

BOROUGH OF OAKLAND
Borough Council Meeting
MEETING MINUTES

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

March 8, 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. Contract Negotiations.
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: 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, Pignatelli, Saliani, Slasinski, Talamini.

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

Absent: Councilman McCann.

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

SALUTE TO THE FLAG AND MOMENT OF SILENCE:

MAYOR'S REPORT:

Mayor Schwager congratulated all of the participants and organizers of the 37th annual FLOW Follies program. The Mayor participated in a scene with the Mayor of the Township of Wyckoff. The Mayor encouraged the Regional School Board of Education members to participate in FLOW Follies. The Mother's Club of Oakland is hosting Magic Masters Basketball Fundraiser on March 11, 2023 at Valley Middle School at 2:00 p.m. The Borough Styrofoam Drive is on April 22, 2023 from 9:00 a.m. – 12:00 p.m. at the Borough Hall. The Borough Shredding Collection is on Saturday May 27, 2023 from 9:00 a.m. – 12:00 p.m. at the Borough Hall. The Arts in Oakland Festival is scheduled for June 9, 2023 to June 11, 2023 in Veterans Park. The Mayor thanked Assemblyman Auth on writing a letter to the NJDOT regarding the Patriot's Way Bridge. The Mayor is in regular contact with the Governor's office and Congressman Pascrell. The Mayor addressed the Park Avenue parking issues and has advised that a plan is in place regarding snow parking. A letter will be sent to all residents. The Mayor met with the Bush Plaza Park Ad-Hoc Committee on fundraising and project timelines. The Oakland Chamber of Commerce is active and a meeting has been scheduled for March 8, 2023. The Mayor sponsored a breakfast meeting, and there remains enthusiasm on Bush Plaza Park fundraising.

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, addressed the misrepresentation of the Cannabis Ad-Hoc Committee. Mr. Guadagnino expressed that the original intent of the Committee was not to challenge the State law nor to study the health effects or cherry picked research. The Borough voted for the legalization of cannabis. The Committee looked at how the new law could benefit the Borough, while putting in place safeguards. The Borough Council voted in favor of the cannabis ordinances. The intent was to place these businesses in the commercial or industrial areas of the Borough, not near residential homes or areas. Mr. Guadagnino commented that the revenue would help fund Borough projects and pay down debt. Mr. Guadagnino encouraged the un-tabling of Resolution 22-290, endorsing Kusala Care LLC's Cannabis Cultivation Application.

Dean Trivisani of 207 Ramapo Valley Road, Oakland, N.J. 07436, provided a scientific article to the Borough Council on the use and effects of cannabis. Mr. Trivisani addressed his businesses recent reassessment and property tax increases. Mr. Trivisani encouraged supporting Kusala Care LLC's Cannabis Cultivation License as long as it does not hurt the Borough in any way.

Michelle Younes of 2 Rock Ledge, Oakland, N.J. 07436, commented on Patriot's Way Bridge. Ms. Younes commented that the bridge replacement was originally \$1 million, but has increased to over \$8 million. Ms. Younes commented that the bridge was inspected in the summer of 2022. Ms. Younes asked if there has been an update from NJDOT and if and when weight restrictions will be put into effect, which may include residential and delivery vehicles. Ms. Younes added that the Truman Bridge is also in bad condition, which would serve as the means of access during a potential closure and/or weight restriction. Lastly, Ms. Younes asked if the project is "shovel ready" at this point. Mayor Schwager asked for a written copy of Ms. Younes comments.

Frank DiPentima of 6 Mountain Lakes Road, Oakland, N.J. 07436, asked if Ann Cedar has received an apology from Councilman McCann, and has formally requested same from Councilman McCann. Mr. DiPentima asked if the Borough is being sued by Kusala Care LLC. Mr. DiPentima encouraged the Borough Council to take a vote on the tabled resolution of support. Mr. DiPentima commented that the revenue will fund future debt service.

Matthew Goodrich of 72 Hiawatha Boulevard, Oakland, N.J. 07436, asked the Borough Council to make a motion to censure Councilman McCann. Mr. Goodrich asked the Borough Council to take a vote on Kusala Care LLC's resolution of support.

Mame Schwarzfischer of 187 West Oakland Avenue, Oakland, N.J. 07436, asked when the Borough Council will un-table Kusala Care LLC's resolution of support. Ms. Schwarzfischer commented that her property taxes have increased significantly and that she supports the extra cannabis revenue. Councilman Pignatelli asked if Ms. Schwarzfischer applied for the Senior Freeze and Property Tax Relief program with the State.

Borough Attorney Matthew Gilson advised that the resolution could be introduced. Councilman Talamini commented that he thinks that the resolution sunsets when the Borough Council reorganizes at the beginning of the year.

Frank DiPentima of 6 Mountain Lakes Road, Oakland, N.J. 07436, encouraged the Borough Council to make a motion and take a vote on the proposed cannabis cultivation license resolution.

Anne Cedar of 33 Winding Ridge, Oakland, N.J. 07436, thanked Frank DiPentima for requesting an apology from Councilman McCann on her behalf. Ms. Cedar expressed shock that the Borough Council let Councilman McCann talk to a resident in that manner. Ms. Cedar commented that the demographics of the community are changing and that the Council meetings are widely discussed. Ms. Cedar asked the Borough Council to place the resolution of support on the meeting agenda. Ms. Cedar asked for an update on the Patriot's Way Bridge as last time she did not receive an update.

George Lutfey of 7 Bannehr Street, Oakland, N.J. 07436, encouraged the Borough Council to take action on the proposed cannabis resolution of support.

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

RESOLUTIONS:

22-290: RESOLUTION IN SUPPORT OF APPLICATION FOR CLASS 1 CANNABIS CULTIVATION LICENSE IN THE BOROUGH OF OAKLAND

On motion of Councilman Pignatelli, seconded by Councilman Slasinski, Resolution #22-290 be **UNTABLED**.

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

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, in the County of Bergen, and 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.

Councilman Pignatelli asked whether the Borough could be sued should the Governing Body approve of the resolution. Borough Attorney Matthew Gilson advised the purpose of a tort claim notice. Councilman Kulmala encouraged the Borough Attorney to have a discussion with Kusala Care LLC's attorney prior to the Governing Body taking any further action and/or approving of said endorsement resolution. Councilman Talamini added that he does not feel comfortable voting on the resolution due to the long period of time elapsed. Mr. Gilson explained the cannabis licensing process in its entirety. Councilman Kulmala asked the Chief Financial Officer if analyses have been done regarding the potential revenue. Mr. Young advised that there are no benchmarks to be able to generate such analysis.

On motion of Councilman Kulmala, seconded by Councilman Pignatelli, Resolution #22-290 be carried to the next Borough Council Meeting on Wednesday March 22, 2023.

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

APPROVAL OF MINUTES:

February 22, 2023

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

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

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS:

APPOINTMENT TO ARTS COMMITTEE:

On motion of Councilman Saliani, seconded by Councilman Pignatelli, Erica Nagel 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, Slasinski, Talamini.**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

APPOINTMENT TO SUSTAINABLE OAKLAND GREEN TEAM:

Mayor Schwager appointed Kadie Pianettini to the Sustainable Oakland Green Team for a one (1) year term, with a term expiration date of December 31, 2023.

BUDGET PRESENTATION:

Borough Administrator Richard Kunze laid out the process in which the Finance Committee reviews the draft budget before bringing forth to the Governing Body. Funding for the current fund budget, including the Library, is proposed for \$23,728,000.00. The impact on the average assessed residential home will be 3.92% increase in the municipal portion of their tax bill, or \$144.00. Mr. Kunze added that salary and wages are increased by 4.69%. Mr. Kunze laid out specific increases and decreases of note within each Department. There is an expected retirement of six (6) police officers by 2025. A succession plan has been discussed. There is a long lead-time for hiring officers.

The accumulated absences budget is increased due to expected retirements. Mr. Kunze went through Departmental general operating budgets. There is an overall 9.4% increase proposed. Garbage collection costs have increased significantly due to the non-competition in the collection industry. The Library O/E budget is up \$196,004 due to State aid formulas. Non-Departmental O/E expenses are up 5.6%. Mr. Kunze added that the insurance rates are up 5.5% due to changes in the census count and health benefit waivers, which is in stark contrast to the State Health Benefits Fund, in which member municipalities are facing over 20% in increases. Mr. Kunze discussed the key factors in this year's appropriation increases. There are eight (8) specific line items that account for 75% of the increases, in which six (6) are statutory or contractual in nature. Mr. Kunze thanked the Borough Department Heads for their assistance and hard work on their Department budgets. Mr. Young discussed the Borough's revenue. Mr. Young estimated that non-tax revenues will increase by 6.7%. Local revenues are being anticipated at \$162,000 higher than in 2022. The amount of State Aid is up due to \$67,000 from the Municipal Relief Fund. Mr. Young advised that UCC levels are returning to pre-pandemic amounts. Mr. Young discussed the Borough's surplus. The statutory cap compliance was discussed. Mr. Young presented the tax levy distribution chart, which explains that the municipal portion only makes up approximately 23% of residential property tax bills. The appropriation and non-tax revenue changes as presented would result in an increase in the municipal portion of the tax bill for the average assessed home of \$113.51, or a 3.92% increase over 2022. Taken together with the separate Library tax, the increase would be \$146.01 on average for residents. Councilman Saliani asked how the proposed budget compares to surrounding municipalities. Mr. Kunze advised that all municipalities face difference budgetary needs, but are all facing specific increases such as insurance and solid waste collections. Mr. Kunze advised that no Borough services are being cut. Councilman Talamini asked the origin of the Borough joining the BMED. Mr. Kunze advised that prior to joining the BMED, the Borough was self-insured and experienced issues at the time. Mr. Kunze added that members of the State Health Benefits Plan are all paying the same premium amounts across the board. Councilman Kulmala asked on the nature of the Local Efficiency Achievement Grant. Mr. Kunze advised that the Borough is collaborating with the Township of Wyckoff and Borough of Franklin Lakes on a Local Efficiency Achievement Grant for a potential shared services feasibility study for solid waste and recycling collection. Mr. Kunze advised that water utility appropriations are down by 7.0% due to a reduction in a capital allocation. 2023 anticipated revenues for the water utility are down 7% from 2022. Water rates were increased at the end of 2022 by 4%. The sewer utility is up 17.9% due to capital. Mr. Kunze advised that the proposed budget, cap bank ordinance, and bond ordinance will be introduced at the March 22, 2023 Borough Council Meeting. A formal public hearing is scheduled for the last meeting in April 2023. The budget presentation will be posted on the Borough website shortly. Once the formal budget is introduced, the budget will be posted on the Borough website.

RESOLUTIONS – CONSENT AGENDA:

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

23-105: RESOLUTION CONSENTING TO THE PROPOSED NORTHWEST WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT

WHEREAS, the Borough of Oakland desires to provide for the orderly development of wastewater facilities within the Borough of Oakland; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment publicly noticed in the New Jersey Register on November 21, 2022 for the Water Quality Management Plan prepared by Boswell Engineering;

NOW, THEREFORE, BE IT RESOLVED on this 8th day of March, 2023, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that:

1. The Mayor and Borough Council hereby consents to the Water Quality Management Plan Amendment, and publicly noticed in the New Jersey Register on November 21, 2022, prepared by Boswell Engineering, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C.7:15-3.5(g)6.

23-106: AUTHORIZE SHARED SERVICES AGREEMENT WITH THE BOROUGH OF BLOOMINGDALE FOR STREET SWEEPING SERVICES

WHEREAS, the Borough of Oakland has a need for street sweeping services; and

WHEREAS, the Superintendent of the Department of Public Works and the Borough Administrator have reviewed a proposal dated December 27, 2022 from the Borough of Bloomingdale to provide such services; and

WHEREAS, the Borough Attorney has reviewed the Shared Service Agreement forwarded to the Borough by the Borough of Bloomingdale; and

WHEREAS, in enacting the "Uniform Shared Services and Consolidation Act", N.J.S.A. 40A:65-1, the New Jersey Legislature has permitted municipalities to enter into agreements to provide or receive services to/from one another as a means to reduce municipal expenses;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Clerk of the Borough of Oakland, in the County of Bergen, and State of New Jersey, are hereby authorized and directed to execute the Shared Service Agreement for the provision of street sweeping services for the Borough of Oakland; and

BE IT FURTHER RESOLVED, that Oakland will pay to the Borough of Bloomingdale the sum \$40,000.00 annually, and \$500.00 per diem for additional workdays, for such services, with a 2.00% increase over the course of the five (5) year agreement; and

BE IT FURTHER RESOLVED, that a copy of this Resolution and the Contract with the Borough of Bloomingdale shall be maintained in the Borough Clerk's office for public inspection.

23-107: AUTHORIZE GRANT SUBMITTAL TO BERGEN COUNTY FY 2023 MINI CLEAN COMMUNITIES PROGRAM FOR 2023 BOROUGH TEAM UP TO CLEAN UP PROGRAM

WHEREAS, the Bergen County Department of Health Services is offering a Bergen County Mini Clean Communities Grant Program to municipalities to sponsor programs to eliminate litter;

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 Borough Administrator to apply for the Bergen County Mini Clean Communities Grant in the amount of \$300.00 for the Borough Park Cleanup on Saturday April 29, 2023.

23-108: AUTHORIZE GRANT SUBMITTAL TO BERGEN MUNICIPAL EMPLOYEE BENEFITS FUND FOR 2023 EMPLOYEE WELLNESS PROGRAM

WHEREAS, the Borough of Oakland affirms its understanding that the Bergen Municipal Employee Benefits Gateway Fund offers a grant opportunity to its member agencies who wish to initiate a partnership with the Fund to incentivize employee participation in voluntary health and wellness programming and awareness; and

WHEREAS, the Borough of Oakland understands that the grant is a matching grant and that participation in the program requires local budgetary support and administration; and

WHEREAS, the application for grant consideration requires a resolution of the Governing Body's understanding and support for promoting health and wellness concepts within their employee population;

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 Borough Administrator and his/her designee is authorized to submit a grant application to the Bergen Municipal Employee Benefits Gateway Fund for the 2023 Employee Wellness Program in the amount of \$10,000.00.

23-109: AWARD CONTRACT TO CLEARY GIACOBBE ALFIERI JACOBS LLC FOR PROFESSIONAL BOROUGH ATTORNEY SERVICES

WHEREAS, it is necessary for the Borough of Oakland to engage an Attorney to complete certain legal matters and provide legal services as may be assigned; and

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

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

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

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

WHEREAS, the Borough's Review Team has determined that Brian Chewcaskie of the firm of Cleary Giacobbe Alfieri Jacobs LLC will be the most advantageous to the Borough, all relevant factors considered; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that Brian Chewcaskie of the firm of Cleary Giacobbe Alfieri Jacobs LLC be and is hereby appointed for 2023; and

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

BE IT FURTHER RESOLVED, that the contract amount shall be for \$20,000.00, and the Chief Financial Officer has certified that \$20,000.00 is available in Account #3-01-20-155-028; and

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

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

**23-110: AWARD CONTRACT TO CLEARY GIACOBBE ALFIERI JACOBS LLC FOR
PROFESSIONAL BOROUGH ATTORNEY TAX APPEAL SERVICES FOR
2023**

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

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

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

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

WHEREAS, the applicants has submitted paperwork certifying that they have not made any

disqualifying pay to play contributions pursuant to the Borough's Pay-to-Play Ordinance No. 12-Code-669 adopted July 11, 2012; and

WHEREAS, the Borough's Review Team has determined that Brian Chewcaskie of the firm of Cleary Giacobbe Alfieri Jacobs LLC will be the most advantageous to the Borough, all relevant factors considered; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that Brian Chewcaskie of the firm of Cleary Giacobbe Alfieri Jacobs LLC be and is hereby appointed as Borough Attorney for Tax Appeal Services for 2023; and

BE IT FURTHER RESOLVED, that compensation for said Borough Attorney for Tax Appeal Services for the period of January 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 \$30,000.00 without further authorization of the Governing Body, and the Chief Financial Officer has certified that \$30,000.00 is available in Account #3-01-55-904-001; 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.

**23-111: AUTHORIZE AGREEMENT WITH BERGEN COUNTY UTILITIES
AUTHORITY FOR CERTIFIED RECYCLING PROFESSIONAL ANNUAL
RECYCLING TONNAGE REPORT PREPARATION SERVICES**

WHEREAS, the Borough wishes to appoint an expert for 2022 Tax Appeal Assistance; and

WHEREAS, the Department of Public Works Superintendent and Borough Administrator have recommended that Bergen County Utilities Authority be retained to provide Annual Recycling Tonnage Report Preparation Services, in accordance with their proposal; and

WHEREAS, the Mayor and Borough Council of the Borough of Oakland wishes to execute an agreement with Bergen County Utilities Authority to provide Annual Recycling Tonnage Report Preparation Services for the Borough; and

WHEREAS, Bergen County Utilities Authority will provide the services at no cost to the Borough; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Bergen County Utilities Authority to provide Annual Recycling Tonnage Report Preparation Services at no cost to the Borough.

**23-112: AWARD CONTRACT TO ANDY ROTH, ESQ. FOR PROFESSIONAL
BOROUGH ALTERNATE PROSECUTOR SERVICES FOR JANUARY 2023**

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that Andy Roth, Esq. be and is hereby appointed as Alternate Borough Prosecutor for period of January 2023; and

BE IT FURTHER RESOLVED, that compensation for said Alternate Borough Prosecutor for the period of January 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 be for \$1,800.00, and the Chief Financial Officer has certified that \$1,800.00 is 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.

23-113: AUTHORIZE 2023 TEMPORARY BUDGET EMERGENCY

WHEREAS, N.J.S.A. 40A: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 need exists to expend such funds prior to the adoption of the budget, and;

WHEREAS, the emergency temporary appropriations will be included in its entirety in the final adopted budget;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that based on the recommendation of the Chief Financial Officer, that the following emergency temporary appropriations be made and that a certified copy of this resolution be filed with the Director of the Division of Local Government Services:

WATER FUND:

Capital Outlay

\$1,100,000.00

23-114: AWARD BID TO CALGON CARBON CORPORATION FOR GRANULAR ACTIVATED CHARCOAL TREATMENT EQUIPMENT

WHEREAS, on March 3, 2023, the Borough of Oakland received one (1) bid for the Granular Activated Charcoal Treatment Equipment Project; and

WHEREAS, Calgon Carbon Corporation, 3000 GSK Drive, Moon Township, P.A. 15108, had the lowest responsive and responsible bid with a total bid price of \$1,044,091.00; and

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

WHEREAS, the Chief Financial Officer has certified funds are available in Account #3-05-55-512-000 in the amount of \$1,044,091.00;

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 Calgon Carbon Corporation in the amount of \$1,044,091.00 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.

**23-115: AUTHORIZE GRANT SUBMITTAL FOR FY 2023 STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS LOCAL EFFICIENCY
ACHIEVEMENT PROGRAM (LEAP) FOR FLOW SOLID WASTE AND
RECYCLING COLLECTION FEASIBILITY STUDY**

WHEREAS, the State of New Jersey has allocated \$150,000 within each county for a statewide total of \$3.15 million in Local Efficiency Achievement Program (LEAP) funds to promote innovation among peer local units across New Jersey, and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) administers the LEAP grant program; and

WHEREAS, the LEAP Challenge Grant exists to challenge municipalities and counties to collaborate on more extensive partnership and collaborations to produce efficiencies through shared services; and

WHEREAS, the Borough of Oakland and the Borough of Franklin Lakes and the Township of Wyckoff, have determined to apply for a LEAP Challenge Grant through the State of New Jersey Local Efficiency Achievement Program in the amount of \$50,000.00; and

WHEREAS, the Borough of Franklin Lakes has agreed to be the lead agency in this program; and

WHEREAS, the State of New Jersey has made LEAP grants available to assist local units to study, develop and implement new shared services initiatives; and

WHEREAS, the purpose of the project submitted in this grant application is intended to provide benefits to the participant local units' residents through the sharing of solid waste and recycling collection through the "Improving Shared Services in Northwest Bergen County" 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, that the Borough of Oakland does hereby join with Borough of Franklin Lakes in applying for a LEAP challenge grant to support undertaking this endeavor.

**23-116: AUTHORIZE REFUND OF TAXES TO LINDSEY STRUCK DUE TO
OVERPAYMENT**

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$298.84; 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 \$298.84 to:

Lindsey Struck	Block: 2302
213 Ramapo Valley Road	Lot: 12
Oakland, N.J. 07436	

23-117: AUTHORIZE REFUND OF TAXES TO JOHN & DEBORAH ZOLA DUE TO OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$785.44; 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 \$785.44 to:

John & Deborah Zola	Block: 3001
164 Long Hill Road	Lot: 9
Oakland, N.J. 07436	

23-118: AUTHORIZE REFUND OF TAXES TO LAURICE PARKINS DUE TO OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the amount of \$311.51; 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 \$311.51 to:

Laurice Parkins	Block: 3601
151 Page Drive	Lot: 10
Oakland, N.J. 07436	

23-119: AUTHORIZE GRANT SUBMITTAL TO AARP COMMUNITY CHALLENGE FOR OAKLAND SENIOR CENTER MOBILE COMPUTER LAB AND AUDIO VISUAL UPGRADES PROJECT

WHEREAS, the Borough of Oakland wishes to install a mobile computer lab and camera system at the Oakland Senior Center; and

WHEREAS, AARP has a funding program available through their 2023 AARP Community Challenge Grants Program; and

WHEREAS, the Borough of Oakland wishes to submit an application to help fund the 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, hereby authorize the Borough Administrator or his/her designee to submit a grant application for the 2023 AARP Community Challenge Grants Program.

23-120: AWARD CONTRACT TO ALTITUDE UNLIMITED LTD FOR I.T. MANAGED SERVICES FOR 2023

WHEREAS, the Borough of Oakland is in need of I.T. Managed Services for the Borough main network, Police network and Fire Department; and

WHEREAS, Altitude Unlimited, 1050 Wall St. West, Suite 203, Lyndhurst, N.J. 07071 has State Contract #M-7000 for the services required ; and

WHEREAS, Altitude Unlimited has submitted a proposal for the services required at an annual cost not to exceed \$49,446.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 3-01-20-140-029;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the Borough Administrator to issue and sign the contract to Altitude Unlimited to perform the I.T. Managed Services for the Borough of Oakland at a cost not to exceed \$49,446.00 as specified in their proposal.

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

ORDINANCES:

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 table Ordinance No. 23-CODE-901 and read by title for its first reading.

The Borough Clerk then read by title Ordinance No. 23-CODE-901 entitled, **“AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF OAKLAND RELATED TO FEES FOR RAIN BARREL PROGRAM”**

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

BE IT RESOLVED, that an Ordinance entitled, **“AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF OAKLAND RELATED TO FEES FOR RAIN BARREL PROGRAM”**, be introduced;

That said Ordinance be considered for final adoption at a Borough Council Meeting on Wednesday March 22, 2022 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, Slasinski, Talamini**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

WORK SESSION:

PROPOSAL FOR CONSTRUCTION INSPECTION SERVICES FOR ACORN, BIRCH, AND FLORENCE AVENUES WATER MAIN IMPROVEMENTS PROJECT

Mr. Kunze provided a proposal from Boswell Engineering for Construction Inspection Services for the Acorn, Birch, and Florence Avenues Water Main Improvements Project. Mr. Kunze advised that this project will complete the replacement of water mains in the Pleasureland area neighborhood. This project is in part funded by a CDBG grant. Mr. Kunze advised that a resolution will be added to the March 22, 2023 Borough Council Meeting.

NEW BUSINESS:

No new business reported.

OLD BUSINESS:

Councilman Kulmala asked for an update on the gas main and roadwork. Borough Engineer John Yakimik advised that a number of roads will be repaved in the first week of April. PSE&G still has ongoing work throughout the Borough, and will be paved later on in the year. Mr. Yakimik encouraged residents to drive slowly and avoid potholes as best they can. Mr. Yakimik advised that Boswell Engineering was awaiting a load rating calculation from NJDOT, and further analysis is required by Boswell Engineering. The NJDOT has reviewed and accepted comments on the plans and specifications. Mr. Yakimik advised that Kevin Boswell is in regular contact with the NJDOT Commissioner regarding funding. Mr. Yakimik will follow up with the inspection consultant, and then follow back up with the Governing Body.

COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilman Kulmala: Councilman Kulmala announced the 2023 Arts in Oakland Festival from June 9, 2023 to June 11, 2023 in Veteran's Park. The Arts Committee Poetry Contest is ongoing. The Sustainable Oakland Green Team held a joint meeting with the Shade Tree Commission and Environmental Commission to discuss collaborating on projects and events. The group will focus on the rehabilitation of Stewarts Woods in 2023. The Sustainable Oakland Green Team is hosting a Styrofoam Drive on April 22, 2023 from 9:00 a.m. – 12:00 p.m. at the Borough Hall. It was announced that the Planning Board is working on an architectural standards ordinance that will be presented to the Governing Body in the coming weeks.

Councilman Pignatelli: Councilman Pignatelli read aloud the February 2023 statistics from the Oakland First Aid Squad. It was reported that the Environmental Commission met and is discussing a maintenance plan for Great Oak Park, as well as planting pollinator gardens in 2023. It was added that the Commission has endorsed the Bush Plaza Park Ad-Hoc Committee to apply for the 2023 ANJEC grant program for pollinator plants for Bush Plaza Park. The Environmental Commission is hosting their annual Borough Litter Cleanup on Saturday April 29, 2023 from 9:00 a.m. to 12:00 p.m.

Councilman Saliani: It was reported that the Recreation Commission is hosting the annual parade on June 3, 2023. Summer camp signups are available on the Borough website. Spring sports signups are also available on the Borough website. It was reported that the DPW has inspected Borough owned storm drains, in which 360 need repairs. The DPW collected over 1,000 Christmas Trees. All trees were trimmed and brought to the Borough compost facility. Potholes and street light outages should be reported to the DPW at (201) 337-8111, ext. 3002. It was reported that the Bush Plaza Park Ad-Hoc Committee met and discussed project implementation and fundraising. The Committee is expecting to construct phase #1 in 2023. The Shade Tree Commission has updated the permit documents and will be posted on the Borough website.

Councilman Slasinski: Councilman Slasinski announced that the Communications Commission is seeking volunteers for the Borough Newsletter and TV Committee. Interested volunteers may

contact occ@oakland-nj.org. It was announced that the Oakland Public Library is hosting "Remember the Ladies" on March 23, 2023 at 6:30 p.m., which is an in-person lecture on women's contributions to the American Revolution. The Oakland Public Library has added comics to their digital catalogs online.

Councilman Talamini: Councilman Talamini thanked the Borough Administrator and Chief Financial Officer for their hard work on the Municipal Budget. The Public Events Committee is seeking volunteers.

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, commended the Recreation Commissioners for their hard work and efforts. Mr. Guadagnino commented that \$20,000 to \$30,000 of estimated revenue from Kusala Care LLC will only increase over the years. Mr. Guadagnino thanked the Governing Body for un tabling the resolution and looks forward to the next meeting.

Mame Schwarzfischer of 187 West Oakland Avenue, Oakland, N.J. 07436, commented that Kusala Care LLC will bring in much needed additional revenue to the Borough.

Matthew Goodrich of 72 Hiawatha Boulevard, Oakland, N.J. 07436, asked why the downtown remains in poor condition, and asked the Governing Body to reach out to the utility companies regarding relocating wires behind storefronts. Mr. Goodrich thanked the Governing Body for un tabling the Kusala Care LLC resolution.

Frank DiPentima of 6 Mountain Lakes Road, Oakland, N.J. 07436, encouraged the Governing Body to not pay Boswell Engineering for inspection services for the roadwork as the roads remain in very poor condition, especially following a series of public comments at prior Council Meetings. Mr. DiPentima commented on comparing municipal budgets with surrounding municipalities. Mr. DiPentima asked why Councilman Talamini does not understand the insurance process.

Benjamin Good, Junior Commissioner of the Communications Commission, read aloud the upcoming TV schedule.

Mame Schwarzfischer of 187 West Oakland Avenue, Oakland, N.J. 07436, encouraged the Governing Body to repair the outside grounds of the Van Allen House. Ms. Schwarzfischer suggested alternate parking access.

Andrea Levy of 780 Ramapo Valley Road, Oakland, N.J. 07436, commended the Governing Body for un tabling the Kusala Care LLC resolution, and asked for an official apology from Councilman McCann for his actions at past meetings. Ms. Levy encouraged the Governing Body to act civil to one another. Ms. Levy suggested that Borough Boards and Committees meet amongst one another to

collaborate on projects. Ms. Levy referenced the recent joint meeting of the Environmental Commission, Shade Tree Commission, and Sustainable Oakland Green Team.

Ann Cedar of 33 Winding Ridge, Oakland, N.J. 07436, asked if the Governing Body has taken action on the PFAS Compound Treatment Systems Project. Mr. Kunze advised that the Governing Body awarded the Bid for the treatment equipment at tonight's meeting.

Charles DiPalma of 40 Nokomis Avenue, Oakland, N.J. 07436, asked on the status of the Allerman Brook repairs.

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

ALL IN FAVOR.

Mr. Yakimik advised that the plans and specifications have been sent to the New Jersey Department of Agriculture for review and approval prior to going out to bid for the Allerman Brook Repairs Project. Mr. Yakimik advised that the project is delayed due to permits with the NJDEP. The former Floodplain Manager was handling the environmental permits. Mr. Yakimik is following up with his team on the permitting and pending calculations. Councilman Kulmala asked what action the Borough can take if a professional is not producing or responsive. Mayor Schwager advised that the Borough has since fired the Floodplain Manager.

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, Slasinski, Talamini.**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

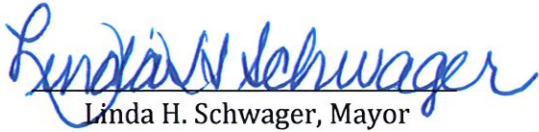
ADJOURNMENT:

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

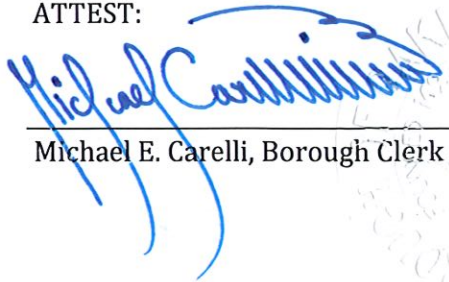
ALL IN FAVOR.

Adjourned: 9:40 p.m.

APPROVED BY:


Linda H. Schwager, Mayor

ATTEST:


Michael E. Carelli, Borough Clerk

