

BOROUGH OF OAKLAND
Borough Council Meeting
MEETING MINUTES

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

March 22, 2023 – 7:00 p.m.

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 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. Pending or Anticipated Litigation;
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, Pignatelli, Saliani, 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, Talamini.

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

Absent: Councilman Slasinski.

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

SALUTE TO THE FLAG AND MOMENT OF SILENCE:

MAYOR'S REPORT:

Mayor Schwager congratulated the 4th Grade Girls Basketball team on their Championship season. They will be recognized at a future Borough Council Meeting. The Mayor congratulated Ms. Alexandra Valdes on her representation at the United Nations Convention of Women. The Mayor read aloud a quote from the school regarding Ms. Valdes' accomplishments. The Mayor attended an Eagle Scout Ceremony for Joshua Feldman and Christian Wong. The Mayor read aloud an exhibit from the Bergen Magazine regarding the Borough Styrofoam Drive on April 22, 2023. The Mayor announced the Mother's Club Comedy Night on April 21, 2023.

OPEN PUBLIC COMMENT:

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

ALL IN FAVOR.

Michael Guadagnino of 34 Hopper Street, Oakland, N.J. 07436, denounced Councilman McCann's behavior at past Borough Council Meetings. Mr. Guadagnino questioned a robo call from Councilman McCann. Mr. Guadagnino encouraged the Borough Council to take action on the proposed Cannabis application.

Nema Ameri, Justin Lee, and George Lutfey of 7 Bannehr Street, Oakland, N.J. 07436, addressed the business operations of Kusala Care LLC. Mr. Ameri addressed the water concerns. Mr. Ameri added that Kusala Care LLC is relinquishing the request for a water waiver. Mr. Ameri distributed correspondence to the Governing Body. Mr. Ameri suggested that the Borough could be stuck with much larger growing companies in the community. Mr. Ameri discussed obtaining outside sources of water for growing purposes.

Matthew Goodrich of 72 Hiawatha Boulevard, Oakland, N.J. 07436, cited attendance statistics for Councilman McCann.

Michele Younes of 2 Rock Ledge, Oakland, N.J. 07436, commented on Patriot's Way Bridge. Ms. Younes suggested that the disrepair of the bridge is affecting home values and public safety. Ms. Younes announced that the Ramapo River Reserve is enacting a letter writing campaign to the Congressman's office.

Cindy Wang of 63 Winding Ridge, Oakland, N.J. 07436, asked what correspondence has been made to the Borough's State and Federal Legislators regarding the Patriot's Way Bridge.

Al Marcus of 28 Winding Ridge, Oakland, N.J. 07436, asked how first responder and school vehicles accessing the Ramapo River Reserve should the bridge be closed for repairs.

John Biale of 19 Calumet Avenue, Oakland, N.J. 07436, encouraged the Borough Council to become a unified voice of the Borough. Mr. Biale announced that he was appointed as a Commissioner to the Northwest Bergen County Utilities Authority and offered his support to the Governing Body.

Andrea Levy of 780 Ramapo Valley Road, Oakland, N.J. 07436, asked for an apology on behalf of Ms. Cedar from Councilman McCann. Ms. Levy commented on the proposed tax increase for 2023.

Ann Cedar of 33 Winding Ridge, Oakland, N.J. 07436, commented on the Cannabis ordinance. Ms. Cedar commented on the Patriot's Way Bridge and asked for an update from the Borough Engineer.

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

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, the regular order of the meeting be suspended.

ALL IN FAVOR.

PROCLAMATION RECOGNIZING SIKH AWARENESS MONTH:

Mayor Schwager read aloud the following proclamation.

WHEREAS; Sikhs have been living in the United States for more than 120 years, and during the early 20th century, thousands of Sikh Americans worked on farms, in lumber mills and mines, and on the Western Pacific Railroad lines; and

WHEREAS; Sikhism is the fifth-largest religion in the world and today, there are more than 25 million Sikhs worldwide and more than 500,000 Sikh Americans; and

WHEREAS; Sikh Americans pursue diverse professions, and make rich contributions to the social, cultural, and economic vibrancy of the United States, including service as members of the United States Armed Forces and significant contributions to our great nation in agriculture, information technology, small businesses, the hotel industry, trucking, medicine, and technology; and

WHEREAS; Sikh Americans distinguished themselves by fostering respect among all people through faith and service; and

WHEREAS; April 15, 2023, marks the two-year anniversary of the devastating act of deadly mass gun violence at the FedEx facility in Indianapolis, and we honor the eight individuals who were murdered, (including four Sikhs) those who were injured, and numerous lives that were forever impacted;

WHEREAS; this year also marks the eleven-year anniversary of the August 5, 2012, mass shooting at the Sikh Temple of Wisconsin, wherein a neo-Nazi gunman murdered six Sikh Americans and permanently injured several more at a gurdwara (Sikh house of worship) in Oak Creek, Wisconsin.

WHEREAS; Oakland is committed to educating citizens about the world's religions, the value of religious diversity, tolerance grounded in First Amendment principles, a culture of mutual understanding, and the diminution of violence; and

WHEREAS; today, the Borough of Oakland seeks to further the diversity of its community and afford all residents the opportunity to better understand, recognize, and appreciate the rich history and shared experiences of Sikh Americans.

NOW, THEREFORE, I Linda H. Schwager, Mayor on this 22 day of March 2023, do hereby proclaim the month of April 2023 to be SIKH AWARENESS AND APPRECIATION MONTH.

NEW BUSINESS:

Councilman McCann proposed a ballot question for November 2023 regarding supporting Cannabis cultivation and distribution in the Borough of Oakland. Councilman McCann cited from the Cannabis Ad-Hoc Committee Meeting Minutes. Councilman McCann asked for the Governing Body to vote on a resolution for a ballot question. Mayor Schwager asked if this was discussed with the Governing Body. Councilman McCann suggested that the members of the Cannabis Ad-Hoc Committee supported the Mayor's campaign. The Borough Clerk distributed the bylaws. Mayor Schwager cited the bylaws regarding legislation under new business.

RESOLUTIONS:

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

Borough Attorney Matthew Gilson commented that the Borough requested clarifications to Kusala Care LLC on the water usage and wastewater. Kusala Care LLC responded releasing their water waiver. Mr. Gilson suggested that the applicant provide an engineer's report. Mr. Gilson asked for the engineers report by April 5, 2023 to give adequate time for the Borough to review. Mr. Ameri stepped out to speak to his clients.

On motion of Councilman Pignatelli, seconded by Councilman Talamini, the motion for Resolution #23-128 be temporarily adjourned.

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

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

WHEREAS, in order for a cannabis business to operate, both State and Local approval are required; and

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

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

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

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length;
2. The Borough recognizes that Kusala Care, LLC. will be operating a Class I Cannabis Cultivation business involved in the cultivation of cannabis products and that the business

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

Mr. Ameri added that Kusala Care LLC has agreed to move the resolution of approval to the next Borough Council Meeting on April 12, 2023. Mr. Ameri asked for clarity on the engineering report regarding the stormwater runoff study. Mr. Gilson added that the non-binding public question has no effect on the proposed resolution of support for Kusala Care LLC. Mr. Gilson added that the Governing Body has the right to ask for further information on water runoff. Mr. Gilson asked that the report be received by the Borough by April 5, 2023 in order to properly review the report prior to the April 12, 2023 Borough Council Meeting.

On motion of Councilman Pignatelli, seconded by Councilman Pignatelli, Resolution #23-128 **BE CARRIED** to the April 12, 2023 Borough Council Meeting.

APPROVAL OF MINUTES:

March 8, 2023

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

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

March 8, 2023 Executive Session

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

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

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS:

APPOINTMENT TO ARTS COMMITTEE:

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

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

APPOINTMENT TO PUBLIC EVENTS COMMITTEE:

On motion of Councilman Talamini, seconded by Councilman Pignatelli, Dawn Goddell 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, Talamini.
 Nays: None
 Abstain: None
 (5 ayes – 0 nays – motion carried)

APPOINTMENT TO PUBLIC EVENTS COMMITTEE:

On motion of Councilman Saliani, seconded by Councilman Kulmala, Marina Bareska 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, Talamini.
 Nays: None
 Abstain: None
 (5 ayes – 0 nays – motion carried)

AUTHORIZE RAFFLE LICENSE #RL1450 FOR INDIAN HILLS HIGH SCHOOL PTSO FOR ON-PREMISE 50/50 RAFFLE ON MARCH 5, 2023 AT 97 YAWPO AVENUE, OAKLAND, N.J. 07436

Councilman Pignatelli set forth the motion, seconded by Councilman Kulmala, to approve Raffle License #RL1450.

ALL IN FAVOR.

AUTHORIZE RAFFLE LICENSE #RL1451 FOR OAKLAND-FRANKLIN LAKES ROTARY CLUB FOR ON-PREMISE 50/50 RAFFLE ON SEPTEMBER 26, 2023 AT 155 RAMAPO VALLEY ROAD, OAKLAND, N.J. 07436

Councilman Pignatelli set forth the motion, seconded by Councilman Saliani, to approve Raffle License #RL1451.

ALL IN FAVOR.

Councilman McCann left the meeting at 8:14 p.m.

RESOLUTIONS – CONSENT AGENDA:

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

23-121: AUTHORIZE GRANT AGREEMENT FOR BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT CDBG-CV PHASE 4 FOR SENIOR CENTER OUTDOOR FURNITURE

BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$13,000.00 in 2023 Community Development Block Grant funds for Oakland Senior Center Outdoor Furniture at the Oakland Senior Center;

BE IT FURTHER RESOLVED, that the Mayor and Borough Council hereby authorizes the Mayor and Borough Clerk to be signatories for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council hereby authorizes the Borough Administrator to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council recognize that the Borough of Oakland is liable for any funds not spent in accordance with the grant agreement, and that liability of the Mayor and Borough Council is in accordance with HUD requirements.

23-122: AWARD CONTRACT TO BOSWELL ENGINEERING FOR INSPECTION SERVICES FOR ACORN STREET, BIRCH, AND FLORENCE AVENUES WATER MAIN IMPROVEMENTS PROJECT

WHEREAS, there is a need for Engineering Services for the Inspection Services for the Acorn, Birch, and Florence Avenues Water Main Improvements Project; and

WHEREAS, Boswell Engineering has submitted a proposal dated February 21, 2023 for services required at a total cost not to exceed cost of \$27,500.00; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-06-56-683-400 in the amount of \$6,064.53n and Account #C-06-56-833-301 in the amount of 21,435.47; and

WHEREAS, Boswell Engineering has complied with the Borough of Oakland's Pay to Play requirements as outlined in Ordinance 12-CODE-669 adopted on July 11, 2012; and

WHEREAS, the award of the contract is for a professional service for which no public bidding is required;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize Boswell Engineering to perform the inspection services for the Acorn, Birch, and Florence Avenues Water Main Improvement Project at a cost not to exceed \$27,500.00; and

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

23-123: RESOLUTION AUTHORIZING CY 2023 BUDGET TO BE READ BY TITLE ONLY

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less that a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved municipal budget as advertised has been posted in the municipal building and copies have been made available by the clerk to persons requiring them; and

NOW, THEREFORE, BE IT RESOLVED, that the CY2023 municipal budget shall be read by title only.

23-124: INTRODUCTION OF BUDGET

Municipal Budget of the Borough of Oakland, County of Bergen for the Fiscal Year 2023

BE IT RESOLVED; that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2023.

BE IT FURTHER RESOLVED; that said budget be published in The Bergen Record in the issue of April 5, 2023.

The Governing Body of the Borough of Oakland does hereby approve the following budget for the year 2023.

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Oakland, County of Bergen, on March 22, 2023.

A hearing on the Budget and Tax Resolution will be held at the Council Chambers, 10 Lawlor Drive, on April 26, 2023 at 7:00 o'clock pm at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons.

23-125: RESOLUTION CONFIRMING SUBMISSION OF A REQUEST FOR CONGRESSIONAL DIRECTED SPENDING TO CONGRESSMAN BILL PASCRELL FOR THE SUPERSTRUCTURE REPLACEMENT OF PATRIOT'S WAY BRIDGE

WHEREAS, there exists an opportunity for the Borough of Oakland to apply for funding through the Office of U.S. Congressman Bill Pascrell for the Patriot's Way Bridge Superstructure Replacement Project through a funding request for a Congressional Directed Spending Request; and

WHEREAS, the assistance of these federal funds is in the best interest of the Oakland community; and

WHEREAS, the Borough of Oakland finds it exceptionally beneficial to apply for these funds to complete this important project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, expresses its full support of the submission of the request for Congressional Directed Spending, which would be used to fund the Patriot's Way Bridge Superstructure Replacement Project.

23-126: RESOLUTION CONFIRMING SUBMISSION OF A REQUEST FOR CONGRESSIONAL DIRECTED SPENDING TO SENATOR CORY BOOKER FOR THE SUPERSTRUCTURE REPLACEMENT OF PATRIOT'S WAY BRIDGE

WHEREAS, there exists an opportunity for the Borough of Oakland to apply for funding through the Office of U.S. Senator Cory Booker for the Patriot's Way Bridge Superstructure Replacement Project through a funding request for a Congressional Directed Spending Request; and

WHEREAS, the assistance of these federal funds is in the best interest of the Oakland community; and

WHEREAS, the Borough of Oakland finds it exceptionally beneficial to apply for these funds to complete this important project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, expresses its full support of the submission of the request for Congressional Directed Spending, which would be used to fund the Patriot's Way Bridge Superstructure Replacement Project.

23-127: RESOLUTION CONFIRMING SUBMISSION OF A REQUEST FOR CONGRESSIONAL DIRECTED SPENDING TO SENATOR ROBERT MENENDEZ FOR THE SUPERSTRUCTURE REPLACEMENT OF PATRIOT'S WAY BRIDGE

WHEREAS, there exists an opportunity for the Borough of Oakland to apply for funding through the Office of U.S. Senator Robert Menendez for the Patriot's Way Bridge Superstructure Replacement Project through a funding request for a Congressional Directed Spending Request; and

WHEREAS, the assistance of these federal funds is in the best interest of the Oakland community; and

WHEREAS, the Borough of Oakland finds it exceptionally beneficial to apply for these funds to complete this important project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, expresses its full support of the submission of the request for Congressional Directed Spending, which would be used to fund the Patriot's Way Bridge Superstructure Replacement Project.

23-129: AUTHORIZE REFUND OF TAXES TO 71 MCCOY LLC DUE TO OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$316.68; and

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

WHEREAS, the Chief Financial Officer has verified that the amount is due and that funds are available in account #CF-01-55-998-002 Tax Refund;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, do hereby authorize a payment to be made in the amount of \$316.68 to:

71 McCoy LLC

Block: 3703

1018 High Mountain Rd
Oakland, N.J. 07436

Lot: 61

23-130: AUTHORIZE REFUND OF TAXES TO YUJEN E. TSUO DUE TO OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$2168.59; 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 \$2168.59 to:

Yujen E. Tsuo
361 Conklintown Rd
Oakland, N.J. 07436

Block: 2205
Lot: 3

23-131: AUTHORIZE 2023 TEMPORARY BUDGET AMENDMENT

WHEREAS, NJSA40A:4-20 of the Local Budget Law provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget, the governing body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the adoption of the budget; and

WHEREAS, the State has extended the due date for finalizing the 2023 budget to the 1st meeting in May which requires the Borough to provide additional Temporary Budgets into the 2nd quarter to support on-going operations of the government; and

WHEREAS, the total appropriations in the 2022 Budget, less appropriations made for interest and debt redemption charges, capital improvements and public assistance are as follows:

Current Fund	\$18,830,184.00
Water Utility Operating Fund	\$1,637,500.00
Sewer Utility Operating Fund	\$493,500.00

WHEREAS, 26.25% of the total appropriations in the 2022 budget exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance are as

follows:

Current Fund	\$4,942,923.00
Water Utility Operating Fund	\$429,843.00
Sewer Utility Operating Fund	\$129,543.00

NOW, THEREFORE, BE IT RESOLVED, that the following temporary 2023 appropriations for the 2nd quarter, which do not exceed 26.25% of the appropriations in the 2022 budget exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance, be made and amended to the 1st quarter approved temporary budget and that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Director of the Division of local Government Services.

CURRENT Q2	S&W	OE
ADMINISTRATIVE & EXECUTIVE	56,597	1,453
COMMUNICATION COMMISSION	525	1,824
GENERAL SERVICES	175	11,725
MAYOR & COUNCIL	9,400	10,871
MUNICIPAL CLERK	17,325	4,333
ELECTION	377	2,135
FINANCIAL ADMINISTRATION	42,231	6,475
AUDIT	-	-
INFORMATION TECHNOLOGY	-	24,500
TAX COLLECTION	14,377	2,499
TAX ASSESSMENT	18,056	6,596
LEGAL SERVICES	-	32,375
ENGINEERING	-	11,375
PLANNING BOARD	2,888	3,717
BOARD OF ADJUSTMENT	2,888	1,365
UNIFORM CONSTR CODE	43,108	15,102
INSURANCE	-	616,014
POLICE DEPARTMENT	825,845	38,583
EMERGENCY MANAGEMENT	1,662	(943)
FLOOD CONTROL COMMITTEE	901	262
Contribution to First Aid Squad	-	-
FIRE DEPARTMENT	-	18,700
PROSECUTOR	-	5,670
STREETS & ROADS	95,591	18,601
SHADE TREE	-	13,475
STORMWATER MANAGEMENT	15,610	4,900
GARBAGE & TRASH REMOVAL	12,968	459,283
SNOW REMOVAL	35,083	44,800
BUILDINGS & GROUNDS	41,912	28,088
VEHICLE MAINTENANCE	16,258	28,200
BOARD OF HEALTH	11,582	31,535
ENVIRONMENTAL COMMISSION	267	228
RECREATION	4,791	63,207
SENIOR CITIZENS ACTIVITIES	15,667	7,280
PUBLIC LIBRARY	71,978	105,470
ELECTRICITY	-	31,700
STREET LIGHTING	-	46,250
TELEPHONE	-	12,433
NATURAL GAS	-	8,625
GASOLINE	-	13,333
Public Employees Retirement System (PERS)	-	593,918
Social Security	-	80,000
Defined Contribution Plan	-	3,000
Police & Firemen's Retirement (PFRS)	-	1,141,276
MUNICIPAL COURT	27,215	1,995
PUBLIC DEFENDER	-	1,855
Totals	1,385,274	3,554,578
Total		4,939,851
Account Description		
WATER Q2		
WATER - OPERATIONS	129,938	155,471
WATER - UTILITIES	-	47,600
WATER - Social Security	-	9,800
Totals	129,938	212,871
Total		342,809
Account Description		
SEWER Q2		
SEWER - OPERATIONS	-	58,175
SEWER - UTILITIES	-	29,187
SEWER - Social Security	-	-
Totals	-	87,362
Total		87,362

23-133: AUTHORIZE TRANSFER BETWEEN BUDGET APPROPRIATION RESERVES

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:

Water Operating Fund		From	To
2-05-55-501-011	Water – Salary & Wages	\$ 250.00	
Sub-total		\$ 250.00	
2-05-55-502-023	Water – Purchased Services - Testing		\$ 250.00
Sub-total			\$ 250.00

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

RESOLUTIONS:

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

Mayor Schwager asked the reason for the Change Order. Mr. Yakimik responded that it is an unanticipated supply chain issue that has resulted in this change order. The Borough also had to replace a fence along a residential property. A fire hydrant had to be relocated which required a special valve. Mr. Yakimik advised that there will be reductions moving forward for this project, and the contractor will be back in the next few weeks to complete the project. Mr. Yakimik encouraged the Governing Body to approve the change order.

**23-132: AUTHORIZE CHANGE ORDER #2 FOR RAMAPO VALLEY ROAD
 SIDEWALK PROJECT**

WHEREAS, the Borough of Oakland awarded a contract to D.S. Meyer Enterprises, LLC., 2 North Street, Suite 2A, Waldwick, N.J. 07463 in the amount of \$613,871.00 for the Ramapo Valley Road Sidewalk Project; and

WHEREAS, the following Change Order #2 has been requested:

Change Order #2	“Supply Chain Issues”	\$23,829.50
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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland authorize a Change Order in the amount of 23,829.50 for a new total contract amount of \$637,700.50.

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

ORDINANCES:

ORDINANCE 23-CODE-902

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

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

The Borough Clerk then read by title Ordinance No. 23-CODE-902 entitled, **“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A: 4-45.14”**

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

BE IT RESOLVED, that an Ordinance entitled, **“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A: 4-45.14”**, be introduced;

That said Ordinance be considered for final adoption at a Borough Council Meeting on Wednesday April 12, 2023 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, N.J. at 7:00 p.m.

That said Ordinance be published in full in The Record on or before together with notice of this introduction and of the time and place for further consideration for final passage, and that the Borough Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

ORDINANCE 23-BOND-903

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

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

The Borough Clerk then read by title Ordinance No. 23-BOND-903 entitled, **“BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,600,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS”**

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

BE IT RESOLVED, that an Ordinance entitled, **“BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,600,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS”**, be introduced;

That said Ordinance be considered for final adoption at a Borough Council Meeting on Wednesday April 12, 2023 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, N.J. at 7:00 p.m.

That said Ordinance be published in full in The Record on or before together with notice of this introduction and of the time and place for further consideration for final passage, and that the Borough Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

ORDINANCE 23-CODE-901

**“AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF OAKLAND RELATED TO FEES
FOR RAIN BARREL PROGRAM”**

The Borough Clerk was directed to take from the table Ordinance No. 23-CODE-901 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled **“AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF OAKLAND RELATED TO FEES FOR RAIN BARREL PROGRAM”**.

OPENED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

No public comment.

CLOSED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

On motion of Councilman Kulmala, seconded by Councilman Saliani, Ordinance 23-CODE-901, entitled **“AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF OAKLAND RELATED TO FEES FOR RAIN BARREL PROGRAM”**, be adopted.

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

WORK SESSION:

PROPOSAL FOR ENGINEERING SERVICES FOR DRAINAGE IMPROVEMENTS PROJECT:

Mr. Kunze provided a proposal from Boswell Engineering for Engineering Services for two (2) storm sewer improvements within the Borough. The Governing Body consented to move forward with an authorizing resolution at the next Borough Council Meeting.

NEW BUSINESS:

No new business reported.

OLD BUSINESS:

Councilman Talamini asked on the status of the Lenape Lane Phase 3 Buyout program. Mr. Kunze advised that the closings are ongoing and are on track to be finalized by the end of April 2023. Councilman Kulmala asked on the status of the Roosevelt Boulevard Phase II Buyout demolitions. Mr. Kunze responded that the demolitions will be out to bid in the coming weeks. The demolitions are on track for this Spring.

Mayor Schwager advised that she has been following up with Congressman Pascrell about the Patriot's Way Bridge regarding an in-person meeting. Mayor Schwager has been in contact with the Governor's Office. Mayor Schwager added that she met with the Congressman's Chief of Staff and District Director. Mayor Schwager commented that the Congressman has been providing grants for playgrounds and parks, but the Patriot's Way Bridge is a public safety matter and is a high funding priority. Mayor Schwager commented that the NJDOT paid for the past repairs and that it is unlikely that the NJDOT pays for the immediate repairs. Mr. Yakimik commented that no other municipality owns and maintains a bridge of this size. Mayor Schwager added that she has asked the County to take ownership of the bridge, but they have declined after several attempts. The Congressman's Office advised that they will be following up with the Borough within the next week. Mayor Schwager concluded that the Borough is doing everything it can to obtain supplemental funding for this project. Councilman Pignatelli added that the Borough is taking this seriously and is working hard towards the replacement of the bridge. Councilman Kulmala expressed concerns that the Mayor did not share the meeting with the Congressman with the rest of the Borough Council. Mayor Schwager added that Councilman Kulmala was not invited to the meeting.

COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilman Kulmala: No report.

Councilman Pignatelli: Councilman Pignatelli read aloud the March 2023 Oakland Police Department statistics. The Oakland Police Department is continuing to address the Park Drive snow parking issues, and a letter has been released to all residents in the area addressing the concerns.

Councilman Saliani: Councilman Saliani reminded the public about summer camp registrations. The Bush Plaza Park Ad-Hoc Committee is working on fundraising and implementing phase 1 of the project.

Councilman Talamini: Councilman Talamini reported that the Easter Egg Hunt is scheduled for April 1, 2023 at 9:30 a.m. at the Oakland Public Library. It is a fun event for the children. The Access for All Committee is hosting an Easter Egg Hunt at the same time. Councilman Talamini thanked the Access for All Committee for their hard work.

Mr. Yakimik provided an update on the repairs to the Allerman Brook. The Borough met with the NRCS and is working through permitting.

Mr. Yakimik added that the NJDOT has not provided further comments. Mr. Yakimik provided details on the nature of the immediate repairs. Mr. Yakimik added that Boswell Engineering will be following up with the Department of Public Works. Councilman Saliani asked if the bridge has to be closed while the repairs are made. Mr. Yakimik advised that the bridge would be closed temporarily while the repairs are made. Councilman Kulmala asked if the Borough has approached the NJDOT about funding the immediate repairs and encouraged the Borough to follow up with an ask. Mr. Yakimik responded that once the cost estimates are finalized, the Borough may choose to do so.

OPEN PUBLIC COMMENT:

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

ALL IN FAVOR.

Michele Younes of 2 Winding Ridge, Oakland, N.J. 07436, asked Councilman Pignatelli about how many emergency vehicles drive through the Ramapo River Reserve. Ms. Younes asked for a follow up on the repairs and how long the repairs will take.

Vilma Mirkov of 42 Winding Ridge, Oakland, N.J. 07436, asked about the Lenape Lane Bridge and if it is safe to use while the Patriot's Way Bridge is closed, and if it can be used to ease the burden off of the bridge.

Frank DiPentima of 6 Mountain Lakes Road, Oakland, N.J. 07436, cited the Cannabis Ad-Hoc Committee meeting dates. Mr. DiPentima commented that he took informal notes of the Committee, but the Committee did not have a member take official minutes because it is hard to be an active participant in the Committee discussions. Mr. DiPentima cited the questions on the ballot in November 2020. Mr. DiPentima asked if Ms. Cedar was given an apology from Councilman McCann. Mr. DiPentima asked if Councilman Kulmala reached out to State and Federal Legislators about the Patriot's Way Bridge.

Michael Guadagnino of 34 Hopper Street, Oakland, N.J. 07436, commented that he has no issue posting the minutes of the Cannabis Ad-Hoc Committee to the Borough website. Mr. Guadagnino added that June 3, 2023 is the Baseball and Softball Parade. Mr. Guadagnino asked on the status of the Band Shell project.

Matthew Goodrich of 72 Hiawatha Boulevard, Oakland, N.J. 07436, asked why the Kusala Care resolution has been postponed. Mr. Goodrich asked if Councilman McCann attended any of the Access for All events in 2022. Mr. Goodrich commented that Councilman McCann has provided no Committee reports. Mr. Goodrich encouraged the public to vote wisely.

Lewis Levy of 112 Lakeview Terrace, Oakland, N.J. 07436, commented on the Patriot's Way Bridge. Mr. Levy added that he made phone calls when he was a Councilman to try to obtain funding for the bridge or get answers. Mr. Levy commented that the Lenape Lane Bridge is in serious disrepairs and has scour underneath its deck. Mr. Levy expressed frustrations with Councilman McCann and his absences.

Mame Schwarzfischer of 187 West Oakland Avenue, Oakland, N.J. 07436, asked the Borough Council to consider cannabis dispensaries. Ms. Schwarzfischer commented on the origins of the Ramapo River Reserve.

Andrea Levy of 780 Ramapo Valley Road, Oakland, N.J. 07436, commented that cannabis was approved by the voters in November 2020, with a majority in favor in the Borough of Oakland. Ms. Levy asked for an apology on behalf of Ms. Cedar. Ms. Levy announced the Open Mic Night on March 24, 2023 at 7:00 p.m. at Real Brave. The Arts in Oakland Committee will host an Arts Festival from June 9, 2023 to June 11, 2023. Ms. Levy announced the Sustainable Oakland Green Team's First Sunday Hike on April 2, 2023 at 11:00 a.m. at the Skyline Drive Lower Level Parking Lot.

Councilman Pignatelli set forth the motion, seconded by Councilman Talamini, 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, Pignatelli, Saliani, Talamini.**
 Nays: **None**
 Abstain: **None**
 (4 ayes – 0 nays – motion carried)


ADJOURNMENT:

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

ALL IN FAVOR.

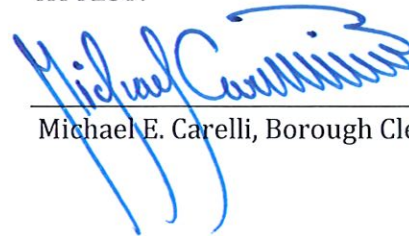
Adjourned: 9:19 p.m.

APPROVED BY:



Linda H. Schwager, Mayor

ATTEST:



Michael E. Carelli, Borough Clerk