

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY OCTOBER 27, 2021

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Talamini, seconded by Councilman Slasinski, 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:  
National Opioid Settlement; Easement
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.

Discussion ensued over the National Opioid Settlement and an easement issue. No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Kulmala, seconded by Councilman Pignatelli, 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 7:30 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 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 thanked the Green Team because Oakland was awarded Silver certification from Sustainable Jersey. Oakland will be recognized at the annual luncheon held on November 16<sup>th</sup>. The Toys for Tots train will be in Oakland on Saturday December 11<sup>th</sup> from 12 to 12:50 pm. The Halloween Parade will be held October 30<sup>th</sup>.

**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, was told by the County that they postponed paving Ramapo Valley Road in September because Oakland was putting in a sewer line.

**CLOSED FOR PUBLIC COMMENT:**

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

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

**APPROVAL OF MINUTES: OCTOBER 13, 2021**

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

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

# APPROVAL OF MINUTES: OCTOBER 13, 2021 EXECUTIVE

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Executive Session of October 13, 2021 be approved.

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

## PRESENTATION: 14 HICKORY DRIVE COMMUNITY RESIDENCE:

Luciano Bruni of Nouvelle LLC was in attendance to talk about building a community residence for medically disabled individuals at 14 Hickory Drive. He explained they need the support of the Governing Body to apply for funding through the County. He advised that the property is 60x210 and would hold a single family accessible house. There would be parking for four vehicles. He introduced Melinda Sanarone from Childrens Aid and Family Services. She advised the home will be staffed 24/7 to ensure the medical needs of these adults are met. She stated the maximum amount of residents would be four. The property would be deed restricted for 30 years. Councilman Talamini asked if there are homes on either side of the property. Mr. Bruni responded there were. He understands the lot was subdivided from a bigger lot and is undersized. Councilman Talamini asked if they would need a variance. Mr. Bruni responded they would. Councilman Talamini asked how much funding they were looking to get from the County. Mr. Bruni responded \$175,000.

Councilman Kulmala asked if they can visit one of the sister homes. Ms. Sanarone responded they could. Councilman Pignatelli asked if they would depend on the First Aid Squad for medical emergencies. Ms. Sanarone responded they would. Councilman Biale stated there is a lot of need for these homes and not much availability. Councilman Kulmala asked how residents will be moved around. Mr. Bruni responded that a van will transport the residents to a day center in Paramus from 8:00 am to 3:30 pm. Ms. Sanarone advised the ratio will be two residents per staff members. Councilman Van Eck questioned if there are towns that don't allow these houses. Mr. Bruni stated they are treated like a residential home. Councilman Kulmala asked how many cars the staff members will have. Mr. Bruni responded there will be two staff members. Ms. Sanarone advised there will also be a residential manager. Councilman Van Eck asked if they have multiple homes in other towns. Mr. Bruni responded that some towns have two homes and there are a few in other towns.

## REQUEST TO WORK SATURDAY NOVEMBER 6, 2021

Mr. Kunze explained that the contractor for the Borough's road paving project has requested to be able to work on Saturday November 6, 2021 to pave Glen Gray Ave and Seminole Ave. This will be the least disruption to the school. Councilman Pignatelli questioned the time. Mr. Kunze responded that typically the Governing Body has allowed a start time of 9:00 am. Mayor Schwager stated that residents on Thunderbird were not notified of the paving day. She stated if work is going to be done on a Saturday, residents must be notified. Mr. Kunze explained there have been frequent schedule changes due to weather this year. This work for Seminole Ave. and Glen Gray would be on a Saturday because of the school route. Councilman Van Eck stated that this would affect the camp on Glen Gray which is busy on a Saturday. Councilman Kulmala asked if the gate will be open at Ramapo River Reserve if the Glen Gray residents need to get out. Mayor Schwager asked how long the road will be closed for. Borough Engineer John Yakimik stated it will take 2 to 3 hours to cure once it is paved. He will find out the plan for Glen Gray road. Mayor Schwager asked him to notify the residents. Mr. Kunze advised that "on or about" notices were distributed to residents. Signage was supposed to be put in place. He stated that this year there have been an inordinate amount of changes. Councilman Pignatelli stated he is ok with the Saturday work as long as the start time is 9:00 am. Councilman Van Eck is concerned about

the camp on Glen Gray. Councilman Kulmala asked if Mahwah will be notified about Glen Gray. Mr. Kunze stated that Glen Gray is being paved as a shared service with Mahwah's road program. The consensus was to allow work on Saturday November 6<sup>th</sup> starting at 9 am.

#### RESOLUTION 21-304 CHAPTER 159 BULLETPROOF VESTS

On motion of Councilman Biale, seconded by Councilman Pignatelli, 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 Bulletproof Vest Partnership in the amount of \$457.80 for the Borough of Oakland Police Department 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:  
     Bulletproof Vests

BE IT FURTHER RESOLVED that a like sum of \$457.80 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:  
     Bulletproof Vests  
     Other Expenses -   \$ 457.80

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 21-305 AUTHORIZE CONTRACT-HOUSING REHAB PROGRAM SERVICES

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 is in need of professional services with respect to affordable housing rehabilitation program services to comply with affordable housing requirements; and

WHEREAS, a proposal was submitted by Community Grants, Planning & Housing; and

WHEREAS, after review of the proposal, the Borough deems it in the best interest of the Borough of Oakland to retain the services of Community Grants, Planning & Housing; and

WHEREAS, the Borough of Oakland and Community Grants, Planning & Housing desire to enter into a contract which sets forth the responsibilities of the parties; and

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 Mayor and Council does hereby award the contract for Affordable Housing Rehabilitation Program Services to Community Grants, Planning & Housing, 1249 South River Road, Site 301, Cranbury, New Jersey for the period commencing January 1, 2022 and terminating on December 31, 2022.

2. The contract amount shall not exceed the sum of \$9,924.00.

3. The Chief Financial Officer certifies that there are sufficient funds available to cover the amount of the contract.

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

#### RESOLUTION 21-307 HIRE DPW LABORER

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

WHEREAS, the Borough of Oakland wishes to hire a laborer for the Department of Public Works; and

WHEREAS, the Borough Administrator and Superintendent of Public Works recommend that Thomas Brunetto be appointed to the laborer position; and

WHEREAS, the Borough Council believes such action to be in the best interest of the department and community;

NOW, THEREFORE, BE IT RESOLVED, that the Borough does hereby hire Thomas Brunetto as a laborer in the Department of Public Works effective November 8, 2021 at an annual salary of \$ 40,603.

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

#### RESOLUTION 21-308 PROMOTION TO CODE ENFORCEMENT OFFICER

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

WHEREAS, the Mayor and Council wish to promote Vincent Dies from his current title as part-time Code Enforcement Officer Trainee;

BE IT RESOLVED that Vincent Dies be appointed as part-time Code Enforcement Officer at an hourly rate of \$ 25 per hour effective Thursday October 28, 2021.

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

#### RESOLUTION 21-309 APPOINT MUNICIPAL ALLIANCE STAFF LIAISON

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 appoint Sgt. Mark Piercy as the Municipal Alliance Staff Liaison for 2021 at an annual stipend of \$ 1,500.

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

#### RESOLUTION 21-310 AUTHORIZE SUBMISSION OF MUNICIPAL ALLIANCE PLAN FOR 2023 FISCAL YEAR

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

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Oakland, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Oakland Municipal Alliance grant for fiscal year 2023 in the amount of:
 

DEDR	\$ 4507.18
Cash Match	\$ 1126.80
In-Kind	\$ 3380.39

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

**RESOLUTION 21-311 REFUND TAXES-DISABLED VETERAN, B. FERNANDEZ, 26 GRANDVIEW**

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

WHEREAS, on November 10, 2020, Bryan Fernandez, owner of 26 Grandview Ave, Block 2511, Lot 10, was declared permanently disabled by the Department of Veterans Affairs; and

WHEREAS, the Tax Assessor granted a full property tax exemption as a permanently disabled veteran on July 30, 2021; and

WHEREAS, taxes paid after July 30, 2021 must be refunded;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that a refund for taxes in the amount of \$ 1,611.54 be issued to Bryan Fernandez.

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

**RESOLUTION 21-313 AUTHORIZE CONTRACT FOR ROCK SALT**

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 needs to purchase rock salt; and

WHEREAS, the Borough of Oakland is a member of the New Jersey Cooperative Purchasing Alliance (state ID #11-BeCCP); and

WHEREAS, the New Jersey Cooperative Purchasing Alliance has awarded a contract, Rock Salt, to Atlantic Salt, Inc., and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended that the Borough of Oakland purchase rock salt through the New Jersey Cooperative Purchasing Alliance in an amount not to exceed \$ 75,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 1-01-26-306-058 and from appropriation in the 2022 budget, subject to adoption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes

the purchase of Rock Salt, in an amount not to exceed \$75,000, through the New Jersey Cooperative Purchasing Alliance, contract Rock Salt, awarded to Atlantic Salt, Inc.

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

#### RESOLUTION 21-314 AUTHORIZE LIEN-255 RAMAPO VALLEY ROAD

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 Property Maintenance Officer has advised that the property located at 255 Ramapo Valley Road and identified as Block 1901, Lot 32 on the Tax Assessment Map of the Borough of Oakland was in violation of the Borough's property maintenance code; and

WHEREAS, the property owner of the premises was notified by the Borough on several occasions respecting the condition of the property and the need to remedy same consistent with the requirements of the Borough's property maintenance code 10-3.1 et seq.; and

WHEREAS, the Borough was compelled to provide labor and expend significant costs totaling \$ 1,480.88 in order to clean up the property at 255 Ramapo Valley Road; and

WHEREAS, the property maintenance code of the Borough of Oakland permits the imposition of the lien in the nature of additional taxes in such case; and

WHEREAS, a report dated June 17, 2021 detailing the work performed and expenses incurred has been provided to the Borough Administrator who has approved the cost and expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Tax Collector be and is hereby directed to charge as additional real property taxes to the owner of the property located at 255 Ramapo Valley Road the sum of \$ 1,480.88 being the amount due pursuant to the report dated June 17, 2021.

BE IT FURTHER RESOLVED that a copy of the report and this resolution approving the expenses and costs shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection of same.

BE IT FURTHER RESOLVED that a copy of the report, along with a certified copy of this resolution, shall be sent to the owner of the property of 255 Ramapo Valley Road by certified mail, return receipt requested.

BE IT FURTHER RESOLVED that the Tax Collector shall take whatever actions are necessary and reasonable in accordance with statutory law.

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



FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-857 AMEND RECREATION CODE

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

The Clerk then read by title 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"

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.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, 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 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 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-860 AMEND CODE-CLOTHING BINS

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

The Clerk then read by title 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".

OPENED FOR PUBLIC COMMENT:

On motion of Councilman Pignatelli, 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.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, 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 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 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-861 AMEND SALARY  
ORDINANCE-MUNICIPAL ALLIANCE STAFF LIAISON

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

The Clerk then read by title an Ordinance entitled " "

OPENED FOR PUBLIC COMMENT:

On motion of Councilman Pignatelli, 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.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance 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 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:

ALLERMAN BROOK STORM DAMAGE:

Borough Floodplain Manager Nick Agnoli was in attendance. He advised he was asked to prepare a report on Allerman Brook after Storm Ida. He explained that the Borough had previously undertook repairs to Allerman Brook to clean out underneath the Crystal Lake bridge. He advised there were locations of concern after the storm. The work done by the Borough was was 25% gone. There was a partial wall failure at 40 Nokomis. There was some undermining at the emergency work done by Sioux Ave. The 202 culvert saw a buildup of materials and the source was the 287 construction.

Mr. Agnoli advised that he and Mr. Kunze had successful meetings with NRCS and FEMA for grant opportunities. They will come out to inspect the site within two weeks and he is very optimistic. Mr. Kunze stated they participated in a conference call yesterday. There is another meeting scheduled for November 10<sup>th</sup>. This opens us up to funding due to the disaster declaration. He explained they are looking to set up a site visit with NRCS in the next two weeks.

Councilman Kulmala questioned the material from 287. Mr. Agnoli explained that Lakeshore had 260 tons of material and there were 35 tons below Route 202 which was largely rock. Mr. Kunze advised it will cost at least \$ 50,000 to remove the material. Councilman Biale asked why the DOT isn't responsible for removal of the material. Mayor Schwager spoke of residents losing their property. Councilman Van Eck asked if the recovered material can be used again. Mr. Agnoli responded that it could. Councilman Van Eck asked why the DOT wouldn't want to remove the material in order to utilize it. Mr. Agnoli responded it is frustrating because the DOT is mobilized now doing work.

Councilman Talamini asked what we are doing to move forward with the necessary remedy. Mr. Agnoli stated that under the presumption the DOT does not respond, we are pursuing funding in case the Borough has to do the project. Councilman Pignatelli asked if the Borough takes on the

work now would it negate us from getting reimbursed for a grant or funding. Mr. Kunze is looking into this. He explained the site visits will help. Mr. Agnoli stated the grants are for the removal of debris. Mayor Schwager advised she has been in contact with Congressman Gottheimer and he will come on Saturday for a site visit. Councilman Biale asked why the DOT isn't held to the same standards of responsibility. Councilman Van Eck asked if the Borough can take action against the DOT. Mayor Schwager advised that she and Mr. Kunze have been in touch with the DOT and she has called Congressman Gottheimer and Assemblyman Auth to intervene.

Councilman Kulmala asked if the existing and current construction material by 287 washed away. Mr. Agnoli responded that the embankment and construction access road washed out. Mayor Schwager asked about the muddy water in the brook. Mr. Agnoli responded it is a sign of erosion. He advised that in the next two weeks, the Borough will go after any federal funding that exists. If that is unsuccessful, he will be back to discuss alternatives with the Governing Body. Mayor Schwager asked how much the project will cost. Mr. Agnoli responded approximately \$ 500,000. Councilman Pignatelli asked if there is any legal action that can be taken. Mr. Chewcaskie responded the Borough can file a tort claim but he suggested waiting two weeks until the site visits from NRCS and FEMA take place.

Councilman Biale asked who has been contacted at the DOT. Mr. Kunze explained he is working with Assemblyman Auth to intercede. Discussion ensued over whether the Borough should require the DOT to provide a report. Mr. Yakimik advised that all communications with the DOT must go through their community relations department. Councilman Talamini stated the last time we did work in Allerman Brook, the work was done very quickly. Mr. Agnoli responded that the last time, there were multiple retaining wall failures and the brook was over 56% blocked. It was more dangerous than the situation now.

#### BEST PRACTICES:

Mr. Kunze advised that the Governing Body was provided the Best Practices report for discussion and questions. There were no questions so the CFO will submit the report to the State.

#### APPEAL OF ZONING BOARD DECISION:

Mr. Chewcaskie explained that there was a vote of the Zoning Board to give approval to a garage in town. A resident filed an appeal with the Governing Body. She stated the Engineer stated the site cannot sustain parking and reference traffic issues. The Borough Planner also stated reasons why the application should not have been approved. Mr. Chewcaskie advised that the Borough ordinance states that if a resident appeals the decision of the Zoning Board, it comes to the Mayor and Council. The Governing Body has 95 days to make a decision. Mr. Chewcaskie asked how the Council wants to handle the appeal. Councilman Van Eck asked how the appeal was handled in 2018 with the self storage facility. Mr. Chewcaskie responded that the only appeal that the Council can hear is an appeal of a use variance. The self storage facility was appealed in Court. Mr. Chewcaskie explained that Oakland is one of the only towns where an appeal of a use variance can be filed with the Governing Body. Mr. Chewcaskie advised that the appeal was filed September 30<sup>th</sup>. If the Governing Body fails to make a decision in 95 days, the Zoning Board's decision stands. In order to make a decision, the Governing Body must get evidence that was submitted as well as transcripts. He stated the Council could leave the Zoning Board's decision as is, can reverse the decision or modify the decision. He explained that whatever action is taken, there may be further appeal. He advised that the applicant still needs to go before the Board for site plan approval.

Mayor Schwager stated that the applicant was in violation with parking of trucks at the site during the application. Councilman Talamini questioned why the Council is stepping in when they appoint the Board members to do their job. Councilman Biale stated that the Borough professionals spoke against this application but the Board voted to approve it. Mayor Schwager spoke about traffic concerns with making left turns from the site. Mr. Chewcaskie suggested requesting the record form the Zoning Board to distribute to the Governing Body. He suggested the Council make a decision at the second meeting in November if they want a hearing. Councilman Kulmala asked if the ordinances should be changed. Mr. Chewcaskie is not in favor of the Governing Body appealing the decisions of an autonomous body. He stated the ordinance can be changed so an appeal would be heard in Superior Court.

#### DOWNTOWN REDEVELOPMENT PROPOSAL:

Councilman Kulmala advised he has been working on this for the past six to eight months. Oakland is behind on improving the downtown. The presentation tonight was vetted by the Borough Attorney. Councilman Kulmala has met with the Borough Planner and some of the business owners on this issue. He explained there is no congruency in the architecture of the downtown. There is a loss of pride in the downtown and a loss of businesses. This has a direct effect on everyone's property taxes. He spoke of solutions from the Master Plan. He spoke about N.J.S.A. 40A:21 which is the tax abatement law. It allows municipalities to grant a five year tax abatement for properties to be rehabilitated. The business owners would pay their regular taxes for five years while they do upgrades. They would not be assessed for the upgrades until year six. Councilman Kulmala spoke about the designation of a rehabilitation area.

Mayor Schwager advised the Planning Board has been working on the downtown for awhile. Councilman Van Eck advised this was spoken of at the Planning Board and he appreciates Councilman Kulmala to continue to bring it forward. Councilman Kulmala stated that the businesses would have to be educated about the tax abatement law. Mayor Schwager would love to have a bipartisan committee to work on this. She stated the Planning Board will have to hear the presentation. Mr. Chewcaskie advised that the Council would do a resolution to authorize submitting to the Planning Board for review. Councilman Biale stated that there is still the proposed sewer system for downtown which will change the dynamic of the businesses. Councilman Talamini stated that in a perfect world, sewers would be done first but this issue can't wait any longer. Mayor Schwager asked what happens if a business refused to do upgrades. Councilman Kulmala responded that this tax abatement is an incentive for them to do the work.

#### MARIJUANA AD-HOC COMMITTEE REPORT:

Councilman Van Eck stated that committee members gave a great presentation last meeting. He stated that the draft zoning ordinance has to add the I4 zone. The licensing and revenue ordinances must be prepared. Those ordinance must include the language about the 10 percent workforce. He advised that all tax revenue would go towards paying down debt service and to pay for capital. Mayor Schwager thanked the committee members for all working together. Councilman Van Eck would like to see drafts of the ordinances. Mr. Chewcaskie responded that the Council has the draft zoning ordinance. There is no information for the other ordinances on how licensing is going to be handled in Oakland. He stated the criteria for approving or denying a license must be determined. Mr. Chewcaskie will have draft ordinances by the second meeting in November. Mr. Kunze stated that the code also needs to be amended for the taxation ordinance. He advised that the zoning ordinance must be referred to Planning Board so if it is not introduced at the next meeting, it will not get done this year.

#### ENGINEERING-POLICE DEPARTMENT ROOF REPLACEMENT:

Councilman Van Eck stated this quote seems very expensive and asked Mr. Kunze to get other pricing.

