

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD VIA ZOOM VIDEO CONFERENCE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY APRIL 28, 2021

MEETING CALLED TO ORDER: By Mayor Schwager at 7:31 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini. Absent: Councilman Van Eck. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney; John Yakimik, Borough Engineer.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Mayor Schwager announced that this meeting is being held in accordance with the Open Public Meetings Law, duly announced, submitted to the newspaper and advertised more than 48 hours in advance of the meeting and notice posted in the Municipal Building and on the Borough website.

MOTION TO EXCUSE ABSENCE:

On motion of Councilman Kulmala, seconded by Councilman Biale, the absence of Councilman Van Eck be excused.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

MAYOR'S REPORT:

Mayor Schwager announced that FLOW Follies will hold a virtual performance May 7, 8, and 9th and tickets are \$ 10. They invited Ramapo and Indian Hills staff and elected officials to offer words of congratulations to the graduates. Mayor Schwager advised that marijuana is legal in the State of NJ. The Borough must decide what to do in regards to allowing or prohibiting the various licenses. If nothing is done by August 20th, the State can put in what they want. If the Borough prohibits everything, there is still time to amend that. There are various licenses for cultivation, manufacturing, retail, wholesale and delivery that the Borough must decide if they want to allow. Mayor Schwager asked for a committee to discuss this issue. She is asking for 2 or 3 residents who are pro-marijuana and 2 or 3 residents who are against it. She would also like Councilman Van Eck and Councilman Pignatelli on the committee as well as Michael Talucci from the Board of Health. Mayor Schwager announced the Borough's shredding event will be held on May 8th from 9 am to 1 pm. Mayor Schwager spoke about the Patriot's Way Bridge. She spoke about various emails since the fall which indicated the project was moving forward. There was an email from the Borough Administrator on March 22nd advising that Boswell's latest estimate was \$ 3.5 million more than the funding on hand. Mayor Schwager advised that the State inspected the bridge in July and the Borough received a report in February that the bridge was rated satisfactory. At a meeting held on April 15th with representatives of the Ramapo River Reserve, the Borough Engineer announced the bridge was not going to be done this year. No one on the Council knew about this. She advised that the Engineer will speak later on this issue

OPENED FOR PUBLIC COMMENT:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

Larry Baumgarten, 2 Winding Ridge, asked how long the State inspection is good for on the Patriots Way Bridge.

Emily Schultz, 6 Fieldstone Ct., reminded the Council that the issues of the bridge go back before June 2016 yet no progress has been made other than bandaids. She wants to know how the Mayor and Council did not know the bridge was not going to be replaced this year until after that decision was made.

Judith Sullivan, Overlook Ridge, asked if the Borough ever looked into suing the builder. She thought the town had hired another engineer and asked if they could offer assistance.

John Comer, 4 River Dell, asked if the \$ 4 million dollar amount that the Borough was working off of was a budget number or a contract number.

Heidi, Katz, 13 Waters Edge, stated that she didn't think the residents should have to fight for an issue that is a safety issue. She spoke about mismanagement and poor oversight.

Steven Martino, 8 Woods End, stated that the Glen Gray Bridge was replaced quickly and asked why the Patriots Way Bridge is taking so long. He stated that on Glen Gray Road, there is not enough room for two vehicles to pass safely. He asked if anyone has thought about widening the road.

Richard Michaud, 15 River Dell, asked if anyone has put out bids to other engineering firms to do due diligence. He knows that Boswell had a part in the original design of the bridge.

Alice Comer, 4 River Dell, stated she often takes walks under the bridge and the amount of rust is noticeable. She asked if there has been regular maintenance on the bridge.

CLOSED FOR PUBLIC COMMENT:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

Mayor Schwager reiterated that the State did an inspection on the bridge and said it is satisfactory. The State made emergency repairs and assured the Borough the bridge is satisfactory and safe.

APPROVAL OF MINUTES: MARCH 24, 2021

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of March 24, 2021 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski.
Abstain, Councilman Talamini.

APPROVAL OF MINUTES: MARCH 24, 2021 EXECUTIVE

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, the minutes from the Mayor and Council Executive Session of March 24, 2021 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski.
Abstain, Councilman Talamini.

