

**BOROUGH COUNCIL MEETING**  
**October 26, 2022**

Municipal Court/Council Chambers  
10 Lawlor Drive  
Oakland, N.J. 07436  
7:00 P.M.



***BOROUGH OF OAKLAND***  
***NEW JERSEY***



Phone: (201) 337-8111  
Website: [www.oakland-nj.org](http://www.oakland-nj.org)

# BOROUGH OF OAKLAND

## Borough Council Meeting

### FINAL AGENDA

Municipal Court/Council Chambers  
10 Lawlor Drive  
Oakland, N.J. 07436

**MAYOR:**  
Linda H. Schwager

**BOROUGH COUNCIL:**  
Eric Kulmala  
John McCann  
Pat Pignatelli  
Steven Saliani  
Kevin Slasinski  
Russell Talamini

**October 26, 2022 – 7:00 p.m.**

**Executive Session 6:30 P.M.**

- Executive Items

**Call to Order** *Mayor Linda H. Schwager Presiding*

- Roll Call: Mayor Linda H. Schwager, Councilmembers Kulmala, McCann, Pignatelli, Saliani, Slasinski, Talamini
- Statement of Compliance with Open Public Meetings Act:
  - 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 p.m. unless a majority of the Councilmembers that are present vote to extend the time.
- Pledge of Allegiance to the Flag & Moment of Silence

**Mayor’s Report** *Mayor Linda H. Schwager*

**Open Public Comment** *General Public*

*Open public comment for members of the public not to exceed 3 minutes per person. Session not to exceed 30 minutes.*

**Approval of Minutes** *Borough Council*

- October 12, 2022

**Special Announcements/Appointments/Raffles/Requests** *Borough Council*

- Recognition of Ms. Iris Pascual for Archery Sporting Accomplishments
- Authorize Raffle License #RL1440 for Valley Middle School Parent Teacher Organization to hold On-Premise 50/50 Raffle on December 3, 2022 at Valley Middle School, 71 Oak Street, Oakland, N.J. 07436
- Authorize Raffle License #RL1441 for Valley Middle School Parent Teacher Organization to hold On-Premise Raffle for Merchandise on December 3, 2022 at Valley Middle School, 71 Oak Street, Oakland, N.J. 07436
- Request for Banner Placement at Bush Plaza for Oakland Father’s Club for Pictures with Santa from October 27, 2022 to December 4, 2022
- Appointment(s) to Arts Committee

**Resolutions** *Borough Council*

*All Resolutions listed shall be acted upon by a single motion unless a member of the Governing Body requests specific items be pulled from the Consent Agenda for separate action.*

- 22-283:** Authorize Refund of Taxes Due to Tax Court Judgement
- 22-284:** Authorize Grant Submittal to FY23 New Jersey Department of Transportation Transportation Alternatives Set Aside Grant Program for Upper Allerman (“Pond”) Brook Soil Stabilization Project

<b>Ordinances</b>	<i>Borough Council</i>
-------------------	------------------------

**Final Adoption:**

**22-Code-893:** An Ordinance Amending Chapter 59 of the Code of the Borough of Oakland, Entitled “Land Use and Zoning”

<b>Work Session</b>
---------------------

- 2023 Borough Council Meeting Proposed Dates
- Solid Waste Disposal Bid
- Engineering Proposal for 2023 Road Resurfacing Program
- Ordinance Establishing Business Insurance Registry Program

<b>New Business</b>
---------------------

<b>Old Business</b>
---------------------

<b>Council Committee/Liaison Reports</b>	<i>Borough Council</i>
--	------------------------

<b>Open Public Comment</b>	<i>General Public</i>
----------------------------	-----------------------

*Open public comment for members of the public not to exceed 3 minutes per person. Session not to exceed 30 minutes.*

<b>Bills to be Paid</b>	<i>Borough Council</i>
-------------------------	------------------------

<b>Adjournment</b>
--------------------

The next Borough Council Meeting will be held on Wednesday November 9, 2022 at 7:00 p.m. at the Borough of Oakland Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, N.J. 07436



# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 22-283

**TITLE:**

**AUTHORIZE REFUND OF TAXES DUE TO TAX COURT JUDGEMENT**

**WHEREAS**, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$5,848.05; and

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

**WHEREAS**, the Chief Financial Officer has verified that the amount is due and that funds are available in account Tax Refund CF-01-55-998-002;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, do hereby authorize payment to be made in the amount of \$5,848.05 to:

Anita Dricheler and Laurie Gross	Block 1301
c/o Jacobus & Associates	Lot 31
201 Littleton Road, Suite 100	
Morris Plains, N.J. 07950	

**RECORD OF COUNCIL VOTE:**

Motion - by Councilman: \_\_\_\_\_ Second - by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: October 26, 2022

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 22-284

**TITLE:**

**AUTHORIZE GRANT SUBMITTAL TO THE FY23 NEW JERSEY DEPARTMENT OF  
TRANSPORTATION TRANSPORTATION ALTERNATIVES SET ASIDE GRANT PROGRAM FOR  
UPPER ALLERMAN (“POND”) BROOK SOIL STABILIZATION PROJECT**

**WHEREAS**, the Borough of Oakland is applying for funding for the Upper Allerman (“Pond”) Brook Soil Stabilization Project through the FY2023 New Jersey Department of Transportation Transportation Alternatives Set Aside Grant Program; and

**WHEREAS**, this project will help to improve erosion control and deteriorating stream bank slopes along the Upper Allerman (“Pond”) Brook; and

**WHEREAS**, maintenance of the facility, once constructed, will be assumed by the Borough of Oakland with the exception of local ordinances that places maintenance responsibility with each individual property owner;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, that it hereby supports the submission of a grant application for the Upper Allerman (“Pond”) Brook Soil Stabilization Project within the State of New Jersey Department of Transportation; and

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Clerk are hereby authorized to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

**RECORD OF COUNCIL VOTE:**

Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: October 26, 2022

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



## ORDINANCE NO. 22-CODE-893

### AN ORDINANCE AMENDING CHAPTER 59 OF THE CODE OF THE BOROUGH OF OAKLAND, ENTITLED "LAND USE AND ZONING"

---

**WHEREAS**, the Borough of Oakland (the "Borough") has previously adopted Chapter 59 of the Code of the Borough of Oakland entitled "Land Use and Zoning"; and

**WHEREAS**, the Borough desires to amend Chapter 59 entitled "Land Use and Zoning" Section 13 entitled "Fees" of the Borough Code to modify the certain fees associated with land use and zoning applications to the Borough; and

**WHEREAS**, the Borough Council has determined it appropriate to amend said ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Oakland that the current language of Chapter 59 entitled "Land Use and Zoning", Section 13 entitled "Fees" of the Borough Code, is hereby amended as follows (additions in **bold** and deletions marked by "—"):

#### §59.13 Fees.

There is hereby established in connection with various applications for development and other matters which are the subjects of this chapter the following schedule of fees, which shall be paid by the appropriate parties:

- A. Copy of the decision of the governing body to the interested party in connection with an appeal pursuant to § 59-9: \$10.
- B. Publication in a newspaper of the decision of the governing body on an appeal pursuant to § 59-9: cost of publication.
- C. Development applications.
  - (1) Sketch plat, simple lot line change: \$25.
  - (2) Sketch plat, three lots or less: \$100 plus \$25 for each lot in excess of one lot.
  - (3) Sketch plat, more than three lots: a minimum charge of \$250 plus \$50 for each lot in excess of three lots.
  - (4) Preliminary plat: \$250, plus \$50 per lot.
  - (5) Final plat: minimum charge of \$250 and \$50 for each lot in excess of one lot.
  - (6) Site plans. (Note: For purposes of determining the site plan fee, if only a portion of a property is to be developed and said property can be further subdivided under the requirements of this chapter, the lot area shall be construed to be an area which can be subdivided under the requirements of this chapter wherein all proposed buildings and improvements would meet all required setback

and yard requirements. When a site plan for a new building or structure or addition thereto does not involve off-street parking, traffic circulation or drainage facilities, the site plan filing fee as it pertains to lot area shall apply only to the ground floor area of the building or structure.)

(a) Preliminary site plan: \$200 plus \$2.50 per 1,000 square feet of lot area or part thereof, plus \$2 per 100 square feet of proposed building floor area or part thereof.

(b) Final site plan: \$100 plus \$1.25 per 1,000 square feet of lot area or part thereof, plus \$1 per 100 square feet of proposed building floor area or part thereof.

(7) Application for a change to the classification or boundaries of a zoning district: \$500.

D. Conditional use applications: \$350 plus \$2.50 per 1,000 square feet lot area or part thereof, plus \$2 per 100 square feet of building area or part thereof.

E. Variances and appeals.

(1) Appeals from decision of the Zoning Enforcement Official pursuant to § 59-25A: \$100.

(2) Interpretation of Zoning Map or zoning regulations or for decision on other special questions pursuant to § 59-25B: \$100.

(3) Variances pursuant to § 59-25C from lot area, lot dimensional, setback and yard requirements: ~~\$200~~ **\$250** plus ~~\$25~~ **\$50** for each additional variance requested. However, in the case of application under Section 59-25C for a variance solely to construct a deck or fence upon residential property, the application fee shall be \$100.

(4) Variances from use regulations pursuant to § 59-25D: \$500 per acre or a part thereof involved in the application.

(5) Direction pursuant to § 59-25F for issuance of a permit for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved on an Official Map: \$150.

(6) Direction pursuant to § 59-25G for issuance of a permit for a building or structure not related to a street: \$150.

F. Escrow deposit for inspection fees.

(1) In addition to the required application fees established herein, the applicant shall be required to establish one or more escrow accounts with the Borough of Oakland to cover the reasonable costs of professional review and consultation.

(2) Said escrow fees shall be required for:

(a) Preliminary subdivision approval.

(b) Final subdivision approval.

(c) Any subdivision requiring conditional use approval.

(d) Any subdivision requiring site plan approval.

(e) Any subdivision requiring planned development approval.

- (f) Any subdivision requiring a variance of any type.
- (g) Any major site plan.
- (h) For any variance application ~~in which the Board of Adjustment determines in its sole discretion that it~~ requires the professional services of the Borough Engineer or other borough consultant to fully and properly consider the application.
- (i) Any application for a certificate of occupancy before the Planning Board as required by Section 59-106 of this chapter.
- (j) Application for a change to the classification or boundaries of a zoning district.

(3) Upon receipt of an application for ~~one of the~~ **the items set forth in subsections (F)(2)a, b, c, d, e, f, g, i and j** above, the approving authority secretary shall send a copy of the application and one set of all maps and reports to the Borough Engineer, the planning consultant, the approving authority attorney and any other professionals whose services are deemed necessary in connection with the application. Within seven days of receipt of same, said professionals shall submit an estimate of funds sufficient in amount to undertake technical reviews and findings of fact relative to the application at hand. ~~Such estimated fees shall be approved by the approving authority.~~ The applicant shall deposit, forthwith upon demand, funds to meet such estimates, which funds shall be required to be placed in an escrow account by the Treasurer of the Borough of Oakland to be used as follows:

- (a) The Borough Engineer, planning consultant, approving agency attorney, water and sewer consultants and any other professionals engaged shall submit vouchers for all necessary fees for examination and review, which fees shall be paid in the ordinary manner.
- (b) Any of the aforesaid moneys left in the escrow account, upon completion of the project or phase of the application procedure, as the case may be, shall be returned to the applicant as ~~soon as it is practicably possible~~ **upon written request and confirmation from the construction department and any professionals engaged that all requirements of the application have been met and all professional invoices have been paid.**
- (c) Should additional funds be required after the original funds are exhausted, such funds as shall, in the judgment of the approving authority, be necessary shall be paid by the applicant to the Treasurer of the Borough of Oakland and placed in the appropriate account or accounts.
- (d) Upon receipt of sufficient funds for the escrow account, the approving authority secretary shall notify the Borough Engineer, planning consultant, approving authority attorney, water and sewer consultants and any other professionals engaged that all appropriate examinations and reviews shall be undertaken.
- (e) The approving authority shall take no formal action unless all application fees and escrow funds have been paid to the Borough of Oakland.

**(4) The initial Escrow fees for a variance application as required by subsection (F)(2)(h) above shall be established at four (4) times the total fees for the application. The applicant shall deposit these escrow fees along with the application, which funds shall be required to be placed in an escrow account by the Treasurer of the Borough of Oakland to be used as follows:**



- (a) The Borough Engineer, planning consultant, approving agency attorney, water and sewer consultants and any other professional engaged shall submit vouchers for all necessary fees for examination and review, which fees shall be paid in the ordinary manner.
- (b) Any of the aforesaid funds left in the escrow account upon completion of the project or phase of the application procedure, as the case may be, shall be returned to the applicant upon written request and confirmation from the construction department and any professionals engaged that all requirements of the application have been met and all professional invoices have been paid.
- (c) Should additional funds be required after the original escrow funds are exhausted, such funds as shall, in the judgment of the approving authority, be necessary shall be paid by the applicant to the Treasurer of the Borough of Oakland and placed in the appropriate account or accounts.
- (d) Upon receipt of funds for the escrow account, the approving authority secretary shall notify the Borough Engineer, planning consultant, approving authority, water and sewer consultants and any other professionals engaged that all appropriate examinations and reviews may be undertaken or resumed.
- (e) The approving authority shall take no formal action unless all application fees and escrow funds have been paid to the Borough of Oakland.

G. Advertising fees. An advertising fee in the amount of \$50 shall be submitted by an applicant for a land use application for the costs incurred by the borough for publication fees.

H. Tax Map correction fee.

- (1) Minor subdivision fee for tax map changes: \$250;
- (2) Major subdivision fee for Tax Map changes: \$100 per lot.

These fees are payable at the time the subdivision map or deed is submitted for signature.

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Michael E. Carelli, Borough Clerk



# BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: (10-26-2022)

**TITLE:**

**BILLS RESOLUTION**

---

**BILLS ALREADY PAID:**

Payroll	\$1,041.78
Payroll Agency	\$195,588.47
Current	\$4,285,810.66
Water	\$0.00
Grant	\$0.00
Sewer	\$50.00
Trust	\$0.00
Capital	\$0.00
<b>TOTAL BILLS ALREADY PAID:</b>	<b><u>\$4,585,103.76</u></b>

**BILLS TO BE PAID:**

Current Fund	\$2,106,399.69
Water Operating	\$10,589.57
Sewer	\$6,476.44
General Capital	\$21,977.28
Water Capital	\$1,927.00
Sewer Capital	\$0.00
Grant	\$0.00
Animal Control	\$710.10
Other Trusts	\$30,257.18
<b>TOTAL BILLS TO BE PAID:</b>	<b><u>\$2,179,726.61</u></b>

**RECORD OF COUNCIL VOTE:**

Motion – by Councilman: \_\_\_\_\_ Second – by Councilman: \_\_\_\_\_

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: October 26, 2022

\_\_\_\_\_  
Linda H. Schwager, Mayor

\_\_\_\_\_  
Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.