

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD VIA ZOOM VIDEO CONFERENCE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY MAY 26, 2021

MEETING CALLED TO ORDER: By Mayor Schwager at 7:31 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, submitted to the newspaper and advertised more than 48 hours in advance of the meeting and notice posted in the Municipal Building and on the Borough website.

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MAYOR'S REPORT:

The American Legion will sponsor a Memorial Day Service on Sunday at 1 pm at Vets Park. There will be no Memorial Day Parade. June 14<sup>th</sup> is Flag Day and the Oakland Elks will sponsor a ceremony at the Elks Lodge at 6 pm. Mayor Schwager had a telephone interview today with a reporter from NJ Monthly Magazine. They picked Oakland to highlight. Mayor Schwager advised that water bills were sent out with the incorrect date. The corrected bills are being sent out.

Mayor Schwager advised that Borough Engineer Kevin Boswell will give a factual report on the dog park to address rumors that are circulating. Mr. Boswell advised that the dog park has become a subject of concern. He explained that the Borough took title to the Great Oak Park project 11 years ago. Ryan Schwertfeger looked at putting in a dog park. At the time, the necessary studies had not been performed. The borough embarked on a Master Plan from a regulatory, site remediation and practical perspective. There are two old parks side by side. There were numerous areas of large concrete structures remaining. The Borough filled in the old pool in Pleasureland 7 years ago. Boswell prepared a trails map and the beginning of the Master Plan in 2015. Boswell did a Preliminary Assessment to see if there were areas of concern. There were areas of concern and site remediation was performed. He explained there are wetlands onsite. Boswell did aerial photography of the site in 2017. The DEP performed a site inspection and issued a Letter of Interpretation in 2019.

Mr. Boswell stated that the Borough invested a lot of resources to develop this site the correct way. He explained that many dumpsters of asphalt were removed to do the dog park and pave the parking lot. The grand opening of the dog park was held May 8<sup>th</sup> and a complaint was filed with the DEP on May 15<sup>th</sup>. Mr. Boswell advised they did a self-report immediately to the DEP. He explained that he authorized a survey crew to go out because he wanted to ensure the dog park

was in the certain location they recommended it to be. He noted there was a small open area to the southeast of the dog park. He stated that they applied the riparian zone to the open channel of the stream. Mr. Boswell determined that the entire dog park is out of the riparian zone. He stated that clearing that area exposed concrete. The DEP asked the Borough to provide the Flood Hazard area and they forwarded the FEMA GIS. He explained that the trued depiction of flood elevation lies when there is a true stream study. There was a study done August 28, 2019. Mr. Boswell overlayed that study onto the GIS and confirmed the dog park is outside of the regulated area. He spoke of a diversive structure from years ago tha does not qualify to get riparian buffers.

Mr. Boswell spoke to the DEP twice today and provided documents and pictures. Mr. Boswell was emphatic in saying the dog park is outside of the regulated area and it was built in the correct location. Mr. Boswell has seen social media posts and these posts are not productive. This project was done in the correct way. Boswell protects the interests of the Borough and taxpayers. Some of the people making comments don't understand how the regulations are applied. Mr. Boswell applauded the Borough for doing this project the correct way. He advised that there are additional constraint areas because of the Ramapo River getting C1 designation but the brook is already a C1.

Mr. Boswell explained tha thte dog park is completely outside the regulated area and the fence is outside the regulated area. Once you are out of the regulated areas, you do not need to go to the DEP. He explained the Borough needed approval from Bergen County Soil Conservation for the clearing of 1900 square feet of brush into an area that is on top of the box culvert. There is a concrete structure from a prior disturbance of the site. The DEP could say to put back the brush and they could say to put double back. He highly doubts there will be further enforcement action.

Councilman Biale stated that Mr. Boswell has shown the Borough has done this project the right way all along. Councilman Kulmala is disappointed that someone files a complaint with the DEP instead of talking to any of the Council about this matter. He asked how many hours Mr. Boswell has spent dealing with this issue. Mr. Boswell stated he donated the work this week and the survey and the mapping. Mr. Boswell complimented Ryan Schwertfeger and stated he is proud to be part of this project. Councilman Van Eck asked if the complaint to the DEP was made anonymously. Mr. Boswell responded the DEP said they received several complaints. Mr. Chewcaskie advised there should be no such thing as anonymous complaints. He stated the Borough can file an OPRA request and determine the basis of the complaint. Councilman Talamini advised residents that they can come to the Mayor and Council or Borough Hall if there is a problem and ask questions. He is proud of Ryan for sticking through with this project and he gave the Borough a dog park. The Borough did its homework and did everything we were supposed to do. Councilman Kulmala asked if this matter is now closed. Mr. Boswell responded he will hear from the DEP within the next week. Councilman Kulmala stated that one of the comments on Facebook said the entire Council is not aware of what is going on but he stated they are aware because Mr. Boswell has been sharing information.

Mr. Boswell left the meeting at 8:07 pm.

#### 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.

**MOTION:**

On motion of Councilman Kulmala, seconded by Councilman Biale, the bylaws be suspended for this open to the public session to allow comment on any item.

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

Audrey Souders, 46 Wenonah Ave, wants to discuss the Executive Order regarding wearing masks outside and schools and camps being required to wear masks outside. She asked the Mayor and Council to write a letter to the Governor to advocate for our children.

**CLOSED FOR PUBLIC COMMENT:**

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

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

Mr. Kunze advised that the State did update camp guidelines which he shared with the Camp Director. He is waiting to see Executive Order 241 but he advised that the guidelines for summer camp does not mandate mask wearing. The summer camp is using the cohort model where the groups are separated. The kids only need to wear masks if they are with another cohort. Mayor Schwager stated families will be walking through the carnival without masks. Mr. Chewcaskie is looking into the Executive Order and will give guidance.

**APPROVAL OF MINUTES: APRIL 28, 2021**

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council meeting of April 28, 2021 be approved.

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

**APPROVAL OF MINUTES: MAY 5, 2021 SPECIAL MEETING**

On motion of Councilman Biale, seconded by Councilman Talamini, the minutes from the Mayor and Council special meeting of May 5, 2021 be approved.

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

**APPROVAL OF MINUTES: MAY 5, 2021 EXECUTIVE SESSION**

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of May 5, 2021 be approved.

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

**RECOGNITION OAKLAND COMMUNICATIONS COMMISSION:**

Councilman Van Eck read the following certificate:

*“A Community has no greater riches  
Than the dedicated service of its people.”*

### **OAKLAND COMMUNICATIONS COMMISSION**

The Mayor and Council of the Borough of Oakland wish to recognize the Oakland Communications Commission TV Committee for receiving the Communicator Award by the Academy of Interactive and Visual Arts for *This Week In Oakland, Episode 5*.

The Mayor and Council thank you for your dedicated efforts to ensure the Oakland residents have high quality and informative programming.-

#### **APPOINTMENT: RECREATION COMMISSION**

Mayor Schwager announced that Danielle Walker resigned. She moved Jennifer LaTerra to fill Danielle Walker's unexpired term. The term will expire December 31, 2022. Mayor Schwager appointed Emily Smolenski to fill the unexpired term at Alternate 2. The term will expire December 31, 2024.

