

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
OAKLAND SENIOR CENTER
20 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY SEPTEMBER 1, 2021

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, Talamini, Van Eck. Absent: Councilman Slasinski. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney; John Yakimik, Borough Engineer.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Mayor Schwager announced that this meeting is being held in accordance with the Open Public Meetings Law, duly announced, advertised and posted in the Municipal Building. The meeting will adjourn at 10:00 pm unless a majority of the Councilmembers that are present vote to extend the time.

EXCUSE ABSENCE:

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

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

MAYOR'S REPORT:

The Mayor's Wellness Campaign is sponsoring a blood drive on September 21st from 12 to 6 pm. Oakland will hold a 9/11 ceremony on Saturday September 11th at 8:30 am. It will take place in Vet's Park near the monument. Mayor Schwager spoke about an Eagle Scout project called the Yellow Dot Program. A yellow sticker goes on the bumper of the vehicle. If an emergency responder sees the yellow sticker, they know there is medical information in the glove box. The Oakland-Franklin Lakes Rotary Club will sponsor this program in Oakland and Franklin Lakes. Mayor Schwager spoke of the garbage that is sitting in front of the clothing bins behind Borough Hall. She asked residents not to leave bags in front of the bins if the bins are full. There is COVID testing at the Senior Center Monday, Wednesday, Friday, Saturday and Sundays. The information is on the Borough website. School will be in session soon so Mayor Schwager reminded residents to be careful driving. The Library will be open on Sundays after Labor Day.

OPENED FOR PUBLIC COMMENT:

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

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

Peter Kikot, 20 Minnehaha Blvd, spoke about Governor Murphy's Executive Order 251 regarding masks in schools and Executive Order 253 regarding vaccination and testing requirements for school personnel. He stated the mask mandates feel like we are on the road to communism. He

wants to make the decision on what is best for his children. He spoke about statistics he researched on masks and vaccines. The Executive orders are not law, they are recommendations. He wants the Mayor and Council to oppose Executive Orders 251 and 253.

Katie Wilkes, 73 Manito Ave, doesn't like wearing masks in school because it is hard to breathe and they are uncomfortable.

Dave Richardson, 320 Ramapo Valley Road, spoke about the lights being on at the Recreation field while it is raining. He stated the Borough is wasting a lot of electricity.

Melissa Keil, 38 Manito, stated that a child cannot redo childhood. She wants them to be able to experience playing with other kids. She stated that masks teach children to fear others. Masks have stolen childhood experiences and are hurting children mentally. Children should not be wearing masks because they are the least affected by COVID. There is a petition signed by 150 families that don't want their children forced to wear masks. She stated that she has not been able to attend a school board meeting because they are being held over the phone during the day.

CLOSED FOR PUBLIC COMMENT:

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

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

APPROVAL OF MINUTES: AUGUST 11, 2021

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of August 11, 2021 be approved.

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

APPROVAL OF MINUTES: AUGUST 11, 2021 EXECUTIVE SESSION

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of August 11, 2021 be approved.

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

APPROVE RAFFLE LICENSE RL1409:

On motion of Councilman Biale, seconded by Councilman Pignatelli, seconded by Councilman Pignatelli, approval be granted to Raffle License RL1409 for the Reed Foundation for Autism to hold an off-premise raffle for merchandise on January 6, 2022 at 25 Potash Road.

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

APPOINTMENT TO OCC:

Mayor Schwager brought forth the nomination of Michael Gambatese to an unexpired term on the Communications Commission.

Motion to Consent:

On motion of Councilman Biale, seconded by Councilman Pignatelli, the Council consented to the appointment of Michael Gambatese to an unexpired term on the Communications Commission. The term will expire December 31, 2022.

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

RESOLUTION 21-267 AFFORDABLE HOUSING SPENDING PLAN

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

WHEREAS, on July 8, 2015, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), the Borough of Oakland (“Borough”) filed a Declaratory Judgment Complaint in the Bergen County Superior Court, Law Division, (the “Declaratory Judgment Action”) seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan satisfies its “fair share” of the regional need for low and moderate income housing pursuant to “Mount Laurel doctrine”; and

WHEREAS, a Settlement Agreement (the “Settlement Agreement”) by and among the Borough of Oakland, Fair Share Housing Center was executed as of August 11, 2020; and

WHEREAS, a Fairness Hearing was held before Honorable Christine Farrington on December 1, 2020, at which time the Settlement Agreement was approved; and

WHEREAS, the approval of the Settlement Agreement was memorialized by an Order entered by the Court on December 16, 2020 (the “Court Order”); and

WHEREAS, the Settlement Agreement and Court Order require the adoption of a Spending Plan; and

WHEREAS, a Spending Plan (the “Spending Plan”) entitled Borough of Oakland Spending Plan” dated April, 2021, last revised June, 2021, was prepared by Steve Lydon, P.P..

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Council does hereby approve and adopt the Spending Plan substantially in the form annexed to this Resolution as Scheduled A.

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

RESOLUTION 21-270 RELEASE OF ESCROW-ROGERS, 199 MANITO AVE.

On motion of Councilman Biale, 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 \$ 850; 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

Keith Rogers, 199 Manito Ave., Oakland, NJ 07436, amount due \$ 850.00

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

RESOLUTION 21-271 RELEASE OF ESCROW-O'NEILL, 32 MASSASOIT TR.

On motion of Councilman Biale, 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 \$ 850; 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-26-00-020-471

Jeannine O'Neill, 32 Massasoit Trail, Oakland, NJ 07436, amount due \$ 850.00

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

RESOLUTION 21-272 AUTHORIZE REFUND RECREATION FEES

On motion of Councilman Biale, 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:

Gribbin Family, 7 Harvard Way, Oakland, NJ amt. \$ 90 (Rec Summer Camp)
 Dasilva Family, 73 Lakeshore Dr., Oakland, NJ, amt. \$ 60 (Rec Summer Camp)
 Mahani Family, 22 Academy Circle, Oakland, NJ, amt. \$ 180 (Rec Summer Camp)
 Nisivoccia Family, 54 Calumet Ave, Oakland, NJ, amt. \$ 120 (Rec Summer Camp)
 Baran Family, 181 Long Hill Rd, Oakland, NJ, amt. \$ 60 (Rec Summer Camp)
 Tramantozzi Family, 815 Ramapo Valley Rd, Oakland, NJ, amt. \$ 60 (Rec Summer Camp)
 Sendrowski Family, 15 Colgate Rd, Oakland, NJ, amt. \$ 60 (Rec Summer Camp)
 O'Keefe Family, 62 Andrew Ave, Oakland, NJ, amt. \$ 60 (Rec Summer Camp)
 Hill Family, 19 Pine Crest Dr., Oakland, NJ, amt. \$ 243 (Tackle Football-Might Level)
 Becker Family, 16 Princeton Terr, Oakland, NJ, amt. \$243 (Tackle Football-Might Level)
 Metje Family, 5 Massasoit Tr., Oakland, NJ, amt. \$ 243 (Tackle Football-Might Level)
 Cullere Family, 241 Ramapo Valley Rd, Oakland, NJ, amt. \$ 243 (Tackle Football-Might Level)
 Feeley Family, 26 Seton Hall Drive, Oakland, NJ, amt. \$ 243 (Tackle Football-Might Level)
 Telofski Family, 80 Ryerson Ave, Oakland, NJ, amt. \$ 243 (Tackle Football-Might Level)
 Marino Family, 103 Roosevelt Blvd, Oakland, NJ, amt. \$243 (Tackle Football-Might level)
 Bayani Family, 44 Spear Street, Oakland, NJ, amt. \$150 (TGA Cheer Camp)

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

RESOLUTION 21-274 HIRE SUBSTITUTE CROSSING GUARDS

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

WHEREAS, the Police Captain has requested the appointment of substitute crossing guards and all necessary background checks have been completed;

BE IT RESOLVED, that the Mayor and Council hereby appoints the following as a substitute crossing guard at a salary of \$ 20.53 per hour effective September 2, 2021:

Brenda DeBouter
109 Seminole Avenue
Oakland, NJ 07436

BE IT RESOLVED, that the Mayor and Council hereby appoints the following as a substitute crossing guard at a salary of \$ 18.44 per hour effective September 2, 2021:

Tara Farley
15 Lakeshore Drive
Oakland, NJ 07436

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

RESOLUTION 21-275 CHAPTER 159 BROTHERTON FOUNDATION GRANT-TENNIS COURT REFURBISHMENT

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

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Oakland has been awarded a Grant from the Fred J Brotherton Charitable Foundation in the amount of \$30,000.00 for the refurbishment of the Tennis Courts 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:
Refurbish Tennis Courts.

BE IT FURTHER RESOLVED that a like sum of \$30,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:
 (A) Operations - Excluded from "CAPS"
 Public and Private Appropriations Offset by Revenues:
 Refurbish Tennis Courts
 Other Expenses - \$ 30,000.00

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

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

RESOLUTION 21-276 CHAPTER 159-BERGEN COUNTY TENNIS COURT
 RESURFACING

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

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Oakland has been awarded a Grant from County of Bergen Preservation Trust Fund in the amount of \$33,500.00 for the refurbishment of the Tennis Courts 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:
 Refurbish Tennis Courts.

BE IT FURTHER RESOLVED that a like sum of \$33,500.00 be and the same is hereby appropriated under the caption of:

General Appropriations:
 (A) Operations - Excluded from "CAPS"
 Public and Private Appropriations Offset by Revenues:
 Refurbish Tennis Courts
 Other Expenses - \$ 33,500.00

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

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

RESOLUTION 21-277 CONFIRM CONTRACT-HIGH MOUNTAIN RD WATER MAIN BREAK

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

WHEREAS, a recent water main break at the end of High Mountain Road caused a loss of water service to homes in the Heights section of the community; and

WHEREAS, the Department of Public Works was able to stop the leak and temporarily back feed water to the affected area; and

WHEREAS, the situation leaves part of the community vulnerable to further water service disruptions; and

WHEREAS, the entire cast iron water main is in a dependent condition and needs to be replaced; and

WHEREAS, the Borough requires the services of a contract due to the location of the water main on a rocky slope; and

WHEREAS, this constitutes an emergency condition that must be fixed as quickly as possible; and

WHEREAS, N.J.S.A. 40A: 11-6 and N.J.A.C. 5:34-6.1 permit the awarding of contracts without public advertising for bids and bidding therefor, notwithstanding that the contract price exceeds the bid threshold, when an emergency affecting the public health, safety, or welfare exists; and

WHEREAS, Boswell Engineering has secured quotes from three (3) contractors to make the necessary repairs to fix the break and replace the subject water line; and

WHEREAS, D.S. Meyer Enterprises, LLC. Submitted the lowest quote with a price of \$262,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account # C-06-56-833-402.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby award a contract to D.S. Meyer Enterprises, LLC. In the amount of \$262,000.00 for the emergency water main replacement at High Mountain Road.

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

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

RESOLUTION 21-278 AUTHORIZE SHARED SERVICE AGREEMENT-GLEN GRAY ROAD REPAVING

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

WHEREAS, there is a need to repave Glen Gray Road, which is located in both the Borough of Oakland and Township of Mahwah; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes public entities to enter into a contract with each other to share services which the entities are empowered to provide or receive within their own jurisdictions, including services incidental to the primary purposes of any of the participating public entities; and

WHEREAS, both municipalities desire to work together to achieve the repaving of this street, with Mahwah serving as the lead agency for bidding and contracting purposes; and

WHEREAS, the Borough of Oakland desires to enter into a shared service agreement which sets forth the obligations and responsibilities of each party, with the Township of Mahwah, in the form attached to this resolution.

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 shared service agreement in the form annexed to this Resolution.
2. Certified copies of this Resolution shall be provided to the Township of Mahwah, the Borough Engineer, and Brian M. Chewcaskie, Borough Counsel.

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

RESOLUTION 21-279 AUTHORIZE SHARED SERVICE AGREEMENT-FOREST AVENUE REPAVING

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

WHEREAS, there is a need to repave Forest Avenue, which is located in both the Borough of Oakland and Borough of Franklin Lakes; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes public entities to enter into a contract with each other to share services which the entities are empowered to provide or receive within their own jurisdictions, including services incidental to the primary purposes of any of the participating public entities; and

WHEREAS, both municipalities desire to work together to achieve the repaving of this street, with Mahwah serving as the lead agency for bidding and contracting purposes; and

WHEREAS, the Borough of Oakland desires to enter into a shared service agreement which sets forth the obligations and responsibilities of each party, with the Borough of Franklin Lakes, in the form attached to this resolution.

