

BOROUGH OF OAKLAND

Borough Council Meeting MEETING MINUTES

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

April 12, 2023 – 7:00 p.m.

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Slasinski, seconded by Councilman Talamini, 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, as follows:

1. The public shall be excluded from discussion of action upon the herein after specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Personnel.
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above-mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

ROLL CALL: McCann, Pignatelli, Slasinski, Talamini.

Meeting of the Borough of Oakland Mayor and Borough Council opened on the above date at 7:00 p.m. in the Oakland Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, N.J. 07436.

Mayor Linda H. Schwager presiding.

Mayor Linda H. Schwager announced that proper notice of this meeting was made as to time, date, place, and agenda.

ROLL CALL: Present: Mayor Linda H. Schwager, Councilmembers McCann, Pignatelli, Slasinski, Talamini.

Also Present: Borough Administrator Richard Kunze, Borough Clerk Michael Carelli, Borough Attorney Matthew Gilson, Borough Engineer John Yakimik.

Absent: Councilmembers Kulmala, Saliani.

On motion of Councilman Pignatelli, seconded by Councilman Slasinski, Councilman Kulmala and Saliani be excused from the meeting.

SALUTE TO THE FLAG AND MOMENT OF SILENCE:

MAYOR'S REPORT:

Mayor Schwager announced that she attended the Bergen County League of Municipalities meeting last week, and met with the Dr. Friedman of the Bergen County Community College. The Mayor announced that Bergen County Community College is ranked #1 community college in the State. The college is building a new culinary institute, and the college has senior citizen classes for the public. Mayor Schwager attended a round table with Congressman Bill Pascrell, and discussed the Patriot's Way Bridge funding with him. Mayor Schwager announced upcoming events in the Borough, all of which are on the Borough website.

OPEN PUBLIC COMMENT:

Councilman Talamini set forth the motion, seconded by Councilman Pignatelli, to open for public comment.

ALL IN FAVOR.

Kevin Heffernan of 40 Grove Street, Oakland, N.J. 07436, commented on the Bush Plaza Park banner. Mr. Heffernan commented that the banner design is copyrighted by himself. Mr. Heffernan commented that the banner design was transmitted to the Ad-Hoc Committee via email, and approved same via email. Mr. Heffernan advised that the banner was not the idea of the Mayor. Mr. Heffernan encouraged the Governing Body to approve of the banner design as is.

Michael Guadagnino of 34 Hopper Street, Oakland, N.J. 07436, commented on Councilman McCann. Mr. Guadagnino commented that Councilman McCann has brought politics into his decision-making. Mr. Guadagnino commented on the past work of the Cannabis Ad-Hoc Committee. Mr. Guadagnino encouraged the Governing Body to approve of the Cannabis Cultivation Application endorsement. Mr. Guadagnino asked for an apology on behalf of Ann Cedar.

Matthew Goodrich of 72 Hiawatha Boulevard, Oakland, N.J. 07436, commented on the last Borough Council Meeting, and asked Councilman McCann if he has researched into other harmful chemicals for newborns and women. Mr. Goodrich asked Councilman McCann to donate his campaign funds from 2017. Mr. Goodrich encouraged the Governing Body to adopt the endorsing resolution for the Cannabis Cultivation License.

Mame Schwarzfischer of 187 West Oakland Avenue, Oakland, N.J. 07436, congratulated everyone for a successful Easter Egg Hunt. Ms. Schwarzfischer announced the Memorial Day Parade on Sunday May 28, 2023 at 1:00 p.m. along Ramapo Valley Road. For those interested in marching, please contact the Oakland Public Events Committee. Ms. Schwarzfischer encouraged the Governing Body to adopt the endorsing resolution for the Cannabis Cultivation License.

Michael Lazanik of 145 Manito Avenue, Oakland, N.J. 07436, asked on the status of the roadwork and whether or not the roads will be resurfaced in the near future. Mr. Lazanik asked on the status of the NJDEP Land Use Permits for the PFAS Compound Treatment Systems project. Mr. Lazanik encouraged the Governing Body to adopt the endorsing resolution for the Cannabis Cultivation License.

Ann Cedar of 33 Winding Ridge, Oakland, N.J. 07436, commented on Councilman McCann's rearrangement of the past Borough Council Meeting agenda. Ms. Cedar encouraged the Governing Body to question Councilman McCann's actions. Ms. Cedar commented that the Cannabis ballot question should feature all of the classes of licenses, not just what was approved in the Borough of Oakland's local ordinance. Ms. Cedar asked on the status of the grant funding for the superstructure replacement of Patriot's Way Bridge.

Thomas "Chopper" Russo of 393 Ramapo Valley Road, Oakland, N.J. 07436, commented that the Oakland Public Events Committee takes security very seriously at all of their events. Mr. Russo thanked the Department of Public Works and Police Department for their hard work during the Oakland Carnival. Mr. Russo commented on the proposed SLEO III Officers for the Oakland Public Schools, and encouraged the Governing Body to approve of the shared services agreement.

Michele Younes of 2 Rock Ledge, Oakland, N.J. 07436, thanked the Borough for the temporary measures on the Patriot's Way Bridge, and asked for an update on the funding for the superstructure replacement, and what the timeframe is moving forward for the immediate repairs.

Andrea Levy of 780 Ramapo Valley Road, Oakland, N.J. 07436, commented on politicizing the Bush Plaza Park banner. Ms. Levy suggested a water filling station for residents to get free water. Ms. Levy encouraged the Governing Body to adopt the endorsing resolution for the Cannabis Cultivation License, and asked what would replace the proposed revenue coming from the business.

Ms. Levy announced the next Arts Committee Meeting on Monday April 17, 2023 at 7:00 p.m. at the Oakland Public Library, 2 Municipal Plaza. The Arts Committee is working on a mural painting contest. There is an open mic night coming up. The Arts in Oakland Festival will take place from June 9, 2023 to June 11, 2023 at the Oakland Public Library, 2 Municipal Plaza. Ms. Levy announced the next Green Team Outdoor Hike for May 7, 2023 at 11:00 a.m. at the Skyline Drive Lower Parking Lot. Attendees are encouraged to carpool.

Councilman Pignatelli set forth the motion, seconded by Councilman Talamini, to close public comment.

ALL IN FAVOR.

ARTS IN OAKLAND POETRY CONTEST CERTIFICATES:

Mayor Schwager presented certificates to the winner and runner up's for the Oakland Arts Committee Poetry Contest.

APPROVAL OF MINUTES:

March 22, 2023

Councilman Pignatelli set forth the motion, seconded by Councilman McCann, to approve the above listed minutes.

ROLL CALL: **Ayes:** **McCann, Pignatelli, Talamini.**
 Nays: **None.**
 Abstain: **Slasinski.**
 (3 ayes – 0 nays – motion carried)

March 22, 2023 Executive Session

Councilman Pignatelli set forth the motion, seconded by Councilman McCann, to approve the above listed minutes.

ROLL CALL: **Ayes:** **McCann, Pignatelli, Talamini.**
 Nays: **None.**
 Abstain: **Slasinski.**
 (3 ayes – 0 nays – motion carried)

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS:

APPOINTMENT TO ARTS COMMITTEE:

On motion of Councilman Pignatelli, seconded by Councilman Slasinski, Shyeka Hopkins be appointed to the Arts Committee for a one (1) year term, with a term expiration date of December 31, 2023.

ALL IN FAVOR.

APPOINTMENT TO EMERGENCY MANAGEMENT:

Mayor Schwager appointed Ed Tyron to Emergency Management for a one (1) year term, with a term expiration date of December 31, 2023.

PROCLAMATION IN RECOGNITION OF MENTAL HEALTH AWARENESS MONTH 2023:

Mayor Schwager read aloud the following proclamation:

WHEREAS, mental health is essential to overall health and well-being, and all people experience times of difficulty and stress in their lives and should feel comfortable in seeking help and support to manage these times; and

WHEREAS, like physical illness, mental illness is a medical condition that can be treated effectively through prevention, early identification, and early intervention, and with effective treatment, all individuals with mental illness can make progress toward recovery and lead full, productive lives; and

WHEREAS, mental illness affects one in five people in the United States, and the experience can be devastating for individuals and families with little knowledge or access to mental health services; and

WHEREAS, the COVID-19 pandemic has created a multitude of mental health challenges for our community members of all ages, and connecting people to care is more important than ever; and

WHEREAS, May is annually recognized throughout the nation as Mental Health Awareness Month, and

WHEREAS, it is the 10th anniversary of the beginning of the Stigma-Free Initiative in Bergen County with Paramus initially declaring itself a Stigma-Free Zone in 2013; and

WHEREAS, the Borough of Oakland declared themselves as a Stigma-Free Zone and will continue to support the Stigma-Free initiative, and

WHEREAS, Stigma-Free Zones aim to inspire public interest and open dialogue about stigma, raise awareness of the diseases of mental illness and create a culture wherein residents who have the diseases of mental illness feel free to seek treatment for the disease without fear of stigma; and

WHEREAS, local resources are available to treat the disease of mental illness so no one resident needs to suffer alone or feel hopeless, and;

NOW THEREFORE BE IT RESOLVED that the Borough of Oakland recognizes the community needs and continues to support the efforts of the County of Bergen in continuing to be a Stigma-Free Zone.

AUTHORIZE RAFFLE LICENSE #RL1452 TO SPORTS ASSOCIATION OF OAKLAND FOR ON-PREMISE CASH 50/50 RAFFLE FROM JUNE 16, 2023 TO JUNE 18, 2023 AT 24 LAWLOR DRIVE, OAKLAND, N.J. 07436

Councilman Pignatelli set forth the motion, seconded by Councilman Slasinski, to approve Raffle License #RL1452.

ALL IN FAVOR.

RESOLUTIONS – CONSENT AGENDA:

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

23-134: AUTHORIZE GRANT SUBMITTAL TO FY 2023 NJDCA HISTORIC TRUST PRESERVE NEW JERSEY HISTORIC PRESERVATION FUND HISTORIC SITE MANAGEMENT PROGRAM FOR STREAM HOUSE/VYGEBERG FARM OFFICE BUILDING REHABILITATION DESIGN

WHEREAS, the Borough of Oakland wishes to make application with the New Jersey Department of Community Affairs Preserve New Jersey Historic Preservation Fund Historic Site Management Program for the Stream House/Vygeberg Farm Office Building Rehabilitation Design in the amount of \$61,125.00; and

WHEREAS, the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey hereby authorize the Borough Administrator and his/her designee to sign the assurances and acknowledges the certifications document as required with application; and

WHEREAS, the Borough of Oakland agrees to provide the local match requirement of \$20,375.00 for the aforesaid mentioned grant;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize the Borough Administrator and his/her designee to submit a grant application in the amount of \$61,125.00 to the New Jersey Department of Community Affairs Preserve New Jersey Historic Preservation Fund

Historic Site Management Program for the Stream House/Vygeberg Farm Office Building Rehabilitation Design Project.

23-135: AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, there is a need for Engineering Services for Drainage Improvements Project; and

WHEREAS, Boswell Engineering has submitted a proposal dated March 17, 2023 for services required at a total cost not to exceed cost of \$25,100.00, broken down as follows:

TASK #1 – Topographic Survey and Mapping
TASK #2 – Design and Bid Services

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-855-301 in the amount of \$25,100.00; and

WHEREAS, Boswell Engineering 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 for a professional service for which no public bidding is required;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize Boswell Engineering to perform the engineering services for the Drainage Improvements Project at a cost not to exceed \$150,000.00; and

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

23-137: RESOLUTION AUTHORIZING FEE STRUCTURE FOR SUSTAINABLE OAKLAND GREEN TEAM PLANT SALE

WHEREAS, the Sustainable Oakland Green Team wishes to hold a Pollinator Plant Sale in 2023; and

WHEREAS, the fee structure for the plant sale must be established;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State and New Jersey, that the following fees be established for the Sustainable Oakland Green Team Plant Sale:

- Set of 3 for \$40.00;
- Set of 6 for \$72.00;

- Set of 9 for \$102.00.

23-138: AUTHORIZE GRANT SUBMITTAL TO FY 2023 ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS ANNUAL STEWARDSHIP GRANT PROGRAM FOR BUSH PLAZA PARK NATIVE PLANTINGS PROJECT

WHEREAS, the Borough of Oakland wishes to make application for the Association of New Jersey Environmental Commissions Grant Program in the amount of \$1,500.00 to help fund native pollinator plantings as part of the Bush Plaza Park Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize the submittal of a grant application in the amount of \$1,500.00 to help fund native pollinator plantings as part of the Bush Plaza Park Project.

23-139: AUTHORIZE PURCHASE OF TURNOUT GEAR

WHEREAS, there is a need to purchase 13 sets of Turnout Gear for the Fire Department: and

WHEREAS, Firefighter One, 34 Wilson drive, Sparta, N.J. 07871 has state Contract #17-FLEET-00811 for the equipment desired for a total amount of \$49,426.00 and;

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-900-101 \$49,426.00 and;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize the Borough Administrator to issue a purchase order to Firefighter One in the amount of \$49,426.00 for the Turnout Gear as specified in the bid award.

23-140: AUTHORIZE AUCTION OF BOROUGH SURPLUS VEHICLE AND EQUIPMENT

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:11-36, the Borough of Oakland may sell any personal property; and

WHEREAS, the Mayor and Borough Council of the Borough of Oakland have determined that the property listed in this resolution is no longer needed for public use and wishes to divest said property;

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

1. The sale of the surplus property shall be conducted online using Municibid (www.municibid.com) pursuant to New Jersey Local Finance Notice 2008-9. Terms of the agreement are available on the vendor's website and available in the Borough Clerk's Office.
2. The surplus property to be sold is as follows:

<u>YEAR:</u>	<u>MAKE/MODEL:</u>	<u>VIN:</u>	<u>MILEAGE:</u>
2000	Seagrave Ladder Truck	1F9F838JXYCST2006	N/A
7.5' Western Ultra-Mount Plow Inventory # 91			
8' Western Uni-Mount Plow Inventory # 64			
2015 61" Ferris Lawn Mower Serial # 2015340612 Inventory # 30			
2012 61' Ferris Lawn Mower Serial # 2012852741 Inventory # 31			
Bobcat Combi Bucket Model # C-2002JBA Serial # 74-COMBO BKT Serial #431400810			
Clipper Road Saw Model # C-2002JBA Serial # 00F006323			
400- Gallon Brine Tank			
800- Gallon Brine tank			

3. The surplus property as identified shall be sold in 'as is' condition without express or implied warranties.
4. In accordance with N.J.S.A. 39:10-9.1, the certificates of ownership for former police vehicles shall state that the motor vehicles were used as police patrol vehicles and notice is provided that the buyer shall continue to so state on each subsequent sale or transfer
5. The successful bidder will be required to pay in cash or certified check made out to the Borough of Oakland at the time of pickup of the vehicle. The Borough will not deliver the vehicle to the successful bidder.
6. The vehicle is to be transferred and taken off the site within 10 business days after approval of the sale by the Governing Body.

23-141: HIRE DEPARTMENT OF PUBLIC WORKS SEASONAL LABORER

BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize the hiring of the following seasonal laborer for the Department of Public Works:

<u>NAME:</u>	<u>EFFECTIVE DATE:</u>	<u>SALARY:</u>
Eugene MacMahon	April 17, 2023	\$19.00/hour

23-142: AUTHORIZE ACCRUED TIME PAYOUT TO SANDRA STEELE

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 Sandra Steele for sick, vacation, personal and compensatory time accumulated in the amount of \$991.83; 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that the total sum of \$991.83 composed of 26.82 hours of vacation time, and 3 hours compensatory time be paid out to Sandra Steele. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose.

**23-143: AWARD CONTRACT TO REIPPLED WATERS WNGINEERING, LLC FOR
PERMIT ASSISTANCE SERVICES FOR RAMAPO RIVER RESTORATION
PROJECT**

WHEREAS, there is a need for Permit Assistance Services for the Ramapo River Restoration Project; and

WHEREAS, Rippled Waters Engineering, LLC has submitted a proposal dated March 20, 2023 for services required at a total cost not to exceed cost of \$750.00, broken down as follows:

TASK #1 – New Jersey Department of Environmental Protection Pre-application Meeting

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-06-56-691-401 in the amount of \$750.00; and

WHEREAS, Rippled Waters Engineering, LLC 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 for a professional service for which no public bidding is required;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize Rippled Waters Engineering, LLC to perform permit assistance services for the Ramapo River Restoration Project at a cost not to exceed \$750.00; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute

the agreement on behalf of the Borough.

23-144: AUTHORIZE REFUND OF RECREATION FEE

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of recreation fees in the amount of \$125.00; 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-01-55-998-006;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, State of New Jersey, do hereby authorize a payment to be made in the amount of \$125.00 to:

Esterlis Family
717 Oneida Trail
Franklin Lakes, N.J. 07417

ROLL CALL: **Ayes:** McCann, Pignatelli, Slasinski, Talamini.
 Nays: None.
 Abstain: None.
 (4 ayes – 0 nays – motion carried)

RESOLUTIONS:

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

23-128: RESOLUTION IN SUPPORT OF APPLICATION FOR CLASS I CANNABIS CULTIVATION LICENSE IN THE BOROUGH OF OAKLAND

WHEREAS, pursuant to P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, the Borough of Oakland (“Borough”) adopted ordinance 22-Code-872, which allows for a limited number of cannabis businesses to be located in specific sections of the Borough; and

WHEREAS, the Act established the Cannabis Regulatory Commission (“Commission”) to oversee and regulate the cannabis industry in the State of New Jersey and the Commission promulgated Personal Use Cannabis Rules, N.J.A.C. 17:30-1.1 et. seq. on August 19, 2021; and

WHEREAS, in order for a cannabis business to operate, both State and Local approval are required, including but not limited to the rules promulgated by the New Jersey Cannabis Regulatory

Commission and the local licensing requirements under Oakland Borough Code Section 8-3 et seq

WHEREAS, N.J.A.C. 17:30-5.1 requires that a municipalities governing body express its support for a cannabis license applicant through a resolution of the governing body; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(g), the support resolution should indicate that the proposed cannabis business location is appropriately located or otherwise suitable for activities related to the operations of the proposed cannabis business; and

WHEREAS, the Borough's Cannabis License Application Evaluation Committee has received and reviewed the application submitted by Kusala Care, LLC. and has recommended that the Borough Council approve its application and adopt a resolution in support of their application for a State License;

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length;
2. The Borough recognizes that Kusala Care, LLC. will be operating a Class I Cannabis Cultivation business involved in the cultivation of cannabis products and that the business location will be 27 Muller Road, Oakland, N.J. 07436 if approved by the State of New Jersey Cannabis Regulatory Commission;
3. Approving Kusala Care, LLC. application for a Class I Cannabis Business License would not exceed the limit established by the Borough for Class I Cannabis Cultivation licenses located in the Borough;
4. Kusala Care, LLC's proposed Class I Cannabis Cultivation Business use and location satisfy the Borough's Zoning and Cannabis Ordinances;
5. Kusala Care, LLC. shall continuously comply with the Borough's ordinances governing cannabis operations and any future applicable changes that may be made thereto;
6. If Kusala Care, LLC. is not in compliance at any time with the Borough's Cannabis Ordinances and any future applicable changes thereto, the Borough reserves the right to withdraw its support for their operations and suspend or revoke their local license;
7. The Borough approves Kusala Care, LLC's application submitted to the Borough and endorses Kusala Care, LLC's application to be submitted to the Commission for a Class I Cannabis Cultivation Business License at the location in the Borough as set forth above, which location is appropriate and suitable for a Class I Cannabis Cultivation License;
8. The Mayor, Borough Administrator, Borough Clerk, Borough Attorney, Chief Financial Officer, and any other necessary official, officer or employee of the Borough be and they are hereby authorized to execute any and all documents and to make any and all actions necessary to complete and realize the intent and purpose of this Resolution;
9. This Resolution shall take effect immediately.

Councilman McCann advised that at the last Borough Council Meeting, Kusala Care LLC was asked to provide an engineer's report from a licensed professional, but have instead received a report from an LSRP. Mr. Yakimik commented on his April 6, 2023 correspondence to the Governing Body, which stated that Boswell Engineering finds the report from Kusala Care LLC acceptable. Mr. Yakimik felt it would be more appropriate to furnish engineering questions when the application is heard at the Oakland Land Use Boards. Mayor Schwager asked Kusala Care LLC's Attorney to come forth to the podium. Nema Ameri of Ameri Law Firm, commented that he was advised to provide a report from a licensed professional to the Governing Body. Councilman McCann asked who the Master Grower is for their operations. Mr. Ameri provided no comment. Councilman Talamini asked why a licensed engineer was not retained. Mr. Ameri responded that Kusala Care LLC felt that the LSRP was the appropriate individual and a licensed engineer would be retained for the land use board process. Councilman Pignatelli encouraged Kusala Care LLC to retain an engineer during the land use board processes. Mr. Gilson clarified that he is relying on the opinion of Mr. Yakimik in regards to the licensed professional's report as Mr. Gilson does not have a licensed background in engineering. Mr. Yakimik responded that he distributed the report to the environmental team within Boswell Engineering. Councilman McCann commented that a license could not be obtained without a master grower on staff.

ROLL CALL: Ayes: Pignatelli, Slasinski, Talamini.
Nays: None.
Abstain: McCann.
(3 ayes – 0 nays – motion carried)

Mr. Gilson advised that the applicants will have to go through the State Licensing process, as well as through the Planning Board for their site plan approval. Mayor Schwager encouraged the public to attend the hearing when it comes before the Planning Board.

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

**23-136: RESOLUTION TO AUTHORIZE A NON-BINDING BALLOT QUESTION
RELATED TO PERMISSIBILITY OF CANNABIS BUSINESSES IN THE
BOROUGH OF OAKLAND**

WHEREAS, in the 2020 General Election the Borough of Oakland participated in a statewide ballot question which asked, "Do you approve amending the Constitution to legalize a controlled form of marijuana called 'cannabis'?" and

WHEREAS, said ballot question received sufficient support to pass and created a pathway to legalization of recreational cannabis in the State of New Jersey;

WHEREAS, subsequently the New Jersey Legislature passed the CREAMM Act which created the statutory mechanism for legalization of recreational cannabis and authorized the Cannabis Regulatory Committee ("CRC") to adopt rules to effectuate said statutes; and

WHEREAS, the CRC created six (6) recreational classes of cannabis licenses and left authority to individual municipalities as to whether to permit or prohibit any or all of the six (6) classes of licenses within their borders; and

WHEREAS, the citizens of Oakland have not been given the opportunity to vote regarding their opinion on whether or not to allow cannabis businesses within the Borough of Oakland; and

WHEREAS, N.J.S.A. 19:37-1 permits municipalities to authorize by a resolution for a non-binding ballot question to “[a]scertain the sentiment of the legal voters of the municipality or county upon any question or policy pertaining to the government or internal affairs thereof”; and

WHEREAS, the governing body of the Borough of Oakland requests the County Clerk to place a non-binding ballot pursuant to N.J.S.A. 19:37-1 to ascertain the sentiment of the legal voters of Oakland as to the question of whether they support cannabis businesses operating in the Borough of Oakland

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, do hereby submit to the County Clerk of the County of Bergen to place a non-binding ballot question for the November 2023 General Election pursuant to N.J.S.A. 19:37-1 stating as follows:

“Do you support allowing businesses to operate in the Borough of Oakland for cultivation, manufacturing, and distribution of cannabis as defined by New Jersey state statute?”

Mayor Schwager asked why not all of the classes of businesses are included on the ballot question? Councilman Pignatelli commented that the verbiage mirrors the existing ordinance, and that the ordinance would have to be amended should the voters want retail. Councilman Pignatelli added that most referendums have an explanation statement, and wishes to add verbiage on the history of the marijuana law and the local ordinance. Matthew Gilson advised that the original draft included retail licensing, but it was removed at Councilman McCann’s request. Councilman McCann added that adding an explanation statement could come off as bias. Councilman McCann added that there have been no financial projections from the Cannabis Ad-Hoc Committee on the potential revenue of cannabis businesses. Councilman McCann asked the Governing Body to release their stipends to save the Borough money. Mayor Schwager added that the Borough would only have to pay for the ballot question should it be a standalone special election.

On motion of Councilman, seconded by Councilman, Resolution 23-136 be adjourned and carried to the next Borough Council Meeting on April 26, 2023.

ROLL CALL: **Ayes:** **McCann, Pignatelli, Slasinski, Talamini.**
 Nays: **None.**
 Abstain: **None.**
 (4 ayes – 0 nays – motion carried)

ORDINANCES:

ORDINANCE 23-CODE-902

“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A: 4-45.14”

The Borough Clerk was directed to take from the table Ordinance No. 23-CODE-902 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled “AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A: 4-45.14”.

OPENED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

No public comment.

CLOSED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

On motion of Councilman Pignatelli, seconded by Councilman Talamini, Ordinance 23-CODE-902, entitled “AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A: 4-45.14”, be adopted.

ROLL CALL: Ayes: McCann, Pignatelli, Saliani, Talamini
 Nays: None
 Abstain: None
 (4 ayes – 0 nays – motion carried)

ORDINANCE 23-BOND-903

“BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,600,000 TO PAY THE COST THEREOF, 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”

The Borough Clerk was directed to take from the table Ordinance No. 23-BOND-903 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled **“BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,600,000 TO PAY THE COST THEREOF, 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”**.

OPENED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

No public comment.

CLOSED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

On motion of Councilman Pignatelli, seconded by Councilman Talamini, Ordinance 23-BOND-903, entitled **“BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,600,000 TO PAY THE COST THEREOF, 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 adopted.

ROLL CALL: Ayes: McCann, Pignatelli, Saliani, Talamini
 Nays: None
 Abstain: None
 (4 ayes – 0 nays – motion carried)

WORK SESSION:

REVISE PERMIT PARKING CODE:

Mr. Kunze commented that there has been an ongoing issue down in the Colony area, and the existing ordinance language is outdated and in need of a change. Parking permits would be issued as part of this new ordinance. Hearing no further changes or objections, the ordinance will be introduced at the April 26, 2023 Borough Council Meeting.

SHORT TERM RENTALS / BOARD HOUSES:

Mayor Schwager commented that the Borough Council discussed this last year, and she wishes to pick this topic back up due to receiving a complaint from a resident. Councilman Pignatelli added that the Borough is not a resort community. The Borough Council consented to move forward with both ordinances for the April 26, 2023 Borough Council Meeting. Mayor Schwager encouraged residents to reach out to her on this issue.

SHARED SERVICES AGREEMENT WITH OAKLAND BOARD OF EDUCATION:

Mayor Schwager announced that she missed the last Board of Education meeting on this topic and stated that she was not invited by the Board. The Mayor advised that the residents of the Borough will pay for this whether it is coming from the Borough or School budget. The Mayor suggested an internal meeting between both parties before approving of the shared services agreement. Councilman McCann expressed his support for the shared services agreement and cited past experience on this topic. Councilman Talamini agreed to meet with the School Board. John Scerbo of the Board of Education addressed the Governing Body on this topic. Mr. Scerbo advised that the Borough Clerk was notified via email of the meeting announcement.

BUSH PLAZA PARK BANNER:

Councilman McCann asked that the topic be moved to the April 26, 2023 Borough Council Meeting in light of Councilman Kulmala and Councilman Saliani's absence. Mayor Schwager added that she was not involved in the design of the banner.

PROPOSAL FOR ENGINEERING SERVICES FOR BUSH PLAZA PARK PROJECT:

A proposal was distributed from Boswell Engineering for Engineering Services for the Bush Plaza Park Project. Mr. Yakimik addressed the scope of the services. Thomas Connolly of the Bush Plaza Park Ad-Hoc Committee addressed the Governing Body and asked the Governing Body to approve of the proposal as they would like to get started as soon as possible on the project. Mr.

Connolly added that the intention of the banner is to kick start the fundraising process for the Borough. Mr. Connolly asked that Boswell Engineering sharpen their pencil and possibly improve their pricing. Councilman McCann asked if Kevin Heffernan was threatening to sue the Borough in his public comment statement.

NEW BUSINESS:

No new business reported.

OLD BUSINESS:

Mayor Schwager stated that the NJDEP Land Use Permits for the PFAS Compound Treatment Systems Project are in process. Mr. Yakimik added that Boswell Engineering is awaiting comments in specific permits. Mr. Yakimik added that the Calgon units have been ordered and are expected to arrive in the Borough within 7-8 months. Mr. Yakimik added that the project is on schedule.

Mayor Schwager added that the Water and Sewer Committee will consider the idea of water filling stations at their meeting next week. The Committee is meeting with Veolia on the Borough's water system.

Mayor Schwager added that she spoke to Congressman Pascrell and the Congressman advised that the best avenue to receive full funding for the Patriot's Way Bridge is through the NJDOT as they have surplus funds from the Infrastructure bill. Senator Holly Schepisi is advocating on behalf of the Borough.

Councilman Talamini asked on the status of the Allerman Brook upgrades. Mr. Yakimik responded that the Borough will be moving ahead with bid advertisements in the near future. Mr. Yakimik advised that Agnoli Engineering is not involved with this project anymore.

COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilman Kulmala: Absent.

Councilman McCann: Councilman McCann provided an update on the Borough Attorney's investigation into the NJDEP's handling of the Borough's permits for the PFAS Compound Treatment Systems project. Councilman McCann suggested an Ad-Hoc Committee with subpoena powers.

Councilman Pignatelli: Councilman Pignatelli announced Senior Citizen programs. The Bergen County Household Hazardous Waste Collection was announced for Saturday April 16, 2023 at the Bergen County Community College from 9:00 a.m. – 3:00 p.m.

Councilman Saliani: Absent.

Councilman Slasinski: Councilman Slasinski announced that the Communications Commission is seeking volunteers. The Welcome, Website, and Social Media Committee is working on a Borough Welcome packet. The TV Committee is seeking volunteers. The Borough YouTube Channel features the latest Borough Council Meetings and special programs. Their next meeting is May 1, 2023 at 7:30 p.m. in the Borough Council Chambers. The Oakland Public Library has several programs ongoing. For more information, please visit their website.

Councilman Talamini: Councilman Talamini thanked the Public Events Committee and Access for All Committee for a great Easter Egg Hunt. Thomas “Chopper” Russo provided details on the Oakland Carnival. Councilman Talamini thanked the School Board members for their hard work for the children of Oakland.

OPEN PUBLIC COMMENT:

Councilman Pignatelli set forth the motion, seconded by Councilman Talamini, to open for public comment.

ALL IN FAVOR.

Michael Guadagnino of 34 Hopper Street, Oakland, N.J. 07436, applauded Kevin Heffernan’s dedication to the Borough of Oakland. The Bush Plaza Park Project is being phased in, and will be a focal point entrance to the Borough. Mr. Guadagnino encouraged tweeting the Congressman to get his attention on the funding for the Patriot’s Way Bridge. Mayor Schwager advised that she will call the Congressman’s office tomorrow. Mr. Guadagnino applauded the Governing Body for endorsing Kusala Care LLC’s Cannabis Cultivation License.

Michael Elston of 78 Manito Avenue, Oakland, N.J. 07436, asked on the status of the SLEO III Officer Shared Services Agreement. Mr. Elston asked why the agreement has not been signed yet.

Matthew Goodrich of 72 Hiawatha Boulevard, Oakland, N.J. 07436, asked that the Governing Body have to attend a certain percentage of meetings in order to receive their stipends. Mr. Goodrich asked that Councilman McCann resign from the Borough Council.

Alison Fleeson of 224 Hiawatha Boulevard, Oakland, N.J. 07436, announced the Green Team’s Styrofoam Drive on April 22, 2023 from 9:00 a.m. – 12:00 p.m. at the Oakland Borough Hall. The Great Oak Park Bird Watching program is scheduled for Saturday April 29, 2023 at 7:30 a.m. Ms. Fleeson asked that the Sustainable Oakland Green Team be established by ordinance rather than resolution.

Thomas “Chopper” Russo of 393 Ramapo Valley Road, Oakland, N.J. 07436, commented on the short term rental ordinances.

Greg of 5 Hunters Run, Oakland, N.J. 07436, encouraged the Governing Body to act quickly on the superstructure replacement of the Patriot’s Way Bridge.

Mame Schwarzfischer of 187 West Oakland Avenue, Oakland, N.J. 07436, encouraged the Governing Body to allow retail cannabis.

Peter Mazzilli of 48 Cherokee Trail, Oakland, N.J. 07436, addressed the Governing Body on the Board of Education's efforts on school security concerns. The Board of Education is holding a special budget meeting on April 27, 2023 at 7:00 p.m. at Valley Middle School.

Ann Cedar of 33 Winding Ridge, Oakland, N.J. 07436, encouraged the Governing Body to include all classes of cannabis licenses in the referendum ballot question. Ms. Cedar spoke on Councilman McCann's abstain vote.

Councilman Pignatelli set forth the motion, seconded by Councilman Talamini, to close public comment.

ALL IN FAVOR.

Mayor Schwager read aloud a statement from the Bergen County Prosecutor's office regarding drug use.

Councilman McCann stated that he apologized to Councilman Pignatelli at the last Borough Council Meeting, however his interaction with a member of the public was out of control and won't be tolerated by the Councilman. Councilman McCann advised that he was told he should legally abstain from the cannabis resolution vote. Councilman McCann added that there were no financial projections or evaluations for the public health in regards to the Kusala Care LLC cannabis cultivation license application. Councilman McCann asked a member of the public what accomplishments he had on the Cannabis Ad-Hoc Committee.

BILLS TO BE PAID:

On motion of Councilman Talamini, 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: **Ayes:** **McCann, Pignatelli, Slasinski, Talamini**
 Nays: **None**
 Abstain: **None**
 (4 ayes – 0 nays – motion carried)

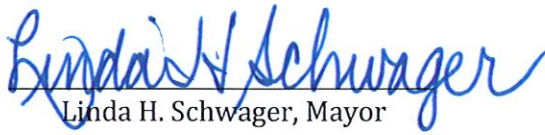
ADJOURNMENT:

On motion of Councilman Pignatelli, seconded by Councilman McCann, the meeting be adjourned.

ALL IN FAVOR.

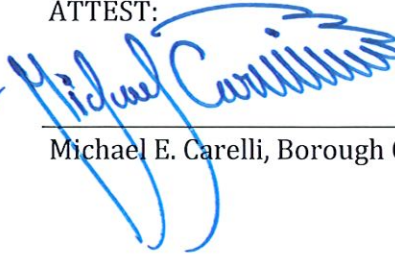
Adjourned: 9:55 p.m.

APPROVED BY:



Linda H. Schwager, Mayor

ATTEST:



Michael E. Carelli, Borough Clerk