Resolution 21-187 is carried.

#### **RESOLUTION 21-190 AUTHORIZE USE OF PROCUREMENT CARDS**

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.A 40A:5-16 permits the use of Procurement Cards (P-cards) by local units for specific circumstances to be used for certain payments, and

WHEREAS, the statute permits a municipality to adopt policies that permit specifically named employees to use P-cards for the acquisition of goods and services under certain circumstances set forth in the statute, and

WHEREAS, TD Bank, the Borough's primary banking services provider does provide Procurement Card Services, and

WHEREAS, transactions must comply with provisions of the Local Public Contracts Law and the use of a Procurement Card will not change or eliminate any provisions of that law, and

WHEREAS, internal controls that ensure compliance with the statutory authorization and the Local Finance Board's rules will be in place and amended to the Borough's Purchasing Manual;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the use of a Procurement Card in accordance with NJSA 40A:5:5-16 and NJAC 5:30-9A is hereby authorized; and

BE IT FURTHER RESOLVED, that the Borough CFO shall hereby be authorized to engage TD Bank for Procurement Card Services.

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

## RESOLUTION 21-191 ESTABLISH PROCUREMENT CARD POLICIES AND PROCEDURES

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

WHEREAS, by Resolution 21-190, the Borough authorized the use of a Procurement Card (P-Card); and

WHEREAS, the Borough wishes to establish policies and procedures for use of the P-Card as required by law;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the following policies and procedures for the use of P-Cards for purchases by the Borough of Oakland be adopted and amended to the Borough's Purchasing Manual:

### PROCUREMENT CARDS (P-Cards)

#### I. UTILIZATION OF P-CARDS

- a. P-Cards can be used for supplies or services under the following circumstances:
  - i. When payment to vendors is required in advance of the delivery of goods or services and the goods or services cannot be obtained from any other source at a comparable price.
  - ii. When vendor only accepts payment via credit card for goods or services and the goods or services cannot be obtained from any other source at a comparable price.
  - iii. When placement of orders for goods and services is made through an electronic computerized transaction (i.e. order is placed from computer to computer via the internet or similar computer network) as authorized by N.J.S.A. 40A:5-16.
- b. P-Cards cannot be used for the purchase of items or services of a personal nature for employees or officials. Travel, dining and room and board expenses are also not permitted.

#### II. CARD ELIGIBILITY AND USE

- a. The Borough Administrator shall designate a person who is authorized to use a P-card for departmental purchases of goods and services. All authorized cardholders must comply with the P-card policies outlined herein and ALL other procedures and requirements included within the Borough's Purchasing Manual.
- b. The individual whose name is on the card is the only person authorized to make purchases using the card. The cardholder will be held accountable for any policy infractions. The cardholder shall follow proper procedures in order to obtain authorization to make a purchase.
- c. The cardholder is responsible to determine that the price quoted for a product or service is the best price that can be obtained.
- d. Cardholders should be certain that the total amount, including shipping and handling charges, will not exceed the single purchase limit on the P-card.

#### III. RESTRICTIONS AND CONTROL

- a. Use of the P-card to purchase any product or service must comply with those permitted by the Borough's Procurement Policies and be in compliance with Local Public Contract Laws.
- b. The P-card must never be used to purchase items for personal use or for non-Borough purposes.
- c. Any unauthorized or inappropriate use of a P-card will result in cancellation of the P-card and will subject the cardholder to disciplinary action including possible termination of employment and criminal prosecution

#### IV. SPENDING LIMITS

- a. The monthly spending limit is the maximum available credit for the billing cycle. The card will reject any transaction that exceeds this limit.
- b. The Borough has established a limit on the card at \$5,000.00 per month.
- c. Only in approved instances by both the CFO and the Administrator can a procurement reach the maximum of 15% of bid threshold by conducting a one-time approval based upon the circumstances.

#### V. CARD SECURITY / LIABILITY

- a. Cards must be strictly safeguarded. It is the responsibility of each cardholder to secure the card at all times. If a card is used infrequently, it must be stored in a secure location within the department.
- b. In case of loss, theft or misappropriation of the card account number, immediately contact the Borough Administrator.
- c. The cardholder will not be liable for the unauthorized use of a stolen card by a third party as long as the card is reported stolen within 24 hours of when loss is detected by the individual.

#### VI. CARD MAINTENANCE

- a. Card Activation - Once the cardholder has successfully completed training, the P-card Administrator will activate the card for immediate use.
- b. Cancellation
  - i. Upon termination of employment, transfer to another department, or if the cardholder's responsibilities change within the Department and the P-card is no longer required in the newly assigned position, the cardholder must return the p-card to the approving manager. The approving manager must notify the Purchasing Card Program Administrator by submitting a Cardholder Maintenance Form. The Purchasing Card Program Administrator will deactivate the P-card.
  - ii. The Purchasing Card Program Administrator will also require the cardholder to return the P-card in the case of misuse. In addition, the approving manager may require a cardholder to turn in a P-card for any reason.
- c. Card Changes - If a Cardholder needs to make changes to name, address, phone, or account numbers, use the Cardholder Maintenance Form or send an e-mail to the Purchasing Card Program Administrator.
- d. Assignment - A P-card may not be transferred or assigned to another person. P-cards are the property of Borough and the Designated Financial Institution and must be turned in to the Borough Administrator upon changing departments or leaving the Borough.

#### VII. P-CARD ORDER/PURCHASE PROCESS

- a. Purchases of appropriate items using the P-card may be made from any vendor who accepts the VISA® card.
- b. An approved requisition based upon written quote or screen shot needs to be obtained prior to ordering.
- c. Notify the vendor that the purchase is exempt from New Jersey State sales tax, use tax and Federal excise tax. Provide the vendor with the Borough's New Jersey State Tax Exempt Number (printed on the card). If a cardholder is charged tax on a purchased item, it is the cardholder's responsibility to obtain credit from the vendor for the imposed tax.
- d. Contact the Finance Office if the vendor requests a copy of the Borough's Exempt Use Certificate Form ST-4.

VIII. Purchasing Card Administrator/Program Manager

- a. The Chief Financial Officer shall be responsible for overall oversight of the P-Card program.
  - i. Processes payment to Designated Financial Institution.
  - ii. Reevaluate Program on an as needed basis, but not less frequently than annually.
- b. The Qualified Purchasing Agent shall be responsible for day-to-day oversight and management of procurement in accord with this policy and the LPCL.
- c. The Borough Treasurer will be the designated Program Manager with the following responsibilities:
  - i. Card Acquisition - All cards are imprinted with both the users' names and the name of the local unit
  - ii. Ensure Program participants are fully trained to be in compliance with the Procurement Card section of the Purchasing Manual.
  - iii. Responsible for administering and overseeing all policies and procedures of the Purchasing Card Program.
  - iv. Reviews monthly statements and conducts an audit of P-card transactions.
  - v. Performs regular reviews of transactions and cardholder activity and reports any activity that does not comply with the Program's guidelines to the cardholder and the approving manager.
  - vi. Reviews vendor activity for compliance with general procurement policies and procedures.
  - vii. Helps resolve transactions that cannot be reconciled by the cardholder or approving manager.
  - viii. Tracks card expiration dates and issues replacement cards. Tracks termination of cardholders. Cancels cards as required.

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

RESOLUTION 21-192 AUTHORIZE HIRE OF ACCOUNT CLERK

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 Alexander Della Torre be hired as Water/Sewer Account Clerk at an annual salary of \$ 48,000 effective June 7, 2021.

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

RESOLUTION 21-193 SUPPLEMENTAL BUDGET APPROPRIATION REQUEST TO  
STATE OF NJ

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 submit a “State of New Jersey Budget Supplemental Appropriation Request” for the Superstructure Replacement of Patriots Way Bridge in the amount of \$ 4,716,830.00; and

WHEREAS, this request for funding in in the best interests of the citizens of the Borough of Oakland;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorizes the submittal of the funding request for the Patriots Way Bridge to Senator Holly Schepisi’s office.

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

RESOLUTION 21-194 OPPOSITION TO CONSTRUCTION OF COMPRESSION TURBINES  
ON TENNESSEE PIPELINE

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

**WHEREAS**, Tennessee Gas Pipeline Company, L.L.C. (“TGP”) has applied to the Federal Energy Regulatory Commission (“FERC”) for a “Certificate of Public Convenience and Necessity” and to the NJ Department of Environmental Protection for a Highlands Act exemption, air pollution permits, freshwater wetlands permits, stormwater management permits, and other permits required for its proposed “East 300 Upgrade Project”<sup>1</sup>; and

**WHEREAS**, this project includes the construction of a 19,000 horsepower gas compression station (“Compressor 327”) at 960 Burnt Meadow Road, Township of West Milford, Passaic County, New Jersey and the construction of a new 20,000 hp compressor that will more than triple the size of the existing compression station, “CS 325,” at 164 Libertyville Road in Wantage Township, Sussex County, New Jersey<sup>2</sup>; and

**WHEREAS**, no gas will be used by New Jersey residents, yet they will be put at risk; these projects will significantly increase the amount and pressure of gas transported through the pipeline from Pennsylvania through New Jersey to Westchester County, New York<sup>3</sup>; much of this pipeline is 65 years old and beyond its useful life; sections of it run near homes, businesses, and critical infrastructure in dozens of Northern New Jersey communities; and these projects increase the risk of leaks and catastrophic explosions, which can result in property destruction and deaths when they occur; and

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<sup>1</sup> [https://elibrary.ferc.gov/eLibrary/idmws/file\\_list.asp?accession\\_num=20200630-5546](https://elibrary.ferc.gov/eLibrary/idmws/file_list.asp?accession_num=20200630-5546)

<sup>2</sup> [https://elibrary.ferc.gov/eLibrary/idmws/file\\_list.asp?accession\\_num=20200630-5546](https://elibrary.ferc.gov/eLibrary/idmws/file_list.asp?accession_num=20200630-5546), East 300 Upgrade\_Application (June 30, 2020) pp. 5-6.

<sup>3</sup> [https://elibrary.ferc.gov/eLibrary/idmws/file\\_list.asp?accession\\_num=20200630-5546](https://elibrary.ferc.gov/eLibrary/idmws/file_list.asp?accession_num=20200630-5546), East 300 Upgrade\_Application (June 30, 2020) pp. 3-4.



**WHEREAS**, according to Pipeline and Hazardous Materials Safety Administration (“PHMSA”) failure reports, from 2006 to 2017 TGP had 111 significant incidents with their pipelines, resulting in \$89,815,380 in property damage and 19 federal enforcement actions<sup>4</sup> and such incidents may escalate as pipelines age; and

**WHEREAS**, the proposed Compressor 327 in West Milford is located in the Highlands Preservation Area, an exceptional natural resource which provides drinking water to more than half of the state of New Jersey<sup>5</sup> and this project is near two major reservoirs, protected wetlands, and a Category 1 Exceptional Value Stream, and construction and ongoing operation of these proposed industrial facilities can lead to groundwater pollution from chromium, benzene and hydrocarbons<sup>6</sup>; and

**WHEREAS**, in addition to normal operational emissions associated with gas-fired compressor stations, other sources of periodic emissions include planned and unplanned blowdowns, leaked gas (“fugitives”) and accidents, as well as leaks of volatile organic compounds (“VOCs”) removed from the gas stream and stored on site including hydrogen sulfide, mercury and other contaminants; and

**WHEREAS**, VOCs present at compressor stations include nitrogen dioxide, ethyl benzene, benzene, ethane, methanol, naphthalene and toluene; short term exposure to these chemicals can cause eye and respiratory tract irritation, headaches, dizziness, visual disorders, fatigue, loss of coordination, allergic skin reaction, nausea, and memory impairment; long-term effects include loss of coordination and damage to the liver, kidney, and central nervous system; and many VOCs are known carcinogens,<sup>7</sup> and benzene specifically is associated with childhood leukemia<sup>8</sup>; and

**WHEREAS**, in addition to VOC pollution, Particulate Matter (PM) released from compressors also poses a significant health concern and can interact with airborne VOCs increasing their impact; PM 2.5 may pose the greatest threat to the health of nearby residents, and inhalation affects both the respiratory and cardiovascular systems causing decreased lung function, aggravated asthma symptoms, and nonfatal heart attacks and high blood pressure<sup>9</sup>; and

**WHEREAS**, natural gas is primarily made up of methane, a significant contributor to climate change, and is released during planned and unplanned blowdowns, and found to leak at every stage of the supply chain<sup>10</sup>; and

**WHEREAS**, a flash fire at the Williams Transco gas compressor in Branchburg, NJ in 2013 caused two workers to be hospitalized and injuries to 13 others<sup>11</sup>; and

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<sup>4</sup> <https://www.phmsa.dot.gov/safety-reports/pipeline-failure-investigation-reports>

<sup>5</sup> <https://www.nj.gov/njhighlands/act/faq/>

<sup>6</sup> <https://www.energy.gov/sites/prod/files/2014/08/fl8/Addendum.pdf>, p. 27.

<sup>7</sup> EPA. An introduction to indoor air quality: volatile organic compounds.

[http://www.epa.gov/iaq/voc.html#Health\\_Effects](http://www.epa.gov/iaq/voc.html#Health_Effects)

<sup>8</sup> Marlyn T. Smith “Advances in understanding benzene health effects and susceptibility. Annual Review of Public Health. 2010; 31:133-48, p. 133.

