

BOROUGH OF OAKLAND
Borough Council Meeting
MEETING MINUTES

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

February 22, 2023 – 7:00 p.m.

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.

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

On Motion of Councilman Saliani, seconded by Councilman Pignatelli, Councilman Talamini and Slasinski be excused.

ALL IN FAVOR

SALUTE TO THE FLAG AND MOMENT OF SILENCE:

MAYOR'S REPORT:

Mayor Schwager congratulated the Indian Hills High School students on making it to the Mock trial finals against Bergen Catholic. Mayor Schwager stated she will be in a short scene with other mayors for the FLOW Follies, which involves the schools in Franklin Lakes, Wyckoff, and Oakland. She encourages all to come and enjoy the show. At the last Council meeting the issue of the Borough cannabis ordinance was raised in work session, and the request was made to bring forth a repeal. Many questions were raised about the committee that spent months investigating and proposing a draft ordinance. Mayor Schwager reviewed the hard work and investigation that the Ad-Hoc Committee performed. Mayor Schwager stated that the committee brought forth a very well thought out ordinance which involved many capable and qualified persons. Mayor Schwager also stated that the Council voted unanimously in favor of the proposed ordinance. Mayor Schwager cited Lodi's situation and the revenue they are receiving. The Mayor stated that the ordinance cannot be repealed for 5 years.

OPEN PUBLIC COMMENT:

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

ALL IN FAVOR.

Mike Guadagnino of 34 Hopper Street, Oakland, NJ 07436 stated he was a member of the Cannabis Ad-Hoc Committee. He takes offense to the statements made about the committee without anyone from the committee there to defend the work they did. Mr. Guadagnino stated that he and all the members worked very hard to come up with an Ordinance that was in the best interest of Oakland residents. At no time did they ever consider retail and their focus was on growing, manufacturing and distribution. He stated that they put the ordinance together keeping in mind the 38% of residents that didn't vote for cannabis to be legal.

Matt Goodrich of 72 Hiawatha Blvd. Oakland, NJ 07436, stated he was on the Cannabis AD-Hoc Committee. The committee did a great job reviewing and researching what would and not work for the Borough of Oakland.

Frank Di Pentima of 6 Mountain Lakes Road, Oakland, NJ 07436 stated he was on the Cannabis Ad-HOC Committee. He was against cannabis. Everyone working together on both sides of the discussion came to the consensus of what would be best for Oakland and what to take advantage of. Mr. DiPentima encouraged the Borough Council to look at ways to save and generate money for the residents.

Jo-Ann Ashkenazi of 502 Ramapo Valley Road, Oakland, NJ 07436 stated she was on the Cannabis Ad-Hoc Committee as well and found the attack on their work offensive and feels apologies are in order. Ms. Ashkenazi cited many facts with regards to mothers and babies and the effect of several drugs.

Mame Schwarzfischer of 187 West Oakland Avenue, Oakland, NJ 07436 read aloud statistics of deaths related to other drugs legal and illegal. Feels that many residents need financial help, and the income would be beneficial to the Borough.

Justin Lee of 7 Banneher Street, Oakland, NJ 07436 stated he had a one-and-a-half-hour phone call with Councilman McCann with regards to cannabis and the effects/affects to the community. He defends the benefits of properly used and grown products. There are shops selling unregulated product with pesticides in it. He stated there are three species of plants and recommend that people do their research and educate themselves.

George Luftey of 7 Banneher Street, Oakland, NJ 07436 stated that cannabis was legalized 2 years ago. Mr. Luftey gave out a one-page document from the states cannabis ordinance to the councilmembers pointing out all the rules and regulations they must follow to not lose their license. Their top priority is health and safety standards and compliance to the rules.

Mame Schwarzfischer of 187 West Oakland Ave, Oakland, NJ 07436 stated that 10 % of the workforce would be Oakland residents. How many residents could they employ per the ordinance?