APPROVAL OF MINUTES: APRIL 14, 2021 EXECUTIVE

On motion of Councilman Biale, seconded by Councilman Talamini, the minutes from the Mayor and Council Executive Session of April 14, 2021 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

PROCLAMATION: ARBOR DAY

Mayor Schwager read the following proclamation:

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, I, Linda H. Schwager, Mayor of the Borough of Oakland, do hereby proclaim April 30, 2021 as

ARBOR DAY

In our community of Oakland, I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

APPOINTMENT: GREEN TEAM

Mayor Schwager appointed Nicole Nittoli to a one-year term on the Oakland Sustainable Green Team. The appointment will expire December 31, 2021.

APPROVE BANNER-ARTS AMBLE

On motion of Councilman Biale, seconded by Councilman Pignatelli, approval be granted to hang a banner for the Oakland Arts Amble in Bush Plaza from May 15 to 31, 2021.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

APPROVE BANNER-OAKLAND CELEBRATES PRIDE:

On motion of Councilman Biale, seconded by Councilman Pignatelli, approval be granted to hang a banner for Oakland Celebrates Pride in Bush Plaza during the month of June 2021.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

APPROVE RAFFLE LICENSE RL1401

On motion of Councilman Biale, seconded by Councilman Talamini, approval be granted for Raffle License RL1401 for the Oakland Elks Lodge 2167 to hold an off-premise 50/50 raffle on June 12, 2021.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

APPROVE RAFFLE LICENSE RL1402:

On motion of Councilman Biale, seconded by Councilman Kulmala, approval be granted for Raffle License RL1402 for the Oakland Education Foundation to hold a calendar raffle for the month of June, 2021.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

NOISE VARIANCE REQUEST:

On motion of Councilman Slasinski, seconded by Councilman Kulmala, approval be granted to Nick DeRoda for a noise variance request in order to have a live band perform at 57 Walnut Street on 5/30/21 (with a rain date of 5/31/21) between the hours of 3pm and 7pm.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini

PUBLIC HEARING ON BUDGET AS INTRODUCED:

OPENED FOR PUBLIC COMMENT:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

No comments made.

CLOSED FOR PUBLIC COMMENT:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

CFO David Young advised that the budget was amended because the Borough received a \$ 300 Clean Communities mini grant so that was added to revenues and appropriations.

Motion to Amend Budget:

On motion of Councilman Talamini, seconded by Councilman Slasinski, the budget be amended to include the Clean Communities mini grant in the amount of \$ 300.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

RESOLUTION 21-174 ADOPTION OF BUDGET

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

BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$15,033,284.45 for municipal purposes, and
- (d) 217,354.16 Open Space, Recreation, Farmland and Historic Preservation Trust Levy
- (e) \$ 873,712.00 Minimum Library Tax

SUMMARY OF REVENUES

1. <u>General Revenues</u>	
Surplus Anticipated	\$ 1,925,000.00
Miscellaneous Revenue Anticipated	\$ 3,487,869.14
Receipts from Delinquent Taxes	\$ 10,000.00
2. Amount to be Raised by Taxation for Municipal Purposes	\$ 15,033,284.45
3. Amount to be Raised by Taxation for Schools Type I	\$ 0.00
4. Amount to be Raised by Taxation for Schools Type II	\$ 0.00
5. Amount to be Raised by Taxation – Library Levy	\$ 873,712.00
Total Revenues:	\$ 21,329,865.59

SUMMARY OF APPROPRIATIONS

6. <u>General Appropriations</u>	
Within "CAPS"	
(a&b) Operations including Contingent	\$ 14,033,843.45
(e) Deferred Charges and Statutory Expenditures	\$ 2,160,351.00
(a) Operations	\$ 1,272,436.14
(c) Capital Improvements	\$ 1,130,000.00
(d) Municipal Debt Service	\$ 2,278,235.00
(e) Deferred Charges – Municipal	\$

(m) Reserve for Uncollected Taxes	\$ 455,000.00
Total Appropriations	\$ 21,329,865.59

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

RESOLUTION 21-175 REFUND OF TAXES DUE TO OVERPAYMENT BLOCK 4503, LOT 14

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

WHEREAS, the Borough of Oakland has received a request from Eric & Jennifer Rozenblat, Oakland, NJ for a refund of taxes due to an overpayment; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon advice of the Tax Collector, do hereby authorize a refund as follows:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
4503/14	37 Nokomis Ave.	\$ 3,383.63