<sup>9</sup> <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>

<sup>10</sup> <https://pubs.acs.org/doi/10.1021/acssuschemeng.6b00144>

<sup>11</sup> [https://www.nj.com/somerset/2013/05/multiple\\_injuries\\_reported\\_at.html](https://www.nj.com/somerset/2013/05/multiple_injuries_reported_at.html)

**WHEREAS**, TGP's 300-line project, completed in November, 2011 seriously damaged Lake Lookover in Hewitt, NJ and Bearfort Waters in West Milford including the siltation and destruction of waterways through mudslides, increased flooding and impacts to drinking water wells<sup>12</sup>; and

**WHEREAS**, during construction at the Williams Transco compressor station in Roseland NJ in 2013, the company conducted a “blow-down” of the facility, and released large amounts of gas and other chemicals into the local community, forcing an emergency evacuation of the nearby Roseland Elementary School<sup>13</sup>; and

**WHEREAS**, in 2013 a 12,000-horsepower compressor station came online across the New York border from Wantage in Minisink New York, and has caused serious health impacts to residents including nosebleeds, headaches, rashes, and respiratory, gastrointestinal, and neurological symptoms<sup>14</sup>; and

**WHEREAS**, the proposed TGP projects are within one mile of important natural and recreational resources, including two state parks, a state park trail, and a Wildlife Management Area, including High Point State Park, the Monksville Reservoir, Long Pond Ironworks State Park, Highlands Trail and Wanaque Wildlife Area<sup>15</sup>; and

**WHEREAS**, the Mayor and Council of the Borough of Oakland has a principal responsibility to protect the health and safety of its residents, visitors, and businesses; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, in the interest of protecting its residents and businesses opposes construction of Compressor 327 station, the addition of a gas-powered turbine at the existing compression station CS 325 and TGP’s attempt to exclude its activities from the Highlands Preservation Act; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall forward this Resolution to FERC, President Joe Biden, Senators Cory Booker and Robert Menendez, Congressman Josh Gottheimer, Governor Phil Murphy, New Jersey Department of Environmental Protection Commissioner Catherine McCabe, Highlands Council Chairman Carl Richko, North Jersey Water Supply Commission Chairman Howard L. Burrell, State Senator Holly Schepisi, Assemblyman Robert Auth, Assemblywoman DeAnne DeFuccio and County Executive James Tedesco.

Discussion ensued. Councilman Kulmala is not in favor of prohibiting technology on pipelines in light of what happened on the Colonial Pipeline. Councilman Biale stated this is not even delivering gas to NJ and is tripling the compression in the pipes. Councilman Van Eck asked if this pipeline already exists. Councilman Biale responded it does and they want to construct compression systems. Councilman Kulmala asked if this is controlled by the Federal

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<sup>12</sup> <https://www.njherald.com/article/20130414/NEWS/909021406>

<sup>13</sup> [https://www.nj.com/essex/2013/06/roseland\\_gas\\_compressor\\_station\\_faces\\_opposition\\_group\\_protests\\_construction\\_at\\_council\\_meeting.html](https://www.nj.com/essex/2013/06/roseland_gas_compressor_station_faces_opposition_group_protests_construction_at_council_meeting.html)

<sup>14</sup> <https://www.recordonline.com/article/20151008/NEWS/151009420>

<sup>15</sup> High Point State Park is located 0.85 mile west of CS 325; the Monksville Reservoir is located 2,000 feet west of the new Compressor 327; Long Pond Ironworks State Park is 0.01 mile southeast of the Compressor 327; Highlands Trail, a part of Long Pond Ironworks State Park, is 290 feet south of the new Compressor 327; and Wanaque Wildlife Area is 0.90 mile northeast of the new Compressor 327.

Government. Councilman Biale responded it falls under the auspices of the Federal Government. Councilman Van Eck asked if this pipeline goes through Oakland. Councilman Biale responded that it does not but they want to put the compression systems in neighboring communities. Councilman Van Eck asked if other towns have passed this resolution. Councilman Biale responded they have.

ROLL CALL: Yeas, Councilmembers Biale, Pignatelli, Slasinski.  
Nays, Councilmembers Kulmala, Talamini, Van Eck.  
Mayor Schwager voted Yea to break the tie. The Resolution passes.

#### RESOLUTION 21-195 AUTHORIZE ACCRUED TIME PAYOUT-N. MARCHESO

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.A.C. 5:30-15 establishes rules that govern how local government units manage and finance compensation for accumulated absence time for their respective employees, and

WHEREAS, accumulated absence includes any sick days, vacation days, personal days, compensatory time or any other absence time authorized as part of an employer agreement, which is not used by the employee during the allowed period and which is permitted to accumulate over time to the benefit of the employee, and

WHEREAS, the Chief Financial Officer has certified that the funds and authority exists to pay the part of the accumulated absence, as per the attached schedule, to Nick Marcheso for sick, vacation, personal and compensatory time accumulated in the amount of \$ 1,629.92 ; and

WHEREAS, the attached certification and documentation are presented to comply with the rules and regulations established by the Local Finance Board.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the total sum \$ 1,629.92 composed of 83.5 hours of vacation time, 0 hours of sick time, and 0 hours of personal time and 0 hours compensatory time be paid out to Nick Marcheso. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose.

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

#### RESOLUTION 21-196 AUTHORIZE CHANGE ORDER #1-TIME EXTENSION DIGITAL SIGN

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

WHEREAS, a contract was awarded to Allied Signage, Inc. for installation of a Digital Events Sign at Veterans Park; and

WHEREAS, Allied Signage, Inc. has requested Change Order 1 for a time extension for the completion date of the project from April 23, 2021 to July 23, 2021;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize Change Order 1 for the time extension to July 23, 2021.

Discussion ensued. Councilman Van Eck asked if this extension is because the vendor has been unresponsive. Mr. Yakimik advised that the contractual date for completion was April 23<sup>rd</sup>. There was a misunderstanding by the contractor which has since been corrected. The permits are in the Construction office and the sign has been ordered. Councilman Van Eck asked if the vendor has been paid. Mr. Yakimik responded they have not been paid. They have done the shop drawing preparation and ordered the sign. Councilman Kulmala asked if there are penalties. Mr. Yakimik advised there is a default clause and various mechanisms. He stated that they always try to make an attempt to work with the contractor first. Councilman Kulmala asked if we could terminate the contract with the vendor. Councilman Van Eck wants to get a new vendor. Mr. Kunze advised that we must determine what is the best course of action for the project. We think working with Allied is the best course. He advised that the Borough checked Allied's references and reviewed their manufacturing specifications and they provide a top notch product. Taking any other action would lengthen the project longer. He would suggest continuing discussion in Executive session regarding legal issues. Councilman Van Eck is against extending the time limit. Councilman Biale advised that he has been working on this project for several years and Allied has the best product and the best price. The project will probably be completed before the end of July. Councilman Talamini asked what happened to delay the project. Mr. Yakimik responded that they are not good at following procedures. He explained that the Borough went out to bid three times for this project and the other bids were all much higher. Councilman Biale advised that as soon as the permit is issued, the vendor will put the foundation in. Mr. Kunze advised that to use the liquidated damage provision in the contract, the Borough needs to show damage. Mr. Chewcaskie advised that further discussion of the penalties and contract should take place in closed session. He explained that if the vendor does not get an extension, they are in breach of contract and can be terminated. That is going to delay the project and he doesn't know if the Borough would get a better price. He explained that an extension of time is not unusual.

ROLL CALL: Yeas, Councilmembers Biale, Pignatelli, Slasinski.

Nays, Councilmembers Kulmala, Talamini, Van Eck.

Mayor Schwager voted Yea to break the tie. The Resolution passes.

#### RESOLUTION 21-198 AWARD BID-SKYVIEW/HIBROOK RELINING PROJECT

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

WHEREAS, on May 18, 2021, the Borough of Oakland received five (5) bids for the Skyview/Hibrook Sanitary Sewer Lining project; and

WHEREAS, National Water Main Cleaning Co., 1806 Newark Turnpike, Kearny, NJ 07032 had the lowest responsive and responsible bid with a total bid price of \$ 175,499.00 and

WHEREAS, the Borough Administrator and the Borough Engineer have reviewed the bids and have recommended acceptance of the bid from National Water Main Cleaning Co.; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account # C-08-56-815-200;

NOW, THEREFORE, BE IT RESOLVED that the bid of National Water Main Cleaning Co. in the total amount of \$ 175,499.00 be accepted; and

BE IT FURTHER RESOLVED, that the Borough Administrator is directed to prepare an appropriate contract for the same; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are directed to execute the agreement on behalf of the Borough.

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

#### RESOLUTION 21-199 CHAPTER 159 AUDUBON SOCIETY GRANT

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 Bergen County Audubon Society grant in the amount of \$1,500.00 for the purpose of creating a monarch pollinating station in 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:  
     Bergen County Audubon.

BE IT FURTHER RESOLVED that a like sum of \$1,500.00 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:  
     Bergen County Audubon  
                                     Other Expenses -   \$ 1,500.00

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 21-200 CHAPTER 159 DRINK DRIVING ENFORCEMENT FUND

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 Drunk Driving Enforcement Fund grant in the amount of \$6,501.61 for the purpose of supporting on-going police enforcement activity 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:  
 Drunk Driving Enforcement Fund.

BE IT FURTHER RESOLVED that a like sum of \$6,501.61 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:  
 Drunk Driving Enforcement Fund  
 Other Expenses - \$ 6,501.61

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 21-201 AWARD CONTRACT-REASSESSMENT 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 County of Bergen has ordered a full reassessment be done on all properties in the Borough of Oakland; and

WHEREAS, the Borough issued a Request for Proposals for the services required; and

WHEREAS, the Borough of Oakland has determined that the proposal submitted by Associated Appraisal Group in an amount not to exceed \$ 250,000 was in the best interests of the Borough; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 1-01-55-906-001 \$ 200,000 and Account # 1-01-20-150-100 \$ 50,000; and

WHEREAS, Associated Appraisal Group has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted on July 11, 2012; and

WHEREAS, the award of the contract is for a professional service for which no public bidding is required;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council award a contract for Borough-wide Reassessment Services to Associated Appraisal Group in an amount not to exceed \$250,000; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute the agreement on behalf of the Borough.

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

#### RESOLUTION 21-202 AUTHORIZE RECREATION REFUNDS

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

WHEREAS, the Borough of Oakland has received a request for a refund of Recreation fees; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Oakland hereby authorize a refund to:

Daniel Family, 2 Briscoe, Ringwood, NJ 07456, amt. \$ 430 (TGA Multi-Sport Summer Camp-2 Kids at \$215), \$ 220 (Braves Baseball Camp Week 2-child 1 \$115, child 2 \$105), \$ 200 (Braves Baseball Camp Week 3-child 1 \$ 105, child 2 \$95) **Total \$ 850**

Moyle Family, 37 Cottage Pl, Riverdale, NJ 07457, amt. \$ 125 (IHHS Rec Football Camp)

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

## RESOLUTION 21-203 AUTHORIZE ESTIMATED TAX BILLS

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.A 54:4-66.2 allows for a governing body of a municipality operating on the calendar fiscal year to use an estimated 3<sup>rd</sup> quarter tax bill if it is determined that the tax collector will be unable to complete the mailing or delivery of tax bills by June 14 provided that the estimated and reconciled tax bills shall be mailed by June 30 and September 30 respectively, and

WHEREAS, it is anticipated that the Borough Tax Collector will not be in receipt of a certified tax rate in enough time to be able to complete the mailing and delivery of real property tax bills by June 14, 2021 as is required by law; and

WHEREAS, the Tax Collector and the Chief Financial Officer have requested that the Council provide them with the latitude to submit estimated 3<sup>rd</sup> quarter real property tax bills in the event that they do not timely receive a certified tax rate, which would allow the Tax Collector to complete the mailing and delivery of real property tax bills by June 30, 2021; and

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and they have both signed a certification showing the tax levy for the previous year, and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Tax Collector requests the Council approve the estimated tax levy of \$66,762,582.61 at a tax rate of 3.072; and

WHEREAS, the above levy and rate have been calculated on a worksheet that is attached hereto and made a part hereof by reference; and

WHEREAS, the above levy amount falls between the mandated estimated range required by N.J.S.A. 54:4-66.3(a)(1) and approval will enable the Borough to meet its financial obligations; maintain the tax collection rate; provide uniformity for tax payments; and save the unnecessary cost of interest expenses on borrowing.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, as follows:

1. The Tax Collector is hereby authorized and directed to prepare and timely issue estimated tax bills for the Borough of Oakland for the third quarter installment of 2021 taxes.
2. The entire estimated tax levy for 2021 is hereby set at \$66,762,582.61. The estimated tax rate for 2021 is hereby set at 3.072.
3. In accordance with applicable law, the third quarter installment of 2021 taxes (whether estimated or not) shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.
4. A copy of this resolution shall be forwarded to the Tax Collector and Chief Financial Officer for their records.



5. The Tax Collector and the Chief Financial Officer are hereby authorized to take all steps necessary to effectuate the purpose of this resolution.

6. This resolution shall take effect as herein provided.

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

#### RESOLUTION 21-204 AWARD CONTRACT-CONNOLLY & HICKEY

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 assistance with the development of drawings, use analysis and cost estimates for the rebuilding of the Stream House; and

WHEREAS, Connolly & Hickey has submitted a proposal dated May 6, 2021 for the services required in the amount not to exceed \$ 8,250; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 1-01-20-110-044; and

WHEREAS, Connolly & Hickey has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted on July 11, 2012; and

WHEREAS, the award of the contract is for a professional service for which no public bidding is required;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the contract for services for the rebuilding of Stream House to Connolly & Hickey as specified in the May 6, 2021 proposal in an amount not to exceed \$ 8,250; and

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

Discussion ensued. Councilman Pignatelli remembered a meeting years ago where someone said it would cost \$ 1.4 million to reconstruct the Stream House. He cannot see the Borough spending that amount of money to construct a building that has no historic meaning. It is imperative that the Oakland Historical Society conduct a fundraiser. Mayor Schwager asked the Historical Society and they said they are not a fundraising group. The only way the Borough got permission to dismantle the Stream House was to replace the building. If we don't replace it, we are violation the SHPBO approval. Councilman Biale reiterated that the deal with getting SHPBO approval was that we could take the Stream House down as long as it was replaced. Mayor Schwager stated that Connolly and Hickey are making a plan and then we can speak to the Oakland Historical Society and tell them to fundraise. Councilman Biale explained that we are not going to rebuild a historic structure so it will not cost anywhere near \$ 1.4 million. Mayor Schwager stated the new building will be a museum since Oakland used to be the County Seat. Councilman Pignatelli stated the County should give money for the project. He is just presenting his view. He feels the Stream House distracted from the Van Allen House. Councilman Pignatelli is in favor of getting a plan done in order to get a price. Councilman Kulmala asked if this has to be done now or if it can wait until next year's budget. Councilman Talamini stated that the Borough has to spend money whether it s now or later. He thinks the plan could be done now. Mr. Kunze advised that he spoke to Margaret Hickey who advised that this project would

be eligible for funding from the County and State. That process takes a couple of years to get funding. The best case scenario is that we are several years from construction.