Matt Goodrich of 72 Hiawatha Blvd, Oakland, Nj 07436 cited the benefits of the revenue to the residents of Oakland.

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

ALL IN FAVOR.

APPROVAL OF MINUTES:

February 8, 2023

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

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

February 8, 2023 Executive Session

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

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

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS:

**AUTHORIZE RAFFLE LICENSE#RL1449 FOR OAKLAND ELKS LODGE # 2167 OF
OAKLAND FOR ON-PREMISES 50/50 RAFFLE ON MARCH 30, 2023, AT 33 RAMAPO
VALLEY ROAD, OAKLAND, NJ 07436**

Councilman Pignatelli set forth the motion, seconded by Councilman Saliani, to approve Raffle License #RL1449.

ALL IN FAVOR

APPOINTMENT(S) TO PUBLIC EVENTS COMMITTEE:

On motion of Councilman Pignatelli, seconded by Councilman Saliani, the following individuals be appointed to the Public Events Committee:

Michael Kozak/3-year unexpired term/Exp 12/31/24

ALL IN FAVOR.

**PUBLIC HEARING ON BERGEN COUNTY OPEN SPACE TRUST FUND GRANT
REPURPOSE SUBMITTAL FOR TRUMAN FIELD REFURBISHMENTS PROJECT**

Mr. Kunze advised that in late 2021, the Borough was awarded a \$200,000 grant through the Bergen County Open Space Trust Fund to help fund the refurbishment of Truman Field. The original scope focused on rehabilitating the field, replacing the irrigation system, and replacing the fence among other items. Since the original grant award, the recreation Commission's focus has shifted to providing field lighting to enable increased use of facility and a decreased playing surface to make it safe, and both the irrigation system and fencing would be repaired instead of replaced. This change in scope requires approval from Bergen County to utilize the previously awarded grant funds and the public hearing is part of the approval process. Resolution 23- authorizes the submittal of the application. Resolution 23-91 authorizes the submittal of the application to Bergen County.

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

ALL IN FAVOR

No Public Comment

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

ALL IN FAVOR

RESOLUTIONS – CONSENT AGENDA:

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

**23-90: AUTHORIZE GRANT AGREEMENT FOR BERGEN COUNTY FY 2022 OPEN
SPACE TRUST FUND MUNICIPAL PARK IMPROVEMENT PROGRAM FOR
BUSH PLAZA PARK REVITALIZATION PROJECT**

BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$127,995.00 matching grant award from the 2022 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled Bush Plaza Revitalization Project;

BE IT FURTHER RESOLVED, that the Mayor and Borough Council hereby authorize Mayor Linda H. Schwager be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about December 14, 2024; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements. Professional Services Costs may be reimbursed from grant award's unexpended balance, should there be a balance.

**23-91: AUTHORIZE GRANT REPURPOSE SUBMITTAL FOR FY 2021 BERGEN
COUNTY OPEN SPACE TRUST FUND MUNICIPAL PARK IMPROVEMENT
FUND FOR TRUMAN FIELD REFURBISHMENTS**

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (the "County Trust Fund"), provides matching grants to municipal governments for assistance in the development or redevelopment of municipal recreation facilities; and

WHEREAS, the Borough of Oakland (the "Borough") had received a 2021 Trust Fund matching grant award of \$204,369, which was approved via County of Bergen Board of Chosen Freeholders Resolution No. 1094-21, dated December 15, 2021, for its "Truman Field Refurbishments" project (Project Contract No. 2100550); and

WHEREAS, Truman Field Refurbishments project was to include the construction of a New Surface, Leveling and Sprinkler System; and

WHEREAS, the Borough of Oakland desires to repurpose its 2021 Trust Fund Municipal Program grant award to include field lighting; and

WHEREAS, the Mayor and Borough Council has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make such a request for use of its grant and provide application information and furnish such documents as may be required; and

WHEREAS, as part of such request, the governing body received public comments on the proposed repurpose and use of its 2021 Trust Fund Municipal program grant award on February 22, 2023; and

WHEREAS, the County of Bergen shall determine whether the proposed request and use of the 2021 Trust Fund grant award are complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the Borough is willing to use the County Trust Fund grant in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the approved project and ensure its completion on or about the project contract expiration date of December 15, 2023.

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. That it is hereby authorized to repurpose its 2021 Truman Field Refurbishments project application to the County; and,
2. That it will submit a certified copy of this resolution along with its written request to the County Trust Fund to repurpose its 2021 Truman Field Refurbishments project and to repurpose its 2021 Trust Fund grant award with a modified scope as specified in the grant application; and
3. That it has, or will secure, the balance of funding necessary to complete the Truman Field Refurbishments project, or modify the project as necessary; and,
4. That it is committed to providing a dollar for dollar cash match for the Truman Field Refurbishment project; and,
5. That only those park improvements identified and approved in its Truman Field Refurbishment project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
6. That it agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
7. That this resolution shall take effect immediately.

**23-92: AUTHORIZE REFUND OF TAXES FOR MAYSARA ABDO DUE TO
OVERPAYMENT**

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$21,468.68; 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 #CF-01-55-998-002 Tax Refund;

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 authorize a payment to be made in the amount of \$21,468.68 to:

Maysara Abdo
9 Minnehaha Blvd
Oakland, N.J. 07436

Block: 4701
Lot: 65

23-94: AUTHORIZE REFUND OF TAXES FOR PATRICIA VASSALO DUE TO OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$1961.75; 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 #CF-01-55-998-002 Tax Refund;

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 authorize a payment to be made in the amount of \$1961.75 to:

Patricia Vassalo
30 Lafayette Drive
New Cumberland, P.A. 17070-3112

Block: 2004
Lot: 18

23-95: 2023 SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and
WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Oakland, County of Bergen has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Oakland, in County of Bergen, and State of New Jersey, that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a) Payment of interest and debt redemption charges
 - b) Deferred charges and statutory expenditures
 - c) Cash deficit of preceding year

- d) Reserve for uncollected taxes
 - e) Other reserves and non-disbursement items
 - f) Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 4. That pursuant to the Local Budget Law:
 - a) All estimates of revenue are reasonable, accurate and correctly stated,
 - b) Items of appropriation are properly set forth
 - c) In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

23-97: AWARD VEHICLE AUCTION BIDS

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 previously authorized the sale of surplus vehicles via online public auction; and

WHEREAS, said auction took place and the Governing Body now wishes to approve the winning bids.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, that the winning bids and amounts thereof are hereby approved for the following:

<u>VEHICLE/EQUIPMENT</u>	<u>WINNING BIDDER</u>	<u>WINNING BID PRICE</u>
2001 Ford F-250	Dawn Syskowski	\$1851.00

2004 Ford F-250	Albert Lovenberg	\$2600.00
Borough Computers	Esther Oduro	\$375.00

**23-98: AWARD CONTRACT TO MATTHEW GILSON OF WEINER LAW GROUP
FOR PROFESSIONAL BOROUGH ATTORNEY SERVICES FOR 2023**

WHEREAS, it is necessary for the Borough of Oakland to engage the services of a Borough Attorney for 2023; and

WHEREAS, funds will be available by way of budget to compensate said Borough Attorney; and

WHEREAS, N.J.S.A. 40A: 11-1 et. seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough did undertake a competitive process to select a Borough Attorney and solicited Requests for Qualifications in November 2022; and

WHEREAS, the applicants has submitted paperwork certifying that they have not made any disqualifying pay to play contributions pursuant to the Borough's Pay-to-Play Ordinance No. 12-Code-669 adopted July 11, 2012; and

WHEREAS, the Borough's Review Team has determined that Matthew Gilson of the firm of Weiner Law Group will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, the Borough Council has nominated Matthew Gilson of the firm of Weiner Law Group to serve as the Borough Attorney for the year 2023; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract;

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 Matthew Gilson of the firm of Weiner Law Group be and is hereby appointed as Borough Attorney for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Attorney for the year 2023 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the not to exceed contract amount exclusive of work funded through applicants' escrow and Borough Capital Accounts, shall not exceed \$62,500.00 without further authorization of the Governing Body and the Chief Financial Officer has certified that \$41,250.00 is available in Account #3-01-20-155-027 (retainer) , and \$21,250.00 is available in Account #3-01-20-155-028 (general legal services); and

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

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

**23-99: AWARD CONTRACT TO BRIAN GIBLIN OF GIBLIN AND GANNAIO FOR
PROFESSIONAL BOROUGH AFFORDABLE HOUSING LITIGATION
ATTORNEY SERVICES FOR 2023**

WHEREAS, it is necessary for the Borough of Oakland to engage the services of a Borough Affordable Housing Litigation Attorney for 2023; and

WHEREAS, funds will be available by way of budget to compensate said Borough Affordable Housing Litigation Attorney; and

WHEREAS, N.J.S.A. 40A: 11-1 et. seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough did undertake a competitive process to select a Borough Affordable Housing Litigation Attorney and solicited Requests for Qualifications in November 2022; and

WHEREAS, the applicants has submitted paperwork certifying that they have not made any disqualifying pay to play contributions pursuant to the Borough's Pay-to-Play Ordinance No. 12-Code-669 adopted July 11, 2012; and

WHEREAS, the Borough's Review Team has determined that Brian Giblin of the firm of Giblin and Gannaio will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract;

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 Brian Giblin of the firm of Giblin and Gannaio be and is hereby appointed as Borough Affordable Housing Litigation Attorney for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Affordable Housing Litigation Attorney for the year 2023 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the contract amount shall not exceed \$20,000.00 without further authorization of the Governing Body, and the Chief Financial Officer has certified that \$20,000.00 is available in Account #3-01-20-155-028; and

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

agreement on behalf of the Borough; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

23-101: REVISE CHANGE ORDER #1 FOR OAKWOOD KNOLLS, CHAPEL HILL, SKYVIEW/HIBROOK TREATMENT PLANTS DECOMMISSIONING PROJECT

WHEREAS, a contract was awarded to Pacific Construction in the amount of \$5,605,500.00 for the Oakwood Knolls, Chapel Hill, Skyview/Hibrook Treatment Plants Decommissioning Project; and

WHEREAS, the Mayor and Borough Council adopted Resolution #22-298 on November 9, 2022 authorizing Change Order #1 in the amount of \$108,669.47; and

WHEREAS, the amount authorized for Change Order #1 dated November 9, 2022 was incorrect and must be revised;

WHEREAS, the actual amount for the requested Change Order #1 is as follows:

Directional Drilling with Rock Cutting Head	\$97,811.29
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WHEREAS, the Change Order has been reviewed and recommended by the Borough Engineer; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-08-56-817-301;

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 revised Change Order #1 for a new amount of \$97,811.29, for a new total contract amount of \$5,629,311.29.

23-102: AWARD CONTRACT TO INTEGRA REALTY RESOURCES FOR 2023 TAX APPEAL ASSISTANCE SERVICES

WHEREAS, the Borough wishes to appoint an expert for 2023 Tax Appeal Assistance; and

WHEREAS, the Tax Assessor and Borough Administrator have recommended that Integra Realty Resources be retained to provide Tax Appeal Assistance, in accordance with their proposal; and

WHEREAS, the Mayor and Council of the Borough of Oakland wishes to award a contract to Integra Realty Resources to provide 2023 Tax Appeal Assistance services for the Borough; and

WHEREAS, Integra Realty Resources will provide the services at a cost not to exceed \$20,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #3-01-55-904-001; and

WHEREAS, the aforesaid award of contract is an exemption to the public bidding laws and one for professional services, for which no public bidding is required;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Oakland hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Integra Realty Resources to provide Tax Appeal Assistance services for an amount not to exceed \$20,000.00.

**23-103: AWARD CONTRACT TO ASSOCIATED APPRAISAL GROUP FOR 2023
ANNUAL REASSESSMENT PROGRAM SERVICES**

WHEREAS, the County of Bergen ordered a full reassessment be done on all properties in the Borough of Oakland and the reassessment was conducted by Associated Appraisal group; and

WHEREAS, the Borough issued a Request for Proposals for the services required; and

WHEREAS, for reasons of efficiency and equity in the administration of property assessments, the Borough has determined to implement an annual reassessment program; and

WHEREAS, Associated Appraisal Group is capable of providing annual reassessment services in accordance with their proposal dated January 31, 2022 for a cost of \$55,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #3-01-20-150-100 in the amount of \$55,000.00; and

WHEREAS, Associated Appraisal Group 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 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 award a contract for the annual reassessment program to Associated Appraisal Group in the amount not to exceed \$55,000.00; and

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

**23-104: AWARD CONTRACT TO CIVIL SOLUTIONS FOR 2023 TAX MAP
MAINTENANCE SERVICES**

WHEREAS, the Borough of Oakland must update its tax maps annually; and

WHEREAS, the Tax Assessor and Borough Administrator have recommended that Civil Solutions be retained to provide tax map updates, in accordance with their proposal; and

WHEREAS, Civil Solutions will provide the services at a cost not to exceed \$5,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #3-01-20-150-104; and

WHEREAS, the aforesaid award of contract is an exemption to the public bidding laws and one for professional services, 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 authorizes the Mayor and Borough Clerk to execute an agreement with Civil Solutions to provide Tax Map Maintenance Services for 2023 for an amount not to exceed \$5,000.00.

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

RESOLUTIONS:

Mayor Schwager stated that Boswell Engineering oversees the contractors and construction project work. I am getting daily complaints of flat tires and damage to cars due to debris left in the road. Clean up needs to be done daily at the end of the day and someone needs to ensure the construction persons are doing it. It is unacceptable to leave the road in disrepair at the end of the day. Mr. Yakamik stated that he will be at the site daily to oversee the project is cleaned up. Councilman Saliani stated that he had a meeting with Mr. Yakamik and that better communication is needed with the vendors. Mr. Yakamik stated that he will convey the best way he knows to compel a contract to do work by withholding payment. Mr. Pignatelli stated that if the Boswell inspectors are not staying why are we paying for them. Mr. Yakamik stated that his people are staying, and he will be staying himself till the problem goes away. Councilman Kulmala commented he asked Mr. Yakamik update for an update on when work will be done for Public Service and sewer work. Has there been any progress? Mr. Yakamik stated he has reports from DPW and will have a report ready next week. On motion of Councilman Saliani, seconded by Councilman Pignatelli, the following resolution be introduced, adopted, and duly passed by a roll call vote:

23-93: AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR RIVER ROAD WATER MAIN IMPROVEMENTS
WHEREAS, there is a need for Engineering Services for the River Road Water Main Improvements Project; and

WHEREAS, Boswell Engineering has submitted a proposal dated December 22, 2022 for the engineering services required at a total cost not to exceed cost of \$28,000.00, broken down as follows:

TASK #1 - Data Collection and Survey	\$ 5,000.00
TASK #2 - Design	\$ 18,000.00
TASK #3 - NJDEP Highlands Exemption	\$ 5,000.00

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-06-56-886-101 in the amount of \$28,000.00; 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 River Road Water Main Improvements Project at a cost not to exceed \$28,000.00; and

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

ROLL CALL: **Ayes:** **Kulmala, McCann, Pignatelli, Saliani.**

Nays: **None**

Abstain: **None**

(4 ayes – 0 nays – motion carried)

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

23-96: RESOLUTION AUTHORIZING APPROVAL OF 2022 LOSAP LIST

WHEREAS, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a Length of Service Awards Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit for the previous year, and;

WHEREAS, the certification shall be based on records maintained by the emergency service organization in accordance with the sponsoring agency's adopted point system, and;

WHEREAS, the required certifications have been presented by the Oakland Fire Department & by the Oakland First Aide Squad to the Local Plan Administrator, and;

WHEREAS, the Local Plan Administrator has reviewed the annual list, and supporting documentation from the Oakland Fire Department & from the Oakland First Aide Squad to substantiate the information provided, and is satisfied that the list is complete and accurate;

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 certified list of volunteer members of the Oakland Fire Department & the Oakland First Aide Squad who have qualified for credit under LOSAP for the year 2022 is hereby approved, and

BE IT FURTHER RESOLVED, that the approved certification list is posted at the office of the Municipal Clerk, and returned to the Oakland Fire Department & the Oakland First Aide Squad for posting at their locations, for a period of 30 days to allow sufficient time for membership review.

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

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

23-100 AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR POTASH LAKE SOIL REMEDIATION PROJECT

WHEREAS, there is a need for Engineering Services for the Potash Lake Soil Remediation Project; and

WHEREAS, Boswell Engineering has submitted a proposal dated September 12, 2022 for the engineering services required at a total cost not to exceed cost of \$13,750.00, broken down as follows:

TASK #1 – Soil Excavation and Sampling	\$3,750.00
TASK #2 – Remedial Investigation/Reporting	\$6,500.00
TASK #3 – Response Action Outcome	\$2,500.00
TASK #4 – Uploading Document to NJDEP	\$1,000.00

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-607-001 in the amount of \$13,750.00; 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 Potash Lake Soil Remediation Project at a cost not to exceed \$13,750.00; and

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

Councilman Pignatelli asked what brought this about. Mr. Kunze stated this is the second phase of work that started a couple of years ago based on the report of the transformers. There was not a lot of contamination and there is a rigorous Dep process to follow to certify that it is

clean, Councilman Pignatelli asked if it was PCPS, Mr. Kunze stated that it was extractable petroleum hydrocarbons.

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

Councilman McCann stated that he must leave the meeting early and would like to give his committee report. Mayor Schwager gave councilman McCann the floor to speak. Thank you to all for coming out and for your comments. Whether or not I disagree on a personal level I have never interjected my personal feelings into this issue at all, as related to the prior meeting. Councilman McCann apologized to Mayor and Councilman Pignatelli for behavior and tone. He cited professional background and experience. He never disparaged the Ad-Hoc Committee. Asked why PD was not on the Ad-Hoc or those in addiction recovery industry. Challenged credible sources of public health. Cited an article from a San Diego Hospital. Mayor commented that Councilman McCann was not on the committee and did not provide any comments. He stated he had a fruitful and open-minded conversation with Mr. Lee. Councilman McCann left the meeting at 8:16PM.

WORK SESSION:

SUSTAINABLE OAKLAND GREEN TEAM RAIN BARREL PROGRAM

Mr. Kunze reviewed the program that the Green Team would like to implement. Residents can buy barrels at the Borough's cost and it is similar to the recycling barrel and composter programs. The cost of the barrel would be \$75.00. Councilman Kulmala added that the team explored this a year ago and fee would cover barrel cost only.

SHARED SERVICES AGREEMENT WITH BOROUGH OF BLOOMINGDALE FOR STREET SWEEPING SERVICES:

Councilman Saliani stated that currently the Borough contracts with a vendor to sweep the Borough roads in compliance with stormwater management requirements and at additional times on certain roads as litter control measure. The vendor cost and cost to dispose of the collected material is approximately \$36,000 plus the time and fuel cost for our personnel to handle the material disposal. While this approach has proven to be more cost effective than buying and operating our own machine, there have been increasing issues with the vendor's performance such as equipment breakdowns, material not being swept and lack of set sweeping schedule. As an alternative, the Borough of Bloomingdale is able to provide the service to us, having just purchased an additional sweeper. The cost would be slightly higher, at about \$40,500 per year of a proposed five-year agreement. The range for increase 2 % per year with a 60-90 days' notice. However, this cost includes disposal of the material, thus freeing up DPW personnel for other tasks, and we will have control over the scheduling. Bloomingdale already provides the service to other municipalities and those towns report that the service level is excellent. Street sweeping is an important activity, both for compliance with the states stormwater management regulations and for keeping Oakland clean and presentable. Therefore, even though the cost is slightly more, Councilman Saliani recommends approval of the shared service agreement with Bloomingdale. Councilman Kulmala

asked if it is our personnel or Bloomingdale's personnel doing the work? Mr. Kunze stated that Bloomingdale staff will operate the equipment and dispose of debris freeing up Borough employees.

NEW BUSINESS:

No New Business.

OLD BUSINESS:

Mayor Schwager reminded the Oakland Community of the scheduled Blood Drive on February 28, 2023, from 12-6 at the Oakland Senior Center. No appointment needed. \$10.00 amazon card will be given by mail.

Councilman Kulmala asked for an update on where things are with the testing of water. Mr. Kunze responded that permit applications have been filed, they are being reviewed by the DEP. We are undertaking the bid process to procure the required equipment, and we will take bids next Friday. Mr. Kunze advised that there should have bid award recommendation for the March 8, 2023 meeting. Councilman Saliani asked if there is an update on Patriots Way Bridge. Mayor Schwager responded that she is in contact with the Governor's office, with the Congressman's office and the Department of Transportation. We are waiting for an answer. The Mayor is working hard to get money for the Borough. Councilman Pignatelli added that he had heard that they were considering lowering the weight limit from 10 tons to 3 tons. Mr. Yakimik stated they inspected the bridge last June; they are calculating the results. Boswell is expecting the results at the end of the week. Councilman Saliani stated he would like to keep the RML community and board informed.

COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilman McCann: No report.

Councilman Kulmala: It was reported that the Sustainable Oakland Green Team is having their Sunday Hike at 11 am on March 5, 2023 for the Ramapo/Skyline Loop trail walk. Meet in lower parking lot. The Sustainable Green team is also hosting the Environmental Commission and Shade Tree commission on February 28, 2023 for a joint meeting to discuss coordinating future projects. The Green team is also hosting two Bird Watching events on April 29 and May 13 at Great Oak Park, signups are now open. Check the website for more information. Reminder, Spring is here, and the Oakland Library hosts a seed bank with a large selection of organic vegetables, it is time to start planning. You can ask the library front desk for information. The next Styrofoam Drive will be April 22, 2023. The Arts Committee is meeting Monday February 27, 2023, at 7 PM at the Senior Center. The last Thursday Open Mike night has been rescheduled. 3rd Annual Arts in Oakland is accepting applications. The event is scheduled from June 9-11, includes poetry and music. Looking for performers and visual artists with talent. For more information go to the Arts in Oakland Website. Planning Board has had a busy couple of weeks. They had a very positive meeting on February 15, 2023. They took a walk from Franklin Avenue to West Oakland Avenue. Several ordinances will be forth coming from the Planning Board, which includes creating an Architectural Review Board, a Historical Commission and the intent is to get in front of the possibility of Sewers coming to downtown.

Mayor Schwager is meeting with the Oakland Chamber of Commerce. She added that she is sponsoring a breakfast to get the businesses involved and working with the Council so they can help in strengthening the structure of downtown.

Councilman Pignatelli: Councilman Pignatelli stated his credentials with regards to public health and he would like it on record his experience and public health involvement for many years. Councilman Pignatelli stated the Borough Council's job was not to pass judgement on the law. The Borough Council's job was to consider what would be a good fit for Oakland and to help lower our debt. Retail establishments were never an option for Oakland. Councilman Pignatelli read aloud a report from the Chief of Police. The Board of Health meeting did not pass any rules or regulations and are pleased to report that there is a 100% vaccination rate in the pre-schools.

Councilman Talamini: No Report

Councilman Slasinski: No Report

Councilman Saliani: The Bush Plaza Park Ad-Hoc Committee has received a grant from the Bergen County Open Space Trust Fund for the project. The Committee has scheduled a follow up meeting on March 6, 2023, regarding implementation of the project and fundraising efforts. Recreation is holding a Spring Break Camp for grade K-8. Summer sports clinics are open for signups, there will be no late registrations. The sign-up period is March 1-31, 2023. All information is available at Oaklandrec.org. The Rutgers safety course is schedule for March 10, 2023 there is no charge for the course and is mandatory for all coaches. The Indian Hills Basketball team is in the quarter finals in states for basketball.

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, NJ 07436 wanted to confirm that the police were included in the meetings but not a regular the Cannabis Ad-HOC Committee member, and there was a public health professional involved.

Matt Goodrich of 72 Hiawatha Blvd., Oakland, NJ 07436 asked Councilman Kulmala with regards to the downtown revitalization, are there discussions with the utility companies about moving wire to the backside of the streets. Councilman Kulmala stated that he and Mr. Yakimik had a utility company do a walk through to review and discuss having a cohesive plan to move forward. Mr. Goodrich asked the Councilmembers to be leaders with regards to the cannabis ordinance

Dave Richardson of 320 Ramapo Valley Road, Oakland, NJ 07436 asked if Ramapo Valley Road is being paved this year. Mr. Kunze confirmed that Ramapo Valley Road is on the list to be paved this year. There is a pothole on E. Oak Street and Ramapo Valley Road. Mr. Yakimik will investigate issue.

Danny D'Elia of 7 Fordham Road, Oakland, NJ 07436 stated a better apology to the resident from the last meeting is required and should be forthcoming from Councilman McCann.

Frank DiPentina 6 Mountain Lakes Road challenges all the residents to go back and watch the meeting. Stated that opinion is not important. The Councilman works for the residents.

Mame Schwarzfischer 187 W. Oakland Ave, Oakland, NJ 07436 stated that they need help with Public Events Committee and the Historical Society. Mayor suggested calling a meeting.

Justin Lee of 7 Banneher Street, Oakland, NJ 07436 addressed the public health comments, he felt that we are past this point in the conversation in society. The Borough's job now is to try to implement it as positively and carefully in a nuanced manner. The Borough had the chance to opt out and opted in, per Mr. Lee.

Jerri Angermeuller of 24 Lakeview Terrace, Oakland, NJ 07436 commented that there was an open house on Sunday at the Van Allen House for President's Day and quite a lot of people showed up. Mame and Jerri have uncovered a lot of interesting things there. There are interns from Ramapo College helping. Stated that volunteers are needed for the Historical Society. Mayor suggested planning a meeting and getting it out to the town.

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

ALL IN FAVOR.

BILLS TO BE PAID:

On motion of Councilman Saliani, 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, Pignatelli, Saliani**
 Nays: **None**
 Abstain: **None**
 (3 ayes – 0 nays – motion carried)


ADJOURNMENT:

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

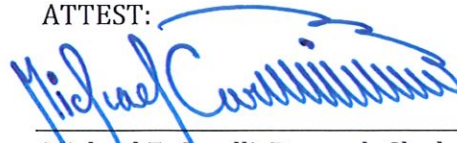
ALL IN FAVOR.

Adjourned: 8:50 p.m.

APPROVED BY:


Linda H. Schwager, Mayor

ATTEST:


Michael E. Carelli, Borough Clerk

This is to certify that this is a true copy
as adopted by the Mayor and Council
of the Borough of Oakland at a meeting
held on March 8, 2015

Borough Clerk

