

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY OCTOBER 13, 2021

MOVE TO EXECUTIVE SESSION:

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

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

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

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:  
Personnel; Contract with RML; Appeal of Board of Adjustment Decision
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

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

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:32 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: Michael Carelli, Deputy Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney; John Yakimik, Borough Engineer.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Mayor Schwager announced that this meeting is being held in accordance with the Open Public Meetings Law, duly announced, advertised and posted in the Municipal Building. The meeting will adjourn at 10:00 pm unless a majority of the Councilmembers that are present vote to extend the time.

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**MAYOR'S REPORT:**

Mayor Schwager spoke about the Borough's mask policy. She advised that the Fire Department Fire Prevention event was postponed to Monday October 25<sup>th</sup>. The poster contest will be held at 7:00 pm and the open house will be held at 7:30 pm. Tonight the Cannabis Committee will give a report on the committee's findings. Mayor Schwager thanked Councilman Van Eck for volunteering to chair the Access for All committee.

**APPOINTMENTS TO OAKLAND VOLUNTEER FIRE DEPARTMENT:**

Mayor Schwager administered the Oath of Office to Donald Fearon, Andrew Reisch and Nikola Saric.

**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.

Dave Richardson, 320 Ramapo Valley Road, commented that there have been six incidences where cars have crashed through store windows. He asked if the town is going to approach these property owners to put in safety features.

Erinda Kikot, 20 Minnehaha Blvd, spoke about provisions in the Executive Order for medical exemptions for mask wearing. She asked what the accomodations will be for those with medical exemptions.

Peter Kikot, 20 Minnehaha Blvd, commented on a Democratic election flyer which said the project in the Downtown was stalled by Republicans. He advised that he and Councilman Kulmala met in the spring regarding Station Park. He commented that alleged statements Councilman Biale made to another resident about Mr. Kikot were bullying. Mr. Kikot wanted to play a recording and Mayor Schwager advised him his three minutes were up.

Michael Elston, 78 Manito, played the recording for Mr. Kikot. It was an old recording of the Mayor about how masks were not effective.

Brian Reilly, 30 Andrew Ave and member of the Green Team, advised that NJ passed legislation banning polystyrenes such as Styrofoam food containers and plastic bags. The Green Team wants to provide education to the businesses in town. They are working with the Environmental Commission and the Community of Commerce on a Styrofoam free business program. He would like the Mayor and Council's support.

Mike Pritchard, 23 Calumet Ave, spoke of a safety hazard with a telephone pole in front of 8 Hiawatha. He spoke about the Governor's Executive Order and the mask policy. He stated that people should be masking at Borough Hall.

Charlie DiPalma, 40 Nokomis Ave, called the Mayor and Borough Administrator on the status of Allerman Brook. Borough Engineer John Yakimik had advised him to send an email to his neighbors. Lew Levy responded to his email and refuted the information. Mayor Schwager advised that the Borough Administrator will give an update.

Judy Piretra, 44 Nokomis Ave, expressed concern over Allerman Brook deteriorating Mr. DiPalma's property and other properties surrounding. She is afraid if there is another storm, it will be devastating to those homes. Mayor Schwager advised that the Borough Engineer and Floodplain Manager are working on this. Mr. Kunze will give an update report later.

Joe Valenti, 18 Whittier, is here to support Councilman Van Eck's proposed resolution on the Reproductive Freedom Act. He asked about a potential recycling center.

#### 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.

Mayor Schwager advised that the Planning Board and former Councilman Knapp worked on the safety bollard issue with stores. Any new stores are required to install bollards. She does not know if the Borough has any authority to require existing stores to install them. Borough Attorney Chewcaskie advised that two or three years ago, the Council amended the site plan ordinance to require a barrier between parking spaces and buildings. That only goes forward. The Borough has no ability to implement a policy to force businesses to install these safety devices.

Mr. Chewcaskie advised that the mask policy was distributed that was implemented by the Borough Administrator based on CDC guidelines and suggested policies by OSHA. The policees that have been implemented are for the protection of the employees. Most public buildings do have a mask policy. There are exemptions and the Borough can only suggest people wear a mask for the safety of the employees. If a resident goes in Borough Hall and sees an employee at their desk without a mask, the employee can take the mask off at their personal work space.

Mayor Schwager advised Mr. Reilly they are aware of the ban on plastic bags. Councilman Talamini suggested Mr. Reilly contact Public Events Chairman Chopper Russo for help with the Styrofoam free business program.

