

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY SEPTEMBER 11, 2019

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, Knapp, Kulmala, Levy, Pignatelli, Talamini. Absent: None. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Mayor Schwager announced this meeting is being held in accordance with the Open Public Meetings Law duly announced and included in the schedule of regular meetings.

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**MAYOR'S REPORT:**

Mayor Schwager has received inquiries about having an Oakland Day. She is asking anyone interested in getting involved on a committee to help organize this to contact her. On Sunday, the Oakland Elks will have their annual barbeque to benefit special needs children. Yesterday was Suicide Awareness Day and this is National Suicide Prevention Week. Bergen County will hold a job fair on October 11<sup>th</sup>. Mayor Schwager advised that the Public Safety Committee met on Monday and discussed traffic. Mayor Schwager thought in the past that we could sync the traffic lights and it would alleviate traffic. She explained that Ramapo Valley Road is a County Road but the traffic light by West Oakland Avenue is controlled by the State. She also advised that the railroad has priority over the State. The Public Safety Committee spoke about hiring a professional for a traffic study. Mayor Schwager advised residents that when they make a left turn from Franklin Avenue onto Ramapo Valley Road going south, there are two lanes to use. Most people use the right lane only and block traffic. The contractor did a fantastic job at Allerman Brook. The water is clear now. She thanked Borough Engineer John Yakimik, Councilman Levy, Roy Bauberger and all the professionals. Mayor Schwager asked residents to report potholes. We have a fantastic DPW who will take of the potholes as they are reported. Mayor Schwager and Captain Sanzari will participate in Bag For Hunger at ShopRite on September 17<sup>th</sup>. The Borough received a letter stating we were awarded a grant of \$ 119,316 to be used for Senior Center Improvements. There will be a program at the Library on September 23<sup>rd</sup> on the History of Opium and a program on October 7<sup>th</sup> on addiction and how it affects family and friends. For anyone involved with the RML litigation, Mayor Schwager advised that the Governor has signed a conditional veto on the legislation. The Governor has sent the bill back to the Legislature to revise. The Cooperstown baseball team is having their annual mum sale September 14<sup>th</sup>, 21<sup>st</sup> and 28<sup>th</sup>. There is an anti-idling pledge presented by the Green Team and the Oakland Public Schools. Idling for more than 10 seconds wastes more fuel than restarting the car.

**OPENED FOR PUBLIC DISCUSSION:**

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

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

Nancy Krause, 22 Hickory Drive and representative of the Environmental Commission, spoke of the 3 R's-Reduce, Reuse and Recycle. She spoke about refusing plastic bags and using reusable bags. She advised residents can reduce packaging and use reusable containers. Use your own coffee mugs and water bottles. The Shade Tree Commission is rolling out an adopt-a-tree program. Last year, 35 trees were replaced. Trees reduce air pollution and noise pollution. If you want to adopt a tree in the right of way, contact the Shade Tree Commission.

Sheila Boylan, 16 Walnut Street, spoke about Stewart's Woods. She is requesting that Mrs. Stewart's poem be made into an art piece and be put in the Library. She spoke with the Library Director but he said the Mayor and Council would have to give approval. Mr. Chewcaskie advised that if the Library Board wants the art, the Mayor and Council will give the authority. Ms. Boylan commented that it would be nice to put two small Dogwood trees in front of the Stewart's Woods property. Councilman Biale thought it might be nice to have the poem put on a plaque and mounted in the park.

Linda Arns, 91 Grove Street and daughter of Dorothy Stewart, read her poem.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

**APPROVAL OF MINUTES: AUGUST 14, 2019**

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of August 14, 2019 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Knapp, Kulmala, Levy, Pignatelli.  
Abstain, Councilman Talamini.

**APPROVAL OF MINUTES: AUGUST 14, 2019 EXECUTIVE SESSION**

On motion of Councilman Pignatelli, seconded by Councilman Biale, the minutes from the Mayor and Council Executive Session of August 14, 2019 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Knapp, Kulmala, Levy, Pignatelli.  
Abstain, Councilman Talamini.

**CERTIFICATES FOR OAKLAND WRESTLING:**

Mayor Schwager handed out certificates to the following members of Oakland Wrestling who placed in the NJ State Tournament:

Tyler Bayani  
Joe Donahue

CJ Betz  
Jacob McNamee

Steve Catalano  
Christopher Nucifora

Michael Telofski

Josh Turner

John Michael Wall

**APPROVE REQUEST FOR ADVERTISING ON ROLLER HOCKEY SCOREBOARD:**

Recreation Commissioner Vivian King explained that Chairman Mike Guadagnino was looking for approval to put signage on the Roller Hockey Scoreboard for Columbia Bank to acknowledge the donation they gave toward the Roller Hockey Rink. These would be two of the four advertising signs on the scoreboard that the Mayor and Council approved five years ago.

Motion to Approve:

On motion of Councilman Levy, seconded by Councilman Pignatelli, the Council consented to the signs recognizing Columbia Bank on the scoreboard.

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

**REQUEST TO WORK SATURDAYS:**

Mayor Schwager advised that there is a request by Coli Construction to approve work on Saturdays at 91 West Oakland Ave. They are claiming they were held up with permits. Councilman Pignatelli commented that a request to work on Saturdays is usually because of a hardship. He asked if anyone spoke to neighbors. Councilman Biale asked if this is outside or inside work. Borough Engineer John Yakimik advised that they are just starting construction and it is outside work. He is surprised at this request because he does not see this as a hardship.

Motion to Deny Request:

On motion of Councilman Levy, seconded by Councilman Pignatelli, the request of Coli Construction to work on Saturdays at 91 West Oakland Avenue is denied because a hardship does not exist at this time.

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

**APPOINTMENT TO FLOOD COMMISSION:**

Mayor Schwager brought forth the nomination of William Woodward to a term on the Flood Commission.

Motion to Consent:

On motion of Councilman Biale, seconded by Councilman Levy, the Council consented to the appointment of William Woodward to a term on the Flood Commission to expire December 31, 2021.

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

**APPOINTMENT TO SHADE TREE COMMISSION:**

Mayor Schwager appointed Terri Casaleggio to an unexpired term on the Shade Tree Commission. The term will expire December 31, 2022.

**APPROVE RAFFLE LICENSE RL1364:**

On motion of Councilman Biale, seconded by Councilman Kulmala, approval be granted for Raffle License #RL1364 for Oakland Sports Association to hold an on-premise 50/50 raffle on October 12, 2019 and October 19, 2019 at the Oakland Recreation Field.

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

**APPROVE RAFFLE LICENSE RL1365:**

On motion of Councilman Biale, seconded by Councilman Pignatelli, approval be granted for Raffle License #RL1365 for Oakland Sports Association to hold an off-premise 50/50 on October 26, 2019 at the Oakland Recreation Field.

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

**AD-HOC GRANT COMMITTEE DISBANDED:**

Mayor Schwager advised there is no longer a need for the Ad-Hoc Grant Committee so she is disbanding the Committee.

**RESOLUTION 19-251 AUTHORIZE RECREATION REFUND:**

On motion of Councilman Biale, seconded by Councilman Levy, 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 Basketball Camp fees in the amount of \$ 125.00; 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:

Todd Matthews, 26 Mohawk Ave., Oakland, NJ 07436 amount due \$ 125.00

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

**RESOLUTION 19-252 AUTHORIZE REFUND OF 2018 VETERAN DEDUCTION**

On motion of Councilman Biale, seconded by Councilman Levy, 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 2018 Veteran Deduction in the amount of \$250.00; and

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

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

Walter Harrison Franke, 1 Deer Ledge Rd, Oakland, NJ amount due \$ 250.00.

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

**RESOLUTION 19-253 AUTHORIZE LIEN-3 SHEFFIELD STREET**

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

WHEREAS, the Borough of Oakland Property Maintenance Officer has advised that the property located at 3 Sheffield Street and identified as Block 3703, Lot 24 on the Tax Assessment Map of the Borough of Oakland was in violation of the Borough's property maintenance code; and

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

WHEREAS, the Borough was compelled to provide labor and expend significant costs totaling \$ 5,136.08 in order to clean up the property at 3 Sheffield St.; and

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

WHEREAS, a report dated August 20, 2019 detailing the work performed and expenses incurred has been provided to the Borough Administrator who has approved the cost and expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Tax Collector be and is hereby directed to charge as additional real property taxes to the owner of the property located at 3 Sheffield St. the sum of \$ 5,136.08 being the amount due pursuant to the report dated August 20, 2019.

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

BE IT FURTHER RESOLVED that a copy of the report, along with a certified copy of this resolution, shall be sent to the owner of the property of 3 Sheffield St. by certified mail, return receipt requested.

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

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

#### RESOLUTION 19-254 APPOINT FIRE OFFICIAL

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

BE IT RESOLVED that John Wittekind, is hereby appointed as Acting Fire Official effective June 1, 2019.

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

#### RESOLUTION 19-255 ACCRUED TIME PAYOUT-B.VANDERVEEN

On motion of Councilman Biale, seconded by Councilman Levy, 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 Brandon VanDerVeen for sick, vacation, personal and compensatory time accumulated in the amount of \$ 1,422.56; 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 \$ 1,422.56 composed of 44 hours of vacation time, 0 hours of sick time, and 24 hours of personal time and 0 hours compensatory time be paid out to Brandon VanDerVeen. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose.

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

#### RESOLUTION 19-256 AWARD BID-ROAD PROGRAM

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

WHEREAS, on September 6, 2019, the Borough of Oakland received six (6) bids for the 2019 Road Program; and

WHEREAS, DLS Contracting, 271 Highway 46, Suite D-205, Fairfield, NJ had the lowest responsive and responsible bid with a total bid price of \$862,870 and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and have recommended acceptance of the bid from D.L.S. Contracting, Inc.; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #'s C-04-56-706-202 \$29,661.56, Account #C-04-56-706-203 \$ 15,188.38; #C-04-56-712-207 \$ 26,838.92, Account #C-04-56-712-208 \$ 13,789.45; Account #C-04-56-763-503 \$ 584,742.75, Account # C-04-56-787-312 \$ 192,648.94;

NOW, THEREFORE, BE IT RESOLVED that the bid of DLS Contracting, in the total amount of \$ 862,870 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, Knapp, Kulmala, Levy, Pignatelli, Talamini.

**RESOLUTION 19-257 PURCHASE REPLACEMENT POLICE VEHICLES**

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

WHEREAS, the Borough of Oakland is in need of purchasing two (2) 2020 Chevy Tahoe Police vehicles; and

WHEREAS, Mall Chevrolet, 75 Haddonfield Road, Cherry Hill, NJ 08002 has Cranford Police Cooperative Pricing Contract #ESCNJ-17/18-44 for the vehicles as per the specifications desired; and

WHEREAS, the cost for each vehicle is \$38,344.83 with the desired options; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-786-311;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Purchasing Agent is hereby authorized to issue a Purchase Order to Mall Chevrolet, Cherry Hill, NJ for the purchase of two (2) 2020 Chevrolet Tahoe vehicles at a total cost of \$76,689.66.

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

**INTRODUCTION: ORDINANCE NO. 19-CODE-791 AMEND FEE ORDINANCE**

The Clerk was directed to take from table Ordinance No. 19-Code-791 and read by title for its first reading.

The Clerk then read by title Ordinance No. 19-Code-791 entitled: " AN ORDINANCE TO ESTABLISH FEES FOR PERMITTING ENTITIES TO ADVERTISE ON BANNERS TO BE INSTALLED ON LIGHT OR UTILITY POLES WITHIN THE BOROUGH OF OAKLAND AND IN THE OAKLAND COMMUNITY CALENDAR"

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, An Ordinance To Establish Fees For Permitting Entities To Advertise On Banners To Be Installed On Light Or Utility Poles Within The Borough Of Oakland And In The Oakland Community Calendar, be introduced;

That said Ordinance be considered for final adoption at a meeting on September 25, 2019 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 September 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, Knapp, Kulmala, Levy, Pignatelli, Talamini.

**FINAL PUBLIC HEARING: ORDINANCE NO. 19-CODE-790-CARRIED**

The public hearing and final adoption of Ordinance 19-Code-790 must be carried to the September 25<sup>th</sup> meeting due to an advertising issue.

**WORK SESSION:**

**PROPOSAL FOR ENGINEERING-GREAT OAK PARK BANDSHELL:**

Borough Engineer John Yakimik advised that the proposal is not ready for discussion at this meeting. It will be listed on the September 25, 2019.

**NEW BUSINESS:**

Councilman Levy brought up the issue of vehicles parked in the Oakland Drugs parking lot. Mr. Chewcaskie advised that the zoning ordinance prohibits the storage of vehicles and they have no authority without approval. Mr. Kunze spoke to the real estate agent who is selling the property and asked him to have the property cleaned up. Mr. Yakimik also stated there is an off-premise sign on that property that should be removed.

**COUNCIL REPORTS:**

Councilman Talamini: The Public Events Committee is planning the Halloween celebration. There is a car show on September 22<sup>nd</sup> at the Copper Tree Mall from 2 to 7 pm. The Public Events Committee always needs new members. The schools are in session so please drive carefully. Back to School Night will be held September 18<sup>th</sup> at Valley Middle School and September 24<sup>th</sup> at the elementary schools.

Councilman Kulmala: There was a pre-construction meeting for the Roller Hockey Rink project on September 4<sup>th</sup>. The work is scheduled to begin next week. The Danny Hughes playground will be closed sporadically during the construction. The project should be completed by the end of November if all goes well. Football season has begun. The first home games are this Saturday. Winter sports sign ups are beginning. The Library Board will meet tomorrow night at 7 pm. The OCC needs volunteers. There are 700 subscribers to the Borough newsletter. People can sign up to follow Oakland on YouTube and Twitter. The OLPH mass is back on the air.

Mayor Schwager advised that if any House of Worship is interested in having their service shown on Channel 77, they should make arrangements with the OCC.

Councilman Biale: The next Senior movie will be held on September 16<sup>th</sup> at 1:30 pm. There will be a line dancing class on Friday September 20<sup>th</sup> at 2 pm. There will be Bingo on September 19<sup>th</sup> at 1 pm. A men's coffee club meets on Tuesdays. There will be a new weekly trivia program. The fall trip will be on Thursday October 3<sup>rd</sup> to the Paper Mill Playhouse. Pre-registration for the flu clinic will be held September 12<sup>th</sup> and September 26<sup>th</sup>. There are residents that have expressed concern about how often we use the Senior bus. We only utilize the bus on Tuesdays every week and Thursdays every other week. We are going to explore to see if there is a need to expand the use of the bus. The DPW is required to inspect stormwater basins based on the Stormwater regulations. There are 51 storm drains that have been repaired to date and 72 will require



cleaning. The DPW has been repairing potholes. In August, they used 5 ton of asphalt to repair 125 potholes in Ramapo Park. He reminded residents that they can fill out service requests on the Borough website for potholes that need repair. The DPW is continuing with the hydrant flushing program. Fourteen hydrants required total replacement and seven required repair.

Councilman Pignatelli: Hazardous Waste collection will be held Saturday September 14<sup>th</sup> at Campgaw from 9 am to 3 pm. The Environmental Commission could not meet in September because they did not have a quorum. The Board of Health will meet on September 17<sup>th</sup>. The Green Team will meet on September 24<sup>th</sup>.

Councilman Levy: The Flood Commission did not meet this month. The next Shade Tree Commission meeting will be the first Monday of October at 7:00 pm at Borough Hall. The Flood Commission will meet the second Monday of October at 7:30 pm at Borough Hall. The Shade Tree Commission is sponsoring a logo contest. The Capital Projects Committee will meet September 20<sup>th</sup> so there will be a report at the September 25<sup>th</sup> meeting. The Planning Board meets tomorrow at 7 pm at the Council Chambers.

Councilman Knapp: No report.

#### OPENED FOR PUBLIC DISCUSSION:

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

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

Sheila Boylan, 16 Walnut Street, advised that the fire hydrant by 2 Laurel Court is half buried.

#### CLOSED FOR PUBLIC DISCUSSION:

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

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

## MEETING ADJOURNED:

On motion of Councilman Levy, seconded by Councilman Pignatelli, the meeting be adjourned at 8:41 pm.

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

*Lisa M. Duncan*

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Lisa M. Duncan, Borough Clerk  
September 25, 2019

*Linda H. Schwager*

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Mayor Linda H. Schwager

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Date Approved