#### ENGINEERING FOR PFOA/PFOS TREATMENT:

Councilman Biale stated that NJ is the first State to mandate standards for PFOA and PFOS. He stated these chemicals are used in non-stick cookware, stain-resistant coatings, etc. Councilman Pignatelli advised that NJ's standards being 13 parts per trillion for PFOS and 14 parts per trillion for PFOA. Councilman Van Eck stated that it can cost millions of dollars to mitigate.

Councilman Kulmala asked if federal money was set aside for water improvements. Mr. Kunze advised that the community will receive a notice of the technical exceedance. The Borough will need to treat Well 10 and possible Wells 5 and 9. This proposal is seeking engineering services to treat those wells. A resolution will be listed on the next agenda.

#### NEW BUSINESS:

Councilman Talamini spoke of someone using a toy helicopter at the Rec field and he felt it was not safe with the organized sports. Councilman Van Eck will bring this up to the Recreation Commission. Mr. Kunze advised that the code could be amended.

#### OLD BUSINESS:

Councilman Van Eck would like the pictures of the Mayors at the Council Chambers given new frames.

#### COUNCIL REPORTS:

Councilman Van Eck: The Patriots Way Bridge is safe. The current estimate to replace the bridge is \$ 5.6 million. The sidewalk project is moving forward. The OCC will meet November 1<sup>st</sup>. The local tv channel is available through streaming services. The newsletter is upcoming. The Shade Tree Commission is looking for two members. They are putting out an RFQ for a forester. The Roller Hockey championship team will be honored at the next Council meeting. Two permanent pickleball courts will be made out of one of the tennis courts.

Councilman Kulmala: He congratulated the Green Team for achieving Silver Certification from Sustainable Jersey. The Planning Board is working on a three home subdivision.

Councilman Pignatelli: The Police Department reminds everyone to stay safe while trick or treating. The Veteran's Day ceremony will be held November 11<sup>th</sup> at 10:45 am at Vets Park. Hazardous Waste collection will be held at 9 am on November 13<sup>th</sup>.

Councilman Biale: The Borough received bids for water main replacements on Doty Road, Lakeview, Grandview and Mountainview Aves. We are hoping to award the bids the first meeting in November. There will be no disruption of water to those residents. The sewer relining project is complete. The bid for the sewer plant decommissioning project will go out the week of Thanksgiving. There was a request for a meeting with residents of Island Terrace regarding water. The Borough is waiting for revised plans for the Stream House.

Councilman Talamini: The Halloween Parade will be held Saturday at 10 am at Valley Middle School. The event will be held rain or shine. Councilman Talamini reminded people to vote on November 2<sup>nd</sup> and spoke about the new electronic poll books.

Councilman Slasinski: The Library air conditioning project is complete and is waiting for final inspection. Fall activities are planned and can be found on the Library calendar. The craft sale will be held this weekend. The Library is a Toys for Tots location and food drop location.

**OPENED FOR PUBLIC COMMENT:**

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

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

Kevin Heffernen, Grove Street, commended Councilman Kulmala on his proposal to use tax abatement for the downtown. His proposal will return the town to its Victorian heritage. The businesses and residents support this. This will raise home values and is good for civic pride.

**MOTION TO EXTEND MEETING:**

On motion of Councilman Van Eck, seconded by Councilman Kulmala, the meeting be extended 10 minutes.

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

Russ Klepper, owner of Valley Spirits Liquor Store, stated nothing has changed in the downtown for the past 40 years. There would have to be standards so work is done uniformly.

Debbie Mutterer, 13 Walnut Street, commented on how the town looks run down and commended these Council members.

**CLOSED FOR PUBLIC COMMENT:**

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

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

**BILLS TO BE PAID:**

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

(see following pages)

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

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

## MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Pignatelli, the meeting be adjourned at 10:04 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  
November 23, 2021

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Date Approved

*Linda H. Schwager*

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Mayor Linda H. Schwager