

BOROUGH OF OAKLAND
Borough Council Meeting
MEETING MINUTES

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

February 8, 2023 – 7:00 p.m.

A Special Meeting of the Borough of Oakland Mayor and Borough Council opened on the above date at 6:30 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.

On motion of Councilman Saliani, seconded by Councilman Slasinski, Matthew Gilson of Weiner Law Group be appointed as the Borough Attorney for 2023.

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

MOVE TO EXECUTIVE SESSION:

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, (N.J.S.A. 10:4-12) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, County of Bergen, 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. PFAS Water
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.

SALUTE TO THE FLAG AND MOMENT OF SILENCE:

MAYOR'S REPORT:

Mayor Schwager congratulated the Indian Hills High School Mock Trial team for their late success in the annual tournament. There are over 25 schools that participate, and Indian Hills High School is playing in the semi-finals this coming weekend. Mayor Schwager commented that Kevin Boswell will be speaking on the Borough's water system.

BOSWELL ENGINEERING PFAS REPORT:

Kevin Boswell of Boswell Engineering introduced himself and explained the history of PFAS, where it comes from, and the contamination regulatory levels set forth by the State of New Jersey. It was explained that each time the Borough exceeds the running average, it must send out NJDEP model public notices to all residents and businesses. Mr. Boswell added that the lead times for the treatment units can exceed one (1) year. It was explained that the carbon systems can be converted to ion exchange systems in the future should the State limits increase, and that is why the Borough chose those specific units. The Borough received water system permits from the NJDEP in September 2022, and is awaiting land use permits now that the design has been finalized. The land

use permits have been uploaded to the NJDEP website earlier in the week. It was explained that there is a manufacturer backlog for the treatment units due to high demand across the County. The Borough will be subject to an Administrative Consent Order, which will require a strict timeframe by which the project must be completed. Mr. Boswell explained the installation process and timeline. Mr. Boswell noted that the ACO from NJDEP should be coming shortly. Councilman Talamini asked if the Borough remains on schedule as compared to other similar municipalities. Mr. Boswell explained that each municipality has different situations, so it is hard to predict. Councilman Saliani asked if there is anything the Borough could have done differently. Mr. Boswell responded that he believes the Borough has done everything right so far for this project. Councilman Kulmala asked if there is an advantage to installing Well #5 treatment system due to it being a simple floodplain permit application. Mr. Boswell explained that it would not save the Borough time and that the systems should be installed all at once. All of the sites will require a site visit from NJDEP, so it is more beneficial to have all of the wells inspected on one day by the same enforcement individual.

Dean and Joyce Trivisani of 207 Ramapo Valley Road, Oakland, N.J. 07436 stated that they have been in contact with NJDEP officials. Mr. Trivisani asked why the project has been delayed. Mr. Trivisani commented that he was told that all of the wells are blended and dispersed out. Mr. Boswell explained the process of distribution. Mr. Trivisani explained his frustrations regarding the disbursement of the water. Mr. Boswell offered to speak to Mr. Trivisani offline about the operation of the system, but cannot share specifics in public due to safety concerns of the system. Mr. Trivisani encouraged the Borough to have better communication to the residents. Mr. Trivisani asked if the project would have been completed faster if the Borough did not install generators right away at the sites. Mr. Boswell explained that it will take between 60 and 120 days to receive the remaining permits. Ms. Trivisani explained the differences between at-home treatment systems that she purchased. Ms. Trivisani asked if the funding has been secured for this project. Councilman McCann commented that the Borough received water permits, but the Borough Council was not copied on the notification letter from NJDEP. The Borough Attorney is investigating further and will report back.

Ann Cedar of 33 Winding Ridge, Oakland, N.J. 07436, asked if the Borough has applied for and/or received any grant funding for the PFAS Treatment Systems Project. Mayor Schwager explained that other municipalities have received Congressional Earmarks for their projects, but the Borough was denied when it had applied to Congressman Gottheimer. Mayor Schwager is in contact with the Borough's new representative, Congressman Pascrell. Councilman Kulmala explained that Congressman Gottheimer did not include the Borough's projects in his appropriation requests last year, including funding for Patriot's Way Bridge. Mr. Boswell explained that the Borough did not pursue I-Bank funding as it would severely delay the project.

Todd Horn of 82 Manito Avenue, Oakland, N.J. 07436, asked if the water is safe to drink. Mayor Schwager responded that the water remains safe to drink.

Michael Elston of 78 Manito Avenue, Oakland, N.J. 07436, asked when was the first time that the Borough was notified about the PFAS exceedance. Mr. Kunze responded that the original MCL exceedance was in the 1st quarter of 2021.

Mame Schwarzfischer of 187 West Oakland Avenue, Oakland, N.J. 07436, asked what makes up the PFAS chemical. Mr. Boswell provided background.

Ann Cedar of 33 Winding Ridge, Oakland, N.J. 07436, asked what the total project cost is and if the Borough is receiving fines from NJDEP. Mr. Kunze provided the total estimated project cost.

OPEN PUBLIC COMMENT:

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

ALL IN FAVOR.

David De Victoria of 650 Ramapo Valley Road, Oakland, N.J. 07436, encouraged the Borough to look into speeding along the northern end of Ramapo Valley Road, specifically in front of his home. Mayor Schwager responded that she would notify the Police Chief promptly.

Mame Schwarzfischer of 187 West Oakland Avenue, Oakland, N.J. 07436, expressed concerns regarding the recent reassessment on her home. Mayor Schwager suggested that Ms. Schwarzfischer meet with the Borough Administrator.

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

ALL IN FAVOR.

APPROVAL OF MINUTES:

January 25, 2023.

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

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

January 25, 2023 Executive Session.

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

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

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS:

APPOINTMENT TO FLOOD COMMISSION:

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Charles DiPalma be appointed to the Flood Commission for a three (3) year term, with a term expiration date of December 31, 2025.

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

APPOINTMENT TO PUBLIC EVENTS COMMITTEE:

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Joseph Inglima be appointed to the Public Events Committee for a three (3) year unexpired term, with a term expiration date of December 31, 2025.

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

APPOINTMENT TO ENVIRONMENTAL COMMISSION:

On motion of Councilman Pignatelli, seconded by Councilman Slasinski, Alison McCann be appointed to the Environmental Commission for a three (3) year unexpired term, with a term expiration date of December 31, 2025.

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

APPOINTMENT TO ACCESS FOR ALL COMMITTEE:

Mayor Schwager appointed Kathleen McCarthy to the Access for All Committee for a one (1) year term, with a term expiration date of December 31, 2023.

APPOINTMENT(S) TO EMERGENCY MANAGEMENT COUNCIL:

Mayor Schwager appointed the following individuals to the Emergency Management Council:

Roy Bauberger (3-year term)
Tim Ryan (1-year term)

Leonard Tanis (1-year term)
Chief Keith Sanzari (1-year term)
Sgt. Keith Docwra (1-year term)
Chief Vincent Dies (1-year term)
Asst. Chief Donald Johnston (1-year term)
Asst. Chief Vincent Incorvaia (1-year term)
Chief Jeff Marcheso (1-year term)
Matt Goodrich (1-year term)
Mayor Linda H. Schwager (1-year term)
Councilman Eric Kulmala (1-year term)
Richard Kunze (1-year term)
Michael Carelli (1-year term)
Don Broek (1-year term)
Darius Pokoj (1-year term)
Jason Duncan (1-year term)
Scott Ciccarella (1-year term)
Principal Sean Bowe (1-year term)
Joe Tumminia (1-year term)
Charles Wolff (1-year term)
Erin Bauberger (1-year term)
Steve Tiffinger (1-year term)
Tony Smid (1-year term)
Doug Brown (1-year term)
Dave Potash (1-year term)
Dan D'Elia (1-year term)

APPOINTMENT(S) TO MUNICIPAL ALLIANCE COMMITTEE:

Mayor Schwager appointed the following individuals to the Municipal Alliance Committee:

Linda H. Schwager (1-year term)
Russell Talamini (1-year term)
Chief Keith Sanzari (1-year term)
Lauren Binder (1-year term)
Lt. Mark Piercy (1-year term)
Jacquelyn Christiano (1-year term)
Marianne Perry (1-year term)
Lara Popeck (1-year term)
Colleen Cancellieri (1-year term)
Arielle Preciado (1-year term)
Henry Wasserstein (1-year term)
Jennifer Inglett (1-year term)
Jodi Goffredo (1-year term)

APPOINTMENT TO SHADE TREE COMMISSION:

Mayor Schwager appointed Ronald Petherbridge to the Shade Tree Commission for a five (5) year unexpired term, with a term expiration date of December 31, 2027.

RL1447: AUTHORIZE RAFFLE LICENSE #RL1447 FOR MOTHER'S CLUB OF OAKLAND FOR ON-PREMISE 50/50 RAFFLE ON APRIL 21, 2023 AT 155 RAMAPO VALLEY ROAD, OAKLAND, N.J. 07436

Councilman Pignatelli set forth the motion, seconded by Councilman Talamini, to approve Raffle License #RL1447:

ALL IN FAVOR.

RL1448: AUTHORIZE RAFFLE LICENSE #RL1448 FOR MOTHER'S CLUB OF OAKLAND FOR ON-PREMISE RAFFLE FOR MERCHANDISE ON APRIL 21, 2023 AT 155 RAMAPO VALLEY ROAD, OAKLAND, N.J. 07436

Councilman Pignatelli set forth the motion, seconded by Councilman Talamini, to approve Raffle License #RL1448.

ALL IN FAVOR.

PROCLAMATION FOR 100TH ANNIVERSARY OF THE BERGEN COUNTY SECTION OF THE NATIONAL JEWISH COUNCIL OF JEWISH WOMEN:

Mayor Schwager read above-cited proclamation.

RESOLUTIONS:

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

23-62: AUTHORIZE 2023 TEMPORARY BUDGET EMERGENCY

WHEREAS, the Borough of Oakland has received a request to license Borough owned property adjacent to 42 Riverside Drive; and

WHEREAS, the Superintendent of Public Works and Zoning Officer have reviewed the request and they recommend the issuance of the license for the year 2023;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize the Municipal Clerk to issue a license for the Borough property adjacent to 42 Riverside Drive to Andrea Lewis, 42 Riverside Drive, subject to the rules and regulations specified in Resolution #23-22 adopted on January 4, 2023.

**23-63: AWARD BID TO MSP CONSTRUCTION CORP. FOR ACORN, FLORENCE,
AND BIRCH AVENUES WATER MAIN IMPROVEMENTS PROJECT**

WHEREAS, on January 26, 2023, the Borough of Oakland received eight (8) bids for the Acorn, Florence, and Birch Avenues Water Main Improvements Project; and

WHEREAS, MSP Construction Corporation, 19-B Minneakoning Road, Flemington, N.J. 08822 had the lowest responsive and responsible bid with a total bid price of \$293,002.90; and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and have recommended acceptance of the bid from MSP Construction Corporation; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-06-56-886-102 in the amount of \$284,423.56, and Account #C-06-56-886-101 in the amount of \$8,579.34;

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 of MSP Construction Corporation in the amount of \$293,002.90 be accepted;

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

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

**23-64: AWARD CONTRACT TO C. ELSTON AND ASSOCIATES LLC FOR
PROFESSIONAL BOROUGH LABOR ATTORNEY SERVICES FOR 2023**

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

WHEREAS, funds will be available by way of budget to compensate said Labor 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 Labor 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 Cathy Elston of the firm of C. Elston and Associates LLC will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Linda H. Schwager has nominated Cathy Elston and the firm of C. Elston and Associates LLC to serve as the Borough's Labor 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that C. Elston and Associates LLC be and is hereby appointed as Borough Labor Attorney for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Labor 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 shall not exceed \$27,500.00 without further authorization of the Governing Body and the Chief Financial Officer has certified that funds are available in Account #3-01-20-155-029; 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.

**23-65: AWARD CONTRACT TO BOSWELL ENGINEERING FOR PROFESSIONAL
BOROUGH ENGINEER SERVICES FOR 2023**

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

WHEREAS, funds will be available by way of budget to compensate said Borough Engineer; 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 Engineer 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 Kevin Boswell of the firm of Boswell Engineering will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Linda H. Schwager has nominated Kevin Boswell and the firm of Boswell Engineering to serve as the Borough Engineer 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that Kevin Boswell and the firm of Boswell Engineering be and is hereby appointed as Borough Engineer for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Engineer 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 shall not exceed \$30,600.00 (\$15,600.00) retainer and \$15,000.00 allowance for minor engineering projects billed on a time and material basis) without further authorization of the Governing Body and the Chief Financial Officer has certified that the funds are available in Account #3-01-20-165-021 in the amount of \$15,650.00, and Account #3-01-20-165-100 in the amount of \$15,000.00; 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.

**23-66: AWARD CONTRACT TO BOSWELL ENGINEERING FOR PROFESSIONAL
BOROUGH WATER AND SEWER ENGINEER SERVICES FOR 2023**

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

WHEREAS, funds will be available by way of budget to compensate said Borough Water and Sewer Engineer; 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 Water and Sewer Engineer 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 Kevin Boswell of the firm of Boswell

Engineering will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Linda H. Schwager has nominated Kevin Boswell and the firm of Boswell Engineering to serve as the Borough Water and Sewer Engineer 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that Kevin Boswell and the firm of Boswell Engineering be and is hereby appointed as Borough Water and Sewer Engineer for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Water and Sewer Engineer 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 \$25,000.00 without further authorization of the Governing Body and the Chief Financial Officer has certified that funds are available in Account #3-05-55-502-028 in the amount of \$20,000.00 and Account #3-07-55-501-060 in the amount of \$5,000.00; 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.

**23-67: AWARD CONTRACT TO LERCH VINCI BLISS LLP FOR PROFESSIONAL
BOROUGH AUDITOR SERVICES FOR 2023**

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

WHEREAS, funds will be available by way of budget to compensate said Borough Auditor; 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 Auditor 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 the firm of Lerch Vinci Bliss LLP will

be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Linda H. Schwager has nominated the firm of Lerch Vinci Bliss LLP to serve as the Borough Auditor 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that the firm of Lerch Vinci Bliss LLP be and is hereby appointed as Borough Auditor for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Auditor 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, excluding work charged to the Borough's various Capital accounts set forth in their contract, shall not exceed \$42,000.00 without further authorization of the Governing Body and the Chief Financial Officer has certified that funds are available in Account #3-01-20-135-028; 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.

**23-68: AWARD CONTRACT TO ROGUT MCCARTHY LLC FOR PROFESSIONAL
BOROUGH BOND COUNSEL SERVICES FOR 2023**

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

WHEREAS, funds will be available by way of budget to compensate said Bond Counsel; 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 Bond Counsel 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 the firm of Rogut McCarthy LLC will

be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Linda H. Schwager has nominated the firm of Rogut McCarthy LLC to serve as the Bond Counsel 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that the firm of Rogut McCarthy LLC be and is hereby appointed as Bond Counsel for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Bond Counsel 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 Chief Financial Officer will certify to the availability of funds, said funds to be encumbered from various capital accounts pursuant to Section 20 of the Local Bond Law, prior to any payment; 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.

**23-69: AWARD CONTRACT TO T&M ASSOCIATES FOR PROFESSIONAL
BOROUGH PLANNER SERVICES FOR 2023**

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

WHEREAS, funds will be available by way of budget to compensate said Borough Planner; 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 Planner 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 Caroline Reiter of the firm of T&M Associates will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Linda H. Schwager has nominated Caroline Reiter of the firm of T&M Associates to serve as the Borough Planner 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that Caroline Reiter of the firm of T&M Associates be and is hereby appointed as Borough Planner for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Planner 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 shall not exceed \$9,500.00 without further authorization of the Governing Body and the Chief Financial Officer has certified that the funds are available in Account #3-01-20-165-022; 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.

**23-70: AWARD CONTRACT TO OTTERSTEDT INSURANCE AGENCY FOR
PROFESSIONAL BOROUGH RISK MANAGER FOR PROPERTY / LIABILITY
SERVICES FOR 2023**

WHEREAS, it is necessary for the Borough of Oakland to engage the services of a Borough Risk Manager for Liability / Property for 2023; and

WHEREAS, funds will be available by way of budget to compensate said Borough Risk Manager for Liability / Property; 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 Risk Manager for Liability / Property 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 Kim Cossamano of the firm of

Otterstedt Insurance Agency will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Linda H. Schwager has nominated Kim Cossamano of the firm of Otterstedt Insurance Agency to serve as the Borough Risk Manager for Liability / Property 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that Kim Cossamano of the firm of Otterstedt Insurance Agency be and is hereby appointed as Borough Risk Manager for Liability / Property for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Risk Manager for Liability / Property 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 compensation to Otterstedt Insurance Agency shall be 6.00% of the Borough's Joint Insurance Fund Annual Assessment, as per the fund's by-laws, and payment shall be made to Otterstedt Insurance Agency directly by the Bergen County JIF; 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.

**23-71: AWARD CONTRACT TO THE VOZZA AGENCY FOR PROFESSIONAL
BOROUGH RISK MANAGER SERVICES FOR HEALTH BENEFITS FOR 2023**

WHEREAS, it is necessary for the Borough of Oakland to engage the services of a Borough Risk Manager for Health Benefits for 2023; and

WHEREAS, funds will be available by way of budget to compensate said Borough Risk Manager for Health Benefits; 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 Risk Manager for Health Benefits 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 the firm of The Vozza Agency will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Linda H. Schwager has nominated the firm of The Vozza Agency to serve as the Borough Risk Manager for Health Benefits 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that the firm of The Vozza Agency be and is hereby appointed as Borough Risk Manager for Health Benefits for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Risk Manager for Health Benefits 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 based on the current design of the Borough's Health Benefits program, compensation shall be as follows:

- The amount of \$40.81 per employee/retiree per month for medical and prescription coverage and \$5.17 per employee/retiree per month for dental coverage with payment being made to The Vozza Agency directly by the Bergen Municipal Employee Benefits Fund.
- Commission on the Life premium of 7.5% with payment being made to the Vozza Agency by the carrier.
- Commission on the Short Term Disability Premium of 10% to be paid directly by the carrier.
- Commission on the Long Term Disability premium of 15% to be paid directly by the carrier.

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.

23-72: AWARD CONTRACT TO WILLIAM FENWICK, ESQ. OF PEARCE LAW FOR PROFESSIONAL BOROUGH PROSECUTOR SERVICES FOR 2023

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

WHEREAS, funds will be available by way of budget to compensate said Borough Prosecutor; 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 Prosecutor 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 William Fenwick, Esq. of the firm of Pearce Law will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Linda H. Schwager has nominated William Fenwick, Esq. of the firm of Pearce Law to serve as the Borough Prosecutor 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that William Fenwick, Esq. of the firm of Pearce Law be and is hereby appointed as Borough Prosecutor for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Prosecutor 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 shall not exceed \$23,100.00 without further authorization of the Governing Body and the Chief Financial Officer has certified that the funds are available in Account #3-01-25-275-021; 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.

**23-73: AWARD CONTRACT TO CHRISTOPHER J. KANE, ESQ. FOR
PROFESSIONAL BOROUGH ALTERNATE PROSECUTOR SERVICES FOR
2023**

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

WHEREAS, funds will be available by way of budget to compensate said Borough Alternate Prosecutor; 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 Alternate Prosecutor 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 Christopher J. Kane, Esq. will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Linda H. Schwager has nominated Christopher J. Kane, Esq. to serve as the Borough Alternate Prosecutor 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that Christopher J. Kane, Esq. be and is hereby appointed as Borough Alternate Prosecutor for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Alternate Prosecutor 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 shall not exceed \$2,100.00 without further authorization of the Governing Body and the Chief Financial Officer has certified that the funds are available in Account #3-01-25-275-021; 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.

**23-74: AWARD CONTRACT TO DIANNE D'ALESSANDRO, ESQ. FOR
PROFESSIONAL BOROUGH PUBLIC DEFENDER SERVICES FOR 2023**

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

WHEREAS, funds will be available by way of budget to compensate said Borough Public Defender; 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 Public Defender 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 Dianne D'Alessandro, Esq. will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Linda H. Schwager has nominated Dianne D'Alessandro, Esq. to serve as the Borough Public Defender 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that Dianne D'Alessandro, Esq. be and is hereby appointed as Borough Public Defender for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Public Defender 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 shall not exceed \$7,200.00 without further authorization of the Governing Body and the Chief Financial Officer has certified that the funds are available in Account #3-01-43-495-021; 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.

**23-75: AWARD CONTRACT TO MATTHEW SEYMOUR, ESQ. FOR PROFESSIONAL
BOROUGH ALTERNATE PUBLIC DEFENDER SERVICES FOR 2023**

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

WHEREAS, funds will be available by way of budget to compensate said Borough Alternate Public Defender; 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 Alternate Public Defender 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 Seymour, Esq. will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Linda H. Schwager has nominated Matthew Seymour, Esq. to serve as the Borough Alternate Public Defender 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 Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that Matthew Seymour, Esq. be and is hereby appointed as Borough Alternate Public Defender for the year 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Alternate Public Defender 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 shall not exceed \$3,000.00 without further authorization of the Governing Body and the Chief Financial Officer has certified that the funds are available in Account # 2-01-43-495-021; 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.

**23-76: AUTHORIZE SHARED SERVICES AGREEMENT WITH NORTHWEST
BERGEN COUNTY UTILITIES AUTHORITY FOR SEPTAGE, SLUDGE, AND
GREYWATER DISPOSAL**

WHEREAS, there is a need for the Borough of Oakland to dispose of septage, sludge, and greywater from the Wastewater Treatment Plants; and

WHEREAS, the Northwest Bergen County Utilities Authority (NBCUA) has submitted a proposal to accept the disposal of septage, sludge, and greywater; and

WHEREAS, the proposal has been received and recommended by the Superintendent of Public Works; and

WHEREAS, the Borough Attorney has reviewed the Shared Services Agreement provided to the Borough by the Northwest Bergen County Utilities Authority;

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 Mayor is hereby authorized and directed to execute the 2023 Shared Services Agreement for Septage, Sludge, and Greywater Disposal; and

BE IT FURTHER RESOLVED, that the Borough of Oakland will pay the following rates:

- For greywater less than or equal to 2.6% solids - \$0.0375 per gallon;
- For septage exceeding 2.6% solids but not greater than 4% solids - \$0.058 per gallon;
- For sludge exceeding 4% solids but not greater than 7.9% solids - \$0.078 per gallon;
- For sludge exceeding 7.9% solids but not greater than 12% solids - \$0.102 per gallon.

BE IT FURTHER RESOLVED, that a copy of this Resolution and 2023 Shared Services Agreement with the Northwest Bergen County Utilities Authority shall be maintained for public inspection in the Borough Clerk's office.

23-77: AUTHORIZE REFUND OF TAXES TO MUNISH & DAWN KUMAR DUE TO OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$3,047.40; 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 \$3,047.40 to:

Munish & Dawn Kumar
41 Walton Avenue
Oakland, N.J. 07436

Block 3801
Lot 64

23-78: AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR TRUMAN FIELD REFURBISHMENTS PROJECT

WHEREAS, there is a need for Engineering Services for the Truman Field Refurbishments Project; and

WHEREAS, Boswell Engineering has submitted a proposal dated January 20, 2023 for the engineering services required at a total cost not to exceed cost of \$68,000.00, broken down as follows:

TASK #1 – Field Surveying - \$3,500.00;
TASK #2 – Design and Preparation of Contract Documents - \$11,500.00;
TASK #3 – Environmental Permitting Applications - \$20,000.00;
TASK #4 – Structural Engineering by Boswell Engineering - \$4,000.00;
 Geotechnical Sub consultant - \$9,000.00;
TASK #5 – Bid Administration - \$1,500.00;
TASK #6 – Construction Management and Inspection - \$18,500.00.

WHEREAS, the Chief Financial Officer has certified funds are available in Account # C-04-56-885-509;

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 hereby authorize Boswell Engineering to perform the engineering services for the Truman Field Refurbishments Project at a cost not to exceed \$68,000.00;

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

23-79: AWARD CONTRACT TO BOSWELL ENGINEERING FOR CONSTRUCTION INSPECTION SERVICES FOR MONHEGAN AVENUE EMERGENCY WATER MAIN REPLACEMENT PROJECT

WHEREAS, the Borough of Oakland is in need of construction inspection services for the Monhegan Avenue Emergency Water Main Replacement Project; and

WHEREAS, Boswell Engineering has submitted a proposal dated January 20, 2023 for a total fee not to exceed \$10,700.00; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-06-56-886-201 in the amount of \$10,700.00; 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 hereby authorize Boswell Engineering to perform construction inspection services for the Monhegan Avenue Emergency Water Main Replacement Project at a cost not to exceed \$10,700.00; and

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

23-81: AUTHORIZE REFUND OF TAXES TO JUAN ANDRES GOMEZ DUE TO OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$2,730.74; 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 \$2,730.34 to:

Juan Andres Gomez
6 Hobart Place
Oakland, N.J. 07436

Block 5003
Lot 2

23-82: AUTHORIZE REFUND OF TAXES TO JOSEPH & DANIELA PISCANE DUE TO OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$229.48; 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 \$229.48 to:

Joseph & Daniela Piscane
36 Eagle Crest Place
Oakland, N.J. 07436

Block 5304
Lot 36

**23-84: AUTHORIZE REFUND OF OTHER FEES & PERMITS FOR SOLAR SYSTEM
PERMIT ISSUED TO TESLA ENERGY OPERATIONS, INC. FOR PROPERTY
LOCATED AT 20 BAILEY AVENUE**

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of other fees & permits in the amount of \$185.60; 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-01-55-008-160;

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 \$185.60 to:

Tesla Energy Operations, Inc.
1 Chapin Road Unit 4
Pine Brook, N.J. 07058

Block 1901
Lot 36

**23-85: AUTHORIZE REFUND OF OTHER FEES & PERMITS FOR SOLAR SYSTEM
PERMIT ISSUED TO TESLA ENERGY OPERATIONS, INC. FOR PROPERTY
LOCATED AT 19 WINDING RIDGE**

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of other fees & permits in the amount of \$148.80; 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-01-55-008-160;

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 \$148.80 to:

Tesla Energy Operations, Inc.
1 Chapin Road Unit 4
Pine Brook, N.J. 07058

Block 1201
Lot 30

**23-86: AWARD BID TO LEWIS-GRAHAM, INC. FOR VAN ALLEN HOUSE PHASE II
INTERIOR RENOVATIONS**

WHEREAS, on January 24, 2023, the Borough of Oakland received two (2) bids for the Van Allen House Phase II Interior Renovations Project; and

WHEREAS, Lewis-Graham, Inc., 15 Brentwood Road, Clark, N.J. 07066, had the lowest responsive and responsible bid with a total bid price of \$96,500.00; and

WHEREAS, the Historical Architect and the Borough Attorney have reviewed the bids and have recommended acceptance of the bid from Lewis-Graham, Inc.; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-06-56-885-502 in the amount of \$96,500.00;

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 of Lewis-Graham, Inc. in the amount of \$96,500.00 be accepted;

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

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

**23-87: AWARD CONTRACT TO CGP&H FOR AFFORDABLE HOUSING
ADMINISTRATIVE AGENT SERVICES FOR 2023**

WHEREAS, the Borough of Oakland needs to retain a firm to administer its Affordable Housing Program and Housing Rehabilitation Program for 2023; and

WHEREAS, Community Grants, Planning, and Housing, 1249 South River Road, Suite 301, Cranbury, N.J. 08512, has submitted a proposal to act as Affordable Housing Administrative Agent and Rehabilitation Program Manager for the Borough of Oakland for the year 2023; and

WHEREAS, Community Grants, Planning, and Housing has submitted all of the necessary paperwork to comply with the Borough of Oakland's Pay to Play Requirements; and

WHEREAS, the Chief Financial Officer has certified funds are available in account #T-27-26-286-002;

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 to Community Grants, Planning, and Housing to act as Affordable Housing Administrative Agent at a cost not to exceed \$5,000.00, and Rehabilitation Program Manager at a cost not to exceed \$8,580.00, for a total contract amount of \$13,580.00;

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

**23-88: AWARD CONTRACT TO HOPLITE COMMUNICATIONS FOR 5G
CONSULTING SERVICES FOR 2023**

WHEREAS, it is necessary for the Borough of Oakland to retain a Consultant to provide municipal services with regard to the Borough's communication carriers as carrier agreements and facilities are beyond the scope and expertise of professionals normally utilized by the Borough; and

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-53.2, application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and review by outside consultants where an applications is of a nature beyond the scope of the expertise of the professionals normally utilized by the municipality; and

WHEREAS, the Borough desires to appoint Hoplite Communications, LLC, as a Consultant to provide municipal services with regard to the Borough's communications carriers; and

WHEREAS, Hoplite Communications has provided a copy of its summary of services, attached hereto and incorporated herein by reference; and

WHEREAS, Peter J. Lupo of Hoplite Communications will serve as Consultant at no cost to the Borough for the term of January 1, 2023 through December 31, 2023; and

WHEREAS, all compensation paid to the Consultant for services rendered to the Borough will be paid the communications / utility carrier;

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 Hoplite Communications, LLC, be and is hereby appointed as a Consultant to the Borough to provide municipal services with regard to the Borough's communication carriers as set forth in its summary of services attached hereto and made a part hereof; and

BE IT FURTHER RESOLVED, that the Consultant will provide its services to the Borough at no cost to the Borough for the term of January 1, 2023 through December 31, 2023; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are duly authorized to enter into a professional services contract with Consultant to memorialize the terms of this resolution; and

BE IT FURTHER RESOLVED, that this resolution to appoint Consultant is made without competitive bidding in accordance with the Local Public Contracts Law, specifically N.J.S.A. 40A:11-6.1, because the value of the goods or services does not exceed the bidding threshold; and

BE IT FURTHER RESOLVED, that Hoplite Communications, LLC has submitted all necessary paperwork to comply with the Borough of Oakland's Pay-to-Play requirements; and

BE IT FURTHER RESOLVED, that all services rendered to the Borough will be paid by the communications / utility carrier; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward a copy of this resolution to Peter J. Lupo, Esq., upon its passage.

23-89: RESOLUTION INDEMNIFYING MAYOR AND BOROUGH COUNCIL FROM PERSONAL LIABILITY IN CONNECTION WITH KUSALA CARE, LLC'S CANNABIS CULTIVATION APPLICATION

WHEREAS, Kusala Care, LLC filed an application dated August 30, 2022 with the Borough of Oakland for a cannabis cultivation license (the "Application") and sought a Resolution of Endorsement in support of Kusala Care, LLC's State License Application; and

WHEREAS, the application was listed for consideration by the Mayor and Council on October 12, 2022; and

WHEREAS, the application was tabled; and

WHEREAS, the Mayor and Council took no action with regard to the application or the Resolution of Support in 2022; and

WHEREAS, a tort claim notice dated December 21, 2022 has been filed by Kusala Care, LLC; and

WHEREAS, the Mayor and Council deem it in the best interest that the Mayor, Council members, Borough staff and Borough professionals be specifically indemnified and held harmless by the Borough with respect to Kusala Care, LLC's application and Resolution of Support.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland that the Mayor, Council members, Borough staff and Borough professionals shall be hereby indemnified to the fullest extent of the law for any action for any action that may be taken by Kusala Care, LLC with respect to the tabling of Kusala Care, LLC's cannabis cultivation license application and Resolution of Support.

BE IT FURTHER RESOLVED, that this indemnification shall include any and all damages, costs and attorney fees that may be incurred by any indemnified party.

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

RESOLUTIONS:

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

23-80: AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR SEMINOLE AVENUE IMPROVEMENTS PHASE III PROJECT

WHEREAS, there is a need for Engineering Services for the Seminole Avenue Improvements Phase III Project; and

WHEREAS, Boswell Engineering has submitted a proposal dated January 20, 2023 for the engineering services required at a total cost not to exceed cost of \$31,600.00, broken down as follows:

TASK #1 – Field Topographic Surveying
TASK #2 – Design Engineering Services

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-06-56-886-101 in the amount of \$31,300.00 and Account #C-06-56-886-102 in the amount of \$300.00; 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 hereby authorize Boswell Engineering to perform the engineering services for the Seminole Avenue Improvements Phase III Project at a cost not to exceed \$31,600.00;

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, Slasinski,
 Nays: None
 Abstain: Talamini
 (6 ayes – 0 nays – motion carried)

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

23-83: RESOLUTION AUTHORIZING THE SALE OF SENIOR CENTER CHAIRS TO THE AMERICAN LEGION POST NO. 369

WHEREAS, the Senior Services Director has advised the Borough Council that there are 151 banquet chairs that are no longer needed for public use; and

WHEREAS, N.J.S.A. 40A:11-36 authorizes the disposition of personal property not needed for public use without public sale when the fair market value of the property is less than \$6,600.00 (15% of the bid threshold); and

WHEREAS, these chairs have a value of less than \$6,600.00; and

WHEREAS, the American Legion Post No. 369 has indicated their desire to purchase these chairs for use in the American Legion Hall; and

WHEREAS, it is in the best interest of the Borough of Oakland to dispose of said equipment;

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 surplus Senior Center banquet chairs be sold to the American Legion Post No. 369 for \$151.00, at a price of \$1.00 per chair, and shall be disposed of according to the manner as prescribed by law.

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

WORK SESSION:

PROPOSAL FOR ENGINEERING SERVICES FOR RIVER ROAD WATER MAIN IMPROVEMENTS PROJECT:

A proposal was brought forth from Boswell Engineering for Engineering Services for the River Road Water Main Improvements Project. Mr. Kunze explained that this project is funded in part by a Bergen County CDBG grant, and is following a series of water main replacements in the Pleasureland area neighborhood.

REPEAL CANNABIS ORDINANCE(S):

Councilman Pignatelli commented that he was a part of the original Cannabis Ad-Hoc Committee in 2021. It was noted that the current ordinance states that part of the businesses workforce must include Oakland residents, and that the Borough directly receives 2% of overall gross revenue. Councilman Pignatelli added that 62% of voters approved marijuana use in 2020. The Borough has prohibited retail establishments. Councilman Pignatelli distributed an article from the Township of Teaneck, and is in preference that the Borough hosts a public forum on marijuana to hear from the residents before repealing the ordinances in whole. Discussion ensued on the work of the Cannabis Ad-Hoc Committee from 2021. Mayor Schwager added that the Planning Board provided a letter of support at the time for the Cannabis Ordinances as drafted. Mayor Schwager agreed to host a public forum prior to repealing the ordinance, and asked that the Borough reestablish the Ad-Hoc Committee to discuss further. Councilman Pignatelli added that the State could change the rules in the future. Mayor Schwager added that several municipalities have Cannabis Committees to vet out new applications prior to being heard by a Governing Body. Councilman Kulmala expressed concerns with the odor procedures and State enforcement, and

further concerns over the recent tort claim that was filed against the Borough by Kusala Care LLC. Councilman McCann asked Mayor Schwager and Councilman Pignatelli if they know what a marijuana plant is, and expressed frustration that the Cannabis Ad-Hoc Committee did not research the plant(s) make-up itself. Councilman McCann expressed his public health concerns on marijuana use. Discussion ensued on the differences between marijuana plants. An article from Daily Mail regarding California's marijuana situation was read aloud by Councilman McCann. Councilman McCann added that he will not contribute to the negative public health effects of cannabis, especially for woman. Councilman McCann expressed frustrations and shock of the prior research of the Cannabis Ad-Hoc Committee. Councilman McCann concluded that he would like to repeal the cannabis ordinances immediately, and he would be open to a public debate after the ordinances have been repealed. Councilman Pignatelli asked why Councilman McCann did not contribute to the Cannabis Ad-Hoc Committee in 2021. He added that he was sick and unable to contribute at that time. Councilman McCann noted that the voting percentage from the statewide vote on cannabis does not reflect the registered voters population of Oakland, but only those who had voted at the time.

NEW BUSINESS:

No new business reported.

OLD BUSINESS:

Councilman Talamini asked if the pothole has been repaired on Walnut Street. Mr. Yakimik advised that the work has been completed and that the homeowner is satisfied.

Councilman Saliani asked on the status of the former Burger King property. Mayor Schwager responded that the Planning Board had approved of it and that the property owner was waiting on County road approval. The Mayor will check with the Planning Board at their next meeting.

COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilman McCann: Councilman McCann asked on the status of the sign pollution along Ramapo Valley Road and West Oakland Avenue. Mr. Kunze will report back in the near future.

Councilman Kulmala: The Sustainable Oakland Green Team would like to display signage at entry points of the Borough to celebrate their silver certification achievement. The Borough Council agreed to proceed with installing signage as requested.

Councilman Pignatelli: The Sustainable Oakland Green Team will be hosting a bird watching event in the spring. There are outdoor hikes on the first Sunday of the month at 11:00 a.m. at the Skyline Drive lower parking lot. The Environmental Commission will be working on cleaning up Stewarts Woods this Spring as many of the trails have become overgrown. The Environmental Commission and Sustainable Oakland Green Team will host a joint meeting in the near future.

Councilman Talamini: The Finance Committee has met and is working on the budget. The Public Events Committee is seeking volunteers.

Councilman Slasinski: The Communications Commission is seeking volunteers for the Newsletter Committee. Photographers, editors, and writers are needed. The TV Committee is seeking volunteers with editing and filming experience. The next meeting is March 6, 2023 at 7:30 p.m. in the Borough Council Chambers. Oakland Public Library classes are ongoing through February.

Councilman Salianni: The Recreation Commission is accepting spring sports registrations. The Recreation Basketball Program participated in IHHS Senior Night. The Shade Tree Commission has brought on a new Forester. The Borough has been notified by Bergen County that it has received a grant for the Bush Plaza Park Project. A follow up meeting will be scheduled to discuss project implementation and fundraising efforts. Mayor Schwager added that the Chamber of Commerce should be included in the project.

On motion of Councilman Salianni, seconded by Councilman Kulmala, the meeting time be extended to 10:10 p.m.

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

OPEN PUBLIC COMMENT:

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

ALL IN FAVOR.

William Sisti of 12 Eagle Crest Place, Oakland, N.J. 07436, announced the television schedule for Channel 77 and FiOS 2145 HD.

Ann Cedar of 33 Cedar Street, Oakland, N.J. 07436, expressed concerns over Councilman McCann’s behavior. Ms. Cedar encouraged the Borough to hold a public forum on Cannabis, and then act on the ordinances. Ms. Cedar expressed concerns regarding the costs of the PFAS Treatment Systems project and the Patriot’s Way Bridge project.

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

ALL IN FAVOR.

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)

Mayor Schwager announced the Mayor's Wellness Campaign Blood Drive on February 28, 2023 from 12:00 p.m. – 6:00 p.m. at the Oakland Senior Center, 20 Lawlor Drive, Oakland, N.J. 07436. More information is on the Borough website.

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 10:04 p.m.

APPROVED BY:

ATTEST:

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk