights and the Police taking on a bigger liability. The current statute on deprivation of civil rights which is for egregious misconduct requires discrimination of a person based on race, religion, ethnicity or handicap. In regards to the new marijuana law, if a Police officer violates the marijuana law even without any intent to discriminate or harass anyone and they could be found guilty of the deprivation of civil rights and it could be a second degree crime. To put in perspective

manslaughter is a second degree crime. You can't say one violation equates to the other. Just because an officer asks for consent to search a person under 21 because they thought the person was older, they should not be found guilty of a second degree crime. The law enforcement community is quite shocked at this part of the law. Mayor Schwager asked what age is considered "underage". Chief Sanzari responded this law created a new category for ages 18, 19 and 20 are treated like juveniles. He stated that in New Jersey, the legal age of consent is 16 but now it's not according to this marijuana law. He stated it shouldn't be determined by how old they are but should be determined by probable cause. Assemblyman Auth stated that part of the law is the most egregious and hasn't been addressed. The bill to make amendments merely discusses contacting parents on a first offense. This is the reason many municipalities have determined that part of the law is unacceptable and many have wanted it repealed. Mayor Schwager stated the age is confusing and asked where they came up with 18 instead of 21. If there is a child support order and not in college, child support ends at 18 because the child is considered emancipated. She asked if it is to protect college students. Assemblyman Auth surmised it could be that the legislators assumed that people between 18 and 20, while they are in age of majority, are still not responsible in situations like this.

Mayor Schwager asked what happens if a municipality does not have body cams. Assemblyman Auth responded that is good question since many police departments don't have body cams. Many urban Police departments have them because they have received Federal or State funding. The suburban Police Departments have not received that funding. The Police will also have to maintain a library of footage and it is a cost that municipalities are going to have to bear. He doesn't think an arrest can be made if an officer does not have a body cam. Assemblyman Auth does not think a Police officer would want to engage without a body cam because of the threat of liability from this law. Assemblyman Auth asked the Council send a resolution asking for the legislation A342 to be repealed. Councilman Kulmala asked if the legislature would want to fix this or if the Council would be wasting time sending a resolution. Assemblyman Auth stated the parental issue will get fixed. Some of the other issues won't get fixed because some urban legislators will refuse. The Governor had to acquiesce to them to get the legislation passed. This is a patch work to the original bill in order for the Governor to get the votes needed to get the bill passed. Councilman Kulmala asked if there is a realistic fix regarding the notification of parents. Assemblyman Auth stated many legislators have received correspondence on this issue from constituents. He does not think there will be a problem of passing this amendment. Councilman Kulmala stated this legislation is offensive to parents.

Assemblyman Auth stated the final vote on the legislation in the Assembly was 49 yes and 24 no and he spoke of some Republicans abstaining. He is hoping he can support the new bill amending the parental notification. Councilman Kulmala asked if this was a bipartisan fix. Assemblyman Auth has not seen the bill yet. Mayor Schwager is surprised the State PBA has not weighed in on this legislation. Assemblyman Auth responded that Chiefs of Police have weighed in. Mr. Kunze stated the letter from the Police Chief's Association was in the packet. Mayor Schwager provided info from the League of Municipalities and the Bar Association. She is attending another webinar on Friday.

Assemblyman Auth stated that the amounts allowed are quite high. Chief Sanzari advised you are allowed to possess 6 ounces which is 170 grams. Mayor Schwager stated it used to be 50 grams. Councilman Kulmala questioned that since marijuana and mushrooms are decriminalized, would they now go for decriminalizing heroin like in Washington State. Assemblyman Auth will not support that. Councilman Kulmala stated this is going down a slippery slope. Councilman Biale questioned the intent of the person who wrote the original bill when questioned about not allowing parents to be called. Assemblyman Auth does not know the answer. He



recommended the Council pass a resolution asking to have the bill repealed. Mayor Schwager asked what an officer would do if someone under age 21 gets in an accident and there is marijuana. They have to notify parents because of accident. What is the officer supposed to do? Assemblyman Auth could not answer that.

Mr. Kunze advised the Council has to decide if they wish to pass a resolution and determine which resolution. There were two versions supplies in the packet. Mayor Schwager stated the Upper Saddle River resolution was shorter and the Seaside Heights resolution spoke about beaches and some of the issues for Police. Councilman Van Eck wished that the resolution would just address the most egregious issue about not addressing a minor's parents. He would not support some of the items in the sample resolutions and spoke about infringing on the 4<sup>th</sup> amendment rights. He wants to protect people from unlawful search and seizure. Councilman Van Eck stated there are good elements in both drafts and he would work with someone to come to a compromise. Mayor Schwager would want to see more protection for the police. Councilman Talamini stated the Council should just ask the legislature to repeal the legislation because the Council is not going to rewrite their bill. Mayor Schwager thought there was supposed to be a commission. Assemblyman Auth stated we are waiting to see who is on the commission. Councilman Kulmala stated this resolution has to get to the legislature immediately and asked that it be voted on tonight. Assemblyman Auth advised time is of the essence.

Councilman Van Eck just wants to address the issue of parental notification. Mayor Schwager reiterated the Police should get more protection. Assemblyman Auth does not believe if a Police Officer makes a mistake in the search that they should be charged with a second degree offense. He understood Councilman Van Eck's concerns about 4<sup>th</sup> amendment rights and gave some suggestions on language for the resolution. Councilman Van Eck agreed with Assemblyman Auth's suggestions. Councilman Kulmala wants to move a resolution tonight. Mayor Schwager reiterated that she wants to make sure the police are protected. They should not be subject to such severe penalties and she stated our Police Department does not have body cams. It is in the budget for next year. Discussion ensued over wording for the resolution.

Mayor Schwager asked if the State or Federal Government is going to help us offset the cost of the body cams. Mr. Kunze responded the State is coming up with a program but he doesn't know if it will cover the full cost. Councilman Pignatelli thought if the State comes up with a new program, the State has to provide funding. Assemblyman Auth responded this is an unfunded mandate but there may be federal grants in the near future. Mr. Kunze stated he understands there will be a grant program through the State Attorney General's office to cover a portion of the body cam cost. He has a seminar Friday that will recap federal legislation on the latest COVID relief bill and how it will be distributed.

#### RESOLUTION 21-134

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

WHEREAS, New Jersey Senate Bill 3453 (also known as Assembly Bill 5342) (collectively "the Legislation"); and

WHEREAS, the Legislation prohibits law enforcement officers from engaging in certain actions when investigating an individual under the age of 21 for possession of marijuana, hashish, cannabis or alcohol. The Legislation criminalizes the conduct of officers who respond to a call for service or are investigating the underage use of marijuana, hashish, cannabis or alcohol by:

- an individual under the age of 21 shall not be arrested, detained, or otherwise taken into custody except to the extent required to issue a written warning,
- Officers are further prohibited from contacting the minor's parent or guardian to advise them of the minor's possession or consumption of marijuana, hashish, cannabis or alcoholic beverages for the minor's first offense.

WHEREAS, the Legislation will discourage officers from enforcing underage use and possession of marijuana, hashish, cannabis or alcohol and will specifically expose officers to civil and criminal liability for the deprivation of civil rights, even if the officer did not act with specific intent to deprive a person or his or her civil rights; and

WHEREAS, a police officer can be subject to prosecution for official deprivation of civil rights for an inadvertent violation of the legislation in the performance of the officer's duties in good faith which would subject the officer to prosecution for a crime of the third degree; and

WHEREAS, the Governing Body believes that the Legislation will result in officers avoiding situations where criminal conduct has occurred to limit exposure to civil and criminal liability; and

WHEREAS, the Legislation will severely limit the ability of law enforcement agencies to police our community effectively, increase risks to children from illicit drugs and alcohol and fail to protect society from criminal drug activity and impaired drivers to the detriment of public safety.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that it does hereby indicate its strenuous opposition to the Legislation and urge members of the State Senate and General Assembly to immediately enact amendatory Legislation so as to permit law enforcement personnel to perform their duties in the interest of safety and general welfare without substantial risk of civil and criminal liability.

BE IT FURTHER RESOLVED THAT the legislation be amended to provide for appropriate parental notification in the appropriate circumstances.

BE IT FURTHER RESOLVED THAT copies of this Resolution are to be provided to the Legislature team that encompasses the Borough of Oakland, Assemblywoman Holly Schepisi, and Assemblyman Robert Auth.

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

#### REDUCE TEAM TENNIS FEE:

Mr. Kunze advised that team tennis pays an annual fee of \$ 1600. They paid the fee in 2020 but there was a lot of time lost last year due to COVID. Team tennis is asking for a 50% reduction in fee for this year. The Recreation Commission supports that request. Councilman Van Eck stated it is a reasonable request. A resolution will be listed on the next agenda.

#### BREW PUBS:

Councilman Van Eck stated this is an untapped opportunity for our town. According to ABC a brew pub must have an adjacent restaurant. The Planner had recommended perhaps doing that in the I3 zone. Limited breweries can have patrons bring their own foods. Limited breweries can host 25 "special events" per year, 52 private parties per year and 25 social affairs per year. The Borough Planner recommended this in the CDBG 1 & 2 zones and the B2 Zone. Mr. Kunze

asked the Council if he should have a zoning ordinance amendment prepared to go to the Planning Board for discussion. Councilman Van Eck wants to also include distilleries and wineries as well.

#### COUNCIL REPORTS:

Councilman Van Eck: Yard Waste pick up will resume April 12<sup>th</sup> and 13<sup>th</sup>. Yard waste materials are to be placed in biodegradable bags or containers. The DPW is asking residents to report potholes through the service request module on the website or call the DPW office. Camp Counselor applications are now being accepted. Field 8 is being resodded at no cost to taxpayers. The OCC is looking for volunteers. They are looking for original music submissions for the bulletin board. New equipment is currently being installed in the control room. The OCC sent a letter to the BPU to be read at the hearing for Altice. The next OCC meeting will be held May 3<sup>rd</sup>.

Councilman Biale: The Borough is waiting approval from the IBank on our application for funding for the sewer plant decommissioning project. The environmental review was just completed. There are outstanding issues with easements for the I & I project. There was a meeting held with residents of Ramapo River Reserve regarding the Patriots Way bridge. Councilman Biale received an email from a Glen Gray resident asking why they were not included. He explained that a meeting was already held for Glen Gray residents and another one will be scheduled for April or May. A roundtable meeting was held yesterday to discuss kind of structure to do on the Stream House site. Historical architect Margaret Hickey will do a rendition to see what it could like. He explained that they need to look for funding sources. He explained they are looking to try to cut costs by doing a modular building. Councilman Biale encouraged Oakland Historical Society to fundraise for the project. Councilman Biale and Councilman Kulmala met with Daryl Rogers at Eastern Christian Children's Retreat. There was a JIF meeting this morning.

Councilman Slasinski: He is in the process of meeting with the groups he is associated with and is looking forward to having a report soon.

Councilman Talamini: He congratulated CFO David Young for all his hard work. He thanked Mr. Young and Mr. Kunze for all their hard work on the budget for the budget meeting. Everyone said it was a productive meeting. The schools are dealing with COVID.

Councilman Kulmala: The Green Team held a training session. There is an award ceremony for receiving Silver certification. He advised that he brought a concerned resident to meet with Mr. Rogers from Eastern Christian in order to alleviate some of the neighbors concerns. Councilman Kulmala asked if there is any chance we can reach out to Bergen County Health Department and get an answer on our quarantine request. Mr. Kunze will send the request in writing tomorrow morning and follow up with a phone call. Councilman Kulmala was on a conference call with Congressman Gottheimer's office. Bergen County is going to get \$ 313 million in funding in this bill. Some money will go directly to municipalities for projects. There are elements of the bill for water and sewer projects. Mr. Kunze advised he will be attending a league seminar Friday. Hopefully he will get answers in the next few weeks as to funding and what it could be used for.

Councilman Pignatelli: The Environmental Commission met. Ali Fleeson came as a resident to discuss a plastic bag ban. He welcomed Matthew Shook to the Environmental Commission. The Environmental Commission discussed Sandy Beach. They questioned if the property could possibly be subdivided or we can get an access easement for paths along the river. Chairman Lee Haymon spoke about Great Oak Park and how the Environmental Commission will help Recreation oversee the property. They spoke about species mapping and GIS for Great Oak

Park. There will be spring clean up held April 24<sup>th</sup> and 25<sup>th</sup> to coordinate with Earth Day and Arbor Day. The engineer will look at Monhegan Ave. parking this week. The Board of Health will meet next week. Councilman Pignatelli is happy to see the traffic report is moving forward and he thinks it will show the effect of 287 on traffic in Oakland.

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.

Ali Fleeson, 59 Seton Hall Drive, gave clarification on the chicken ordinances. She stated a coop is a structure and a run is a fenced in area. It should be differentiated in the ordinance because one is just a fence.

CLOSED FOR PUBLIC COMMENT:

On motion of Councilman Biale, seconded by Councilman Van Eck, 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: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

MEETING ADJOURNED:

On motion of Councilman Talamini, seconded by Councilman Biale, the meeting be adjourned at 10:37 pm.

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

*Lisa M. Duncan*

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Lisa M. Duncan, Borough Clerk  
April 14, 2021

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Date Approved

*Linda H. Schwager*

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Mayor Linda H. Schwager