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

#### RESOLUTION 21-205 AMEND BYLAWS

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

BE IT RESOLVED that the Bylaws of the Governing Body previously adopted on April 28, 2021 be amended in Article IV, 1(f) be amended to remove restrictions on the first Open to the Public for Public Comment.

BE IT FURTHER RESOLVED that the Bylaws of the Governing Body are hereby adopted as amended.

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

#### RESOLUTION 21-206 RATIFY AMENDMENT TO 2021 BUDGET

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

WHEREAS, the local municipal budget for the year 2021 was approved on the 24<sup>th</sup> day of March 2021, and

WHEREAS, the public hearing on said budget will be held as advertised, and;

WHEREAS, it is desired to amend said approved budget;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen that the following amendments to the approved 2021 budget be made:

#### Current Fund Anticipated Revenues

	FROM	TO
Clean Community Mini Grant	0.00	300.00
Special Items of General Revenue Anticipated		
- Public and Private Revenues	90,155.14	
90,455.14		
Total Miscellaneous Revenues	3,487,569.14	
3,487,869.14		

Total General Revenues	21,329,565.59	
21,329,865.59		
Current Fund Appropriations		
	FROM	TO
Clean Community Mini Grant	0.00	300.00
Public and Private Programs Offset by Revenues	94,624.14	
94,924.14		
Total Operations Excluded from "CAPS"	1,272,136.14	
1,272,436.14		
Total General Appropriations	21,329,565.59	
21,329,865.59		

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed with the Office of the Director of the Division of Local Government Services for certification of the 2021 local municipal budget so amended.

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

#### INTRODUCTION: ORDINANCE NO.21-CAPITAL-831

The Clerk was directed to take from table Ordinance No. 21-Capital-831 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Capital-831 entitled: " CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$686,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH."

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

BE IT RESOLVED that an Ordinance entitled, Capital Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey Authorizing The Making Of Various Public Improvements And Acquisitions In, By And For The Borough, Appropriating Therefor The Sum Of \$686,000 And Providing That Such Sum So Appropriated Shall Be Raised From The Capital Improvement Fund Of The Borough, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 9, 2021 held via Zoom video conference, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before May 31, 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.

Councilman Van Eck asked if Department Heads ever come to discuss their requests with the Council. Mayor Schwager stated they used to come to budget meetings. She asked if the Council wanted to hold off on introducing the ordinance. Mr. Kunze stated the Council can pick a later adoption date.

Motion to Amend Adoption Date:

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, the adoption of Ordinance 21-Capital-831 be scheduled for June 23, 2021.

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

Councilman Van Eck wants to have the Department Heads attend the next meeting. Mr. Kunze explained this is a fully-funded ordinance that the Council already approved in the Capital Improvement Fund in the approved budget.

#### INTRODUCTION: ORDINANCE NO. 21-CAPITAL-833

The Clerk was directed to take from table Ordinance No.21-Capital-833 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Capital-833 entitled: " CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$1,600,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND OF THE BOROUGH."

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

BE IT RESOLVED that an Ordinance entitled, Capital Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey Authorizing The Making Of Various Public Improvements And Acquisitions In, By And For The Borough, Appropriating Therefor The Sum Of \$1,600,000 And Providing That Such Sum So Appropriated Shall Be Raised From The Water Utility Capital Improvement Fund Of The Borough, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 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 June 14, 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-834

The Clerk was directed to take from table Ordinance No. 21-Code-834 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-834 entitled: " AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND TO ESTABLISH A PROTOCOL FOR HONORING DECEASED OAKLAND ELECTED OFFICIALS"

On motion of Councilman Pignatelli, 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 The Revised General Ordinances Of The Borough Of Oakland To Establish A Protocol For Honoring Deceased Oakland Elected Officials, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 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 June 23, 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.

Councilman Van Eck thought there was going to be a day to fly the flag and he thought the day was going to be declared as a remembrance day. Councilman Kulmala stated the flags should be made in the U.S. Mayor Schwager asked what day would be the remembrance day and Councilman Van Eck responded it would be decided by the Council.

Motion to Introduce as Amended:

On motion of Councilman Van Eck, seconded by Councilman Pignatelli, Ordinance 21-Code-834 be introduced as amended.

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

Mr. Chewcaskie explained Ordinances 21-Code-835 to 21-Code-843. The Borough has gone through its Affordable Housing fairness hearing and the Council has adopted the Fair Share Plan. These ordinances that are on for introduction are the ordinances to implement the Borough's Affordable Housing Plan and Housing Element and Fair Share Plan. These ordinances are required pursuant to the Settlement Agreement with Fair Share Housing. The ordinances must be referred to Planning Board for review and recommendation.

The internet connection for the meeting was lost at 9:13 pm and came back at 9:21 pm. Councilman Slasinski and Councilman Kulmala rejoined the meeting at 9:24 pm.

INTRODUCTION: ORDINANCE NO. 21-CODE-835 AFFORDABLE HOUSING  
ORDINANCE

The Clerk was directed to take from table Ordinance No. 21-Code-835 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-835 entitled: " AN ORDINANCE ESTABLISHING A NEW CHAPTER 60 ENTITLED "AFFORDABLE HOUSING REGULATIONS AND CONTROLS" ORDINANCE FOR THE BOROUGH OF OAKLAND TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS"

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 Establishing A New Chapter 60 Entitled "Affordable Housing Regulations And Controls" Ordinance For The Borough Of Oakland To Address The Requirements Of The Fair Housing Act And The Uniform Housing Affordability Controls (UhaC) Regarding Compliance With The Borough's Affordable Housing Obligation, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 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 June 14, 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-836 DEVELOPMENT FEE

The Clerk was directed to take from table Ordinance No. 21-Code-836 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-836 entitled: " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, CHAPTER 18 ENTITLED "AFFORDABLE HOUSING"

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 To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Chapter 18 Entitled "Affordable Housing", be introduced;

That said Ordinance be considered for final adoption at a meeting on June 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 June 14, 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-837 CREATE RA-3AH ZONE

The Clerk was directed to take from table Ordinance No. 21-Code-837 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-837 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 CREATE THE RA-3AH ZONE"

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 To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled "Land Use And Zoning" To Create The RA-3AH Zone, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 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 June 14, 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-838 CREATE RA-4AH ZONE

The Clerk was directed to take from table Ordinance No. 21-Code-838 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-838 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 CREATE THE RA-4AH ZONE"

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 To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled “Land Use And Zoning” To Create The RA-4AH Zone, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 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 June 14, 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-839 CREATE RA-5AH ZONE

The Clerk was directed to take from table Ordinance No. 21-Code-839 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-839 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 CREATE THE RA-5AH ZONE”

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 To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled “Land Use And Zoning” To Create The RA-5AH Zone, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 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 June 14, 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-840 20 PERCENT SET ASIDE

The Clerk was directed to take from table Ordinance No. 21-Code-840 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-840 entitled: " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF



OAKLAND, LAND USE, CHAPTER 59 ENTITLED “LAND USE AND ZONING ORDINANCE 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 To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled “Land Use And Zoning Ordinance Of The Borough Of Oakland”, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 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 June 14, 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-841 SENIOR AFFORDABLE HOUSING DISTRICT

The Clerk was directed to take from table Ordinance No. 21-Code-841 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-841 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 INCORPORATE SENIOR AFFORDABLE HOUSING DISTRICT

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 To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled “Land Use And Zoning” To Incorporate Senior Affordable Housing District, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 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 June 14, 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-842 CDB1 & CDB2 AFFORDABLE HOUSING OVERLAY

The Clerk was directed to take from table Ordinance No. 21-Code-842 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-842 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 INCORPORATE THE CENTRAL BUSINESS DISTRICT 1 AND CENTRAL BUSINESS DISTRICT 2 AFFORDABLE HOUSING OVERLAY ZONE"

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 To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled "Land Use And Zoning" To Incorporate The Central Business District 1 And Central Business District 2 Affordable Housing Overlay Zone, be introduced;

That said Ordinance be considered for final adoption at a meeting on June 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 June 14, 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-843 BI-COUNTY

The Clerk was directed to take from table Ordinance No. 21-Code-843 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-843 entitled: " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING ORDINANCE 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 To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled "Land Use And Zoning Ordinance Of The Borough Of Oakland", be introduced;

That said Ordinance be considered for final adoption at a meeting on June 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 June 14, 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-826 REGULATE CHICKENS**

The Clerk was directed to take from the table Ordinance No. 21-Code-826 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE AMENDING CHAPTER 59 "LAND USE AND ZONING", ARTICLE VII "ZONING", SECTION 59-49 "RESIDENTIAL ZONES", SUBSECTION 59-49B "ACCESSORY USE" TO ESTABLISH RULES AND REGULATIONS FOR THE KEEPING OF CHICKENS AS AN ACCESSORY USE"

**OPENED FOR PUBLIC COMMENT:**

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

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

On motion of Councilman Biale, 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 Amending Chapter 59 "Land Use And Zoning", Article VII "Zoning", Section 59-49 "Residential Zones", Subsection 59-49b "Accessory Use" To Establish Rules And Regulations For The Keeping Of Chickens As An Accessory Use, 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. 21-828 PROHIBIT MARIJUANA-TABLED**

The Clerk was directed to take from the table Ordinance No. 21-Code-828 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled “AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF OAKLAND WITH A NEW CHAPTER ENTITLED “CHAPTER 8, CANNABIS, PROHIBITION OF ALL CLASSES OF BUSINESSES” SO AS TO PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF OAKLAND AND FURTHER TO SUPPLEMENT CHAPTER 59 ENTITLED “LAND USE AND ZONING”, ARTICLE VII “ZONING”, SECTION 59-45 ENTITLED “REGULATIONS APPLICABLE TO ALL ZONES” SO AS TO PROHIBIT THE USE BY ANY CLASS OF LICENSED CANNABIS BUSINESSES UPON ANY PREMISES IN ANY ZONE OF THE BOROUGH OF OAKLAND”

**OPENED FOR PUBLIC COMMENT:**

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

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

No comments made.

**CLOSED FOR PUBLIC DISCUSSION:**

On motion of Councilman Biale, 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.

Councilman Van Eck stated that the letter from the Planning Board on their feedback should be discussed. Councilman Pignatelli commented that he regards the Planning Board’s opinion. He explained that the Regulatory Commission has not adopted rules or regulations. If we move now to allow and then the Commission passes rules and regulations, we would have to abide by those. By banning it now, we have the opportunity to wait for the rules and regulations to be issued. Mayor Schwager stated that companies are going to towns looking for places. She stated that Oakland has industrial areas that other towns do not. She stated that we have to be progressive. There are churches and schools in the Industrial Park and we have lost ratables which raises taxes. Allowing marijuana would give the Borough revenue. She stated if it is banned now, the businesses will go elsewhere. She would like to allow growing and manufacturing in the Industrial Park. She stated marijuana is legal in Oakland and we should jump on the financial bandwagon. She stated this Council will just sit back and wait and then opportunities will go to other towns.

Councilman Pignatelli stated he gave the Mayor three names of people not in favor of marijuana for the ad-hoc committee. He asked this to be approached with an open mind. Mayor Schwager stated that businesses will go to towns that allow marijuana. Oakland has the locations. Councilman Pignatelli never said he was against commercial businesses for marijuana just retail. He stated one of the people he recommended for the ad-hoc committee did extensive research of other states where marijuana is legal. He

stated that other towns are denying marijuana. He reiterated he is not against commercial businesses but he wants to see the rules and regulations first.

Councilman Kulmala stated that at the Planning Board meeting, the Mayor indicated she may have been in contact with four vendors. He asked who the Mayor has met with. Mayor Schwager stated she would share the information with the ad-hoc committee. Councilman Kulmala asked if she was withholding information from the Council. Mayor Schwager stated she chose not to disclose that information now. Councilman Van Eck would like to see the recommendations from the Planning Board incorporated into an ordinance. He proposed making an amendment to the ordinance. Councilman Biale suggested maybe more time is needed to review this.

#### MOTION TO TABLE:

On motion of Councilman Van Eck, seconded by Councilman Pignatelli, the final adoption of Ordinance 21-Code-828 be tabled.

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

Mayor Schwager advised that the ad-hoc committee will meet to discuss this. Mr. Chewcaskie advised that the Cannabis Commission is meeting June 1<sup>st</sup>. He stated that what was received from the Planning Board was woefully inadequate. He stated that there are a number of issues that must be decided including licensing fees and the Planning Board needs to tell the Council the distance requirements and where the school zones are. Councilman Talamini asked what happens if the Council wants to untable the ordinance at the next meeting. Mr. Chewcaskie responded that someone would need to make a motion to remove it from the table. Councilman Pignatelli asked if a referendum was an option. Mr. Chewcaskie responded that it is not an option because the Council needs to meet the August 21<sup>st</sup> deadline.

#### FINAL PUBLIC HEARING: ORDINANCE NO. 21-BOND-829 PATRIOTS WAY BRIDGE

The Clerk was directed to take from the table Ordinance No. 21-Bond-829 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$1,100,000 FOR THE REPLACEMENT OF THE PATRIOT'S WAY BRIDGE IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

#### OPENED FOR PUBLIC COMMENT:

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

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

No comments made.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

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

BE IT RESOLVED that an Ordinance entitled, " Bond Ordinance To Appropriate An Additional Sum Of \$1,100,000 For The Replacement Of The Patriot's Way Bridge In, By And For The Borough Of Oakland, In The County Of Bergen, State Of New Jersey, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Additional Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds, 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:**

**IN-PERSON MEETINGS:**

Mr. Kunze advised that since the last meeting, he looked at social distancing in the Council chambers. It would allow for 23 members of the public and we would need dividers for the Council dais. Michael Carelli figured out a suitable Zoom setup for the Council Chambers and the Senior Center could be viable. The latest Executive Order seems to indicate that anyone who is vaccinated does not need to social distance and wear masks. The EO just has protocols for non-vaccinated people. Mr. Chewcaskie's office is reviewing the Executive Order. Mr. Chewcaskie stated it does not appear that the Executive Order requires masks and social distance. He stated that the Council wouldn't have to require masks or social distancing when conducting a meeting but he stated that nothing would preclude the Borough from requiring masks and social distancing.

Councilman Talamini thinks the meetings should go back in-person to the Council Chambers as soon as possible. Councilman Biale asked why the meetings couldn't be held in the Senior Center which allows for more social distance. Councilman Van Eck stated that the Council Chambers allows for more public. Mr. Kunze stated that the Mayor and Council are not social distanced in the Council Chambers so we would need to get plexiglass. Councilman Talamini does not see any reason not to have the meetings in Council Chambers. Mr. Chewcaskie asked when this would start. The response was June 23<sup>rd</sup>.

**MOTION TO EXTEND THE MEETING:**

On motion of Councilman Talamini, seconded by Councilman Pignatelli, the meeting be extended to 10:30 pm.

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

#### AMEND CHAPTER 3 & CHAPTER 9-PROHIBIT CANNABIS USE IN PUBLIC SPACES:

Mr. Kunze advised that the Police Chief felt there were a number of provisions in the Code that needed to be updated regarding cannabis use. The Council was provided marked up version. Mr. Chewcaskie advised that Mr. Kunze and the Police Chief worked on this to bring the code up to date. Mr. Kunze explained that it is meant to treat cannabis like we treat alcohol and tobacco use in public spaces. An ordinance will be introduced next meeting.

#### SALE OF PUBLIC PROPERTY:

Mr. Kunze explained there are a number of potential properties that the Borough could sell including lots on Manito and Valley View. He advised that the Borough tried to sell a few lots in 2009 with no luck. There are also lots on Franklin Avenue and Long Hill. There may be other properties but it would require additional research. Mayor Schwager stated it is important to contact the neighbors. Mr. Chewcaskie advised that the Borough has the right to do an ordinance to provide for adjoining property owners if the lot doesn't conform. He stated that the neighbors can be alerted that the properties are going to be sold. Mayor Schwager stated the neighbors should be notified as a courtesy. Mr. Chewcaskie advised that the Borough can retain a broker to market the properties. Councilman Kulmala stated if we want to subdivide the property on Manito, it could be sold as two lots. Councilman Pignatelli wanted to move forward with sale of properties.

#### NEW BUSINESS:

Councilman Van Eck wants the Council to pass a resolution to ask the Governor to reconsider lifting the mask mandate for children and being outdoors. Mayor Schwager stated the language in the Executive Order is ambiguous. Councilman Van Eck wants no mask mandate for children outdoors. Councilman Kulmala asked if Oakland could just say no masks. Mr. Chewcaskie responded that the Borough is still required to follow the Executive Order. Mr. Kunze stated the Executive Order specifically excludes camps, childcare and youth activities. The Department of Health guidance comes into play for these situations. Councilman Van Eck wants them to consider lifting any mask mandate. Councilman Talamini would be happy to pass a resolution.

#### OLD BUSINESS:

Councilman Pignatelli asked if there are any updates on the Sandy Beach property. Mr. Kunze will reach out to the Land Conservancy.

Councilman Kulmala asked for an update on Patriots Way Bridge.

#### COUNCIL REPORTS:

Councilman Van Eck: The Shade Tree Commission needs two new members. Registration is ongoing for volleyball, football and cheerleading. The Recreation Hall of Fame ceremony will take place June 5<sup>th</sup>. There are two open camp counselor spots available. The Indian Hills Click, Clack, Front & Back PSA's will air on Oakland TV. There will be a matinee movie shown at 4:00 pm every day. FIOS has agreed to go HD for the Borough's PEG channel. The OCC is accepting submissions of original music for the bulletin board. The next meeting of the OCC will be July 12, 2021. Councilman Van Eck reminded everyone to never forget those that sacrifice for the country.

Borough Engineer John Yakimik gave an update on the Patriots Way Bridge. He stated that we are on schedule to receive a permit from Bergen County Soil Conservation within 30 days.

Boswell is finalizing bid plans and specifications and expects to have them submitted to the State and Bergen County by July 1<sup>st</sup> for approval and comments. After the comments are received, the Borough can advertise the bid in September. Boswell is getting an updated cost estimate and will report back.

Councilman Talamini: The carnival is going forward. The Borough is waiting on the plan from the Public Events Committee. There will be no fireworks. Councilman Talamini wants to schedule a Finance meeting. He thanked Jimmy McWilliams and the DPW for all they do for Recreation.

Councilman Biale: The DPW is performing tasks for the Water Accountability Act. They are testing and flushing hydrants. The easements for the Ramapo Valley Road sidewalk project are going out. The Borough awarded the bid for the Skyview relining project and the bids were almost half the price of the estimate. The Borough is waiting on approval from the IBank for the sewer plant decommissioning project. We are hoping to get approval in the next few weeks.

Councilman Pignatelli: The Oakland Police Department has joined the Neighbors by Ring community in an effort to connect with residents to provide a safer Oakland. Neighbors allows you to share photos and videos of local crime to neighbors to stay informed. In April, the Police Department had 550 motor vehicle stops, issued 687 motor vehicle summonses and had 3 DUI arrests. The Senior Center social distanced outdoor barbeque will be held June 22<sup>nd</sup> and registration opens June 1<sup>st</sup>. Book Club will be held June 24<sup>th</sup>. The First Aid Squad had 48 calls in April. The Board of Health had a lengthy discussion on marijuana.

Councilman Kulmala: The Planning Board will meet May 13<sup>th</sup> to discuss applications for 59 Glen Gray Road and Monhegan/Manito. The Green Team Arts Amble will be held June 11 to 13<sup>th</sup>. The FLOW Green film festival will be held June 19<sup>th</sup>.

Councilman Slasinski: The Library is hosting the Creative Bergen Arts Amble June 11 to 13<sup>th</sup>. The summer reading program will start in June. The work on the AC units in the Library is upcoming. Effective May 28<sup>th</sup>, vaccinated individuals are no longer required to wear a mask in the Library. However, those that are unvaccinated and children are required to wear a mask.

#### OPENED FOR PUBLIC COMMENT:

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

(see following pages)

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

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

**MEETING ADJOURNED:**

On motion of Councilman Pignatelli, seconded by Councilman Van Eck, the meeting be adjourned at 10:32 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  
June 23, 2021

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Date Approved

*Linda H. Schwager*

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Mayor Linda H. Schwager