

BOROUGH OF OAKLAND
Borough Council Meeting
MEETING MINUTES

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

January 25, 2023 – 7:00 p.m.

MOVE TO EXECUTIVE SESSION:

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

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

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

NOW THEREFORE BE IT RESOLVED, by the Mayor and 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. Contracting / Land Acquisition
 - b. Affordable Housing / Bi-County
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above-mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

ROLL CALL: Kulmala, McCann, 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 Brian Chewcaskie, Borough Engineer John Yakimik.

SALUTE TO THE FLAG AND MOMENT OF SILENCE:

MAYOR'S REPORT:

Mayor Schwager congratulated Borough Clerk Michael Carelli for passing the Registered Municipal Clerk exam this past fall. Mayor Schwager thanked all Borough staff for their hard work during the year. Mayor Schwager commended the Borough first responding agencies for their dedication and courage. All of the volunteers were applauded for their hard work. Mayor Schwager announced that the Borough has received a grant for the revitalization of Bush Plaza Park. It was announced that the Chamber of Commerce held a kickoff meeting and will be holding additional events this winter. The Access for All Committee was thanked for their hard work and great events throughout the year. The Public Events Committee was thanked for their Holiday Parade of Lights program. Mayor Schwager stated that Oakland's children are the Borough's greatest asset. It was announced that the Indian Hills High School Mock Trial program has begun. Mayor Schwager encouraged High School juniors and seniors to intern at the Borough Hall. Mayor Schwager announced that another public notice was mailed out to residents regarding PFAS/PFOA in the water system. The Borough's water quality has not changed, but the State's standards have changed. The water is safe to drink according to the Mayor. The Borough is complying with the State's standards by installing a water treatment system. The Borough is awaiting NJDEP permitting. A resolution was passed in 2022 urging the State to expedite the permitting process and to implement a grant program for municipalities. Mayor Schwager explained the earmark grant process and why the Borough did not receive funding in the past. It was explained that as soon as the Borough obtains the permits for the treatment systems, the Borough will expeditiously proceed with advertising for public bids.

OPEN PUBLIC COMMENT:

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

ALL IN FAVOR.

Dean Trivisani of 207 Ramapo Valley Road, Oakland, N.J. 07436 expressed his personal concerns with the PFAS/PFOA situation. Mr. Trivisani asked why the Borough did not obtain grant funds for the treatment system. Mr. Trivisani expressed frustrations that the treatment system cost will fall on the taxpayers. Mr. Trivisani stated his health concerns with PFAS/PFOA's. Joyce Trivisani commented that the reason that the State's standards have changed is that PFAS are "forever" chemicals, and cannot be removed from the environment. Ms. Trivisani cited studies and reports regarding health concerns of these chemicals. It was added that having clean and drinkable water is a right as a taxpayer. Mr. Trivisani urged the Borough Council to reimburse residents for remediation costs such as water conditioners and at-home treatment systems.

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

ALL IN FAVOR.

Borough Administrator Richard Kunze added that the Village of Ridgewood's Treatment System cost far exceeds the grant award that they have received through the Federal Designated Project Program. The Borough had applied for funding in the past for Patriot's Way Bridge, but was ultimately unsuccessful due to the high competitive nature of the grant program. Councilman McCann added that the State has delayed the process of installing treatment systems. Councilman McCann urged residents to contact the NJDEP regarding the delay in approving the Borough's permits. Mayor Schwager added that she is meeting with Congressman Pascrell within the next few weeks.

APPROVAL OF MINUTES:

January 4, 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)

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS:

APPOINTMENTS OF BOROUGH PROFESSIONALS FOR 2023:

LABOR ATTORNEY:

Mayor Schwager nominated C. Elston and Associates for the position of Labor Attorney for 2023. On motion of Councilman McCann, seconded by Councilman Kulmala, C. Elston and Associates be appointed as Labor Attorney for 2023.

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

BOROUGH ENGINEER:

Mayor Schwager nominated Boswell Engineering for the position of Borough Engineer for 2023. On motion of Councilman McCann, seconded by Councilman Kulmala, Boswell Engineering be appointed as Borough Engineer for 2023.

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

WATER AND SEWER ENGINEER:

Mayor Schwager nominated Boswell Engineering for the position of Water and Sewer Engineer for 2023. On motion of Councilman Kulmala, seconded by Councilman Pignatelli, Boswell Engineering be appointed as Water and Sewer Engineer for 2023.

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

BOROUGH AUDITOR:

Mayor Schwager nominated Lerch, Vinci, Bliss LLP. for the position of Borough Auditor for 2023. On motion of Councilman Kulmala, seconded by Councilman Pignatelli, Lerch, Vinci, Bliss, LLP. be appointed as Borough Auditor for 2023.

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

BOND COUNSEL:

Mayor Schwager nominated Rogut McCarthy LLC for the position of Bond Counsel for 2023. On motion of Councilman Pignatelli, seconded by Councilman Kulmala, Rogut McCarthy LLC. be appointed as Bond Counsel for 2023.

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

BOROUGH PLANNER:

Mayor Schwager nominated T&M Associates for the position of Borough Planner for 2023. On motion of Councilman Talamini, seconded by Councilman Kulmala, T&M Associates be appointed as Borough Planner for 2023.

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

RISK MANAGER – HEALTH BENEFITS:

Mayor Schwager nominated The Vozza Agency for the position of Risk Manager for Health Benefits for 2023. On motion of Councilman Pignatelli, seconded by Councilman Kulmala, The Vozza Agency be appointed as Risk Manager for Health Benefits for 2023.

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

RISK MANAGER – PROPERTY / LIABILITY:

Mayor Schwager nominated Otterstedt Insurance Agency for the position of Risk Manager for Property and Liability for 2023. On motion of Councilman Saliani, seconded by Councilman McCann, Otterstedt Insurance Agency be appointed as Risk Manager for Property and Liability for 2023.

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

BOROUGH PROSECUTOR:

Mayor Schwager nominated William Fenwick, Esq. of Pearce Law for the position of Borough Prosecutor for 2023. On motion of Councilman McCann, seconded by Councilman Kulmala, William Fenwick, Esq. of Pearce Law be appointed as Borough Prosecutor for 2023.

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

ALTERNATE BOROUGH PROSECUTOR:

Mayor Schwager nominated Christopher Kane, Esq. for the position of Alternate Borough Prosecutor for 2023. On motion of Councilman McCann, seconded by Councilman Saliani, Christopher Kane, Esq. be appointed as Alternate Borough Prosecutor for 2023.

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

PUBLIC DEFENDER:

Mayor Schwager nominated Dianne D'Alessandro for the position of Public Defender for 2023. On motion of Councilman Kulmala, seconded by Councilman Slasinski, Dianne D'Alessandro be appointed as Public Defender for 2023.

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

ALTERNATE PUBLIC DEFENDER:

Mayor Schwager nominated Matthew Seymour, Esq. for the position of Alternate Public Defender for 2023. On motion of Councilman McCann, seconded by Councilman Slasinski, Matthew Seymour, Esq. be appointed as Alternate Public Defender for 2023.

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

APPOINTMENT(S) TO ARTS COMMITTEE:

On motion of Councilman Kulmala, seconded by Councilman McCann, the following individuals be appointed to the Arts Committee for a one (1) year term, with term expiration dates of December 31, 2023:

- Natasha Navidad Hoen
- Judy Piretra
- Alexandra Mazur
- Alison Fleeson
- Tracy DiTolla
- April Masefield
- Amy Eilert
- Andrea Levy
- Peter Marcus
- Madhav Dua
- Kevin Bagar

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

APPOINTMENT(S) TO ENVIRONMENTAL COMMISSION:

On motion of Councilman Saliani, seconded by Councilman McCann, the following individuals be appointed to the Environmental Commission:

- Tony Bertuna / 3 year term / exp. December 31, 2025
- William Eilert / 3 year term / exp. December 31, 2025

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

APPOINTMENT TO FLOOD COMMISSION:

On motion of Councilman McCann, seconded by Councilman Saliani, Lewis Levy 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(S) TO PUBLIC EVENTS COMMITTEE:

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

- Vilma Mirkov / 3 year term / exp. December 31, 2025
- Kevin Bagar / 3 year term / exp. December 31, 2025
- Andrea Levy / 3 year term / exp. December 31, 2025
- Kris Pawelko / 3 year term / exp. December 31, 2025

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

On motion of Councilman Pignatelli, seconded by Councilman Talamini, Alison Fleeson be appointed to the Public Events Committee 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(S) TO ZONING BOARD OF ADJUSTMENT:

On motion of Councilman Saliani, seconded by Councilman Pignatelli, the following individuals be appointed to the Zoning Board of Adjustment:

- Anthony Smid / 4 year term / exp. December 31, 2026
- Michael Rose / 4 year term / exp. December 31, 2026
- Jeffrey Pereira / 2 year term / exp. December 31, 2024

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

APPOINTMENT(S) TO BOARD OF HEALTH:

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Joan Check be appointed to the Board of Health 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)

On motion of Councilman Saliani, seconded by Councilman Pignatelli, Brian Laforgia be appointed to the Board of Health for a two (2) year term, with a term expiration date of December 31, 2024.

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

APPOINTMENT(S) TO COMMUNICATIONS COMMISSION:

On motion of Councilman McCann, seconded by Councilman Slasinski, the following individuals be appointed to the Communications Commission:

- Kerri Sirinides / 3 year term / exp. December 31, 2025
- Andrea Levy / 3 year term / exp. December 31, 2025
- Patricia Carrera / 3 year term / exp. December 31, 2025

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

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Benjamin Good be appointed to the Communications Commission as a Junior Commissioner for a one (1) year term, with a term expiration date of December 31, 2023.

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

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Kris Pawelko be appointed to the Communications 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)

MAYOR'S APPOINTMENTS:

ACCESS FOR ALL COMMITTEE:

Mayor Schwager appointed the following individuals to the Access for All Committee for one (1) year terms, with term expiration dates of December 31, 2023:

- Doreen Ryan
- Paul Mutterer

LIBRARY BOARD OF TRUSTEES:

Mayor Schwager appointed the following individuals to the Library Board of Trustees:

- Anne Russo / Mayor's Alternate / one year term / exp. December 31, 2023
- Geri Peterson / Secretary / five year term / exp. December 31, 2027

PLANNING BOARD:

Mayor Schwager appointed the following individuals to the Planning Board:

- Lee Haymon / Class II Official / one year term / exp. December 31, 2023
- Thomas Potash / 4 year term / exp. December 31, 2026
- Thomas Connolly / 4 year term / exp. December 31, 2026
- Joseph Marscovetra / 4 year term / exp. December 31, 2026
- Andrea Levy / 4 year term / exp. December 31, 2026
- Sarah Michel / Alternate I / 2 year term / December 31, 2024
- Edward Clark / Alternate II / 2 year term / December 31, 2024

RECREATION COMMISSION:

Mayor Schwager appointed the following individuals to the Recreation Commission:

- Steven Catalano / 5 year term / exp. December 31, 2027

SHADE TREE COMMISSION:

Mayor Schwager appointed the following individuals to the Shade Tree Commission:

- Nancy Krause / 5 year term / exp. December 31, 2027
- William Eilert / 5 year term / exp. December 31, 2027

SUSTAINABLE OAKLAND GREEN TEAM:

Mayor Schwager appointed the following individuals for one (1) year terms to the Sustainable Oakland Green Team, with term expiration dates of December 31, 2023:

- Alison Fleeson
- Andrea Levy
- Brian Reilly
- Patricia Weiman
- Carrie Terwilliger
- Ron Petherbridge
- William Eilert

RL1445: AUTHORIZE RAFFLE LICENSE #RL1445 FOR VALLEY MIDDLE SCHOOL PARENT TEACHER ORGANIZATION FOR ON-PREMISE 50/50 RAFFLE ON MARCH 17, 2023 AT 71 OAK STREET, OAKLAND, N.J. 07436

Councilman Pignatelli set forth the motion, seconded by Councilman Kulmala, to approve Raffle License #RL1445:

ALL IN FAVOR.

AUTHORIZE SOCIAL AFFAIR PERMIT FOR OAKLAND ELKS LODGE #2167 FOR TEXAS HOLD'EM AND BLACKJACK EVENT ON MARCH 30, 2023 AT 33 RAMAPO VALLEY ROAD, OAKLAND, N.J. 07436

Councilman Pignatelli set forth the motion, seconded by Councilman Saliani, to approve aforesaid Social Affairs Permit:

ALL IN FAVOR.

RL1446: AUTHORIZE RAFFLE LICENSE #RL1446 FOR OAKLAND ELKS LODGE #2167 FOR CASINO NIGHT ON MARCH 30, 2023 AT 33 RAMAPO VALLEY ROAD, OAKLAND, N.J. 07436

Councilman Pignatelli set forth the motion, seconded by Councilman Saliani, to approve Raffle License #RL1446:

ALL IN FAVOR.

RESOLUTIONS:

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

23-50: RENEW LICENSE OF BOROUGH PROPERTY ADJACENT TO 42 RIVERSIDE DRIVE

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.

23-51: CONFIRM GRANT SUBMITTAL TO STATE OF NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FY2023 LOCAL RECREATION IMPROVEMENT GRANT FOR OAKLAND RECREATION COMPLEX FIELD REFURBISHMENTS

WHEREAS, the Borough of Oakland desires to apply for and obtain a grant from the New Jersey Department of Community Affairs Local Recreation Improvement Fund in the amount of \$299,860.00 for the Oakland Recreation Complex Field Refurbishments Project;

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

1. The Mayor and Borough Council does hereby authorize the application for such grant; and
2. The Mayor and Borough Council hereby recognizes and accepts that the Department of Community Affairs ("The Department") may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the Department, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Oakland and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that Borough Administrator Richard Kunze is authorized to sign the application and Mayor Linda H. Schwager and Municipal Clerk Michael Carelli and that they or their successors, in said titles is authorized to sign the agreement, and any other documents necessary or in connection therewith.

23-52: RESOLUTION AFFIRMING THE BOROUGH OF OAKLAND'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS, AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Oakland to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the Mayor and Borough Council of the Borough of Oakland has determined that certain procedures need to be established to accomplish this policy;

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:

SECTION 1: No official, employee, appointee or volunteer of the Borough of Oakland by whatever title known, or any entity that is in any way a part of the Borough of Oakland shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough of Oakland.

SECTION 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Oakland to provide services that otherwise could be performed by the Borough of Oakland.

SECTION 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

SECTION 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

SECTION 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

SECTION 6: The Borough Administrator shall establish written procedures that require all officials,

employees, appointees and volunteers of the Borough of Oakland as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

SECTION 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the Governing Body the results of the monitoring.

SECTION 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough Administrator. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Oakland's web site.

SECTION 9: This resolution shall take effect immediately.

SECTION 10: A copy of this resolution shall be published in the official newspaper of the Borough of Oakland in order for the public to be made aware of this policy and the Borough of Oakland's commitment to the implementation and enforcement of this policy.

23-53: AUTHORIZE REFUND OF TAXES FOR ANTHONY & AMANDA MAFFEI DUE TO OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$4,262.89; 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 \$4,262.89 to:

Anthony & Amanda Maffei
22 Winding Ridge
Oakland, N.J. 07436

Block 1203
Lot 3

23-54: AUTHORIZE GRANT SUBMITTAL TO STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION 2023 TREE RECOVERY CAMPAIGN

WHEREAS, the Borough of Oakland is desirous of applying for the State of New Jersey Department of Environmental Protection 2023 Tree Recovery Campaign Grant Program; and

WHEREAS, this project would be in the best interest of the Borough of Oakland and its residents; and

WHEREAS, the Borough of Oakland is applying for five-hundred (500) tree seedlings to distribute to the residents of the Borough of Oakland on Arbor Day 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, do hereby authorize the Borough Administrator to submit said grant application and any and all other required documentation.

23-55: AUTHORIZE TRANSFER BETWEEN BUDGET APPROPRIATIONS

WHEREAS, it has become necessary to expend funds in excess of the amounts approved in the Calendar Year 2022 budget of the Borough of Oakland; and

WHEREAS, there exist certain budget expenditures with funds available in excess of the amounts approved in the Calendar Year 2022 budget of the Borough of Oakland; and

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of such funds between Appropriations Reserves during the first 3 months of the calendar year;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that based on the recommendation of the Chief Financial Officer, the following transfers be made to the Calendar Year 2022 Appropriations Reserves budget:

CURRENT FUND:		FROM:	TO:
2-01-23-212-001	Insurance – Other Insurance	\$ 6000.00	
2-01-20-140-030	Info & Teck – Software Maint	<u>\$ 6000.00</u>	
Sub-total		\$ 12,000.00	
2-01-23-215-001	Insurance Workman’s Comp		\$ 6000.00
2-01-20-150-029	Tax Assess – Contracted Services		<u>\$ 6,000.00</u>
Sub-total			\$ 12,000.00
SEWER OPERATING FUND:		FROM:	TO:
2-07-55-501-033	Sewer – Maintenance Skyview	<u>\$ 3,000.00</u>	
Sub-total		\$ 3,000.00	
2-07-55-505-001	Sewer – Electricity		<u>\$ 3,000.00</u>
Sub-total			\$ 3,000.00
WATER OPERATING FUND:		FROM:	TO:
2-05-55-512-000	Water – Capital Outlay	\$ 17,000.00	
2-05-55-501-014	Water – Overtime	<u>\$ 7,000.00</u>	
Sub-total		\$ 24,000.00	

2-05-55-504-100	Water – Electricity	\$ 24,000.00
Sub-total		\$ 24,000.00

23-56: AUTHORIZE CHANGE ORDER #1 FOR MONHEGAN AVENUE EMERGENCY WATER MAIN REPAIRS PROJECT

WHEREAS, a contract was awarded to Conquest Construction, Inc. in the amount of \$139,551.00 for the Monhegan Avenue Emergency Water Main Repairs Project; and

WHEREAS, the following Change Order #1 has been requested:

Unanticipated work to repair sinkhole in the roadway / additional excavation work / fill for encountered boulders / transfer of unmarked water services – \$21,789.44

WHEREAS, the Change Order #1 has been reviewed and recommended by Boswell Engineering; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-06-56-886-102;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland hereby authorize Change Order #1 for an increase of \$21,789.44 for a total contract amount of \$161,340.44.

23-57: AUTHORIZE AUCTION OF BOROUGH SURPLUS VEHICLE

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

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

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

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

<u>YEAR:</u>	<u>MAKE/MODEL:</u>	<u>VIN:</u>	<u>MILEAGE:</u>
2004	Ford F-250	1FTNF21L34EB40534	104,320
32 Dell 19"-22" Monitors (Some VGA Only)			
26 Wyse Clients (Mostly Model D0xD) Citrix Only – Most with Keyboards and Mouse			

3. The surplus property as identified shall be sold in 'as is' condition without express or

implied warranties.

4. In accordance with N.J.S.A. 39:10-9.1, the certificates of ownership for former police vehicles shall state that the motor vehicles were used as police patrol vehicles and notice is provided that the buyer shall continue to so state on each subsequent sale or transfer
5. The successful bidder will be required to pay in cash or certified check made out to the Borough of Oakland at the time of pickup of the vehicle. The Borough will not deliver the vehicle to the successful bidder.

The vehicle is to be transferred and taken off the site within 10 business days after approval of the sale by the Governing Body.

23-58: AUTHORIZE REFUND OF TAXES FOR 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 41

23-59: AUTHORIZE REFUND OF TAXES FOR ROBERT MILETIC DUE TO OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$3,374.87; 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 \$3,374.87 to:

Robert Miletic
35 Massasoit Trail
Oakland, N.J. 07436

Block 5005
Lot 8

23-60: AUTHORIZE REFUND OF TAXES FOR MICHAEL DRAKE DUE TO VETERANS DEDUCTION

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$250.00; and

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

WHEREAS, the Chief Financial Officer has verified that the amount is due and that funds are available in account #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 \$250.00 to:

Michael Drake
14 Andrew Avenue
Oakland, N.J. 07436

Block 5304
Lot 9

23-61: AUTHORIZE REFUND OF PERMIT FEE FOR 393 RVR, LLC. DUE TO DUPLICATE PAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of other fees and permits in the amount of \$100.00; and

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

WHEREAS, the Chief Financial Officer has verified that the amount is due and that funds are available in account #CF-01-55-998-006 Misc. Revenue 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 \$100.00 to:

393 RVR, LLC.
P.O. Box 4420
Wilmington, D.E. 19807

Block 1708
Lot 1

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

ORDINANCES:

ORDINANCE 23-CAPITAL-900

"CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$110,000.00 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH - \$50,000.00 AND FROM THE SNOW REMOVAL TRUST - \$60,000.00"

The Borough Clerk was directed to take from the table Ordinance No. 23-Capital-900 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled **"CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$110,000.00 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH - \$50,000.00 AND FROM THE SNOW REMOVAL TRUST - \$60,000.00".**

OPENED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

No public comment.

CLOSED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

On motion of Councilman Saliani, seconded by Councilman Slasinski, Ordinance 23-Capital-900, entitled **"CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$110,000.00 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH - \$50,000.00 AND FROM THE SNOW REMOVAL TRUST - \$60,000.00"**, be adopted.

ROLL CALL: Ayes: Kulmala, McCann, Pignatelli, Saliani, Slasinski, Talamini
 Nays: None

Abstain: McCann
(6 ayes – 0 nays – motion carried)

WORK SESSION:

PROPOSAL FOR ENGINEERING SERVICES – TRUMAN FIELD REFURBISHMENTS PROJECT:

A proposal was provided to the Governing Body from Boswell Engineering for Engineering Services for the Truman Field Refurbishments Project. Mr. Kunze explained that the project scope includes field lighting, irrigation, regrading, and hydro seeding. Councilman Talamini asked if the proposed lighting would negatively affect the surrounding residents. Mr. Yakimik explained that the lighting technology is advanced and surrounding homes would not be impacted. Council President Saliani explained that adding field lighting would alleviate extra use at the Recreation Complex. Councilman Kulmala added that these upgrades are sorely needed.

PROPOSAL FOR ENGINEERING SERVICES – SEMINOLE AVENUE IMPROVEMENTS PHASE III:

A proposal was provided to the Governing Body from Boswell Engineering for Engineering Services for the Seminole Avenue Phase III Project. Mr. Kunze explained that this is part of the overall road program. The Borough is looking to handle this as a separate project. Mr. Yakimik added that there are pending items needing completion along Seminole Avenue and that the Borough Council will consider a contract extension at an upcoming Borough Council Meeting.

PROPOSAL FOR ENGINEERING SERVICES – MONHEGAN AVENUE EMERGENCY WATER MAIN REPLACEMENT:

A proposal was provided to the Governing Body from Boswell Engineering for Construction Inspection Services for the Monhegan Avenue Emergency Water Main Replacement Project.

SALE OF SENIOR CENTER CHAIRS TO AMERICAN LEGION POST NO. 369:

Mr. Kunze explained that the Borough has received a grant from Bergen County to replace the chairs in the Oakland Senior Center. The American Legion Post No. 369 has approached the Borough about purchasing the old chairs. There are a total of 151 chairs. Mr. Kunze added that after conducting research on online public auction websites, a reasonable market rate price of \$5 was proposed. Councilman Kulmala asked if the Borough can donate the chairs. Mr. Kunze responded that the Borough must obtain a fair market value for the chairs according to the Local Public Contracts Law. Mr. Chewcaskie confirmed that the Borough must receive fair market value. Councilman Talamini asked if the Borough could lease the chairs for \$1. Councilman Pignatelli added that the American Legion's chairs are older than 70 years. Councilman McCann questioned if the current chairs are salvage value. The Mayor and Borough Council consented to \$1 per chair. A resolution authorizing the sale will be added to the next Borough Council Meeting agenda.

NEW BUSINESS:

Councilman Pignatelli asked if the Borough could contact PSE&G and ask them to clean up debris along Hiawatha Boulevard. Mr. Kunze added that the Borough Engineer has met with PSE&G. Councilman Kulmala asked when all of the roads will be repaved. Mr. Kunze responded that the Borough is in contact with PSE&G and a meeting has been scheduled regarding the 2023 road program. Mr. Yakimik concluded that PSE&G must street sweep Hiawatha Boulevard to clean up the debris.

OLD BUSINESS:

No old business reported.

COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilman McCann: No report.

Councilman Kulmala: It was reported that the Sustainable Oakland Green Team collected over 500 pounds at the most recent Styrofoam Drive. Alison Fleeson was named Chairman for 2023, and Brian Reilly was named Vice-Chairman for 2023. The Green Team will be working on a variety of projects and activities. It was reported that the Planning Board has met to discuss architectural standards and streetscaping. Goals and timelines were discussed, and a draft ordinance should be brought forth in the coming months. Councilman Kulmala questioned if the most recent Planning Board meeting was invalid due to term expirations. Mr. Chewcaskie advised that individuals whose terms have expired then carry over into the current year until appointments have been made. Mr. Chewcaskie added that there is no case law regarding this situation.

Councilman Pignatelli: Councilman Pignatelli read aloud monthly statistics from the Oakland Police Department. Residents are encouraged to lock their vehicles and to not leave key fobs inside vehicles. The Board of Health met. Steve Tiffinger was named President, and Brian Laforgia was named Vice President. It was reported that the Environmental Commission would like to have the Land Conservancy of New Jersey submit a grant application to Bergen County to acquire the Bi-County parcel. Mr. Kunze confirmed that there are mandatory appraisals that come with the grant, and those costs would be on the Borough. Councilman Pignatelli added that the site is historic in nature and important to maintain. The Environmental Commission will be working on a pollinator garden within Great Oak Park.

Councilman Talamini: The Finance Committee has met to discuss the budget. A follow up meeting has been scheduled. Volunteers are needed for the Public Events Committee. It was reported that the School Board elections have been moved to November.

Councilman Slasinski: It was reported that the Communications Commission is seeking volunteers. The Sanitary Sewer Treatment Plant Decommissioning Project completion date remains August 24, 2023. The gravity sewer is being installed on Ramapo Hills Boulevard. The work is continuing over the next few weeks, weather permitting. The Iroquois Pump Station Upgrades project is expected to be complete by April 2023. It was further reported that Boswell Engineering is working with the NJDEP on permit applications for the PFAS Treatment System Project. The

Borough is receiving bids within the next week for the Acorn, Florence, and Birch Avenues Water Main Replacements Project. The Oakland Public Library has several activities ongoing through February 2023.

Councilman Saliani: Councilman Saliani reported that the Borough has received grant funds from Bergen County for the Bush Plaza Park Project. The Bush Plaza Park Ad-Hoc Committee will be working on fundraising efforts. The Shade Tree Commission interviewed and hired a new Borough Forester. Registrations are ongoing for spring sports. Register on the Borough website, www.oaklandrec.org.

OPEN PUBLIC COMMENT:

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

ALL IN FAVOR.

Michael Elston of 78 Manito Avenue, Oakland, N.J. 07436, asked if the residents still have the ability to vote on the school budget given that the election date was changed. Mayor Schwager confirmed that the resident loses the right to vote on the school budget if the election is in November. Councilman Talamini added that the election cost played a significant factor into the Board's decision to switch.

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)


ADJOURNMENT:

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


ALL IN FAVOR.

Adjourned: 8:40 p.m.

APPROVED BY:


Linda H. Schwager, Mayor

ATTEST:


Michael E. Carelli, Borough Clerk