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

RESOLUTION 21-176 AUTHORIZE GRANT SUBMITTAL-T-MOBILE

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

WHEREAS, the Borough of Oakland wishes to make application for the T-Mobile Hometown Techover contest;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the submittal of an application to T-Mobile.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

RESOLUTION 21-177 HIRE SEASONAL LABORERS

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

BE IT RESOLVED that the Mayor and Council hereby authorize the hiring of the following seasonal laborers for the Department of Public Works:

NAME	EFFECTIVE DATE	SALARY
Peter Arvanitis	June 28, 2021	\$ 13.00/hour
Nicholas Raezkowski	June 28, 2021	\$ 13.00/hour

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

WORK SESSION:

GOVERNING BODY BYLAWS:

Mayor Schwager suggested carrying this because Councilman Van Eck is not in attendance. Councilman Pignatelli stated that he has been working on these bylaws prior to Covid and there have been more revisions made. He thinks it is time they should be adopted. The Borough Attorney advised they can be adopted under New Business.

5G ORDINANCE:

Mr. Kunze advised that this is an emerging issue. There are various cell providers that are touting 5G service which gives the ability to transmit more data than 4G but it is at the expense of a shorter cell signal. This will lead to more antenna sites the bulk of which will be mounted on existing utility poles in the Borough Right-of-Way. The Borough has a responsibility to manage these sites. An ordinance that conforms with the latest FCC rules has been drafted for consideration. Therefore, an ordinance will be in place when carriers want to come into the Borough to put in 5G. He explained this is a source of revenue with annual recurring fees. Mr. Kunze explained that they are proposing retaining a consultant to assist with review of these applications. The consultant's fee will be paid through escrow.

Mayor Schwager asked if there will be more poles. Mr. Chewcaskie responded that the FCC has adapted regulations to provide for a more rapid roll out of 5G communications. There is no colocation for 5G so each carrier could have their own pole. The ordinance that has been crafted addresses locations, aesthetics and a fee structure. The Borough can regulate what is happening consistent with FCC requirements and utilize the consultant to review applications. Councilman Kulmala asked how this will affect Ramapo River Reserve where the utilities are underground. Mr. Chewcaskie responded the 5G carriers will put in poles. Councilman Kulmala asked if the poles could be aesthetically pleasing. Councilman Talamini asked if anyone has been asking about health issues. Mr. Chewcaskie advised that FCC regulations indicate they have reviewed the health issues. The consultant that the Borough will hire can monitor radio frequency. The consultant will be paid from fees collected by the carriers. The consultant will make recommendations to the Governing Body and the Governing Body will approve the applications.

ORDINANCE PROHIBITING MARIJUANA:

Councilman Kulmala stated that Franklin Lakes will be outright banning marijuana. He explained that an outright ban protects the Borough. He had asked the Borough Attorney to create an ordinance to prohibit marijuana. She stated that once the Borough bans marijuana, it would lose out on the revenue from cultivation. She explained about the different classes of licenses.

NEW BUSINESS:

Mayor Schwager had a virtual meeting with the Superintendent of Schools, School Business Administrator and members of the School Board. She explained that only 4% of registered voters voted in the school election and Mayor Schwager wanted to know the cost of having the election in April. The Regional school board votes in November as well as Franklin Lakes and Wyckoff. She explained that the Council can change the vote to November. She asked the Superintendent to set up a virtual meeting between the Board of Education and the School board. Mayor Schwager asked them for the figures for the last five years in preparation for this joint meeting. Councilman Pignatelli advised that if the election is moved to November and the budget is under 2%, then no one votes on the budget. He would rather see the public have the ability to vote. Mayor Schwager is asking for a public meeting in order to hear from the public.

Councilman Kulmala asked to introduce an ordinance to ban marijuana.

