

**BOROUGH OF OAKLAND**  
**Borough Council Meeting**  
**MEETING MINUTES**

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

**August 16, 2023 – 7:00 p.m.**

**MOVE TO EXECUTIVE SESSION:**

On motion of Councilman Pignatelli, seconded by Councilman Saliani, 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. Pending or Anticipated Litigation.
3. The Mayor and Borough 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:** Kulmala, McCann, Pignatelli, Saliani, 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 Kulmala, McCann, Pignatelli, Saliani, Slasinski, Talamini.**

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

**Absent: None.**

**SALUTE TO THE FLAG AND MOMENT OF SILENCE:**

**MAYOR'S REPORT:**

Mayor Schwager thanked all those involved in the Bush Plaza Park project. Donations are being sought for Phase 1 of the project. The Mayor addressed speeding issues on the Ramapo River Trace, and encouraged the Police Department to continue to monitor the area. The Mayor suggested that the Ramapo River Reserve Board encourage their residents to drive slowly. The Mayor announced the Great Oak Park Arts Pavilion Kickoff Concert on Saturday September 9, 2023 at the Great Oak Park. The Mayor provided an update on Lakeside Boulevard, and noted that the road will not be repaved until Spring of 2024 due to needed water main replacements prior to.

**ENGINEER'S REPORT:**

Kevin Boswell of Boswell Engineering reported on several urgent matters. Mr. Boswell explained the land use permitting process for the PFAS Treatment Systems Project. Mr. Boswell reported that the Borough is scheduled to be published in the New Jersey Register on August 7, 2023 in regards to an amendment to allow parts of the Borough to be on sewer. There will be a 30-day comment period for the public, with an approval for October of 2023. Mr. Boswell was informed by NJDEP that the remaining land use permit would be issued by the end of next week for the PFAS Treatment Systems project. Mr. Boswell explained the federal funding process for Transportation projects. It was explained that if the Patriot's Way Bridge project was federally funding, the project would be subject to federal environmental requirements, which is something that the Borough should avoid. Mr. Boswell explained the funding availability through the NJDOT Local Aid Program, which does not have the allowable funding for the Patriot's Way Bridge project. Mr. Boswell commented that the Commissioner of the Department of Transportation inserted a \$3,000,000.00 line item in the NJDOT's FY 2024 budget, which is pending the Governor's signature. Mr. Boswell worked on a spending plan with the Commissioner, and the Borough will be eligible for



future grant funding, even after starting the project now. Councilman Pignatelli asked if bonding precludes the Borough from receiving future funding. Mr. Kunze reported that this is the largest single grant that the Borough has received. Mr. Kunze advised that the bid will be out to the public for a longer period of time as opposed to other projects. Mr. Boswell explained that there is six (6) construction phases of the project, and is a 24-month project.

**OPEN PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

Ann Cedar of 33 Winding Ridge, Oakland, N.J. 07436, asked for the immediate timeline of the Patriot's Way Bridge project.

Andrea Levy of 780 Ramapo Valley Road, Oakland, N.J. 07436, encouraged residents to attend the September 9, 2023 Kickoff Concert at the Great Oak Park Arts Pavilion. Ms. Levy announced the Arts Committee Mural Contest and Poetry Contest is ongoing. There is an outdoor hike on September 3, 2023 at 9:00 a.m. at the Skyline Drive Parking Lot. Ms. Levy also suggested that the Borough create a dedicated webpage on the Borough website related to all construction and road work projects.

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

**ALL IN FAVOR.**

**RESOLUTIONS:**

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

**23-252:            AUTHORIZING HIRE OF DANIEL KELLOGG AS A CLASS III SPECIAL LAW ENFORCEMENT OFFICER**

**WHEREAS**, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68, which established Class III Special Law Enforcement Officers (SLEO III) for retired law enforcement officers under 65 years of age to provide security in public and non-public schools and county colleges; and

**WHEREAS**, the Borough of Oakland wishes to hire Daniel Kellogg as a Class III Special Law Enforcement Officer for the 2023/2024 school year; and

**WHEREAS**, the Borough of Oakland has determined that Daniel Kellogg meets all of the eligibility

requirements for the position;

**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 appointment of Daniel Kellogg as a Class III Special Law Enforcement Officer for the Borough of Oakland as described hereinabove be and is hereby approved at a rate of \$40.00 per hour, effective August 17, 2023.

**23-253:            AUTHORIZING HIRE OF LISA PORFIDO AS A CLASS III SPECIAL LAW ENFORCEMENT OFFICER**

**WHEREAS**, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68, which established Class III Special Law Enforcement Officers (SLEO III) for retired law enforcement officers under 65 years of age to provide security in public and non-public schools and county colleges; and

**WHEREAS**, the Borough of Oakland wishes to hire Lisa Porfido as a Class III Special Law Enforcement Officer for the 2023/2024 school year; and

**WHEREAS**, the Borough of Oakland has determined that Lisa Porfido meets all of the eligibility requirements for the position;

**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 appointment of Lisa Porfido as a Class III Special Law Enforcement Officer for the Borough of Oakland as described hereinabove be and is hereby approved at a rate of \$40.00 per hour, effective August 17, 2023.

**23-254:            AUTHORIZING HIRE OF KEVIN SMITH AS A CLASS III SPECIAL LAW ENFORCEMENT OFFICER**

**WHEREAS**, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68, which established Class III Special Law Enforcement Officers (SLEO III) for retired law enforcement officers under 65 years of age to provide security in public and non-public schools and county colleges; and

**WHEREAS**, the Borough of Oakland wishes to hire Kevin Smith as a Class III Special Law Enforcement Officer for the 2023/2024 school year; and

**WHEREAS**, the Borough of Oakland has determined that Kevin Smith meets all of the eligibility requirements for the position;

**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 appointment of Kevin Smith as a Class III Special Law Enforcement Officer for the Borough of Oakland as described hereinabove be and is hereby approved at a rate of \$40.00 per hour, effective August 17, 2023.



**23-255:            AUTHORIZING HIRE OF BRIAN FAZIO AS A CLASS III SPECIAL LAW  
ENFORCEMENT OFFICER**

**WHEREAS**, on November 30, 2016, Governor Chris Christie signed into law P.L. 2016, c. 68, which established Class III Special Law Enforcement Officers (SLEO III) for retired law enforcement officers under 65 years of age to provide security in public and non-public schools and county colleges; and

**WHEREAS**, the Borough of Oakland wishes to hire Brian Fazio as a Class III Special Law Enforcement Officer for the 2023/2024 school year; and

**WHEREAS**, the Borough of Oakland has determined that Brian Fazio meets all of the eligibility requirements for the position;

**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 appointment of Brian Fazio as a Class III Special Law Enforcement Officer for the Borough of Oakland as described hereinabove be and is hereby approved at a rate of \$40.00 per hour, effective August 17, 2023.

**APPROVAL OF MINUTES:**

July 19, 2023

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

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

July 19, 2023 Executive Session

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

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

August 3, 2023 Special Meeting

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

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

**PRESENTATION FROM BOROUGH PLANNER CAROLINE REITER:**

Borough Planner Caroline Reiter made a presentation on the differences between redevelopment and rehabilitation. The presentation concluded with the suggestion of holding a Special Borough Council Meeting to discuss the topic further.

**SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS:**

**AUTHORIZE RAFFLE LICENSE #RL1458 FOR REED FOUNDATION FOR AUTISM FOR ON-PREMISE RAFFLE FOR MERCHANDISE ON JANUARY 9, 2024 AT 25 POTASH ROAD, OAKLAND, N.J. 07436**

On motion of Councilman Pignatelli, seconded by Councilman Saliani, raffle license #RL1458 be approved.

**ALL IN FAVOR.**

**AUTHORIZE RAFFLE LICENSE #RL1459 FOR KNIGHTS OF COLUMBUS #5846 RAMAPO VALLEY COUNCIL FOR ON-PREMISE 50/50 CASH RAFFLE ON DECEMBER 15, 2023 AT 7 COURTHOUSE PLACE, OAKLAND, N.J. 07436**

On motion of Councilman Slasinski, seconded by Councilman Kulmala, raffle license #RL1459 be approved.

**ALL IN FAVOR.**

**APPOINTMENT TO THE ENVIRONMENTAL COMMISSION**

On motion of Councilman Pignatelli, seconded by Councilman McCann, Marina Bareska be appointed as an Alternate 1 Commissioner of the Environmental Commission, with a term expiration date of December 31, 2024.



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

**RESOLUTIONS – CONSENT AGENDA:**

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

**23-237:           AUTHORIZE REFUND OF SENIOR CENTER PROGRAM FEES**

**WHEREAS**, the Borough of Oakland has received a request (attached) for a refund of senior center program fees in the total amount of \$162.00; and

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

**WHEREAS**, the Chief Financial Officer has verified that the amount is due and that funds are available in account Misc. Revenue Refund CF-01-55-998-006;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$162.00 to:

| <b><u>NAME</u></b> | <b><u>ADDRESS</u></b>                 | <b><u>SPORT TYPE</u></b> | <b><u>AMOUNT</u></b> |
|--------------------|---------------------------------------|--------------------------|----------------------|
| James Kerr         | 16 Barnard Drive, Oakland, N.J. 07436 | Trip                     | \$54.00              |
| Virginia Wheelan   | 16 Barnard Drive, Oakland, N.J. 07436 | Trip                     | \$54.00              |
| Grace Hammond      | 8 First Street, Oakland, N.J. 07436   | Trip                     | \$54.00              |

**23-238:           AUTHORIZE PROMOTION FOR KEN SUMMERS**

**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 approve the following promotional recommendation and salary increase effective July 1, 2023:

Ken Summers, from Laborer to Public Works Repairer, Annual Salary of \$52,071.00

**23-239:           AUTHORIZE HIRE OF DEPUTY COURT ADMINISTRATOR**

**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 approve the following promotional recommendation and salary increase effective July 1, 2023:

Thomas Brunetto, from Laborer to Public Works Repairer, Annual Salary of \$ 52,071.00

**23-240: AUTHORIZE PROMOTION FOR FRANCIS LEONARDIS**

**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 approve the following promotional recommendation and salary increase effective July 1, 2023:

Francis Leonardis, from Laborer to Building Maintenance Repairer, Annual Salary of \$52,071.00.

**23-241: AUTHORIZE PROMOTION FOR KEVIN TIRSERIO**

**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, upon the endorsement of the Department of Public Works Superintendent Anthony Marcucilli, hereby approve the following promotional recommendation and salary increase effective July 1, 2023:

Kevin Tirserio, to Assistant Superintendent of Public Works, Annual Salary of \$98,404.00.

**23-242: AWARD BID FOR PFAS TREATMENT INSTALLATION**

**WHEREAS**, bids were received on August 8, 2023 for the PFAS Treatment Installation; and

**WHEREAS**, J. Fletcher Creamer & Son, Inc has submitted the lowest responsive and responsible bid with a total bid price of \$2,526,905.00; and

**WHEREAS**, the Borough Administrator, Borough Engineer, and Borough Attorney have reviewed the bids and recommend the bid be awarded to J. Fletcher Creamer & Son, Inc; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available in Account #C-06-56-903-202 in the amount of \$2,526,905.00;

**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 bid from J. Fletcher Creamer & Son, Inc in the total amount of \$2,526,905.00 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.

**23-243: AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR 2023 BERGEN COUNTY ROAD RESURFACING AND ADA HANDICAP CURB CUTS AND RAMPS PROJECT FOR RAMAPO VALLEY ROAD**



**WHEREAS**, there is a need for Engineering Services for the 2023 Bergen County Road Resurfacing and ADA Handicap Curb Cuts and Ramps Project for Ramapo Valley Road; and

**WHEREAS**, Boswell Engineering has submitted a proposal dated July 13, 2023 for services required at a total cost not to exceed cost of \$34,450.00, broken down as follows:

**TASK #1** – Design: \$11,450.00

**TASK #2** – Construction Inspection Services: \$23,000.00

**WHEREAS**, the Chief Financial Officer has certified funds are available in Account #C-04-56-885-602 in the amount of \$34,450.00; 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 2023 Bergen County Road Resurfacing and ADA Handicap Curb Cuts and Ramps Project for Ramapo Valley Road at a cost not to exceed \$34,450.00; and

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

**23-244:            AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR 2024 BERGEN COUNTY ROAD RESURFACING AND ADA HANDICAP CURB CUTS AND RAMPS PROJECT FOR FRANKLIN AVENUE**

**WHEREAS**, there is a need for Engineering Services for the 2024 Bergen County Road Resurfacing and ADA Handicap Curb Cuts and Ramps Project for Franklin Avenue; and

**WHEREAS**, Boswell Engineering has submitted a proposal dated July 13, 2023 for services required at a total cost not to exceed cost of \$7,500.00, broken down as follows:

**TASK #1** – Design: \$1,500.00

**TASK #2** – Construction Inspection Services: \$6,000.00

**WHEREAS**, the Chief Financial Officer has certified funds are available in Account #C-04-56-885-601 in the amount of \$7,500.00; 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 2024 Bergen County Road Resurfacing and ADA Handicap Curb Cuts and Ramps Project for Franklin Avenue at a cost not to exceed \$7,500.00; and

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

**23-245: RESOLUTION EXPRESSING MUNICIPAL OPPOSITION TO THE STATE OF NEW JERSEY GENERAL ASSEMBLY BILL A-4376 CLARIFYING APPLICATION TO COLLOCATE WIRELESS COMMUNICATIONS EQUIPMENT BE REVIEWED BY ADMINISTRATIVE OFFICER**

**WHEREAS**, pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Home Rule Act, as well as sections 253 and 332 of the federal Telecommunications Act (47 U.S.C. 253; 332(c)(7)), and a local jurisdiction's police powers, as established by law, regulation and custom, a municipality retains the right and authority to establish reasonable regulations concerning the placement, installation and alteration of telecommunications facilities; and

**WHEREAS**, the Borough of Oakland ("Municipality") desires to retain these rights and authorities, consistent with state and federal laws, and which allow it to, among other things, establish regulations regarding the placement and alteration of telecommunications facilities which encourage judicious siting of said facilities in order to minimize the total number of facilities throughout the Municipality and which encourage collocation when possible, and which help to minimize the adverse visual impact of said facilities via careful design, landscaping and screening techniques, on the aesthetic character of the Municipality; and

**WHEREAS**, on February 8, 1996, the federal government adopted the Telecommunications Act which, among other things, preserves a local government's authority over the "placement construction and modification of personal wireless service facilities" (47 U.S.C. §332(c)(7)(A)) while, at the same time, making it unlawful for a local government to prohibit or have the effect of prohibiting the provisions of personal wireless service (47 U.S.C. 332(c)(7)(B)(i)(II)), and provides that local government "shall not unreasonably discriminate among providers of functionally equivalent services" (47 U.S.C. §332(c)(7)(B)(i)(I)); and

**WHEREAS**, on November 18, 2009, the Federal Communications Commission ("FCC") adopted a declaratory ruling at Docket WT Docket No. 08-165 titled "Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance" in regard to the provisions of the Telecommunications Act which require the timely siting, by establishing 90 and 150 day shot clock timeframe provisions for wireless siting applications; and



**WHEREAS**, on February 22, 2012, the federal government adopted the Middle Class Tax Relief and Job Creation Act which, among other things, contains provisions designed to improve and expedite wireless siting applications by specifying that eligible facilities requests which do not substantially increase the size of an existing tower or base station must be approved by local governments, with this subset of telecommunications provisions becoming subsequently known as the Spectrum Act; and

**WHEREAS**, on January 17, 2012, the State of New Jersey adopted the New Jersey Collocation Law (N.J.S.A. 40:55D-46.2), which specifies, among other things, that site plan review may not be required if a proposed modification does not result in an area greater than 2,500 square feet for a wireless communications compound; and

**WHEREAS**, on October 17, 2014, the FCC adopted a Report and Order (the "Infrastructure Order") at WT Docket No. 13-238 titled "Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies", which clarified the provisions of the Spectrum Act by describing the types of modifications to wireless facilities which constitute an Eligible Facilities Request, as the term is used in the Spectrum Act, including that a modification may not increase the height of a facility by more than 10% of its existing height; and

**WHEREAS**, on June 9, 2020, the FCC adopted a Declaratory Ruling and Notice of Proposed Rulemaking at WT Docket No. 19-250 titled "Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012" in order to further clarify the provisions of the Spectrum Act in regards to what type of modification constitutes an Eligible Facilities Request, including specifying which modifications do not defeat the originally intended concealment elements of an existing facility, when the FCC mandated 90 and 150 day shot clocks commence and permitted height increases for towers outside the public right-of-way; and

**WHEREAS**, on October 27, 2020, the FCC adopted a Report and Order at WT Docket No. 19-250 titled "Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012" in order to further clarify the provisions of the Spectrum Act by specifying the extent to which an Eligible Facilities Request to modify an existing wireless may expand said facility in size and dimensions, including that an existing facility may be expanded by up to 30 feet in any one direction; and

**WHEREAS**, on September 26, 2018, the FCC adopted an order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment," (FCC-18-133A or the "Small Cell Order"), which was upheld for the most part by the Ninth Circuit Court of Appeals on August 12, 2020, concerning City of Portland et al. vs. the FCC; and

**WHEREAS**, the Small Cell Order places 60 and 90 day shot clock time limits on the municipal decision making process for applications for the placement of small wireless facilities, the replacement of existing poles and the placement of new poles in the public right-of-way; and

**WHEREAS**, on June 27, 2022, A-4376 was introduced and sponsored by Carol A. Murphy of the 7th legislative district with said bill, among other things, intending to combine aspects of the above-referenced FCC rulings regarding the Telecommunications Act, the Spectrum Act and small wireless facilities in the public right-of-way, while also going well above and beyond said rulings in regard to its intention to preempt a local jurisdiction's right and authority to manage its territory and rights-of-way; and

**WHEREAS**, on June 5, 2023, the Assembly Telecommunications and Utilities Committee amended and favorably reported A-4376; and

**WHEREAS**, if adopted, A-4376 would expand the existing preemption framework of the state and federal government by, among other things, accelerating review timeframes and precluding discretionary land use review for most new antenna installations on buildings and structures not previously approved for use for telecommunications facilities; and

**WHEREAS**, per A-4376, discretionary land use approvals would only be an option for a municipality if facility installation on a structure not previously used for antennas increased that structure's height by more than 20 feet, or expanded width by more than 20 feet or the width of a structure; and

**WHEREAS**, A-4376 encompasses both tower and rooftop sites on private land as well as small wireless antenna facilities on utility poles and other supporting structures in the public right-of-way; and

**WHEREAS**, the overarching effect of A-4376 would be to essentially eliminate nearly all effective control of a municipality's territory in regard to telecommunications facilities deployments; and

**WHEREAS**, this is an excessive and unreasonable loss of authority which runs contrary to the intention of the Municipal Land Use Law, the Home Rule Act and local police powers; and

**WHEREAS**, as a result, the Municipality strongly opposes passage of said bill A-4376 and desires to maintain its existing rights and authority to regulate telecommunications facilities within its jurisdiction;

**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:

1. The Borough of Oakland opposes New Jersey General Assembly bill A-4376.
2. The Borough of Oakland urges the Assembly not to pass A-4376.

A copy of this resolution will be submitted to both chambers of the New Jersey Legislature, and any applicable legislative committees tasked with reviewing same, including the Assembly Telecommunications and Utilities Committee, which will be asked to reconsider its favorable report of A-4376.



**23-246: RESOLUTION EXPRESSING MUNICIPAL SUPPORT FOR S3807/A5567**

**WHEREAS**, the Local Bond Law, specifically N.J.S.A. 40A: 2-22, sets the useful life of fire engines, apparatus, and equipment, when purchased new, at ten years and prohibits the bonding of passenger cars and station wagons, and

**WHEREAS**, the useful life of fire engines, apparatus, and equipment, when purchased new, and the prohibition on the bonding of passenger cars and station wagons have been unchanged since the section of the law was enacted by P.L. 1964, c. 133; and

**WHEREAS**, Fire Underwriters Survey has published the document entitled Insurance Grading Recognition of Used and Rebuilt Fire Apparatus, which states that apparatus should be retired at 20 years of age unless the apparatus meets the recommended annual, service, and acceptance level tests and has been deemed in excellent mechanical condition; and

**WHEREAS**, Senate Bill No. 3807 and its companion Assembly Bill No. 5567 seek to amend in part section 22 of the Local Bond Law to amend the maximum usefulness of fire engines, apparatus, and equipment, when purchased new, from 10 years to 20 years, and to removes the prohibition on the bonding of passenger cars and station wagons; 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 support the passage of Senate Bill No. 3807 and its companion Assembly Bill No. 5567, which seek to amend in part section 22 of the Local Bond Law to amend the maximum usefulness of fire engines, apparatus, and equipment, when purchased new, from 10 years to 20 years and to removes the prohibition on the bonding of passenger cars and station wagons;

**BE IT FURTHER RESOLVED**, that certified copies of this resolution shall be forwarded to Governor Phil Murphy, Senate President Nicholas P. Scutari, Speaker of the General Assembly Craig J. Coughlin, Senate Holly Schepisi, Assemblyman Robert Auth, Assemblywoman DeAnne DeFuccio, and the New Jersey State League of Municipalities.

**23-247: AUTHORIZE REFUND OF RECREATION FEES**

**WHEREAS**, the Borough of Oakland has received a request (attached) for a refund of recreation fees in the total amount of \$155.00; and

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

**WHEREAS**, the Chief Financial Officer has verified that the amount is due and that funds are available in account Misc. Revenue Refund CF-01-55-998-006;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$155.00 to:

| <u>NAME</u>           | <u>ADDRESS</u>                                 | <u>SPORT TYPE</u> | <u>AMOUNT</u> |
|-----------------------|--|-------------------|---------------|
| Buyse-Sabarese Family | 22 River Road, Oakland, N.J. 07436             | Cheerleading      | \$155.00      |
| Katzman Family        | 10 Holmhill Circle, Franklin Lakes, N.J. 07417 | Baseball          | \$125.00      |

**23-248: RESOLUTION EXPRESSING MUNICIPAL OPPOSITION TO H.R. 3557  
AMERICAN BROADBAND ACT OF 2023**

**WHEREAS**, H.R., “American Broadband Act of 2023”, was introduced with little notice and without full text on May 22, 2023, and was approved by the House Committee on Energy and Commerce, and ordered to be reported following markup only two days later on May 24, 2023; and

**WHEREAS**, prior to H.R. 3557’s introduction, only a single hearing was held on the eventual contents, on April 19, 2023, before House Communications Subcommittee, the testimony before which consisted exclusively of that from witnesses supportive of federal preemption and to which not a single state or local government representative was invited to testify; and

**WHEREAS**, H.R. 3557 would pre-empt local governments’ rights-of-way compensation and management authority, zoning powers, cable franchising authority, and property rights; and

**WHEREAS**, the proposed bill would bestow on broadband providers an unprecedented federal grant of access to state and local public property, but impose no obligations on those providers to serve “unserved and “underserved” Americans; and

**WHEREAS**, H.R. 3557 would mandate the siting decisions be “deemed granted” if not denied by a local government within 60 days, which is as little as 25% of the time the federal government gives itself to make identical decisions concerning access to federal property; and

**WHEREAS**, H.R. 3557 would make virtually any local government decision not to allow the installation of proposed wireless facility at a providers’ request a “prohibition” preempted by federal law, and would require local governments to draft and publicly release a written explanation for the decision to deny an application on the same day it votes on the decision-a virtually impossible task because such written decisions typically require the examination and analysis of evidence presented to local council; and

**WHEREAS**, the bill would substitute the FCC for the local federal district court as reviewing body for challenges to local government decisions regarding wireless facility applications, thus breaking the promise made by Congress in 1996 that local governments would not be required to travel to Washington to defend local decisions; and

**WHEREAS**, H.R. 3557 would also eliminate cable franchise renewals, thereby restricting the ability of state or local franchising authorities to enforce franchise obligations such as public, educational, and government channel capacity and facilities, customer service requirements, and system build out requirements; and



**WHEREAS**, H.R. 3557 would affirmatively grant cable operators the right to use local rights-of-way to provide non-cable services while prohibiting localities from imposing any fees on non-cable services for use of those rights-of-way;

**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 oppose H.R. 3557 and urges the House and Senate not to pass this legislation;

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to Senate President, Vice President of the United States of America, Kamala Harris; Speaker of the House of Representatives, Kevin McCarthy; Senator Cory Booker; Senator Robert Menendez; Representative Bill Pascrell; President of the United States of America Joseph R. Biden; and New Jersey State League of Municipalities.

**23-250:            AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR PATRIOT’S WAY BRIDGE PRIORITY REPAIRS PROJECT**

**WHEREAS**, there is a need for Engineering Services for the Patriot’s Way Bridge Priority Repairs Project; and

**WHEREAS**, Boswell Engineering has submitted a proposal dated July 24, 2023 for services required at a total cost not to exceed cost of \$15,500.00.

**WHEREAS**, the Chief Financial Officer has certified funds are available in Account #C-04-56-810-201 in the amount of \$15,500.00; 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 Patriot’s Way Bridge Priority Repairs Project at a cost not to exceed \$15,500.00; and

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

**23-251:            AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT BETWEEN THE BOROUGH OF OAKLAND AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION TO RESOLVE VIOLATIONS OF THE CHAPEL HILL PUMP STATION**



**WHEREAS**, the Borough of Oakland (the “Borough”) owns and operates the facility known as Chapel Hill Pump Station (the “CHPS”), located at 2 Mountain Lake Road in the Borough of Oakland; and

**WHEREAS**, the New Jersey Department of Environmental Protection (the “Department”) issued a Notice of Violation related to violations of the Solid Waste Management Act numbered NJR000088534 (the “Notice of Violation”) for the CHPS to the Borough in April 2023; and

**WHEREAS**, the Department has proposed a Settlement Agreement requiring the Borough to pay \$3,750.00 in settlement for the accrued penalty liability; and

**WHEREAS**, the Borough’s professionals recommend acceptance of the Settlement Agreement; and

**WHEREAS**, the Borough has determined that it is in the best interest of the Borough to enter into the Settlement Agreement with the Department to resolve the accrued penalty liability for the Chapel Hill Pump Station;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Oakland as follows:

1. The Mayor and Borough Clerk, or any other official, officer or employee of the Borough be and are hereby authorized to execute the Settlement Agreement in the form annexed to this Resolution, and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
2. Certified copies of this Resolution shall be provided to John A. Napolitano, Special Counsel.

**23-257: AUTHORIZE PILOT AGREEMENT FOR RIDINGS AT RAMAPO PROJECT**

**WHEREAS**, Ingerman Development Company, LLC (“Ingerman”) proposes to construct and operate forty units of affordable rental housing and other amenities (the “Project”) on property identified as Block 4202, Lot 1-3 on the Borough of Oakland Tax Maps (the “Property”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.) (the “HMFA Law”);

**WHEREAS**, on August 16, 2023, the Mayor and Council adopted a Resolution of Need determining that the Project will meet an existing housing need within the Borough with respect to the Project:

**WHEREAS**, the Project will help satisfy the Township’s “Mt. Laurel” affordable housing obligation;

**WHEREAS**, the Project will be subject to the requirements of the New Jersey Housing and Mortgage Finance Agency (the “HMFA”), including mortgage and loan documents executed pursuant to the HMFA Law;

**WHEREAS**, the forty units of rental housing in the Project will qualify as low and moderate income

units under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-16.1 et seq.;

**WHEREAS**, the HMFA Law permits the governing body of a municipality in which a housing project financed by the HMFA is located to exempt such housing project from real property taxation if the housing project's sponsor enters into an agreement (a "PILOT Agreement") with the municipality for payments to the municipality in lieu of taxes for municipal services;

**WHEREAS**, the Mayor and Council find that entering into a PILOT Agreement with Ingerman is necessary to assure implementation of the Project and the construction of the affordable rental housing, and have negotiated a PILOT Agreement with Ingerman consistent with HMFA Law and protocols that obligates Ingerman to pay an annual service charge of 6.28% of its Project revenues to the Borough for a period of thirty years;

**WHEREAS**, Ingerman has provided an estimate of Project revenues and payments in lieu of taxation to the Borough, it being acknowledged that the actual Project revenues and corresponding payments in lieu of taxation cannot be determined until the Project has been implemented and, further are subject to HMFA Law; and

**WHEREAS**, the Mayor and Council deem it appropriate to authorize and enter into a PILOT Agreement with Ingerman.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Oakland as follows:

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. The Mayor and Clerk are hereby authorized to execute an Agreement for Payments in Lieu of Taxes with Ingerman, and the Mayor and Council as attached here as Exhibit A.
3. This Resolution is hereby adopted with the intent and purpose that from the date of execution of a mortgage from the HMFA, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner as set forth in the attached Agreement for Payments in Lieu of Taxes.
4. The Mayor and Council do hereby adopt the within Resolution and make the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Law with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project.

**23-258: RESOLUTION DETERMINING INGERMAN DEVELOPMENT COMPANY, LLC. HAS MET ITS AFFORDABLE HOUSING REQUIREMENTS**



**WHEREAS**, Ingerman Development Company, LLC and its assigns (hereinafter referred to as the "Sponsor") proposes to construct and operate a 40-unit affordable rental housing project, together with such other improvements as may be necessary in connection therewith, such as leasing offices, community meeting space, landscaping, curbing, and paving (hereinafter referred to as the "Project"), all pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq. (if applicable), and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the Borough of Oakland (hereinafter referred to as the "Municipality") on a site described as Block 4202, Lot 1-3 as shown on the Official Assessment Map of the Borough of Oakland, Bergen County, New Jersey; and

**WHEREAS**, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

**WHEREAS**, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Oakland (the "Council") that:

- (1) The Council finds and determines that the proposed Project will meet or meets an existing housing need; and
- (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with, the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project.

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

**RESOLUTIONS:**

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

**23-249:            AUTHORIZE GRANT SUBMITTAL SPOTTED LANTERNFLY TREATMENT PROGRAM**

**WHEREAS**; the Spotted Lanternfly is an invasive pest that has a negative environmental effect, including causing damage to trees; and

**WHEREAS;** the Spotted Lantern Fly is now established in the Borough; and

**WHEREAS;** The New Jersey Department of Agriculture has made funding available to counties and municipalities in order to help control the Spotted lantern Fly Population; and

**WHEREAS;** the Shade Tree Commission has developed a plan to treat Ailanthus Trees in the Borough ROW and utilize traps in various locations on Borough Properties; 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, formally approves the grant application for the above stated project;

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to submit an grant application identified as "Spotted Lanternfly Program- 2023 Chemical Control Treatment Opportunity Grant "to the New Jersey Department of Agriculture on behalf of the Borough of Oakland;

**BE IT FURTHER RESOLVED,** that Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Oakland and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

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

**ORDINANCES:**

**ORDINANCE 23-CAPITAL-921**

**CAPITAL ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$4,640,000 FOR THE REPLACEMENT OF THE PATRIOT'S WAY BRIDGE IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO BE RAISED FROM A GRANT INCLUDED IN THE 2024 STATE BUDGET IN THE AMOUNT OF - \$1,640,000 AND FROM A DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF - \$3,000,000**

The Borough Clerk was directed to take from the table Ordinance No. 23-CAPITAL-921 and read by title for its final hearing.



The Borough Clerk then read by title an Ordinance entitled “**CAPITAL ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$4,640,000 FOR THE REPLACEMENT OF THE PATRIOT’S WAY BRIDGE IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO BE RAISED FROM A GRANT INCLUDED IN THE 2024 STATE BUDGET IN THE AMOUNT OF - \$1,640,000 AND FROM A DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF - \$3,000,000**”.

**OPENED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

No public comment.

**CLOSED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Ordinance 23-CAPITAL-921, entitled “**CAPITAL ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$4,640,000 FOR THE REPLACEMENT OF THE PATRIOT’S WAY BRIDGE IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO BE RAISED FROM A GRANT INCLUDED IN THE 2024 STATE BUDGET IN THE AMOUNT OF - \$1,640,000 AND FROM A DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF - \$3,000,000**”, be adopted.

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

**ORDINANCE 23-CODE-922**

**AN ORDINANCE SUPPLEMENTING CHAPTER 2 OF THE OAKLAND CODE  
RELATED THE RECENT CREATION OF CLASS III SLEO**

The Borough Clerk was directed to take from the table Ordinance No. 23-Code-922 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled “**AN ORDINANCE SUPPLEMENTING CHAPTER 2 OF THE OAKLAND CODE RELATED THE RECENT CREATION OF CLASS III SLEO**”.

**OPENED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

No public comment.

**CLOSED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Ordinance 23-Code-922, entitled "**AN ORDINANCE SUPPLEMENTING CHAPTER 2 OF THE OAKLAND CODE RELATED THE RECENT CREATION OF CLASS III SLEO**", be adopted.

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

**ORDINANCE 23-CODE-923**

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59, ENTITLED "LAND USE AND ZONING"**

The Borough Clerk was directed to take from the table Ordinance No. 23-Code-923 and read by title for its final hearing.

The Borough Clerk then read by title 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"**".

**OPENED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**



No public comment.

**CLOSED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Ordinance 23-Code-923, entitled "**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59, ENTITLED "LAND USE AND ZONING"**", be adopted.

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

**ORDINANCE 23-CODE-924**

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59, ENTITLED "LAND USE AND ZONING"**

The Borough Clerk was directed to take from the table Ordinance No. 23-Code-924 and read by title for its final hearing.

The Borough Clerk then read by title 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"**".

**OPENED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

No public comment.

**CLOSED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Ordinance 23-Code-924, entitled "**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59, ENTITLED "LAND USE AND ZONING"**", be adopted.

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

**ORDINANCE 23-CODE-925**

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59, ENTITLED "LAND USE AND ZONING"**

The Borough Clerk was directed to take from the table Ordinance No. 23-Code-925 and read by title for its final hearing.

The Borough Clerk then read by title 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"**".

**OPENED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

No public comment.

**CLOSED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Ordinance 23-Code-925, entitled "**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59, ENTITLED "LAND USE AND ZONING"**", be adopted.



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

**ORDINANCE 23-CODE-926**

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59, ENTITLED "LAND USE AND ZONING"**

The Borough Clerk was directed to take from the table Ordinance No. 23-Code-926 and read by title for its final hearing.

The Borough Clerk then read by title 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"**".

**OPENED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Ordinance 23-Code-926, entitled "**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59, ENTITLED "LAND USE AND ZONING"**", be adopted.

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

**ORDINANCE 23-CODE-927**

**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59, ENTITLED "LAND USE AND ZONING"**

The Borough Clerk was directed to take from the table Ordinance No. 23-Code-927 and read by title for its final hearing.

The Borough Clerk then read by title 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"**".

**OPENED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

No public comment.

**CLOSED FOR PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Ordinance 23-Code-927, entitled "**AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, LAND USE, CHAPTER 59, ENTITLED "LAND USE AND ZONING"**", be adopted.

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

**WORK SESSION:**

**BOROUGH PLANNER CONTRACT AMENDMENT:**

Mr. Kunze reported that a proposal was submitted from T&M Associates to increase their 2023 contract amount due to the extra workload. Mr. Kunze added that the proposal is based on the level of service needed for the remainder of the year. Mr. Kunze added that the amendment does not reflect any potential redevelopment studies. A separate proposal may be required. Councilman



Kulmala expressed support for the contract amendment. Councilman Pignatelli expressed support for the contract amendment.

**REQUEST FOR DONATION OF FIRE DEPARTMENT SUV:**

Mr. Kunze reported that the Borough has an obsolete SUV and that the Township of Wantage approached the Borough about donating the SUV. Councilman Pignatelli asked if a monetary amount has to be included. Councilman Kulmala expressed support for the donation. Mr. Kunze added that the vehicle would normally be auctioned off as part of the regular vehicle replacement cycle. The Governing Body expressed support for the donation. A resolution will be introduced at the September 13, 2023 Borough Council Meeting.

**BOROUGH ENGINEER CONTRACT AMENDMENT:**

Mr. Kunze is in receipt of proposals for contract amendments from Boswell Engineering with regards to Planning Board, Board of Adjustment, and Borough Engineer services for 2023. Councilman Saliani asked the reason for the proposals. Mr. Kunze added these bills were outstanding due to delays and which accounts to use. Mr. Yakimik added that Boswell Engineering's billing is very structured.

**NEW BUSINESS:**

Mayor Schwager suggested that the Borough of Oakland, Borough of Franklin Lakes, and Township of Wyckoff revitalize the "WOLF" pack, which is a group of the elected officials and Borough Administrator's to discuss collaborating on projects and ideas. The Mayor asked the Council President to appoint a Borough Council representative.

Councilman Kulmala reported that he drove around and inspected the signage with regards to the Patriot's Way Bridge. The Mayor added that she has discussions with the Police and Engineer to resolve the signage issues. Mr. Yakimik added that the signage has been amended to better direct truck traffic through the area as there was confusions with the signage and accidentally directing motorists into the Ramapo River Reserve. Councilman Talamini suggested that the traffic issues will only get worse as the Borough gets closer to the superstructure replacement of the Patriot's Way Bridge.

Councilman McCann added that he met with Councilmembers in Franklin Lakes regarding potential shared services. Councilman McCann thanked Councilman Kulmala for taking on the signage issues. Councilman McCann brought forth an issue with not adopting the Governing Body By-laws for 2022 and 2023. The Mayor suggested that the issue was with the delayed reorganization meeting in January 2023. Councilman McCann advised that the bylaws need to be readopted each year. An Administration Committee Meeting will be scheduled in the near future to discuss any potential changes to the bylaws.

### **OLD BUSINESS:**

No old business reported.

### **COUNCIL COMMITTEE AND LIAISON REPORTS:**

**Councilman Talamini:** Councilman Talamini reported that the Oakland Public Schools is appreciative of the SLEO III officer hires.

**Councilman Kulmala:** Councilman Kulmala reported that the Planning Board is scheduled to adopt the final site plan for the Hovnanian site. The Arts Committee is hosting a mural and poetry contest.

**Councilman Pignatelli:** Councilman Pignatelli read aloud the First Aid Squad call statistics. The Oakland Senior Center is hosting "Senior Week", starting on August 21, 2023. Residents should contact the Senior Center to register for the activities.

**Councilman McCann:** Councilman McCann reported that he met with the Access for All Committee. Discussion ensued on requests from the Committee, such as Administrative help and an operating budget.

**Councilman Slasinski:** Councilman Slasinski reported that the Oakland Public Library wrapped up their summer reading program, and it was a great success. The Oakland Public Library is hosting Kindergarten Kickoff on August 28, 2023. Registration is open on their website.

**Councilman Saliani:** Councilman Saliani reported that the Shade Tree Commission is seeking 2 new members. Councilman Saliani suggested that the Shade Tree Commission work with the Environmental Commission on the Spotted Lanternfly issue.

### **OPEN PUBLIC COMMENT:**

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

### **ALL IN FAVOR.**

Michael Guadagnino of 34 Hopper Street, Oakland, N.J. 07436, clarified that the Recreation Commission has a very active special needs program each year.

Andrea Levy of 780 Ramapo Valley Road, Oakland, N.J. 07436, asked what the purpose of the SLEO III officers are, and what happens in the event of an absence. Mr. Kunze added that coverage would be provided from the Oakland Police Department. Ms. Levy expressed support for the Access for All Committee. Ms. Levy added that the Communications Commission is seeking old photos from residents for features in the Borough Newsletter.



Councilman Kulmala set forth the motion, seconded by Councilman Pignatelli, the public comment session be closed.

**ALL IN FAVOR.**

**OPEN PUBLIC COMMENT:**

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

**ALL IN FAVOR.**

Bill Forte of West Milford, New Jersey, commented on a matter involving a letter sent to Congressman Gottheimer. Mr. Forte commented on Mayor Schwager serving as the Prosecutor for the case. An argument ensued on the case. The Mayor asked Mr. Forte to leave the meeting.

Councilman Pignatelli set forth the motion, seconded by Councilman Talamini, the public comment session be closed.

**ALL IN FAVOR.**

Councilman Talamini wished David Young well.

**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:**                **Kulmala, McCann, Pignatelli, Saliani, Slasinski, Talamini.**  
                  **Nays:**                **None.**  
                  **Abstain:**        **None.**  
                  **(6 ayes – 0 nays –motion carried)**


**ADJOURNMENT:**

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


**ALL IN FAVOR.**

Adjourned: 9:22 p.m.

APPROVED BY:

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

ATTEST:

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