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 shared service agreement in the form annexed to this Resolution.
2. Certified copies of this Resolution shall be provided to the Borough of Franklin Lakes, the Borough Engineer, and Brian M. Chewcaskie, Borough Counsel.

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

RESOLUTION 21-280 AUTHORIZE REFUND-TAX OVERPAYMENTS

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

WHEREAS, a tax overpayment has been made to the following accounts and Lereta LLC is requesting a refund;

THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Treasurer is authorized and directed to refund the amounts as stated below:

Block:	Lot:	Address:	Credit Amount:
804	22	18 Hunters Run	\$4,343.47
1101	10	16 Falling Waters	\$5,440.86
4505	11	10 Rockaway Avenue	\$2,396.48
4805	8	66 Seminole Avenue	\$3,469.17

\$15,649.98

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Oakland that copies of this resolution be provided to the Tax Collector and the Treasurer.

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

RESOLUTION 21-281 AWARD CONTRACT-BODY WORN CAMERAS

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

WHEREAS, the Borough has applied for and been awarded grant funding for Body Worn Cameras for the Oakland Police Department; and

WHEREAS, Watch Guard Video has submitted a proposal dated June 9, 2021 for their services to provide body worn cameras to the Borough in the amount of \$56,359.00; and

WHEREAS, Watch Guard Video is on State Co-op Contract #T010617FLEET007; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # G-02-21-772-001 and C-04-56-831-306; and

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

WHEREAS, the award of the contract is on State Contract for which no public bidding is required;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the contract for Body Worn Cameras be awarded to Watch Guard Video as specified in the June 9, 2021 proposal in an amount not to exceed \$56,359.00; and

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

Councilman Talamini asked if the Borough needs a policy for the cameras. Mr. Kunze advised that the Council won't need to adopt a policy. The Police Department will need to develop a policy. Mr. Chewcaskie advised that the policy is dictated by the Attorney General.

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

RESOLUTION 21-282 AWARD CONTRACT-RAMAPO VALLEY ROAD SIDEWALK IMPROVEMENTS

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

WHEREAS, on August 26, 2021, the Borough of Oakland received two (2) bids for the Ramapo Valley Road Pedestrian Safety Improvements Project; and

WHEREAS, D.S. Meyer Enterprises, LLC., 2 North Street, Suite 2A, Waldwick, N.J. 07463 had the lowest responsive and responsible bid with a total bid price of \$613,871.00; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and have recommended acceptance of the bid from D.S. Meyer Enterprises, LLC.; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account C-04-56-690-402 \$ 39,317; Account C-04-56-691-304 \$ 50,000; Account C-04-56-712-209 \$ 50,000; Account #C-04-56-761-300 \$ 50,000; Account# C-04-56-761-400 \$ 59,554; Account# C-04-56-763-503 \$50,000; Account# C-04-56-787-312 \$ 265,000; Account #C-04-56-809-601 \$ 50,000;

NOW, THEREFORE, BE IT RESOLVED that the bid of D.S. Meyer Enterprises, LLC., in the total amount of \$613,871.00 be accepted; and

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

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

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

INTRODUCTION: ORDINANCE NO. 21-CODE-852 BREWERIES

The Clerk was directed to take from table Ordinance No. 21-Code-852 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-852 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 ALLOW FOR LIMITED BREWERIES"

On motion of Councilman Van Eck, 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 Allow For Limited Breweries, be introduced;

That said Ordinance be considered for final adoption at a meeting on October 13, 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 September 29, 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, Talamini, Van Eck.

INTRODUCTION: ORDINANCE NO. 21-CODE-853 BREW PUBS

The Clerk was directed to take from table Ordinance No. 21-Code-853 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-853 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 ALLOW FOR BREW PUBS"

On motion of Councilman Van Eck, seconded by Councilman Kulmala, 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 Allow For Brew Pubs, be introduced;

That said Ordinance be considered for final adoption at a meeting on October 13, 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 September 29, 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, Talamini, Van Eck.

INTRODUCTION: ORDINANCE NO. 21-CODE-854 DISTILLERIES

The Clerk was directed to take from table Ordinance No. 21-Code-854 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-854 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 ALLOW FOR DISTILLERIES"

On motion of Councilman Van Eck, 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 Allow For Distilleries, be introduced;

That said Ordinance be considered for final adoption at a meeting on October 13, 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 September 29, 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, Talamini, Van Eck.

INTRODUCTION: ORDINANCE NO. 21-BOND-855 ROAD PROGRAM AND STORM SEWER IMPROVEMENTS

The Clerk was directed to take from table Ordinance No. 21-Bond-855 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Bond-855 entitled: " BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,620,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

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

BE IT RESOLVED that an Ordinance entitled, Bond Ordinance To Authorize The Making Of Various Public Improvements In, By And For The Borough Of Oakland, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$1,620,000 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds, be introduced;

That said Ordinance be considered for final adoption at a meeting on September 22, 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 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, Talamini, Van Eck.

RESOLUTION 21-273 INTRODUCTION BOND ORDINANCE

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

BE IT RESOLVED that the ordinance entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,620,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 22nd day of September, 2021, at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

INTRODUCTION: ORDINANCE NO. 21-CAPITAL-256 CAPITAL FIRE APPARATUS

The Clerk was directed to take from table Ordinance No. 21-Capital-256 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Capital-256 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 \$1,200,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE RESERVE FOR FIRE APPARATUS OF THE GENERAL CAPITAL FUND OF THE BOROUGH"

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

BE IT RESOLVED that an Ordinance entitled, Capital Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey Authorizing The Making Of Various Public Improvements And Acquisitions In, By And For The Borough, Appropriating Therefor The Sum Of \$1,200,000 And Providing That Such Sum So Appropriated Shall Be Raised From The Reserve For Fire Apparatus Of The General Capital Fund Of The Borough, be introduced;

That said Ordinance be considered for final adoption at a meeting on September 22, 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 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, Talamini, Van Eck.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-849 STORMWATER CONTROL ORDINANCE

The Clerk was directed to take from the table Ordinance No. 21-Code-849 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE OF THE BOROUGH OF OAKLAND, COUNTY OF BERGEN, STATE OF NEW JERSEY, TO ADOPT THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S MODEL ORDINANCE FOR STORMWATER CONTROL"

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, Talamini, Van Eck.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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 Of The Borough Of Oakland, County Of Bergen, State Of New Jersey, To Adopt The New Jersey Department Of Environmental Protection's Model Ordinance For Stormwater Control, 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, Talamini, Van Eck.

FINAL PUBLIC HEARING: ORDINANCE NO. 21-CODE-851 AMEND FEE ORDINANCE-TAX LIEN REDEMPTION CALCULATION; DUPLICATE TAX SALE CERTIFICATES

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

The Clerk then read by title 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"

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, Talamini, Van Eck.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing Chapter 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 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, Talamini, Van Eck.

WORK SESSION:

SHADE TREE ORDINANCE:

This discussion was carried to the September 22nd agenda.

DOWNTOWN STREETSCAPE PLAN:

Mr. Kunze stated that the Planning Board has requested the Council to adopt a streetscape plan for the downtown for the look of the sidewalks, lampposts, benches, etc. This will improve the look of the downtown over time. He thought the Planning Board would submit specific items for the Mayor and Council to consider but they did not. Councilman Biale commented that the planner was involved when the Walgreen's was built. Mr. Kunze stated it is time to adopt a formal plan to guide future developments. Mr. Chewcaskie explained that even if something is in the Master Plan, developers are not required to follow it. This would need an amendment to the site plan ordinance.

Mayor Schwager has been speaking to the Community of Commerce so hopefully the business owners would be involved in this process. Councilman Talamini asked if this would be required of large projects or would it be required for small stores as well. Mr. Chewcaskie explained that the plan would be for streetscape improvements such as pavers, lights, etc. to make the appearance of the downtown uniform. He explained that the Mayor and Council need to see what the Planning Board is recommending. Councilman Pignatelli stated he would like to start seeing improvements by putting in uniform light posts and garbage receptacles. Councilman Van Eck stated that Ramapo Valley Road has many zones. He asked if this is for the CBD1 and CBD2 zones. Councilman Talamini stated that the cost needs to be determined before making plans for improvements. Mr. Chewcaskie advised that the Council should wait to hear recommendations from the Planning Board. He advised that any improvements done in the residential section would be borne by the municipality. Councilman Kulmala would like to discuss beautifying Bush Plaza. Councilman Van Eck agreed that Station Park should definitely be done. He stated that fundraising can be done for the project.

SIGNS AT BUSH PLAZA:

Councilman Van Eck thinks the signs at Bush Plaza are tacky. The organizations should use the Borough's LED sign. There should not be signs at Bush Plaza. Councilman Pignaelli asked if there could be a transition period where signs are allowed in Bush Plaza and on the LED sign. Mr. Kunze stated that the Administration Committee is meeting later in September to discuss this matter. Councilman Van Eck stated that information should be on the LED sign. Councilman Talamini responded that the Administration Committee will discuss this matter. Councilman Van Eck stated that organizations can also put information on the billboard on 287.

CLOTHING BINS:

Councilman Van Eck is proposing to amend the ordinance to allow clothing bins so the Elks and Knights of Columbus would be allowed to have the bins on their property. Mayor Schwager stated that whoever has the bins will be held responsibility to keep them clean and neat. Councilman Van Eck stated these organizations are hurting and need these bins for the revenue they provide. Mayor Schwager advised this should be added to the agenda for the Administration Committee meeting. Mr. Kunze advised he will require the Borough Attorney's assistance to draft language as to what zones and institutions would be allowed to have the bins. Councilman Van Eck asked if this should be referred to Planning Board. Mr. Chewcaskie responded that this is not a zoning issue. The issue was the condition the bins were kept years ago so the Council at the time banned bins except for Borough property. Councilman Pignatelli suggested that the organizations could be required to have surveillance cameras on the bins.

OUTDOOR DINING:

Councilman Van Eck thinks outdoor dining is good for the businesses and the town. He thinks outdoor dining should be kept permanently. Mayor Schwager stated that sometimes good things happen from bad things. She stated that the Council would have to extend the resolution. Mr. Kunze advised that the outdoor dining resolution was amended in March to extend outdoor dining until restaurants had 100% capacity for indoor dining. He advised that the State passed a law to allow for temporary outdoor dining until November 2022. Mr. Chewcaskie would like to do a resolution. Mr. Kunze reiterated that statutory authority for outdoor dining is given until November 2022. He advised that draft ordinances are in the planning stages to allow outdoor dining permanently. Councilman Kulmala asked when the ordinances would be adopted. Mr. Kunze advised that they will be put on an agenda this fall for discussion by the Council. Councilman Kulmala stated there is an intrinsic value to outdoor dining. Councilman Talamini asked where everyone would be parking if there is 100% capacity inside and outside. Mr. Kunze responded that is one of the issues that is being grappled with. He advised that the Council still needs to do a resolution to extend the outdoor dining.

NEW BUSINESS:

Councilman Van Eck doesn't think we should be enforcing masks in Borough buildings. Mr. Kunze responded that it could be put on the next agenda for discussion.

OLD BUSINESS:

Mayor Schwager advised that there is an ad-hoc committee to discuss cannabis. Councilman Pignatelli and Councilman Van Eck toured the cannabis facility in Maplewood. Councilman Van Eck advised that the State commission released Frequently Asked Questions and the fee schedule. He thanked all the committee members for all the work they are doing. The committee reviewed the draft ordinance and deliberated on what makes sense for the town.

Councilman Van Eck questioned the traffic study. He stated he is a fan of traffic circles and an adaptive traffic light system. Borough Engineer John Yakimik advised that he has asked for a meeting to go over the findings of the traffic study with the Police Department.

Councilman Van Eck wants to go back to having meetings in the Council Chambers in October because the broadcasting is challenging at the Senior Center. Councilman Kulmala agreed. Mayor Schwager would like to discuss it at the next meeting.

Councilman Pignatelli asked when the County is scheduled to repave Ramapo Valley Road because he wanted to get suggestions from the traffic study to them before paving. Mr. Yakimik advised that the paving of Ramapo Valley Road has been pushed to next year because of the need for the force main for the decommissioning project.

Councilman Talamini asked about the email received from a resident about stormwater runoff. Mr. Kunze responded that it was referred to Code Enforcement because it looked like it was coming from the neighbor's property.

Councilman Talamini addressed the comments about the lights at the Rec Field. He stated that he has been on the fields when the lights go out and it is not safe. He stated that football holds practices in the rain and the lights are on so people can use the walking path. He would rather the lights be on than be off and someone get hurt.

COUNCIL REPORTS:

Councilman Van Eck: Football, Cheerleading and soccer are ongoing. AED's have been donated for the Rec field. The Recreation Commission had no meeting in August. The OCC will meet on September 13th. They are closing in on digi-streaming. The newsletter is out. The Shade Tree Commission is working on a planting plan around the LED sign. Councilman Van Eck thanked the DPW for all their hard work. The sidewalk project is moving forward. The Patriots Way Bridge remains safe to drive on.

Councilman Kulmala: The OEM is out now for the storm and has advised that Allerman Brook is rising. The Great Oak Park Committee had no meeting in August. There was no Green Team meeting held. Councilman Kulmala had an issue with Governor Murphy's travel during Covid as well as his terminology.

Councilman Pignatelli: The Senior Center will hold bingo on September 16th at 1 pm. The Bergen County Surrogate will hold a presentation on Monday September 20th at 1 pm. The midweek movie will be held September 29th at 1 pm. Book Club will meet on September 30th at 1 pm. Covid testing is taking place in the Senior Center parking lot Mondays, Wednesdays and Fridays from 12:30 pm to 7 pm and on Saturdays and Sundays from 9 am to 3 pm. The Police Department reported that a resident was walking along the railroad trestle and was almost hit by a train. It is illegal to walk on the railroad tracks. The Police Department had 480 motor vehicle stops and issued 775 summonses and had 1 arrest for DWI.

Councilman Biale: The Borough is waiting for funding approval from the IBank in order to advertise for bids for the sewer plant decommissioning project. There will be a meeting with Bergen County to discuss relocation of the traffic box by the LED sign. The Skyview Hibrook lining project is 75% complete. There is an issue with the Iroquois pump station. Mr. Yakimik advised that this project will be advertised for bid in September. Councilman Biale advised that the Patriots Way Bridge remains safe for pedestrian and vehicular traffic. The project estimate is \$ 5.49 million. Boswell Engineering is working with the State DOT on extending the local aid grant. The Ramapo Valley Road sidewalk project will start in 4 to 6 weeks.

Councilman Talamini: Schools will start on September 9th and he asked people to be careful driving when the school kids are walking. The Finance Committee will need to schedule a meeting. The Public Events Committee is in need of new members.

Mayor Schwager reminded residents about the 9/11 ceremony on Saturday September 11th.

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, Talamini, Van Eck.

Peter Kikot, 20 Minnehaha Blvd., commented that the Planning Board should refer to the Shade Tree Commission regarding trees for the Streetscape plan. He spoke of the Shade Tree ordinance to protect the canopy. He commented that Station Park is part of the downtown revitalization.

Dave Richardson, 320 Ramapo Valley Road, commented that the house across from the BP gas station required the town to come in to clean the property. He asked if the property owner got a bill for the work. Mayor Schwager responded that if the Borough goes in to clean up a property that is not being maintained, the Borough puts a lien on the house.

Erinda Kikot, 20 Minnehaha Blvd., has heard complaints of children not being able to breathe in a mask and stated parents know what is best for their children. She spoke of an increase in mental health issues in 2020. Mayor Schwager advised that the Council can't do anything about the schools. Ms. Kikot stated that people should not be made to wear masks in Borough buildings. The people here tonight are asking for the freedom to make their own choices. Councilman Van Eck stated that the Council can pass a resolution in opposition to the Governor's Executive order.

CLOSED FOR PUBLIC COMMENT:

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

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

BILLS TO BE PAID:

On motion of Councilman Talamini, seconded by Councilman Van Eck, 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, Talamini, Van Eck.

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Talamini, the meeting be adjourned at 9:17 pm.

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

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk

September 22, 2021

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager