

BOROUGH OF OAKLAND
Borough Council Meeting
MEETING MINUTES

Municipal Court/Council Chambers
10 Lawlor Drive
Oakland, N.J. 07436

November 22, 2022 – 7:00 p.m.

Meeting of the Borough of Oakland Mayor and Borough Council opened on the above date at 7:00 p.m. in the Oakland Council Chambers, 10 Lawlor Drive, Oakland, N.J. 07436.

Mayor Linda H. Schwager presiding.

ROLL CALL: Present: Mayor Linda H. Schwager, Councilmembers Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

Also Present: Borough Administrator Richard Kunze, Borough Clerk Michael Carelli, Borough Attorney Brian Chewcaskie, Borough Engineer John Yakimik.

Absent: McCann.

On motion of Councilman Pignatelli, seconded by Councilman Talamini, Councilman McCann be excused.

ALL IN FAVOR.

SALUTE TO THE FLAG AND MOMENT OF SILENCE

Mayor Linda H. Schwager announced that proper notice of this meeting was made as to time, date, place, and agenda.

MAYORS REPORT:

Mayor Schwager announced the Christmas Tree and Menorah Lighting Ceremony for Sunday December 4, 2022 at 5:00 p.m. in Veterans Park. There will be a Parade of Lights by first responders following the lighting. Mayor Schwager announced that the Oakland Access for All Committee is hosting a Santa Tour for those with auditory and/or sensory disabilities on December 18, 2022 at the Danny D'Elia Building, 24 Lawlor Drive. There will be a Ribbon Cutting Ceremony for Ponds Church new Food Pantry on December 4, 2022. Mayor Schwager wishes the public a Happy and Safe Thanksgiving.

OPEN PUBLIC COMMENT:

Councilman Pignatelli set forth the motion, seconded by Councilman Kulmala, to open for public comment.

ALL IN FAVOR.

No public comment.

Councilman Talamini set forth the motion, seconded by Councilman Pignatelli, to close public comment.

ALL IN FAVOR.

APPROVAL OF MINUTES:

November 9, 2022

Councilman Saliani set forth the motion, seconded by Councilman Pignatelli, to approve the above listed minutes as read.

ROLL CALL: **Ayes:** **Kulmala, Pignatelli, Saliani, Slasinski, Talamini**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

November 22, 2022 Executive Session

Councilman Pignatelli set forth the motion, seconded by Councilman Saliani, to approve the above listed minutes as read.

ROLL CALL: **Ayes:** **Kulmala, Pignatelli, Saliani, Slasinski, Talamini**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS:

APPOINTMENT TO RECREATION COMMISSION:

Mayor Schwager appointed Austin Wall as a Recreation Commissioner to an unexpired Alternate 2 position, with a term expiration date of December 31, 2024.

RESOLUTIONS – CONSENT AGENDA:

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

22-299: APPOINT RECYCLING COORDINATOR

WHEREAS, the Borough of Oakland needs to appoint a Recycling Coordinator; and

WHEREAS, Kevin Tirserio has assumed the duties of Recycling Coordinator after the prior Recycling Coordinator resigned and has performed well in the roll; and

WHEREAS, the Borough Administrator and Department of Public Works Superintendent recommend that Kevin Tirserio be appointed to the position;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council hereby appoint Kevin Tirserio as Recycling Coordinator for the Borough of Oakland effective November 22, 2022 at an annual stipend of \$5,000.00.

22-301: APPOINT TEMPORARY CONSTRUCTION OFFICIAL

WHEREAS, there presently exists a vacancy in the position of Construction Official; and

WHEREAS, the Building Sub Code Official, Dariusz Pokoj, meets the qualifications for the title and holds the requisite Construction Official License; and

WHEREAS, N.J.A.C. 4A:4-1.7 allows for the appointment of officials on a temporary basis;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, that Dariusz Pokoj be appointed as the part time Temporary Construction Official at an hourly rate of \$45.00, effective Wednesday, November 23, 2022.

22-302: APPOINT TEMPORARY FIRE OFFICIAL

WHEREAS, there presently exists a vacancy in the position of Fire Official; and

WHEREAS, the Fire Inspector, Denny Knubel, meets the qualifications for the title and holds the requisite Fire Official License; and

WHEREAS, N.J.A.C. 4A:4-1.7 allows for the appointment of officials on a temporary basis;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, that Denny Knubel be appointed as the part time Temporary Fire Official at an hourly rate of \$40.00, effective Wednesday, November 23, 2022.

22-303: AUTHORIZE HIRE OF DEPARTMENT OF PUBLIC WORKS SEASONAL SNOW PLOW OPERATORS

WHEREAS, there is a need to hire Seasonal Snow Plow Operators for the Department of Public Works; and

WHEREAS, the Seasonal Snow Plow Operators will be paid the snow rate as specified in the Blue Collar Labor Agreement for which the current snow rate of \$31.00 per hour;

NOW, THEREFORE, BE IT RESOLVED the Mayor and Borough Council hereby authorize the hiring of the following Seasonal Snow Plow Operators for the Department of Public Works, effective immediately:

Timothy Trainor
Myles McMahon
Jeff Pereira
Peter Martyn
Craig Vandeursen
Michael Gluchanicz
Charles Bennett

22-304: AUTHORIZE REFUND OF TAXES DUE TO OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes due to overpayment in the amount of \$1,776.31; and

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

WHEREAS, the Chief Financial Officer has verified that the amount is due and that funds are available in account Tax Refund CF-01-55-998-002; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, do hereby authorize a payment to be made in the amount of \$1,776.31 to:

Elizabeth Pierce
971 Pines Terrace
Franklin Lakes, N.J. 07417

Block 4601
Lot 2

22-305: AUTHORIZE TRANSFERS BETWEEN BUDGET APPROPRIATIONS

WHEREAS, it has become necessary to expend funds in excess of the amounts approved in the Calendar Year 2022 budget of the Borough of Oakland; and

WHEREAS, there exist certain budget expenditures with funds available in excess of the amounts approved in the Calendar Year 2022 budget of the Borough of Oakland; and

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of such funds during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that, based on the recommendation of the Chief Financial Officer, the following transfers be made to the

Calendar Year 2022 Current Fund budget:

CURRENT FUND:

	<u>FROM:</u>	<u>TO:</u>
2-01-20-20-100-011 Admin – Perm Full Time	<u>\$15,000.00</u>	
Sub-total	\$15,000.00	
2-01-20-120-011 Mun Clerk – Perm. Full Time		<u>\$15,000.00</u>
Sub-total		\$15,000.00

SEWER FUND:

	<u>FROM:</u>	<u>TO:</u>
2-07-55-501-028 Contracted Services	<u>\$15,000.00</u>	
Sub-total	\$15,000.00	
2-07-55-504-100 Utilities – Electricity		<u>\$15,000.00</u>
Sub-total		\$15,000.00
		\$17,000.00

ROLL CALL: **Ayes:** Kulmala, Pignatelli, Saliani, Slasinski, Talamini
 Nays: None
 Abstain: None
 (5 ayes – 0 nays – motion carried)

RESOLUTIONS:

22-300: AUTHORIZE EMERGENCY CONTRACT FOR REPAIRS OF MONHEGAN AVENUE EXTENSION WATER MAIN

WHEREAS, a recent water main break on Monhegan Avenue extension caused a loss of water service to a significant number of homes on the north side of the Borough; and

WHEREAS, the Department of Public Works was able to stop the leak and temporarily back feed water to the affected area; and

WHEREAS, the situation leaves part of the community vulnerable to further water service disruptions; and

WHEREAS, the entire asbestos water main on Monhegan Avenue extension is in a compromised state due to the break and needs to be replaced; and

WHEREAS, the Borough requires the services of a contractor due to the extent of the work; and

WHEREAS, this constitutes an emergency condition that must be fixed as quickly as possible; and

WHEREAS, N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 permit the awarding of contracts without public advertising for bids and bidding therefor, notwithstanding that the contract price exceeds the bid threshold, when an emergency affecting the public health, safety or welfare exists; and

WHEREAS, Boswell Engineering has secured quotes from two (2) contractors to make the necessary repairs to fix the break and replace the subject water line; and

WHEREAS, Conquest Construction, Inc. has submitted the lowest quote with a price of \$139,551.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account #C-06-56-886-102;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, hereby award a contract to Conquest Construction, Inc. in the amount of \$139,551.00 for the emergency water main replacement at Monhegan Avenue extension;

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

ROLL CALL: **Ayes:** **Kulmala, Pignatelli, Saliani, Slasinski, Talamini**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

ORDINANCES:

ORDINANCE 22-CODE-898

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IX, RECREATION FACILITIES AND RECREATION AREAS, SUBCHAPTER 9-2.3, ENTITLED “FEE AND PERMIT SCHEDULE FOR USE OF FIELDS” AND ROLLER HOCKEY RINK TO PROVIDE FOR THE USE OF FACILITIES AND FEE SCHEDULE THEREOF”

The Borough Clerk was directed to take from the table Ordinance No. 22-Code-898 and read by title for its introduction.

The Borough Clerk then read by title Ordinance No. 22-Code-898 entitled, **“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IX, RECREATION FACILITIES AND RECREATION AREAS, SUBCHAPTER 9-2.3, ENTITLED “FEE AND PERMIT SCHEDULE FOR USE OF FIELDS” AND ROLLER HOCKEY RINK TO PROVIDE FOR THE USE OF FACILITIES AND FEE SCHEDULE THEREOF”**

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

BE IT RESOLVED, that an Ordinance entitled, **“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER IX, RECREATION FACILITIES AND RECREATION AREAS, SUBCHAPTER 9-2.3, ENTITLED “FEE AND PERMIT SCHEDULE FOR USE OF FIELDS” AND ROLLER HOCKEY RINK TO PROVIDE FOR THE USE OF FACILITIES AND FEE SCHEDULE THEREOF”**, be introduced;

That said Ordinance be considered for final adoption at a Borough Council Meeting on Wednesday December 7, 2022 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, N.J. at 7:00 p.m.

That said Ordinance be published in full in The Record on or before together with notice of this introduction and of the time and place for further consideration for final passage, and that the Borough Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

ROLL CALL: **Ayes:** **Kulmala, Pignatelli, Saliani, Slasinski, Talamini**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

ORDINANCE 22-CODE-896

“AN ORDINANCE ESTABLISHING BUSINESS INSURANCE REGISTRY”

The Borough Clerk was directed to take from the table Ordinance No. 22-Code-896 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled **“AN ORDINANCE ESTABLISHING BUSINESS INSURANCE REGISTRY”**.

OPENED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

No public comment.

CLOSED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

On motion of Councilman Talamini, seconded by Councilman Pignatelli, Ordinance 22-Code-896, entitled "AN ORDINANCE ESTABLISHING BUSINESS INSURANCE REGISTRY", be adopted.

ROLL CALL: Ayes: Kulmala, Pignatelli, Saliani, Slasinski, Talamini
 Nays: None
 Abstain: None
 (5 ayes – 0 nays – motion carried)

ORDINANCE 22-CAPITAL-897

"CAPITAL ORDINANCE TO AMEND SECTION 2 OF THE CAPITAL ORDINANCE (ORD. NO. 22-885) 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 \$4,765,250 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH - \$1,470,153, FROM THE GENERAL CAPITAL FUND BALANCE - \$400,000 AND FROM VARIOUS GRANTS - \$2,895,097."

The Borough Clerk was directed to take from the table Ordinance No. 22-Capital-897 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled "CAPITAL ORDINANCE TO AMEND SECTION 2 OF THE CAPITAL ORDINANCE (ORD. NO. 22-885) 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 \$4,765,250 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH - \$1,470,153, FROM THE GENERAL CAPITAL FUND BALANCE - \$400,000 AND FROM VARIOUS GRANTS - \$2,895,097."

OPENED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

No public comment.

CLOSED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

On motion of Councilman Pignatelli, seconded by Councilman Talamini, Ordinance 22-Capital-897, entitled "**CAPITAL ORDINANCE TO AMEND SECTION 2 OF THE CAPITAL ORDINANCE (ORD. NO. 22-885) 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 \$4,765,250 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH - \$1,470,153, FROM THE GENERAL CAPITAL FUND BALANCE - \$400,000 AND FROM VARIOUS GRANTS - \$2,895,097."**, be adopted.

ROLL CALL: **Ayes:** **Kulmala, Pignatelli, Saliani, Slasinski, Talamini**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

WORK SESSION:

WATER RATE ADJUSTMENTS:

Mr. Kunze advised that the Finance Committee met to discuss water and sewer rate adjustments. There are several factors which account for the adjustments, such as salaries, insurance, pension, PFAS treatment system. For 2023, the adjustment is a 4% increase, which is \$16.20 per year on the average resident. There is no increase in sewer fees. The Mayor and Borough Council consented for ordinance introduction at the next meeting.

STREAM HOUSE DESIGN PROPOSAL:

Mr. Kunze presented a proposal from Connolly and Hickey Historical Architects for the Stream House Bid Specifications and Final Design. Mayor Schwager expressed displeasure over the 2022 grant results and the proposal itself. Mayor Schwager stated that Ms. Hickey urged the Borough to submit a grant application last year for a new structure, when in turn the State wants to see a replica of the Stream House as it was. Councilman Pignatelli stated he does not want to spend taxpayer funds on the Stream House, but is ok if it is strictly grant funding. Mr. Kunze clarified that the Borough sought grant funding for the design and bid specifications only, and still plans to submit a grant for the full construction cost in 2023. Councilman Talamini expressed frustration with the overall appearance of the building, and suggested setting a time limit. Councilman Kulmala asked if the State Historic Preservation Office can come testify before the Borough on what they would like to see. Mr. Kunze confirmed that a meeting will be scheduled.

NEW BUSINESS:

Councilman Talamini asked if the Borough has ever considered allowing contractors to work in the evening, especially with all of the projects currently ongoing. Mayor Schwager expressed frustration with the timing. Borough Engineer John Yakimik advised that the railroad boring work could be done at night, but most likely at an extra cost. Mr. Yakimik advised that the Downtown Sewer work is expected to be complete on November 23, 2022, and the North End Sidewalk Project

should be completed by November 28, 2022. Mr. Kunze advised that Doty Road and Walnut Street are scheduled to be paved on December 5, 2022. Mr. Yakimik will follow up with the contractor for overnight work and will report back.

OLD BUSINESS:

No old business reported.

COUNCIL COMMITTEE AND LIAISON REPORTS:

COUNCILMAN KULMALA: Councilman Kulmala attended the Oakland Arts Committee Meeting on Monday November 21, 2022. The Arts Committee is planning a downtown mural project and poetry contest. Further details will be announced soon. Councilman Kulmala read aloud a statistics report from the Oakland Police Department. It was reported that two (2) firefighters completed the Firefighter 1 Training, which consisted of over 198 schooling hours. Councilman Kulmala wishes everyone a Happy Thanksgiving.

COUNCILMAN MCCANN: Absent.

COUNCILMAN PIGNATELLI: Councilman Pignatelli reported that the Board of Health met on November 15, 2022. A Senior Center New Years Eve Party is scheduled for December 31, 2022 at 12:00 p.m. To register, please call the Oakland Senior Center at (201) 405-7731. Councilman Pignatelli attended a Cannabis Seminar at the 2022 League of Municipalities Conference. Councilman Pignatelli wished everyone a Happy Thanksgiving.

COUNCILMAN SALIANI: Councilman Saliani reported that the Bush Plaza Ad-Hoc Committee is awaiting the results of their grant application, and will meet once a determination has been made. The Shade Tree Commission is meeting on December 7, 2022. The Commission has RFQ's out for spring tree planting and tree pruning and removals. The Commission plans to hire a new Forester in the coming weeks.

COUNCILMAN SLASINSKI: Councilman Slasinski reported that Boswell Engineering is working on floodplain permits for the PFAS Compound Treatment System. The Oakland Public Library will announce their 2023 events in the coming weeks. Councilman Slasinski wishes everyone a Happy Thanksgiving.

COUNCILMAN TALAMINI: Councilman Talamini announced the Christmas Tree and Menorah Lighting Ceremony for Sunday December 4, 2022 at 5:00 p.m. in Veterans Park. Christmas Caroling and refreshments will be made available. The Parade of Lights will take place shortly after the tree lighting. Residents are encouraged to volunteer for the Public Events Committee. Councilman Talamini wishes everyone a Happy Thanksgiving.

OPEN PUBLIC COMMENT:

Councilman Talamini set forth the motion, seconded by Councilman Pignatelli, to open for public comment.

ALL IN FAVOR.

Justin Lee and George Lutfey of Kusala Care, LLC. encouraged the Borough Council Members to reach out with any further questions and/or concerns on their pending cannabis cultivation application. Mayor Schwager asked if Kusala Care, LLC. received an extension from the State Cannabis Regulatory Commission. Kusala Care, LLC. did receive the extension for 45 days.

Councilman Pignatelli set forth the motion, seconded by Councilman Talamini, to close public comment.

ALL IN FAVOR.

BILLS TO BE PAID:

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

(See following pages)

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

ROLL CALL: **Ayes:** **Kulmala, Pignatelli, Saliani, Slasinski, Talamini**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

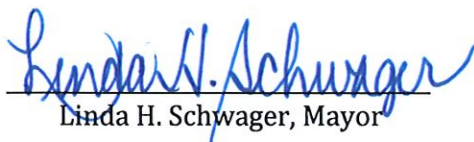
ADJOURNMENT:

On motion of Councilman Pignatelli, seconded by Councilman Talamini, the meeting be adjourned.

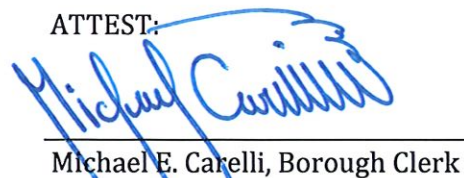
ALL IN FAVOR.

Adjourned: 7:41 p.m.

APPROVED BY:


Linda H. Schwager, Mayor

ATTEST:


Michael E. Carelli, Borough Clerk

This is to certify that this is a true copy
as adopted by the Mayor and Council
of the Borough of Oakland at a meeting
held on December 7, 2023
Borough Clerk 