Mr. Kunze advised that he understands the residents' concerns over Allerman Brook. After the storm, the Borough's Floodplain Manager did an inspection and assessment of Allerman Brook and documented the damage and the amount of fill material that washed downstream. It was determined this material was from the DOT area upstream. Borough Engineer Yakimik put together a cost estimate for the project. Mr. Kunze asked Mr. Agnoli if this was an emergent project to utilize emergency purchasing procedures. Mr. Agnoli stated that nothing was emergent that could not be done as a normal project. The Borough filed an RPA with FEMA and are waiting for a claims person to be assigned. The Borough contacted the DOT and their initial response was that it was not their jurisdiction to remove. The Borough will be following up with our legislators and the DOT Commissioner. Mr. Kunze advised that the Borough learned of a program through the USDA which reimburses 75% of the project cost. The guidance states that if the work is undertaken without prior approval, it will not be eligible for reimbursement. The Borough is looking for outside funding since the project cost estimate is \$500,000.

#### PRESENTATION OF CANNABIS COMMITTEE:

Mayor Schwager introduced former Councilman Frank DiPentima and Recreation Chairman Mike Guadagnino who were an integral part of the cannabis committee. Councilman Pignatelli stated this was one of the best committees he has served on.

Mr. Guadagnino advised that 67% of the town voted in support of legalization of marijuana. The committee members all had different points of view and the first couple of meetings were very heated. Over three and a half months, the committee members worked out similarities and differences. They did a lot of research. The proposed ordinance that was distributed was actually the third one that the committee members considered. The proposed ordinance was something all the members were happy with and the members felt it was best for the town.

Mr. Guadagnino spoke about the six classes of licenses that could be allowed. The committee members were against retail establishments. Mr. Guadagnino spoke to cannabis companies in other states regarding traffic for cannabis delivery. They equated it to an Uber Eats delivery service. The committee recommended delivery to be in unmarked cars. Mr. Guadagnino spoke about a large research study from Sacramento, California which determined the traffic was negligible. The committee was concerned about the volume of deliveries with wholesalers. Deliveries are done in a fifteen foot box truck. Mr. Guadagnino spoke to the busiest companies who had five deliveries per week.

Another concern of the committee was the amount of water for growing cannabis. The largest facility of 50,000 square feet uses 8,800 gallons of water per day. The proposed ordinance states that growers would have to supply their own water so the Borough preserves its own water supply. The committee members were also concerned with smell. There is a strong pungent smell for a couple of weeks in the growing process. There was a large discussion among committee members where the facilities could be located and the determination was they are not near residential homes and the facility would require a carbon filtration system.

Frank DiPentima advised that this committee is one of the best he has ever done. He explained that the Governing Body will have to entertain three different ordinances. The first ordinance which is brought forth by the committee is for the types of businesses that would be allowed in Oakland. The second ordinance is a revenue ordinance to determine amounts to be charged. There is an inclusion the committee would like to recommend for use of that revenue. The third ordinance would be Oakland's licensing ordinance. In order for a cannabis business to operate

in Oakland, they would first need to obtain a State license. Then they would apply for a license in Oakland. The committee is recommending an employment clause in the licensing which states that each business would have at least 10% of its work force from the Oakland community. If the business faces hurdles doing that, they can apply to the Governing Body for a waiver.

The committee is not recommending any retail businesses in Oakland. For any of the other businesses, the recommendation is that the buildings be non-descript with no signage. There would need to be specific security in place. Mr. DiPentima spoke about all five types of business being allowed in the I1, I2 and I4 industrial zones. In the I3 and IP zones, only wholesale and distribution businesses would be allowed. He explained that there should be minimal traffic implications and the Borough has the option to limit hours of service for the facilities.

Mr. DiPentima spoke about the revenue ordinance. The State allows municipalities to tack on up to 2% of gross receipts to these businesses except for wholesale which is 1%. The committee would like to recommend taking any revenue from these sources and dedicating them against the Borough's debt service. This will help fund the annual \$ 2.1 million spent each year on debt service. This also allows the Governing Body to be forward thinking with their infrastructure needs. This demonstrates to future bond purchasers that Oakland is serious about its financial future and has a dedicated stream of money to pay them back. That would make Oakland's bonds more attractive to a potential purchaser. This will further support the Borough's AAA bond rating which helps us get lower interest rates. Mr. DiPentima advised that less than 3% of NJ municipalities have a AAA Bond rating so kudos to Oakland.

Councilman Pignatelli thanked the Mayor for putting the ad-hoc committee together and allowing he and Councilman Van Eck to participate. The committee contained members of the community that the Mayor thought would have a good impact. There were people who questioned Councilman Pignatelli's motive for voting to ban marijuana earlier. He stated this is one of the most important decisions he will have to make in his fifteen years on the Council. This committee did research, took trips to facilities and reviewed ordinances from other towns. The committee did a lot of work and took its time to develop an ordinance that was best for Oakland. Mr. DiPentima stated that the Council voting to ban marijuana was an important protection that was needed to allow time to structure an ordinance. If a municipality did not say no by August 21<sup>st</sup>, then all six cannabis licenses would be allowed. If a municipality opted out, they could always opt back in at a later time. Mr. DiPentima stated that he was definitely against marijuana when he joined the committee. However he changed his mind because the proposed ordinance is definitely keeping the character of Oakland and it can generate some revenue. Mr. Guadagnino was also against marijuana but the committee all came together and produced an ordinance that everyone agreed on.

Councilman Van Eck agreed that the committee proposed something that makes sense for the character of the community. Oakland is geographically unique where we have zones that can make this happen. The committee really did compromise. Councilman Van Eck stated that one of the reasons he was so passionate about allowing marijuana businesses was to earn the 2% and put it towards debt service. This is responsible to do. Mr. DiPentima stated this revenue will give flexibility in planning. Councilman Van Eck stated that a long term goal of the Finance Committee is to get to a point where we pay as we go.

Councilman Kulmala is glad the committee did this work for the last five months to bring forth this ordinance to the Council. He commended everyone on the committee. Councilman Biale stated the committee put in a lot of time and came up with the best outcome for Oakland and a way to earn revenue to offset expenses. Councilman Talamini thanked the committee for all

their work. He asked how many licenses are being discussed. Mr. DiPentima responded it is impossible to say. He stated that cultivators may not want to come to Oakland based on the stipulation that they have to provide their own water. He has read that it seems licenses will go to economic areas of the State that need revitalization and Oakland is not economically depressed. He explained that the ordinance has a limit of 10 licenses.

Councilman Talamini asked if this is similar to a liquor license. Mr. Chewcaskie advised that the licenses are issued by the State and they have a procedure in place. Oakland will have its own licensing procedure which is typically more for security. The main license is from the State. The Borough ordinance can address issues brought up during the presentation such as security and employment. Mr. Chewcaskie explained this is constantly evolving. The regulations did not come out for municipalities until August. It is his understanding that if someone has a license in a community and you are moving to another building, they will probably allow the transfer. One of the key issues is the ultimate operator will probably own the facility due to issues in banking and Federal law. Councilman Talamini asked if adopting an ordinance is premature if the State's policy is still evolving. Mr. Chewcaskie responded it is not premature. Six months ago, the Council said no because there was no guidance from the State. There are regulations and a licensing mechanism at the State so the Borough can piggyback with that.

Councilman Talamini stated at a previous Council meeting, someone mentioned there was a place operating marijuana on Route 23. If someone starts operating in Oakland without a license, is it a Police or zoning issue. Mr. Chewcaskie advised it is a Police issue. Councilman Talamini thanked the committee. Councilman Slasinski thanked everyone who worked so hard on this. The presentation touched on all concerns he had such as smell and water supply. He is excited for the Council to work in an amicable way to move forward.

Mr. Chewcaskie suggested listing this on the next work session. Councilman Van Eck asked if the licensing and revenue ordinances can be put on as well. He wants to ensure the 2% is included in the ordinance, where the funds will be allocated and the employment clause. Mr. Kunze advised that they will work on a draft. He advised the Council that the zoning ordinance is going to require Planning Board review which will add an additional month. This will be on the next work session.

#### APPROVAL OF MINUTES: SEPTEMBER 22, 2021

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council meeting of September 22, 2021 be approved.

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

#### APPROVAL OF MINUTES: SEPTEMBER 22, 2021 EXECUTIVE MINUTES

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of September 22, 2021 be approved.

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

#### APPOINTMENT TO MUNICIPAL ALLIANCE:

Mayor Schwager appointed Jodi Goffredo to a one-year term on the Municipal Alliance Committee. The term will expire December 31, 2021.

APPROVE RAFFLE LICENSE RL1414:

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, approval be granted for Raffle License RL1414 for Dogwood Hill Elementary School PTO to hold a calendar raffle December 2021 at 25 Dogwood Drive, Oakland.

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

RESOLUTION 21-295 CHAPTER 159 GREAT OAK PARK BANDSHELL

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

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Oakland has been awarded a Grant from the Bergen County Trust Fund in the amount of \$40,200.00 for the Band Shell for Great Oak Park and wishes to amend its 2021 budget to include this amount as a revenue,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Oakland hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:  
Special Items of General Revenue Anticipated with Prior Written  
Consent of Director of Local Government Services - Public and  
Private Revenues Offset with Appropriations:  
Great Oak Park Band Shell.

BE IT FURTHER RESOLVED that a like sum of \$40,200.00 be and the same is hereby appropriated under the caption of:

General Appropriations:  
(A) Operations - Excluded from "CAPS"  
Public and Private Appropriations Offset by Revenues:  
Great Oak Park Bandshell  
Other Expenses - \$ 40,200.00

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

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

# RESOLUTION 21-296 CERTIFICATION OF 2020 AUDIT

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

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Oakland, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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



# RESOLUTION 21-297 CORRECTIVE ACTION PLAN 2020 AUDIT

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

WHEREAS, the Borough of Oakland is in receipt of the Report of Audit for the period ending December 31, 2020; and

WHEREAS, the Mayor and Council of the Borough of Oakland formally accepted said audit on October 13, 2021; and

WHEREAS, it is necessary to develop and obtain Mayor and Council approval of an Audit Corrective Action Plan: and

WHEREAS, said plan must be approved and filed within sixty days of formal notice,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the required Audit Corrective Action Plan, having been prepared and submitted by the Chief Financial Officer, is hereby approved and further that said plan document be placed on file and made available for public inspection in the Office of the Borough Clerk.

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

# RESOLUTION 21-298 CHAPTER 159 SENIOR CENTER UPGRADES

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

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Oakland has been awarded a Grant from Bergen County Community Development in the amount of \$42,191.00 for the Borough of Oakland Senior Center and wishes to amend its 2021 budget to include this amount as a revenue,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Oakland hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:  
 Special Items of General Revenue Anticipated with Prior Written  
 Consent of Director of Local Government Services - Public and  
 Private Revenues Offset with Appropriations:  
 Senior Center Upgrades.

BE IT FURTHER RESOLVED that a like sum of \$42,191.00 be and the same is hereby appropriated under the caption of:

General Appropriations:  
 (A) Operations - Excluded from "CAPS"  
 Public and Private Appropriations Offset by Revenues:  
     Senior Center Upgrades  
     Other Expenses -     \$ 42,191.00

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

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

#### RESOLUTION 21-299 ADJUST SALARY-CFO

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

WHEREAS, based on market conditions and job performance, the Mayor and Council have determined it in the best interest of the Borough of Oakland to give the CFO a salary increase;

NOW, THEREFORE, BE IT RESOLVED that effective October 14, 2021, David Young's salary will be \$ 132,750.

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

#### RESOLUTION 21-300 PURCHASE POLICE VEHICLES ON STATE CONTRACT

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

WHEREAS, the Borough of Oakland is in need of purchasing two (2) 2022 Ford Utility Interceptor Police vehicles; and

WHEREAS, Winner Ford of Cherry Hill, 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034 has the NJ Contract # 20-FLEET-01189 for the vehicles as per the specifications desired; and

WHEREAS, the cost for each vehicle is \$32,991 with the desired options; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-831-301;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Purchasing Agent is hereby authorized to issue a Purchase Order to Winner Ford of Cherry Hill for the purchase of two (2) 2022 Ford Utility Interceptor Police vehicles at a total cost of \$65,982.00.

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

Van Eck.

**RESOLUTION 21-301 ADOPT FLOOD WARNING ANNEX IN EMERGENCY OPERATIONS PLAN**

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

WHEREAS, the Borough of Oakland has previously adopted the Borough of Oakland Emergency Operations Plan; and

WHEREAS, an Addendum is required to the Emergency Operations Plan related to flood response procedures; and

WHEREAS, the Flood Responses and Procedures Annex provides established procedures to benefit the community in times of increased flood hazards;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby adopt the Flood Responses and Procedures Annex of the Borough of Oakland Emergency Operations Plan.

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

**RESOLUTION 21-302 AUTHORIZE RFQ FOR PROFESSIONALS**

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

WHEREAS, it has become necessary for the Borough of Oakland (hereinafter the "Borough") to engage legal, financial and engineering professionals and the Borough desires to appoint such professionals for 2022 by a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq. and in accordance with the Borough's Pay To Play Ordinance, Ordinance No. 12-Code-669.

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter the "RFQ") with ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly open and announce the qualifications when awarded; and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Oakland, County of Bergen and State of New Jersey that requests for RFQs for professional services for the following professional services for the Borough and its agencies are hereby authorized:

1. Borough Attorney
2. Labor Attorney
3. Borough Auditor
4. Bond Counsel
5. Borough Engineer
6. Borough Prosecutor

7. Public Defender
8. Planning Board Attorney
9. Board of Adjustment Attorney
10. Borough Risk Manager
11. Borough Planner
12. Water and Sewer Engineer
13. Planning Board Engineer
14. Planning Board Planner
15. Board of Adjustment Engineer
16. Board of Adjustment Planner

BE IT FURTHER RESOLVED, that all of the RFQs for the professional services as set forth hereinabove shall be prepared and published in accordance with N.J.S.A. 19:44A-20.1 et seq. and all such RFQs shall be evaluated on the basis of the most advantageous RFQ, all factors considered, including, but not limited to: (1) experience and reputation in the profession; (2) knowledge of the subject matter to be addressed under contract; (3) availability to accommodate any required meetings of the Borough or Borough Agency; (4) and any other factors if demonstrated to be in the best interest of the Borough or Borough Agency.

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

#### RESOLUTION 21-303 AUTHORIZE CONTRACT-ACCELERATED TAX SALE

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

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales at N.J.A.C. 5:33-1.1, and

WHEREAS, the Borough believes it is in the best interest of the public to utilize an electronic tax sale as this process results in a greater pool of potential lien buyers, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

WHEREAS, the Borough of Oakland wishes to enter into contract with the vendor to conduct the 2021 online tax sale at a rate of \$15 per listed property, not to exceed \$ 9,000; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 1-01-110-044;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute the agreement between the Borough of Oakland and RealAuction.com, LLC;

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

INTRODUCTION: ORDINANCE NO. 21-CODE-857 AMEND RECREATION CODE

The Clerk was directed to take from table Ordinance No. 21-Code-857 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-857 entitled: " AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 9 "RECREATIONAL FACILITIES AND RECREATION AREAS", SECTION 9-2 "MUNICIPAL TENNIS COURT AND ATHLETIC FIELDS", SUBSECTION 9-2.2 "TENNIS COURT REGULATIONS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND"

On motion of Councilman Kulmala, seconded by Councilman Van Eck, 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 9 "Recreational Facilities And Recreation Areas", Section 9-2 "Municipal Tennis Court And Athletic Fields", Subsection 9-2.2 "Tennis Court Regulations" Of The Revised General Ordinances Of The Borough Of Oakland, be introduced;

That said Ordinance be considered for final adoption at a meeting on October 27, 2021 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before October 18, 2021 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

INTRODUCTION: ORDINANCE NO. 21-CODE-858 OUTDOOR DINING

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

The Clerk then read by title Ordinance No. 21-Code-858 entitled: " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" TO ALLOW FOR RESTAURANT OUTDOOR DINING

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled "Land Use And Zoning" To Allow For Restaurant Outdoor Dining, be introduced;

That said Ordinance be considered for final adoption at a meeting on November 23, 2021 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before November 9, 2021 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

#### INTRODUCTION: ORDINANCE NO. 21-CODE-859 PARKING FOR RESTAURANTS

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

The Clerk then read by title Ordinance No. 21-Code-859 entitled: " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" TO REVISE RESTAURANT PARKING REQUIREMENTS"

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

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

That said Ordinance be considered for final adoption at a meeting on November 23, 2021 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before November 9, 2021 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

#### INTRODUCTION: ORDINANCE NO. 21-CODE-860 AMEND CODE-CLOTHING BINS

The Clerk was directed to take from table Ordinance No. 21-Code-860 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-860 entitled: " AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND ENTITLED "GENERAL LICENSING" SECTION 4-12 ENTITLED "RECYCLING BINS".

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

BE IT RESOLVED that an Ordinance entitled, " An Ordinance Amending And Supplementing Chapter 4 Of The Revised General Ordinances Of The Borough Of Oakland Entitled "General Licensing" Section 4-12 Entitled "Recycling Bins", be introduced;

That said Ordinance be considered for final adoption at a meeting on October 27, 2021 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before October 18, 2021 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

#### INTRODUCTION: ORDINANCE NO. 21-CODE-861 AMEND SALARY ORDINANCE

The Clerk was directed to take from table Ordinance No. 21-Code-861 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-861 entitled: " AN ORDINANCE REVISING, AMENDING AND REENACTING PARAGRAPH 3 OF ORDINANCE NO-20-CODE-813 TITLED "THE CODE OF THE BOROUGH OF OAKLAND, COUNTY OF BERGEN, STATE OF NEW JERSEY, ENTITLED "SALARIES OF MUNICIPAL EMPLOYEES"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Revising, Amending And Reenacting Paragraph 3 Of Ordinance No-20-Code-813 Titled "The Code Of The Borough Of Oakland, County Of Bergen, State Of New Jersey, Entitled "Salaries Of Municipal Employees", be introduced;

That said Ordinance be considered for final adoption at a meeting on October 27, 2021 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before October 18, 2021 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

#### INTRODUCTION: ORDINANCE NO. 21-CODE-862 TEMPORARY SIGNS AT BUSH PLAZA

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

The Clerk then read by title Ordinance No. 21-Code-862 entitled: " AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 59 "LAND USE AND ZONING, ARTICLE VII "ZONING", SECTION 59-63 "SIGNS", SUBSECTION 59-63 O.(4) "EXEMPTED SIGNS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND"

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

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

That said Ordinance be considered for final adoption at a meeting on November 23, 2021 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before November 9, 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-852 LIMITED BREWERIES

The Clerk was directed to take from the table Ordinance No.21-Code-852 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" TO ALLOW FOR LIMITED BREWERIES

#### OPENED FOR PUBLIC COMMENT:

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

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

No comments made.

#### CLOSED FOR PUBLIC DISCUSSION:

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



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

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

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

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published by title in The Record in the manner provided by law.

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

#### FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-853 BREW PUBS

The Clerk was directed to take from the table Ordinance No.21-Code-853 and read by title for its final hearing.

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

#### OPENED FOR PUBLIC COMMENT:

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

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

No comments made.

#### CLOSED FOR PUBLIC DISCUSSION:

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

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

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

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

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published by title in The Record in the manner provided by law.

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

**FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-854 DISTILLERIES**

The Clerk was directed to take from the table Ordinance No.21-Code-854 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" TO ALLOW FOR DISTILLERIES

**OPENED FOR PUBLIC COMMENT:**

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

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

No comments made.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled "Land Use And Zoning" To Allow For Distilleries, be adopted;

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published by title in The Record in the manner provided by law.

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

**WORK SESSION:**

**PROPOSAL FOR HOUSING REHAB PROGRAM SERVICES:**

Mr. Chewcaskie explained that the Borough went through its compliance hearing for Affordable Housing on September 30<sup>th</sup>. We were granted final judgment with certain conditions which will be presented to the Governing Body in the next few months. He explained that several

ordinances and the Fair Share Plan will have to be amended. This is another part of the judgement that we need an administrator for our rehab program. The proposal was submitted and reviewed and he is recommending awarding a contract to Community Grants to be paid out of the Affordable Housing trust. A resolution will be listed on the next agenda.

#### RESOLUTION TO OPPOSE S3810/A5862:

Mr. Kunze explained that legislation is pending at the state level that would give more power to public sector labor unions and erode the ability of municipalities to manage their workforce, through a variety of measures such as making previously non-negotiable items negotiable, expanding binding arbitration and shifting the burden of proof in grievance proceedings. These changes would likely make it more difficult to manage our organization and eventually increase costs to the taxpayer. Councilman Van Eck stated the consequence is that it will raise our costs. Mr. Kunze advised that the League of Municipalities is asking towns to adopt resolutions to oppose this legislation. Councilman Van Eck stated this is something very concerning if it were to move forward with the financial impact to the town. A resolution will be listed on the next agenda.

#### MASK POLICY:

Mayor Schwager asked Mr. Kunze to put this on work session. There is a policy for masks in the Borough buildings put forth by the Borough Administrator but it is up to the Council to set policy so she would like to hear from the Council. Councilman Pignatelli is totally in favor of a mask policy. It is to protect people who are not wearing a mask and possibly unvaccinated. His experience over the years in public health is that masks work. He stated the proper masks must be worn. He appreciates the Borough Administrator creating the policy to protect the Borough employees because we don't want to create an environment where they can get sick.

Councilman Biale is also in favor of the mask policy. He needs to wear a mask at his office in Hackensack unless he is in his own workspace. He spoke about the increased population of seniors who are more at risk as well as those under age 12 who cannot get the vaccination. Mask wearing is for the greater good to protect those at risk groups. Councilman Biale does not want to infect his granddaughter. He stated that we are all responsible for our neighbors. States that don't have mask policies have virus counts above everyone else. Councilman Pignatelli believes that the legislature gave the Governor the Emergency powers act to promulgate Executive Orders. He feels these are like law. Mr. Chewcaskie stated that the Executive Orders are treated as law.

Councilman Talamini stated that Mr. Kunze was hired to be the Borough Administrator. Mr. Kunze feels that we need to follow this policy of the Governor and Councilman Talamini stated that they need to support the policy because they hired Mr. Kunze to run the Borough. Councilman Kulmala asked what the policy is to take the masks off. Mr. Kunze explained that this policy is following CDC and OSHA guidance. It goes according to the transmission rate by transmission in the County. The CDC had relaxed guidelines in May and protocol had changed so if you were vaccinated, you didn't need to wear a mask in public settings. In late July, they revised the guidance when the Delta surge started. As long as the County has high rate of transmission, you need to wear masks in public settings. When the transmission rate drops, the rules can be changed.

Councilman Kulmala asked what work space is considered for not wearing a mask. Mr. Kunze responded that it is your desk or office. Councilman Kulmala asked if the dais is considered the Council's work space. Mr. Kunze responded it is considered a public space. Mr. Kunze advised that throughout the whole pandemic, we don't always agree with the rules but the goal is to keep people safe and to minimize impact to the organization due to quarantine rules. We have not had any employees contract this in the work place.

Councilman Van Eck stated that we should not be requiring people who are vaccinated and with immunity to wear masks. He stated that the Council had been meeting in the Senior Center unmasked and he doesn't think masks should be worn. Councilman Pignatelli explained this was because of the Delta variant and danger to unvaccinated people. Mayor Schwager stated that Mr. Kunze has set a policy and the Council should abide by the policy. Councilman Van Eck advised he does not agree with mask wearing especially if you have been vaccinated. Councilman Pignatelli stated you have no way of knowing who is vaccinated and who is not. Mayor Schwager stated if the Council wants to follow the policy of the Borough Administrator, they have to set the example. Councilman Van Eck stated he thinks that people who are vaccinated or have natural immunity should not wear a mask. Councilman Kulmala agreed.

Motion:

On motion of Councilman Van Eck, seconded by Councilman Kulmala, we go back to not wearing a mask if vaccinated or have natural immunity.

Councilman Kulmala asked why masks were not required months ago. Mr. Kunze explained that back in May, the guidance was that you did not have to wear mask if you were vaccinated. It changed in July due to the Delta variant and breakthrough cases. Mr. Kunze set the policy based on CDC guidance and OSHA and to protect the Borough employees. Councilman Van Eck stated that they have pushed back to the guidance before with Recreation. Councilman Talamini thinks it is silly to be voting on this. The Council hired Mr. Kunze to do a job and he does a good job. If this is what he needs to do, then we should support. Mr. Kunze stated as soon as the transmission rate drops, the policy will change for vaccinated people. Councilman Van Eck stated he would withdraw his motion because it would not pass.

#### COMPENSATION FOR DPW SUPERINTENDENT:

Mr. Chewcaskie stated that this was discussed at the last meeting. The DPW Superintendent has requested compensation for snow plowing and he asked that the discussion be held in public. Mr. Kunze advised this has been discussed previously. The DPW Superintendent has asked for compensation for plowing the County roads. We had previously looked a method of compensation which was unacceptable. He explained that he used another methodology and came up with a stipend of \$ 6,000. The Council had previously decided that you wanted us to keep plowing the County roads. The Council had also asked for the cost to hire a contractor to play the County roads. He advised this is not like hiring a seasonal employee but would be hiring a company that you would have to guarantee work each storm. The going rate for this is between \$130 and \$140 per hour. That would entail about 40 hours of work to reach the \$ 6,000 stipend being requested by the DPW Superintendent. Mr. Kunze explained though that it depends on the winter and if there are salting events as well as plowing events.

Mayor Schwager asked Mr. Kunze to explain the agreement with the County. He explained that the Borough has an agreement with the County that we plow the County roads and get reimbursed

\$ 100 for each truck that plows a County road and we also get reimbursed for the salt we use. Mr. Kunze stated that we typically get about 75 ton of salt back per storm and we usually bill for four trucks per storm. This works for us financially and really helps because we can get to the County roads much faster than they can.

Councilman Biale stated that Mr. Marcucilli does a wonderful job. The question is what is more expensive- the cost to pay Mr. Marcucilli versus the cost if we had to hire a contractor. We would spend more money on hiring a contractor. Oakland has always been known for how well the roads are plowed. Councilman Talamini asked how we would be saving money if Mr. Marcucilli is already there working and doing the roads. Councilman Biale stated that Mr. Marcucilli has advised he won't be plowing anymore if he does not get the stipend. It is not part of his job description. Councilman Talamini stated he has been plowing for all these years. Councilman Talamini asked if an employee is allowed to say they are not going to do the job. Councilman Slasinski stated he would not be allowed to tell his boss he was not going to do a task if he wasn't compensated for it.

Councilman Kulmala asked how long this practice of snow plowing has been going on. Mr. Kunze responded essentially twenty years. Councilman Kulmala asked what has changed. Mr. Kunze responded that Mr. Marcucilli could best answer that but Mr. Kunze understood it is because snow plowing takes a toll and Mr. Marcucilli feels he should be compensated for what he has brought to the table in managing the program and getting an increase in the reimbursement from the County. Mr. Kunze explained that not all Superintendents plow snow and some who do plow get extra compensation. Councilman Kulmala stated that Mr. Marcucilli is the supervisor who has the responsibility to reallocate his resources to plow the County roads if he himself is not plowing. Councilman Van Eck stated that the hourly employees could make extra money by taking over plowing those County roads. It would be great to see the lower paid employees making extra money rather than a salaried employee making \$135,000 per year. Councilman Kulmala stated that Mr. Kunze saved the Borough a lot of money by negotiating the insurance. He asked if Mr. Kunze felt he deserved extra compensation for that. Mr. Kunze responded that it is part of his job. To make a distinction, the role of the DPW Superintendent is to manage the snow plow operations. Mr. Kunze has worked with other DPW Superintendents who would not get in a truck and plow. Councilman Talamini asked if there is a number that the Council might be more comfortable with. He can see that it is a lot of work and Mr. Marcucilli does have pride in making sure the job is done right. Councilman Van Eck would want hourly employees to make more money. Councilman Biale stated we would be losing time and the roads would not be as clean as they are now.

#### MOTION:

On motion of Councilman Kulmala, seconded by Councilman Van Eck, to not give Mr. Marcucilli the additional compensation for snow plowing

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

#### NEW BUSINESS:

Councilman Kulmala spoke about the condition of the downtown. He has been working with Borough Attorney and our professionals and a meeting was held today. There is a law that allows the Planning Board to look at it holistically to see if it requires rehabilitation. If that is a case, the Governing Body can pass an ordinance to incentivize the businesses through tax rebates to make improvements. There will be a presentation at the next meeting. Mayor Schwager advised that the Planning Board has been working on the downtown since last year. Councilman Pignatelli

was at the meeting today and he understood the Planning Board is working on streetscape. This would be to incentivize the business owners to invest in their property to make it look a certain way. This would bring more business to the town. He stated things are driven from the Council to send to the Planning Board.

#### MOTION TO EXTEND MEETING:

On motion of Councilman Talamini, seconded by Councilman Pignatelli, to extend the meeting 15 minutes.

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

Councilman Biale brought up that some of the residents on Island Terrace that are requesting Borough water. He stated that the Borough is considering bringing the water line across the bridge but we need to get responses from Island Terrace residents. Mr. Kunze explained that we are out to bid for Doty Road. If it is feasible to add on to that contract, we can but we need to see the price. Councilman Biale stated this is the time to do this project.

#### OLD BUSINESS:

Councilman Van Eck brought up the picture frames of the Mayors pictures. He stated that we also need the other two Mayors pictures. Mr. Kunze advised that one of the Mayors has submitted a photo but the other has not. Michael Carelli has been getting quotes for new frames and they are expensive.

#### COUNCIL REPORTS:

Councilman Van Eck: The volunteers are the heart of our community.

Councilman Kulmala: The Green Team had a successful year of the Community garden. There was 150,000 pounds of produce donated to families in need. The pollinator garden planting will take place October 23<sup>rd</sup> and 24<sup>th</sup>. Oakland is hosting a Styrofoam drive on January 8<sup>th</sup>. Green Team is launching a Styrofoam free business program. There was a meeting held about the Great Oak Park bandshell. We are talking about breaking ground in January or February.

Councilman Pignatelli: The Senior Center walking club is resuming on Wednesdays. The Senior Center will host a podiatrist on October 22<sup>nd</sup> by appointment only. The Senior Center 30<sup>th</sup> anniversary luncheon will be held November 9<sup>th</sup>. The Senior Center will host the flu clinic tomorrow. There was a meeting held to discuss the traffic study. The drawbacks are the State DOT and 287. They want to move traffic off the highway. The other issue is the County. First Aid had 54 calls in September.

Mayor Schwager explained the problems with Ramapo Valley Road. The traffic light by Franklin Ave and Oak Street are controlled by the County. The traffic lights by Courthouse Place, West Oakland Ave and the exit from 287 on West Oakland Ave. are controlled by the State. Everyone will have to work together. Councilman Van Eck asked if it can be put under one jurisdiction. Councilman Kulmala advised that Oakland is not eligible for an adaptive traffic system due to the highway.

Councilman Biale: The Ramapo Valley Road Sidewalk project is scheduled to begin November 1<sup>st</sup>. There are renderings for the digital sign for stone work. There is a rendering from the historical architect as to what the new Stream House would look like. There were changes made

so the architect will come up with a new rendering. The Sewer plant decommissioning project will go out to bid October 21<sup>st</sup>.

Councilman Talamini: The Halloween Parade will be held October 30<sup>th</sup> at 10:00. There will be Trick or Trunk.

Councilman Slasinski: The air conditioning project at the Library should be completed soon. The Library is open on Sundays. The Library is working on a new program where residents can rent equipment such as sewing machines and vcr's from the Library.

**BILLS TO BE PAID:**

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

(see following pages)

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

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

**MEETING ADJOURNED:**

On motion of Councilman Pignatelli, seconded by Councilman Van Eck, the meeting be adjourned at 10:17 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  
October 27, 2021

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Date Approved

*Linda H. Schwager*

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Mayor Linda H. Schwager