INTRODUCTION: ORDINANCE NO. 21-CODE-828 PROHIBIT MARIJUANA

The Clerk was directed to take from table Ordinance No. 21-Code-828 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Code-828 entitled: " AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF OAKLAND WITH A NEW CHAPTER ENTITLED "CHAPTER 8, CANNABIS, PROHIBITION OF ALL CLASSES OF BUSINESSES" SO AS TO PROHIBIT THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF OAKLAND AND FURTHER TO SUPPLEMENT CHAPTER 59 ENTITLED "LAND USE AND ZONING", ARTICLE VII "ZONING", SECTION 59-45 ENTITLED "REGULATIONS APPLICABLE TO ALL ZONES" SO AS TO PROHIBIT THE USE BY ANY CLASS OF LICENSED CANNABIS BUSINESSES UPON ANY PREMISES IN ANY ZONE OF THE BOROUGH OF OAKLAND"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Amend And Supplement The Code Of The Borough Of Oakland With A New Chapter Entitled "Chapter 8, Cannabis, Prohibition Of All Classes Of Businesses" So As To Prohibit The Operation Of Any Class Of Cannabis Business Within The Geographical Boundaries Of The Borough Of Oakland And Further To Supplement Chapter 59 Entitled "Land Use And Zoning", Article VII "Zoning", Section 59-45 Entitled "Regulations Applicable To All Zones" So As To Prohibit The Use By Any Class Of Licensed Cannabis Businesses Upon Any Premises In Any Zone Of The Borough Of Oakland, Be Introduced;

That said Ordinance be considered for final adoption at a meeting on May 26, 2021 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before May 12, 2021 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

Discussion ensued. Councilman Pignatelli stated by banning marijuana now, the Council reserves the right to amend later once all the rules and regulations are promulgated. He stated this must be done now because the ordinance must go to the Planning Board review and then will come back to the Council for adoption and it would be cutting it close to the deadline. He stated that the Council should not adopt an ordinance before knowing what the regulations are going to be. He would encourage a cautious approach and ban it now. Councilman Biale stated he has spent hours listening to webinars on marijuana. Everyone says the State is putting the cart before the horse. The State is putting a deadline on municipalities to make a decision and then the State says the rules will take six months or longer. He agrees with Councilman Pignatelli to ban marijuana now and then it opens the door in the future when the rules come out.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

Mayor Schwager is still interested in forming a committee.

Mayor Schwager got kicked off the zoom meeting. While waiting for her to reconnect, Council President Kulmala asked for Council reports.

COUNCIL REPORTS:

Councilman Pignatelli advised that during the month of March, the Police had 546 motor vehicle stops which resulted in 554 summonses and three arrests for DWI. During the first week of April, the “You Drive, You Text, You Pay” campaign took place. Throughout the week, 14 details were held and 40 summonses were issued. The Oakland Police Department held this campaign to raise driver awareness. The Senior Center Fit 4 Life and Zumba programs will resume in-person in May. Bingo will be held May 20th and pre-registration is required. The first social distance barbecue will take place on June 22nd and will cost \$ 12 per person. Book Club will be held May 27th. The Environmental Commission met April 6th and members can take courses available through ANJEC. The grant request was submitted for the GIS mapping project at Great Oak Park. The County will clean up Camp Tamarack which has been an eyesore for years. The Board of Health met and notices were sent to residents who have not renewed their maintenance agreement for the septic system. Councilman Pignatelli asked the Board of Health members to send their opinions on marijuana.

Councilman Biale: The Water Department employees are performing operations and maintenance tasks for the Water Accountability Act. Employees will be exercising main line valves and inspecting fire hydrants. The entire water system will be inspected for subsurface leaks. The Skyview lining project bid is out. The Borough is trying to get easements with 5 or 6 residents who have built sheds over the manholes. The bid opening will be held May 18th. The project will include 4080 feet of sewer liner and 1215 feet of root control treatment to decrease the chances of roots growing back once the pipes are lined. The IBank finished their review of the Borough’s request for funding for the sewer decommissioning project. The IBank is requiring additional language and forms be added to the bid package. They are requiring the Borough to award a contract for construction and inspection services which will be done at the May 12th meeting. The Borough Engineer received the shop drawings for the electronic sign. Regarding the Ramapo Valley Road sidewalk project, letters were sent to some residents to have access to their property for the project. The DPW is repairing potholes. They asked residents to call the DPW to report potholes. The DPW has repaired over 550 potholes in March and April. The DPW has trenched and installed electrical conduit for the electronic sign. Councilman Biale advised that he and the Mayor believed the bridge project was on course until this email at the end of March about the increased cost. He and the Mayor were unaware the project was not getting done this year. Councilman Biale advised that a former Council person, Francis Tangle, passed away. He moved to Oakland in 1967 and served on the Oakland Council and the Rotary Club.

Mayor Schwager re-entered the meeting.

Councilman Slasinski: The Library applied for a grant but was not awarded the grant. The State might have another grant round so they will reapply. The Library is reminding residents to use the ProQuest system. The Library is working on summer reading programs. They are having a tent erected on Saturday for holding events in the spring and summer.

Councilman Talamaini: He thanked the Finance Committee for all their hard work on the budget. He and the Mayor attended a meeting with the Superintendent to discuss the school election. Councilman Talamaini stated his opinion is that it is the school’s decision when to hold their

election. On May 17th, the K-8 students go back to school full-time. The students have the option to remain virtual. Councilman Talamini advised that although the school budgets are 60% of your taxes, residents can only vote on the local school budget. He congratulated FLOW Follies and the graduating classes of Indian Hills and Ramapo. The Public Events Committee asked for an update on the carnival.

Mr. Kunze advised that he had conversations with Chairman Chopper Russo. Chopper forwarded the COVID protocols from the ride vendor. He also sent the State Department of Health guidelines to run carnivals. Mr. Kunze's conversation with Chopper was that Public Events needs to ascertain how many of the 501c3 organization are willing to participate. He also told Chopper that the Public Events Committee needs to craft an operation plan in conformance with the State guidelines to make sure the event is viable. Mr. Kunze spoke of sanitizer stations, how the bathrooms are modified, how to address the flow of people and transportation among the things that need to be addressed. Mr. Kunze is reviewing the ride and fireworks contracts to see if there is an escape clause in case the event cannot be pulled off. Mr. Kunze did relay to Mr. Russo that the Mayor and Council want to hold the event if feasible.

Councilman Biale congratulated everyone who participated in FLOW Follies and congratulated the graduates of Indian Hills and Ramapo High schools.

Councilman Kulmala: The Dog Park grand opening will be held on May 8th at 1 pm with a raindate of May 9th at 1 pm. People need to RSVP if they are going to attend. The fee to use the dog park is \$ 10 for residents and \$ 20 for non-residents. The fees will go toward the maintenance of the dog park in the future. The Green Team had an invasive species removal at Truman Blvd. They planted 300 trees for Roots for Rivers at Great Oak Park. This weekend there will be Roots for Rivers planting of 250 trees at Roosevelt Blvd. The Green Team held a successful plant swap. The Community Garden ribbon cutting was held two weeks ago. There is one plot available. All the vegetables grown in the Green Team plots will be donated to the Ponds Church food pantry.

NEW BUSINESS:

Councilman Pignatelli advised that he would like to move forward with approval of the bylaws since he has been working on this for a couple of years.

MOTION TO ADOPT BYLAWS:

On motion of Councilman Pignatelli, seconded by Councilman Biale, the Governing Body bylaws be adopted.

Councilman Kulmala asked that this be included for approval each year at the reorganization meeting. Mayor Schwager advised that the changes include the meetings have to end at 10:00 unless the majority of the Council members vote to extend the time. The other change is that the first open to the public is for agenda items only.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

Mayor Schwager thanked everyone who has worked on these bylaws the past few years.

OLD BUSINESS:

Patriots Way Bridge:

Mr. Yakimik advised if there was a breakdown in management, it was with Boswell. Mr. Yakimik misunderstood communications from the Borough Administrator and thought a decision was made against moving forward with the bridge given the higher cost estimate. Mr. Yakimik

apologized to the Mayor and Council for causing any angst. He thought a decision has been made but it seems this must still be discussed by the Council. He explained that when the cost estimate was originally prepared, it was a budget number. He explained that when a preliminary estimate is prepared, there are no design plans yet. Boswell knew the superstructure had to be replaced with a concrete type of superstructure. However, there were many unknowns. One of the residents brought up the Glen Gray Bridge. That is a similar bridge to the Patriots Way Bridge. When Boswell prepared the preliminary estimate, they took the cost for the similar bridge and extrapolated to current costs and size. The Patriots Way Bridge is three times longer than the Glen Gray Bridge. Boswell looked at other items that were different from the Glen Gray Bridge such as the critical utilities that are on Patriots Way Bridge. At the time of the preliminary estimate, Boswell did not know how the utilities would be supported or relocated. Mr. Yakimik explained that they try to estimate on the high end but admittedly, they did not estimate high enough. Mr. Yakimik advised that when they got into the details of the final design and devised a scheme for a temporary bridge to house the utilities, they found that the original estimate was not good. Mr. Yakimik further advised that due to COVID, steel prices have gone up and that is also contributing to the higher cost estimate. Boswell is delving into the estimate and looking at things that can be tweaked.

Mr. Yakimik advised that the bridge report is good for two years. The bridge is inspected every two years by the State. He explained there have been multiple requests for other engineers to partner with this bridge. He stated another idea would be to have contractors examine the estimate. He explained that this is not a cookie cutter bridge and the utilities make it complicated. Mr. Yakimik stated a resident asked if the report by the State can be critiqued. He stated that while it is in the comment period, the Borough can question the satisfactory rating. Mr. Yakimik stated a resident questioned the rust and if there is regular maintenance. He stated that they have been addressing the rust on the bridge for several years through band aids and by getting the superstructure replaced. If the Council decides not to move forward, maintenance can be done to ensure residents who walk under the bridge won't get rust falling on them.

Mayor Schwager advised that one question was missed and that was about going after the original builder of the bridge. Mr. Chewcaskie stated this goes back to the 1980's. This was looked at when the Borough determined it had to replace the bridge whether we could seek relief from the builder or the bridge manufacturer. The issue was the manufacturer at the time said this was the appropriate bridge to use at the time but it turned out not to be appropriate. There are statutes of repose which say that action must be taken within ten years. The time period has passed. The County also looked at bringing action against the builder with the Glen Gray Bridge. Mr. Chewcaskie reiterated that the time period to seek responsibility from the builder or manufacturer has passed.

Councilman Pignatelli stated that they were told the builder at the time suggested this bridge because they said the steel would weather. Mr. Yakimik stated the term is called weathering the steel. The concept at the time was that the steel would rust and the rust would form a protective coating on the steel and it wouldn't have to be painted. Unfortunately, for bridges over waterways, the damp conditions cause the rusting to advance much quicker than a weathering steel bridge over a road. The DOT subsequently banned weathering steel bridges over waterways. He explained that the rust is causing this bridge to corrode. The band aid from the State addressed the most critical problems. Councilman Talamini asked if Mr. Yakimik has any indication that the bridge would get another satisfactory rating in two years. Mr. Yakimik responded that it depends on the individuals doing the inspection.

Mayor Schwager stated that there is an additional \$ 1 million required for the bridge. If the Council desires, they can bond the additional amount. The Council has to meet and discuss this. Councilman Kulmala stated he is infuriated with what happened. He stated back in December, the Council bonded for this project. There was a bridge inspection that took place last year and we were only give the report in February. No one on the Council knew any of this information. Last week, the Mayor went to a meeting with the Board of the Ramapo River Reserve. Councilman Kulmala asked how come the Mayor didn't inform him as Council President that this job was over by \$ 1 million and that he had to hear it from residents. Mayor Schwager stated that she went to this meeting to confirm the timeline and she finds out from the Engineer, not the DPW or Finance Committee or the Borough Administrator, that the bridge project was not going to be done this year. She was blindsided and is frustrated and embarrassed. It would have been courteous if the Governing Body was told of the situation. She stated there needs to be an Executive session on personnel to talk about this matter.

Councilman Kulmala stated a courtesy phone call to the Council should have been made. The residents have lost trust in this Governing Body. He wants to set up a meeting with Ramapo River Reserve. Mayor Schwager stated that the Council must talk about this first before a meeting can be held with the residents of Ramapo River Reserve. She stated that none of this was brought up by Finance. Councilman Kulmala wants a meeting next week to discuss this. Councilman Biale asked where we stand with the DEP permits for the project. Mr. Yakimik stated that we have not received permits yet. They are pleading with the State to get the permits within the next two weeks because of the need to move the gas main over the summer. Councilman Talamini asked if Boswell's estimate that was over by \$ 1 million was firm. Mr. Yakimik responded that Boswell is still sharpening their pencils. Mayor Schwager asked if the CFO was made aware of the shortage. Mr. Kunze responded he spoke with Mr. Young about it. Mayor Schwager asked if the Council were to bond for \$ 1 million if they have to put up \$50,000. Mr. Young responded that was correct. He explained that the intent was to address this in the Capital plan once the budget was adopted. He stated there is enough in the Capital Improvement fund balance to cover the amount if that is the direction of the Council. Discussion ensued over a date to meet and discuss. The consensus was to hold an Executive session on May 5th at 7 pm.

Councilman Pignatelli asked if the Council comes up with a solution to the additional funding within the next month, would the bridge project be able to be done this year. Mr. Yakimik responded that the critical component is the gas main. The gas main has to be back in service by October. Perhaps we can call P.S.E. & G. to help with relocation. Councilman Pignatelli asked when a decision needs to be made in order to move forward with the project this year. Mr. Yakimik will answer that at next week's meeting. Mayor Schwager asked if it was possible to have a draft bond ordinance for next week to review. Mr. Young will reach out to bond counsel. Councilman Kulmala stated we are going to get a bond ordinance and we are not even sure of the amount. Mayor Schwager responded it would be a draft so the Council can be prepared since there is a time issue. Mr. Yakimik is going to work on getting the permit which was supposed to be here in April. She stated someone can call P.S.E. & G. about the gas main so the Council can be prepared if they decide to move forward. She asked Mr. Young to give financial information to the Council and she asked Mr. Yakimik to have a timeframe.

Councilman Biale asked about the stimulus money and the Borough could take the money for the project after it goes out to bid. Mr. Kunze responded that the Borough just filed for a transportation grant with Congressman Gottheimer's Office. He explained that they are working with Senator Schepisi's office to get additional funding. They reached out to the DOT to see if there was any additional funding. In terms of the ARP money, the Department of Treasury has until May 11th to promulgate rules and regulations on the use of the money. Councilman Kulmala

asked if we put in for another grant with the DOT for the bridge. Mr. Kunze responded that the feedback from the DOT was not encouraging for another application. He advised that they asked the DOT about using money from the County's bridge fund. The DOT advised that the Borough needs to ask the County for permission. Councilman Biale stated it would be good to contact the County. Councilman Kulmala will make some phone calls.

Mayor Schwager advised that everyone should be prepared for next week's meeting. Councilman Talamini asked if it was an Executive session. Mayor Schwager responded it was because of personnel matters.

OPENED FOR PUBLIC COMMENT:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

Emily Schultz, 6 Fieldstone, stated this bridge situation has been kicking around for six years. She doesn't understand how something can be bonded for and not be on the spectrum for the work to be done. She asked where the money was for the bridge and asked about the bond from December. She asked if the bridge was included in the budget that was just passed.

Judith Sullivan, Overlook Ridge, stated she was not talking about the statute of repose for the builder but was talking about a breach of contract. Regarding next week's meeting, the issue is not predominantly based on personnel so this discussion should not all be in Executive Session. The discussion of the bond should take place in public. She suggested creating an ad-hoc committee with residents so these people can transmit information to their neighborhoods.

Ann Cedar, 33 Winding Ridge, asked who was supposed to inform the Council that the project was short funding. She asked if the issue was the shortfall of funding or was it the missing permits or are there other issues that need to be resolved to get this bridge done. She asked if this \$ 1.3 million shortfall had not come up, if the project would have been fully-funded. She stated that every meeting on the bridge should be public.

Steven Martino, 8 Woods End, asked if any cell tower put up in Ramapo River Reserve can be put by the water tower.

CLOSED FOR PUBLIC COMMENT:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

Mayor Schwager stated that there must be an Executive session next week for personnel. However, if the Council wants the meeting to be opened to the public, she asked for someone to make a motion.

Motion:

On motion of Councilman Biale, seconded by Councilman Kulmala, the meeting on May 5, 2021 be opened to the public following Executive Session.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

Mr. Chewcaskie stated the Council was in violation of the new bylaws.

Motion to Extend Time:

On motion of Councilman Pignatelli, seconded by Councilman Talamini, the meeting be extended past the 10:00 deadline.

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

BILLS TO BE PAID:

On motion of Councilman Talamini, seconded by Councilman Biale, 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: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

MEETING ADJOURNED:

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

ROLL CALL: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini.

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk
May 26, 2021

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager