

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
SENIOR CITIZENS CENTER
20 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY AUGUST 11, 2021

MOVE TO EXECUTIVE SESSION:

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

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

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

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

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

Discussion on sale of Borough property. No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Slasinski, seconded by Councilman Van Eck, the Executive Session be closed.

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

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MEETING CALLED TO ORDER: By Mayor Schwager at 7:32 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Van Eck. Absent: Councilman Talamini. 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 this meeting is being held in accordance with the Open Public Meetings Law, duly announced, advertised and posted in the Municipal Building. The meeting will adjourn at 10:00 pm unless a majority of the Councilmembers that are present vote to extend the time.

MOTION TO EXCUSE ABSENCE:

On motion of Councilman Kulmala, seconded by Councilman Pignatelli, the absence of Councilman Talamini be excused.

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

MAYOR'S REPORT:

Mayor Schwager congratulated City MD on their opening last week. She heard the doctors are wonderful and Oakland is lucky to have them. On Saturday, Harvest and Ale had their ribbon cutting. She offered congratulations and wished them luck. Mayor Schwager attended an Eagle Scout ceremony last week at the Elks. On August 5th, Associated Appraisal Inc. spoke to the Seniors about the reassessment. She explained that the Borough was ordered by Bergen County to perform a reassessment. The purpose of a reassessment is to redistribute the tax burden. She advised anyone with questions to go to the Associated Appraisal website. One of the questions that the Seniors asked was how fair it is to do a reassessment this year. Associated Appraisal explained that they will be coming back the next few years to reevaluate. Mayor Schwager explained that if a resident does not allow Associated Appraisal to come into the house, they are going to assess the house at the highest value. Mayor Schwager advised that there is an increase in the numbers of the virus. COVID testing has resumed at the Senior Center on Mondays, Wednesdays and Saturdays.

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, Van Eck.

Ryan Schwertfeger, 58 Andrew Ave., asked if the Borough is planning anything for the 20th anniversary of 9/11. He asked if there is a plan to go back to having meetings in the Council Chambers.

CLOSED FOR PUBLIC COMMENT:

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

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

APPROVAL OF MINUTES: JULY 28, 2021

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

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

APPROVAL OF MINUTES: JULY 28, 2021 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Executive session of July 28, 2021 be approved.

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

APPOINTMENT TO GREEN TEAM:

Mayor Schwager appointed Jennifer Mason to a one-year term on the Green Team. The term will expire on December 31, 2021.

APPROVE RAFFLE LICENSE RL1407:

On motion of Councilman Pignatelli, seconded by Councilman Biale, approval be granted to Raffle License RL1407 for the Sports Association of Oakland to hold an off-premise 50/50 on October 2, 2021 at 24 Lawlor Drive.

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

APPROVE RAFFLE LICENSE RL1408:

On motion of Councilman Kulmala, seconded by Councilman Slasinski, approval be granted to Raffle License RL1408 for the Knights of Columbus to hold an off-premise 50/50 raffle on December 17, 2021 at 7 Courthouse Place:

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

APPROVE SIGN REQUEST:

On motion of Councilman Pignatelli, seconded by Councilman Biale, approval be granted to Oakland-Franklin Lakes Rotary Club to put a sign at Bush Plaza for one month to promote the Car Show to be held September 26, 2021.

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

REQUEST TO WAIVE PERMIT FEE:

On motion of Councilman Van Eck, seconded by Councilman Kulmala, approval be granted to the request of the American Legion to waive the fire permit fee for their flag burning ceremony.

ROLL CALL: Yeas, Councilmembers Kulmala, Slasinski, Van Eck.

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Abstain, Councilmembers Biale, Pignatelli.

RESOLUTION 21-265 AUTHORIZE RECREATION REFUND

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, 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:

Tenga Family, 9 Ponds Way, Oakland, NJ amt. \$ 265 (Rec Summer Camp)

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

RESOLUTION 21-266 AUTHORIZE REFUND VETERANS DEDUCTION-E. LAWN, 19 WHITTIER

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, 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, 2019 and 2020 Veteran Deduction in the amount of \$750; 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:

Edward Lawn, 19 Whittier Lane, Oakland, NJ 07436, amount due \$ 750.00

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

RESOLUTION 21-268 AUTHORIZE ACCRUED TIME PAYOUT-M. McMAHON

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, 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 Michael McMahon

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for sick, vacation, personal and compensatory time accumulated in the amount of \$ 47,748.48 ;
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 \$ 47,748.48 composed of 232 hours of vacation time, 600 hours of sick time, and 0 hours of personal time and 0 hours compensatory time be paid out to Michael McMahon. 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, Van Eck.

RESOLUTION 21-269 RELEASE OF ESCROW-59 CHEROKEE TR.

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, 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 escrow fees in the amount of \$ 76; 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 from Account #T-26-00-020-467 to:

Kim Maher, 59 Cherokee Trail, Oakland, NJ 07436, amount due \$ 76.00

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

INTRODUCTION: ORDINANCE NO. 21-CODE-850 CBD I & II AFFORDABLE HOUSING OVERLAY ZONE

The Clerk was directed to take from table Ordinance No. 21-Code-850 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-850 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 INCLUDE CBD I AND II AFFORDABLE HOUSING OVERLAY ZONES"

On motion of Councilman Pignatelli, seconded by Councilman Biale, 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 Include CBD I And II Affordable Housing Overlay Zones, be introduced;

That said Ordinance be considered for final adoption at a meeting on September 22, 2021 at the Senior Citizens Center, 20 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

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That said Ordinance be published in full in The Record on or before September 8, 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, Van Eck.

INTRODUCTION: ORDINANCE NO. 21-CODE-851 AMEND FEE ORDINANCE

The Clerk was directed to take from table Ordinance No.21-Code-851 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-851 entitled: " AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND ENTITLED "ADMINISTRATION", SECTION 11, "FEES FOR MUNICIPAL AND PUBLIC RECORDS", SUBSECTION 3, "SERVICES OF TAX COLLECTOR" TO ADD A NEW SECTION 2-11.3C"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing Chapter 2 Of The Revised General Ordinances Of The Borough Of Oakland Entitled "Administration", Section 11, "Fees For Municipal And Public Records", Subsection 3, "Services Of Tax Collector" To Add A New Section 2-11.3c, be introduced;

That said Ordinance be considered for final adoption at a meeting on September 1, 2021 at the Oakland Senior Center, 20 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before August 16, 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 Pignatelli asked if the requestor can get any without a charge. Mr. Kunze responded that they can get two redemption calculations at no cost. After that, there is a charge. Councilman Pignatelli asked who the requests for calculations come from. Mr. Kunze responded they come from lien holders, residents and banks. Mr. Chewcaskie advised that a lot of liend certificates are owned by entities. They want calculations to see whether they want to redeem the lien. The requestor will get two calculations at no charge per calendar year. It is not unreasonable to ask for a fee because there is a lot of work involved in the calculations. The charge for a duplicate certificate is typical.

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

WORK SESSION:

BREWERIES/BREW PUBS/DISTILLERIES:

Councilman Van Eck advised that the Borough Planner prepared the chart the Mayor had requested. Plenary distilleries are now included. He explained that we are not moving forward with wineries because there is not enough land for the acreage required. Councilman Kulmala

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stated that Councilman Van Eck has done a lot of work on this issue and he would like to introduce these ordinances at the next meeting.

SHADE TREE ORDINANCE:

Councilman Kulmala requested this be carried to the September 1st meeting.

BOND ORDINANCE FOR ROAD AND STORM SEWER IMPROVEMENTS:

Mr. Kunze advised this ordinance is for the finalization of the 2021 Capital Plan that was previously discussed. He explained that they were waiting for clarification on the federal funding plan. He advised that we are now ready to move forward and explained that the best way to maximize the ARP funding is to fully fund the road program. This ordinance would be for \$ 1.64 million for the road program and storm sewer improvements with \$ 1.5 million in debt authorized. Councilman Pignatelli asked if this ordinance was being subsidized with ARP money. Mr. Kunze responded it was not and that at a future time, we will be utilizing ARP funding. This ordinance will be introduced at the next meeting.

GYPSY MOTH SURVEY:

Mr. Kunze advised that we received correspondence from the Department of Agriculture asking if the Borough would like them to conduct surveys for gypsy moth egg masses and authorize them to spray if there is an infestation. Councilman Kulmala advised he reached out to Ed Clark from the Shade Tree Commission who was in support of the survey being done. The consensus was to move forward with the gypsy moth survey.

NEW BUSINESS:

Councilman Van Eck advised that the Borough ordinance only allows for collection bins on Borough property. He would like to allow other organizations like the Elks, Knights of Columbus and the American Legion to have bins. Mr. Kunze explained that anyone who has a bin currently is technically in violation of the ordinance. The consensus of the Council was to move forward to amend the ordinance.

OLD BUSINESS:

Councilman Pignatelli advised that the marijuana ad-hoc committee met today. The Police Chief and the Traffic Officer were in attendance to discuss appropriate zones. Councilman Pignatelli stated that the committee is working hard since this is an important decision to make. He stated that once the State Cannabis Commission comes up with the rules, an ordinance can be adopted. The ad-hoc committee members all have different opinions but are working hard and doing research. Mr. Kunze advised that they are going to work on an outline for zoning ordinances. Mayor Schwager advised that the Borough Planner has provided a lot of information.

Councilman Van Eck spoke of the pictures of former Mayors in the Council Chambers. He would like to clean the area up and put the pictures in new frames.

Councilman Van Eck commented that he had previously brought up that there should not be signs at Bush Plaza. The organizations can put the information on the Borough's LED sign using a template. Mr. Kunze advised this had been referred to the Administration Committee the last time it was brought up. An ordinance is being drafted for the Admin Committee to review and then it will be brought forth to the Council in September for discussion. Councilman Pignatelli stated he does not want any paid advertising on the LED sign as had been previously suggested by Councilman Van Eck. The LED sign is for Borough business. Mayor Schwager advised that the traffic box needs to be moved. Councilman Biale has contacted the company in charge of the signal box to work out a plan to move the box.

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Councilman Van Eck asked about the traffic study and about implementing traffic circles. He stated that something needs to be done about the traffic in town. Mr. Yakimik spoke about the technology that is being utilized to perform the traffic study. Councilman Pignatelli advised he has been pushing for a traffic study for years.

Councilman Kulmala spoke about sign pollution at Exit 58 of I287.

COUNCIL REPORTS:

Councilman Slasinski: The summer Library reading program is wrapping up. The turnout was fantastic. The Library is planning fall events. There has been a delay from the manufacturer in getting parts for the air conditioning unit. The Library will reopen on Sundays from 1 to 5 pm after Labor Day.

Councilman Biale: The sewer lining project has commenced and approximately one third has been lined. The resident on Geronimo and on Kiowa are cooperating. The Patriots Way Bridge remains safe for pedestrian and vehicular traffic. The federal funding has advanced from the Senate. Boswell is on schedule with the bid documents. The construction cost estimate is \$ 5.49 million. The State funding is set to expire in November. The bid opening for the Ramapo Valley Road sidewalk project will be held August 26th. The DPW has been exercising water valves. All fire hydrants have been checked and maintenance performed. Orange and Rockland Electric have advised of a scam asking for prepaid cards to pay the bills. Councilman Biale read tips from P.S.E. & G. for the heat.

Councilman Pignatelli: The August 12th meeting of the Senior Club will be an ice cream social. They will discuss a proposal for people to rent the facility.

Councilman Kulmala: The Great Oak Park Committee meeting was cancelled. Two Eagle Scout projects will take place at the Park. The Green Team Community Garden is flourishing. They have donated 80 pounds of produce. The new plastic film recycling bin is located by the Danny Hughes playground.

Councilman Biale advised that the Great Oak Park sign is covered by foliage.

Councilman Van Eck: He thanked the summer camp staff. The Recreation sod project is complete. The Shade Tree Commission has two openings. There was minor damage with trees down from storms and an RFP is going out. The OCC is working on developing a relationship with a streaming service. There are openings on the OCC.

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, Van Eck.

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.

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

BILLS TO BE PAID:

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

(see following pages)

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

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

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Pignatelli, the meeting be adjourned at 8:31 pm.

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

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk

September 1, 2021

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager