

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD VIA ZOOM VIDEO CONFERENCE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY JUNE 23, 2021

MOVE TO EXECUTIVE SESSION:

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

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

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

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:  
Personnel
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.

Discussion regarding personnel. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

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. Absent: Councilman Van Eck. 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.

EXCUSE ABSENCE:

On motion of Councilman Biale, seconded by Councilman Kulmala, the absence of Councilman Van Eck be excused.

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

MAYOR'S REPORT:

The Northwest Bergen Lifestyle Magazine highlighted the Oakland Green Team's reforestation project. Mayor Schwager thanked the Green Team for all they do. Mayor Schwager announced the Borough Engineer will give an update on Patriots Way Bridge later in the meeting but the bridge is safe to use. Mayor Schwager advised the residents of Glen Gray Road that a meeting will be scheduled with Mahwah to discuss paving. Mayor Schwager advised that a full explanation of the third quarter estimated tax bills will be given by the CFO. Mayor Schwager advised that she vetoed the final adoption of Ordinance 21-Code-828 and she read her veto statement:

At the June 9, 2021 Oakland Borough Council Meeting, the Borough Council members (hereinafter "Council") voted to pass the above referenced Ordinance by a vote of 4 to approve and 2 to oppose. Said Ordinance amends and supplements the Code of the Borough of Oakland with a new chapter entitled, "CHAPTER 8, CANNABIS, PROHIBITION OF ALL CLASSES OF BUSINESS SO AS TO PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF OAKLAND... (hereinafter "Ordinance").

The Borough of Oakland operates as a Borough form of government (hereinafter "Borough"). The powers of the Mayor under this form of Government in the State of New Jersey are set forth in N.J.S.A. 40A:60-5. The Mayor's powers relating to ordinances are specific. "The Mayor shall, within ten days after receiving [an] ordinance, Sundays excepted, either approve the ordinance by affixing his signature thereto or return it to the Council by delivering it to the Clerk together with a statement setting forth his objections thereto or any item or part thereof."

I hereby object to Oakland Ordinance 21-CODE\_828, within the time prescribed by the Statute and provide this notice as my VETO.

As prescribed by the Statute, I set forth my objections as follows:

Sixty-seven percent (67%) of Oakland voters voted for the legalization of marijuana in the State of New Jersey. Legalization of marijuana permits the use of cannabis products. Individuals can legally purchase the products, and businesses can legally manufacture, cultivate, distribute, dispense, deliver and sell the products.

As Mayor, I established an Ad Hoc Committee (hereinafter "Committee") made up of residents who are on both sides of the issue, together with our Borough Planner, Borough Administrator, two Councilmen and me, to research, discuss and forward their findings to the Council. The Committee met June 9, 2021 and June 16, 2021. I had requested the Council to refrain from passing the ordinance on June 9, 2021 until the Committee forwarded their findings. Said request was ignored. At the June 9, 2021 Committee meeting, both Councilmen who sit on the Committee agreed to keep the Ordinance on the table. Then two (2) hours later, on same day, during the Council meeting, one of the Councilmen who previously agreed (at the Committee meeting) that the Ordinance should remain on the table, made the motion to pass the Ordinance, denying what happened at the Committee meeting. The next meeting of the Committee is scheduled for July 7, 2021. The Committee has received copies of sample Ordinances. The Committee has received financial information. The Committee has received our town's zoning maps. The Committee has received lists of vacancies in our commercial zones. There is still time to present the Committee's findings to the Council.

With unanimous approval, the Oakland Planning Board sent two letters to the Council opposing the Ordinance. The latest vote included a Councilman who abstained at the Planning Board meeting, then seconded the motion to approve the Ordinance at the Council meeting. The appointed Oakland Planning Board members are educated, professional business people with financial experience and long time residents of our Borough of Oakland. Both recommendations from the Planning Board were ignored.

The Borough of Oakland has geographical zoning areas of our town that are not within residential areas. There are vacancies in the industrial and commercial areas of our town.

State law permits delivery of cannabis throughout Oakland. The Borough cannot prohibit same. The Borough cannot stop people buying cannabis. The Borough cannot stop people using cannabis. The Ordinance only precludes receiving economic benefit. If we do not move forward and move to the forefront, businesses will go elsewhere. This is simply Marketing 101.

The Borough needs financial assistance to help stabilize taxes in Oakland.

Important financial considerations for the residents of Oakland ignored by the Oakland Borough Council-In addition to collecting taxes from occupied buildings, (1) The Borough may assess a 2% transfer tax of gross receipts from each sale by a cannabis cultivator and a cannabis manufacturer; and (2) the Borough may assess a 1% tax of gross receipts for each sale by a cannabis wholesaler.

The Borough shall be able to designate how the money received will be used. For example, the Committee member suggested possible designated accounts for receivables to be used to pay down our debt service or to be used for the many infrastructure projects the Borough needs.

For the foregoing reasons, I ask the members of the Oakland Borough Council not to override my veto, but to work with the Ad Hoc Committee to create a viable Ordinance which will financially benefit the residents of Oakland.

OPENED FOR PUBLIC COMMENT:

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

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

David Sandler, 24 Academy Circle, requested the Council to take the Mayor's veto seriously and reconsider prohibiting marijuana. He hopes to hear an update on the sewers.

Steve Panosian, 69 Glen Gray Road, advised that the Mayor has received plenty of emails from Glen Gray residents about the repaving of Glen Gray Road. The anxiety and frustration is growing. It is not safe to walk the street. He is not happy with the tax increase and his street still needs to be paved.

Michael Pritchard, 23 Calumet Ave, is concerned about the river and the Clean Water Act. He stated the Borough is going to need a permit from the EPA for property below ShopRite. He will be giving the Mayor some information he researched.

Maria Glasson, 51 Princeton Terrace, is in favor of marijuana and stated the Council is giving away free money.

Barbra Stansfield, 19 Wilson Street, stated the Council should move forward to allow marijuana. It is important to get that money.

Rachel Gregory, 2 Kiowa Terrace, wants to know the Council members' views on cannabis. She asked why the Skyview relining project will begin at the start of summer when they are going to want to spend time in their yards. The residents need more information about this project.

Michael Kozak, 24 Cayuga Ave., advised that they sold 950 wristbands in 61 minutes at the carnival tonight. He hopes everyone comes to the carnival.

CLOSED FOR PUBLIC COMMENT:

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

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

APPROVAL OF MINUTES: MAY 26, 2021

On motion of Councilman Pignatelli, seconded by Councilman Talamini, the minutes from the Mayor and Council meeting of May 26, 2021 be approved.

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

**APPROVE SOCIAL AFFAIRS PERMIT:**

On motion of Councilman Biale, seconded by Councilman Pignatelli, approval be granted for a Social Affairs permit for the Oakland Fathers Club to hold a pig roast on August 21, 2021 at the Oakland Elks Club, 33 Ramapo Valley Road.

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

Mayor Schwager announced that she, the Borough Engineer and the Borough Administrator are scheduling a meeting with the Mahwah Engineer and Administrator to discuss paving Glen Gray Road.

Councilman Talamini advised there was a problem with the 3<sup>rd</sup> quarter tax bills. CFO David Young explained that the tax rate for the full year is 2.4%. An average assessed home of \$ 435,000 paid \$ 13,045 in taxes last year. This year the average assessed home will pay \$ 13,363 which is an increase of \$ 317. He explained that when the 3<sup>rd</sup> quarter tax bills were generated, the entire increase was put in the third quarter. He explained that when the County give us the final tax rate, the 4<sup>th</sup> quarter bills will be calculated. The 4<sup>th</sup> quarter bills should be around what the 1<sup>st</sup> and 2<sup>nd</sup> quarter bills were. He explained that estimated bills were done because the County does not strike a rate until the end of August and the bills wouldn't go out until the end of September. This poses a cash flow problem because the Borough still has to pay the school and County taxes. Mr. Young explained that the company was sent the 3<sup>rd</sup> quarter and the full year rate and they loaded the wrong rate. He explained that the process has been changed moving forward so this will not happen again.

**RESOLUTION 21-221 AUTHORIZE SUBMITTAL OF COPS MINI GRANT-BIKE PATROL PROGRAM**

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

WHEREAS, the U.S. Department of Justice is offering a COPS mini grant open to law enforcement agencies; and

WHEREAS, the Borough of Oakland wishes to submit an application for funding;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorizes the submittal of an application to the U.S. Department of Justice for the COPS Mini grant program in the amount of \$ 10,000 for a Bicycle Patrol Program.

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

**RESOLUTION 21-222 HIRE SEASONAL DPW LABORER**

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

BE IT RESOLVED that the Mayor and Council hereby authorize the hiring of the following seasonal laborer for the Department of Public Works:

NAME	EFFECTIVE DATE	SALARY
Matthew Papapietro	June 28, 2021	\$ 13.00/hour

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

RESOLUTION 21-223 AUTHORIZE GRANT APPLICATION-BERGEN COUNTY 200 CLUB  
On motion of Councilman Biale, seconded by Councilman Talamini, the following resolution be introduced, adopted and duly passed by roll call vote:

BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorizes the Borough Administrator to submit a grant application to the 200 Club of Bergen County in the amount of \$ 10,000 for a Bicycle Patrol Program for the Oakland Police Department.

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

RESOLUTION 21-224 CHAPTER 159 SAFE ROUTES TO SCHOOLS DESIGN  
ASSISTANCE

On motion of Councilman Biale, seconded by Councilman Talamini, 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 in the amount of \$70,201.98 for the purpose of completing design work for the Safe Routes to School Project 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:  
SRTS Design.

BE IT FURTHER RESOLVED that a like sum of \$70,201.98 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:  
SRTS Design  
Other Expenses - \$ 70,201.98

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.

**RESOLUTION 21-225 AUTHORIZE CONTRACT-SAFE ROUTES TO SCHOOLS  
PRELIMINARY DESIGN**

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

WHEREAS, the Borough is in need of design assistance in the preliminary engineering phase of the Safe Routes to Schools program; and

WHEREAS, WSP, USA, Inc., 2000 Lenox Drive, 3<sup>rd</sup> Floor, Lawrenceville, NJ 08648, submitted a cost proposal for the services required in an amount not to exceed \$ 70,552.03; and

WHEREAS, WSP, USA, Inc. has submitted all necessary paperwork to comply with the Borough of Oakland's Pay-to-Play requirements; and

WHEREAS, this contract is for a professional service for which no professional bidding is required; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account # G-02-21-773-001;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize a contract with WSP, USA, Inc. in an amount not to exceed \$ 70,552.03 for the services for the Safe Routes to School Design Assistance Program as outlined in their cost proposal; 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.

**RESOLUTION 21-226 CARNIVAL CO-SPONSORSHIP AGREEMENT**

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

WHEREAS, the Borough of Oakland and the Mothers Club of Oakland wish to co-sponsor the 2021 Oakland carnival; and

WHEREAS, the Borough of Oakland and the Mothers Club of Oakland have determined that it is in the best interest of the Borough and the Mothers Club of Oakland to enter into a Co-Sponsorship Agreement in order to set forth the respective responsibilities with respect to the carnival and to authorize the execution of the Co-Sponsorship Agreement.

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

1. The Mayor and Borough Clerk are authorized to execute the Co-Sponsorship Agreement in the form annexed to this Resolution.

2. Certified copies of this Resolution shall be provided to the Mothers Club of Oakland.

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

#### RESOLUTION 21-227 HIRE TECHNICAL ASSISTANT-CONSTRUCTION OFFICE

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

BE IT RESOLVED that the Mayor and Council hereby authorize the hire of Michelle Delyannis as Clerk 1 in the Construction Office at an annual salary of \$ 48,000 effective July 12, 2021.

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

#### RESOLUTION 21-228 AUTHORIZE LICENSE AGREEMENT

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

WHEREAS, Katherine and Henry Quinteros are the owners of a certain parcel of land identified as Block 2511, Lot 10 in the Borough of Oakland, commonly known as 26 Grandview Avenue; and

WHEREAS, the property owners have been advised that certain encroachments exist at the rear of their property into the municipal property located on Mountainview Avenue, to wit, a two-story frame garage and a fence; and

WHEREAS, the owners desire to enter into a License Agreement with the Borough of Oakland for use of a portion of the Mountainview Avenue property; and

WHEREAS, the Mayor and Council of the Borough of Oakland has determined that it is in the best interests of the Borough to accept this License Agreement in order to resolve this matter and to authorize the execution of the License Agreement.

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

1. The Borough Administrator and Borough Clerk are authorized to execute the License Agreement in the form annexed to this Resolution.
2. Certified copies of this Resolution shall be provided to the Linda H. Schwager, attorney for Katherine and Henry Quinteros, Richard Kunze, Administrator and Brian M. Chewcaskie, Borough Attorney.

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

#### RESOLUTION 21-229 AUTHORIZE LIQUOR LICENSE RENEWAL-BUONA FORTUNA

Mr. Chewcaskie explained that conditions have been placed on this liquor license renewal. For the license to be effective, they have to address the fines owed to ensure compliance.

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



WHEREAS, the licensee, herein named, filed application for renewal of their Liquor License for the period from July 1, 2021 to June 30, 2022, and

WHEREAS, the said applicant has deposited the required \$ 2,000 fee for the license, and filed payment electronically to the Alcoholic Beverage Control Commission, Trenton, New Jersey, and

WHEREAS, the premises of said applicants have been inspected and approved by the Board of Health, Police Department and the Fire Prevention Bureau, Tax and Water Departments.

NOW, THEREFORE, BE IT RESOLVED that the renewal be issued to the following license for the period from July 1, 2021 to June 30, 2022:

NAME	LOCATION	STATE NUMBER
Buona Fortuna (Portobello)	175 Ramapo Valley Road	0242-33-002-004

BE IT FURTHER RESOLVED, the renewal of the license is conditioned upon payment of outstanding fines for prior violations; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to submit one copy of a certified resolution to the Alcoholic Beverage Control Commission, Trenton, and one certified copy of this resolution to the State of New Jersey, Department of the Treasury, Beverage Tax Bureau, Trenton, New Jersey.

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

RESOLUTION 21-230 AUTHORIZE LIQUOR LICENSE RENEWAL-SEGOVIA PRIME  
Mr. Chewcaskie advised that there are outstanding violations that have been issued with no fines assessed. They need to comply before July 1<sup>st</sup>.

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

WHEREAS, the licensee, herein named, filed application for renewal of their Liquor License for the period from July 1, 2021 to June 30, 2022, and

WHEREAS, the said applicant has deposited the required \$ 2,000 fee for the license, and filed payment electronically to the Alcoholic Beverage Control Commission, Trenton, New Jersey, and

WHEREAS, the premises of said applicants have been inspected and approved by the Board of Health, Police Department and the Fire Prevention Bureau, Tax and Water Departments.

NOW, THEREFORE, BE IT RESOLVED that the renewal be issued to the following license for the period from July 1, 2021 to June 30, 2022:

NAME	LOCATION	STATE NUMBER
Segovia Prime, LLC	110 W. Oakland Ave.	0242-33-008-010

BE IT FURTHER RESOLVED, the renewal of the license is conditioned upon implementing appropriate action to remove any outstanding violations; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to submit one copy of a certified resolution to the Alcoholic Beverage Control Commission, Trenton, and one certified copy of this resolution to the State of New Jersey, Department of the Treasury, Beverage Tax Bureau, Trenton, New Jersey.

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

#### RESOLUTION 21-231 AUTHORIZE GRANT APPLICATION NJDOT MUNICIPAL AID

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Oakland formally approves the grant application for the above-stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022-Improvements to Seminole Avenue, Pha-00168 to the New Jersey Department of Transportation on behalf of the Borough of Oakland.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Oakland and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by Council on this 23<sup>rd</sup> day of June, 2021

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Lisa M. Duncan

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

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

#### RESOLUTION 21-232 AUTHORIZE RECREATION REFUND

On motion of Councilman Biale, seconded by Councilman Talamini, 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:

Marrara Family, 51 Glen Gray Road, Oakland, NJ amt. \$ 105 (IHHS Baseball Summer Camp week 3)

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

**RESOLUTION 21-233 AUTHORIZE AGREEMENT FOR 5G CONSULTING SERVICES**

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

WHEREAS, it is necessary for the Borough of Oakland (the “Borough” or the “Municipality”) to retain a Consultant (the “Consultant” or “Designee”) to provide municipal services with regard to the Municipality’s communication carriers as carrier agreements and wireless communications facilities, in particular, the installation of next generation mobile networks in the public right-of-way, are beyond the scope and expertise of professionals normally utilized by the Municipality; and

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-53.2, application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants where an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Municipality; and

WHEREAS, the Municipality desires to appoint Hoplite Communications, LLC, with offices at 197 Route 18, Suite 3000, East Brunswick, NJ 08816, as a Consultant and Designee to provide municipal services with regard to the Municipality’s communications carriers; and

WHEREAS, Consultant has provided a copy of its consulting proposal, attached hereto and incorporated herein by reference; and

WHEREAS, Hoplite Communications will serve as Consultant through December 31, 2021; and

WHEREAS, compensation paid to the Consultant for services rendered to the Municipality will be paid the communications / utility carrier; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen and State of New Jersey that Hoplite Communications be and is hereby appointed as a Consultant to the Municipality to provide municipal services with regard to the Municipality’s communication carriers as set forth in its summary of services attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Consultant will provide its services to the Municipality at no cost to the Municipality for the term ending December 31, 2021; and

BE IT FURTHER RESOLVED, that services rendered to the Municipality will be paid by the communications / utility carrier; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are duly authorized to enter into a professional services contract with Consultant to memorialize the terms of this resolution; and

BE IT FURTHER RESOLVED, that this resolution to appoint Consultant is made without competitive bidding in accordance with the Local Public Contracts Law, specifically N.J.S.A. 40A:11-6.1, because the value of the goods or services does not exceed the bidding threshold; and

BE IT FURTHER RESOLVED, that Hoplite Communications, LLC has submitted all necessary paperwork to comply with the Borough of Oakland's Pay-to-Play requirements; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward a copy of this resolution to Peter J. Lupo, Esq., upon its passage; and

BE IT FURTHER RESOLVED, that this resolution is available for public inspection in the Borough of Oakland clerk's office.

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

**FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-830 REGULATE SMALL CELL WIRELESS FACILITIES**

The Clerk was directed to take from the table Ordinance No.21-Code-830 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE AMENDING CHAPTER 12 ENTITLED "STREETS, SIDEWALKS, PUBLIC RIGHTS-OF-WAY AND SANITATION" AND CHAPTER 59 ENTITLED "LAND USE AND ZONING" OF THE GENERAL CODE OF THE BOROUGH OF OAKLAND TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY

**OPENED FOR PUBLIC COMMENT:**

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

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

No comments made.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

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 12 ENTITLED "STREETS, SIDEWALKS, PUBLIC RIGHTS-OF-WAY AND SANITATION" AND CHAPTER 59 ENTITLED "LAND USE AND ZONING" OF THE GENERAL CODE OF THE BOROUGH OF OAKLAND TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY, 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CAPITAL-831 2021 CAPITAL ORDINANCE

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

The Clerk then read by title 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.

OPENED FOR PUBLIC COMMENT:

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

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

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.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CAPITAL-833 2021 WATER CAPITAL ORDINANCE

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

The Clerk then read by title 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.

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.

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.

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, 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 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-Code-834 TABLED

Councilman Pignatelli thought there was a proposal to amend this ordinance to honor Police, Fire and First Aid members. The decision was to table the final adoption for further discussion.

MOTION TO TABLE:

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, the final adoption of Ordinance 21-Code-834 be tabled.

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

Mr. Chewcaskie advised that the Borough entered into an agreement with Fair Share Housing with respect to Affordable Housing obligations. In order to achieve compliance, various actions

needed to be taken. The Housing Element and Fair Share Plan have been adopted. The following ordinances are being done to implement that plan.

**FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-835 AFFORDABLE HOUSING ORDINANCE**

The Clerk was directed to take from the table Ordinance No. 21-CODE-835 and read by title for its final hearing.

The Clerk then read by title 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 OBLIGATIONS

**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.

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.

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 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 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.

**FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-836 DEVELOPMENT FEE**

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

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, CHAPTER 18 ENTITLED "AFFORDABLE HOUSING"

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.

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.

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Chapter 18 Entitled "Affordable Housing", 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-837 CREATE RA-3AH ZONE

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

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" TO CREATE THE RA-3AH ZONE"

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.

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.

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, 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 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-838 CREATE RA-4AH ZONE

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

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED “LAND USE AND ZONING” TO CREATE THE RA-4AH ZONE”

OPENED FOR PUBLIC COMMENT:

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

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

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.

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 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 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-839 CREATE RA-5AH ZONE

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

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" TO CREATE THE RA-5AH ZONE"

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.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled "Land Use And Zoning" To Create The RA-5AH Zone", 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-840 20 PERCENT SET ASIDE

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

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

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.

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 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 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.

**FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-841 SENIOR AFFORDABLE HOUSING DISTRICT**

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

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED “LAND USE AND ZONING” TO INCORPORATE SENIOR AFFORDABLE HOUSING DISTRICT”

**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.

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.

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

BE IT RESOLVED that an Ordinance entitled, " An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled

“Land Use And Zoning” To Incorporate Senior Affordable Housing District”, 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.

**FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-842 CDB I & II AFFORDABLE HOUSING OVERLAY**

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

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59 ENTITLED “LAND USE AND ZONING” TO INCORPORATE THE CENTRAL BUSINESS DISTRICT 1 AND CENTRAL BUSINESS DISTRICT 2 AFFORDABLE HOUSING OVERLAY ZONE”

**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.

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.

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 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 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-843 BI-COUNTY

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

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

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.

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend, Supplement And Revise The Code Of The Borough Of Oakland, Land Use, Chapter 59 Entitled "Land Use And Zoning Ordinance 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-844 AMEND CHAPTER 3, SECTION 3-23

The Clerk was directed to take from the table Ordinance No. 21-Code-844 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3 OF THE CODE OF THE BOROUGH OF OAKLAND ENTITLED "POLICE REGULATIONS", SECTION 3-23 ENTITLED "CONSUMPTION BY PERSONS UNDER THE LEGAL AGE ON PUBLIC OR PRIVATE PROPERTY"

OPENED FOR PUBLIC COMMENT:

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

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

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.

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 To Amend And Supplement Chapter 3 Of The Code Of The Borough Of Oakland Entitled "Police Regulations", Section 3-23 Entitled "Consumption By Persons Under The Legal Age On Public Or Private Property", 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.

**FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-845 AUTHORIZE DEFERRED CHARGE**

The Clerk was directed to take from the table Ordinance No. 21-Code-845 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION OF \$200,000 FOR THE PREPARATION AND EXECUTION OF A REASSESSMENT PROGRAM

**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.

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.

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 Of The Borough Of Oakland, In The County Of Bergen, New Jersey, Providing For A Special Emergency Appropriation Of \$200,000 For The Preparation And Execution Of A Reassessment Program, 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-846 AMEND CHAPTER 3, SECTION 3-6

The Clerk was directed to take from the table Ordinance No.21-Code-846 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3 OF THE CODE OF THE BOROUGH OF OAKLAND ENTITLED "POLICE REGULATIONS", SECTION 3-6 ENTITLED "ALCOHOLIC BEVERAGES"

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.

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.

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 To Amend And Supplement Chapter 3 Of The Code Of The Borough Of Oakland Entitled "Police Regulations", Section 3-6 Entitled "Alcoholic Beverages", 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-847 AMEND CHAPTER 3,  
SECTION 3-24

The Clerk was directed to take from the table Ordinance No.21-Code-847 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 3 OF THE CODE OF THE BOROUGH OF OAKLAND ENTITLED "POLICE REGULATIONS", SECTION 3-24 ENTITLED "SMOKE-FREE SCHOOL ZONES; UNDERAGE SMOKING"

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.

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.

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 To Amend And Supplement Chapter 3 Of The Code Of The Borough Of Oakland Entitled "Police Regulations", Section 3-24 Entitled "Smoke-Free School Zones; Underage Smoking", 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.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-848 AMEND CHAPTER 9,  
SECTION 9-6

The Clerk was directed to take from the table Ordinance No. 21-Code-848 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 9 OF THE CODE OF THE BOROUGH OF OAKLAND ENTITLED "RECREATIONAL FACILITIES AND RECREATION AREAS", SECTION 9-6 ENTITLED "SMOKING PROHIBITED ON RECREATION AREAS, PUBLIC PARKS AND BOROUGH PIERS AND BOAT LAUNCHES"



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.

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.

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

BE IT RESOLVED that an Ordinance entitled, AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 9 OF THE CODE OF THE BOROUGH OF OAKLAND ENTITLED "RECREATIONAL FACILITIES AND RECREATION AREAS", SECTION 9-6 ENTITLED "SMOKING PROHIBITED ON RECREATION AREAS, PUBLIC PARKS AND BOROUGH PIERS AND BOAT LAUNCHES", 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.

WORK SESSION:

The discussion on breweries, brew pubs, distilleries and wineries will be carried.

VETO OF ORDINANCE 21-CODE-828:

Councilman Pignatelli advised that from the beginning of discussions on cannabis, he was in favor of banning it. He stated the Cannabis Commission has not adopted any rules or regulations yet. The Council should wait for those rules and regulations before we adopt any of our own. He stated that when the planner discussed this, Councilman Pignatelli asked if the Council banned cannabis now would they be able to revisit this in six months. The response was the Council could revisit the ordinance. When Councilman Van Eck asked which license Councilman Pignatelli would be in favor of, Councilman Pignatelli responded that with 30 years experience in public health, he has seen how marijuana affects the cognitive ability of young people and destroys the cilia in the lungs. Councilman Pignatelli stated that at the last ad-hoc committee meeting there was another member who wanted to hear from the legislators. Councilman Pignatelli read a letter from a legislator of the Colorado bill who spoke of carcinogens and chemicals and how indoor marijuana is the worst pollution. Councilman Pignatelli stated that the League of Municipalities is recommending banning marijuana until the rules and regulations are adopted. He stated that in the June 14<sup>th</sup> issue of The Record, there were 3 dozen municipalities that have adopted ordinances restricting all licenses. Councilman Pignatelli stated he takes this issue very seriously and that all the pros and cons must be looked at.

Councilman Biale stated that every opportunity should be provided to come up with a new revenue opportunity. The Planning Board members have recommended that licenses be allowed to offset taxes. Councilman Kulmala stated that this ban will give the ad-hoc committee more time to do their work and analyze this.

#### MOTION TO OVERRIDE VETO:

On motion of Councilman Kulmala, seconded by Councilman Pignatelli, the Council consents to override the Mayor's veto of Ordinance 21-Code-828.

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

Mayor Schwager stated that the Council needed four votes to override the veto so there is still a ban on marijuana licenses to help offset taxes. Mayor Schwager stated she has no financial interest in any marijuana company. She is thinking how to stabilize taxes.

#### NEW BUSINESS:

Mayor Schwager spoke about a vehicle on the front lawn of a residence on the corner of Route 202 and Brandywine. She stated it looks like a junkyard. She is asking property maintenance to do something. Mayor Schwager spoke about the plan of the Chamber of Commerce to start beautifying the town. Councilman Biale commented that it was discovered during the walk through the downtown last year, that a pizza place in the downtown had 12 flags and signs in front of the business with no permits. He stated that it has been nine months since he has brought this issue up and it has not been taken care of. Councilman Talamini asked what ordinance they are violating. Councilman Biale spoke of the garbage in front of the Dunkin Donuts. He stated that business should be issued notice of violations. Councilman Talamini questioned what is happening with the car on the front lawn. Mr. Kunze responded that the homeowner was issued a Notice of Violation and they have ten days to comply according to the code. Mayor Schwager stated that the Administration Committee needs to go through the ordinances. Mr. Kunze stated that changes need to be made to the code. Mr. Chewcaskie advised he is working revisions to the property maintenance code for the next meeting. There are also other changes required. Mr. Kunze will provide a report to the Mayor and Council of the Notices of Violations that have been issued by Code Enforcement.

#### COUNCIL REPORTS:

Councilman Biale: The Borough received a letter stating the Patriots Way Bridge project will be eligible for funding. The Borough may be able to get the entire project funded by the Federal Government. Mr. Kunze stated this would require an act of Congress so there is no timetable. He will advise the Governing Body when he hears further information. Borough Engineer John Yakimik advised that Boswell is moving towards a September date to advertise for bid for the bridge project. He advised that the Bergen County Soil Conservation District had comments that are being addressed but he does not anticipate it will affect the timetable. He expects the plans to be sent July 2<sup>nd</sup> to the State and Bergen County for review and comment. Councilman Pignatelli asked if the start date will be delayed if the Borough receives the grant funding. Councilman Biale stated it might. Mayor Schwager stated that they have been assured by the Borough Engineer that the bridge is safe for vehicular and pedestrian traffic. Councilman Kulmala asked what strings will be attached if the Federal Government awards the funding. Mr. Kunze responded we not know what program this funding would go through so we do not know the federal requirements that would be attached. Councilman Talamini asked if it affects the Borough adversely if the project is started before we accept grant funding from the federal government. Mr. Kunze responded that generally you cannot start a grant project ahead of time

and use grant money awarded later. He would not recommend starting the project until the Borough hears about the funding. Councilman Talamini asked if the cost to the project could increase while the Borough is waiting to hear about funding. Mr. Yakimik responded that Boswell is doing estimates monthly. He stated that within the next two months, the Council will have to make a critical decision. Councilman Biale stated that hopefully pandemic prices will start dropping. Mayor Schwager stated that the project estimate is approximately \$ 5 million, the funding request for the Federal Government is approximately \$ 4 million and the Borough has approximately \$ 1 million in funding already. She stated at some point, the Council will have to make financial decision.

Councilman Biale advised that the Water and Sewer Committee had an extensive meeting and Councilman Slasinski is now on the committee. The Borough is still waiting for IBank's approval for the sewer decommissioning project. Borough officials are in touch with IBank. The DEP is still reviewing the Wastewater Management Plan. The Borough is waiting for the easements for the Ramapo Valley Road sidewalk project to be returned. The excavation of the footing for the digital sign will take place tomorrow. The schematic for the Stream House will be ready in July. Councilman Biale thanked Ronnie and Larry Levine for the yearly donation of plants for the Borough.

Councilman Talamini asked if someone could look at the bridge on the Van Allen House property.

Councilman Kulmala: As of June 15<sup>th</sup>, the Oakland tv channel will be shown in HD on Verizon channel 2145. The tv committee is showing a monthly matinee movie at 4:30 pm. The newsletter and tv committee need members. The newsletter will be sent July 1<sup>st</sup>. The next OCC meeting will be held July 12<sup>th</sup>. The Green Team's community garden is flourishing. The Arts Amble was a major success with 30 artists performing in Oakland. The Green Team is submitting for 565 points to Sustainable Jersey. They are doing a great job. The Great Oak Park committee will meet next week to discuss the bandshell.

Councilman Pignatelli: The Police Department advised there are individuals trying to scam residents on new roofs and driveways. The Senior Center barbeque is postponed to Friday. The Bergen County health checks will resume in July at the Senior Center. Councilman Pignatelli commended the Police Department where officers took 13 certification courses.

Councilman Talamini: He attended the Valley Middle School graduation and the singer did a great job. The Finance Department has assured the problem with the tax bills will not happen again. The Public Events carnival will run today through Saturday. Councilman Talamini thanked Public Events Chairman Chopper Russo for all he does for the Borough. The Public Events Committee is always looking for help. Councilman Talamini thanked the DPW for the held with the 11u gold team tournament last weekend. He stated that other towns compliment our recreation fields.

Councilman Slasinski: Registration for the Library summer reading program continues. The childrens' summer reading program kicks off Tuesday June 29<sup>th</sup> with free ice cream. The Library has books for the Indian Hills summer reading list. The air conditioning is still be worked on at the Library.

Mayor Schwager advised that the next meeting of the marijuana ad-hoc committee will take place on July 7<sup>th</sup>.

OPENED FOR PUBLIC COMMENT:

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

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

No comments made.

CLOSED FOR PUBLIC COMMENT:

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.

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.

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Pignatelli, the meeting be adjourned at 9:23 pm.

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

*Lisa M. Duncan*

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Lisa M. Duncan, Borough Clerk  
July 14, 2021

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Date Approved

*Linda H. Schwager*

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Mayor Linda H. Schwager