

BOROUGH OF OAKLAND
Borough Council Meeting
MEETING MINUTES

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

November 9, 2022 – 7:00 p.m.

MOVE TO EXECUTIVE SESSION:

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

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

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

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

1. The public shall be excluded from discussion of action upon the herein after specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Personnel;
 - b. 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: Ayes: Kulmala, McCann, Pignatelli, Saliani, Slasinski, Talamini
 Nays: None
 Abstain: None
 (6 ayes – 0 nays – motion carried)

Meeting of the Borough of Oakland Mayor and Borough Council opened on the above date at 7:00 p.m. in the Oakland Council Chambers, 10 Lawlor Drive, Oakland, N.J. 07436.

Mayor Linda H. Schwager presiding.

ROLL CALL: Present: Mayor Linda H. Schwager, Councilmembers Kulmala, McCann, Pignatelli, Saliani, Slasinski, Talamini.

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

Absent: None.

SALUTE TO THE FLAG AND MOMENT OF SILENCE

Mayor Linda H. Schwager announced that proper notice of this meeting was made as to time, date, place, and agenda.

MAYORS REPORT:

Mayor Schwager announced a Veterans Day Ceremony on Friday November 11, 2022 at 11:00 a.m. in Veterans Park. Should there be inclement weather, the ceremony will be moved indoors at the American Legion Post 369. The Public Events Committee is hosting the Christmas Tree and Menorah Lighting Ceremony on December 4, 2022 in Veterans Park. The Public Events Committee will be decorating the Bergen County Winter Wonderland Tree in Van Saun Park. Mayor Schwager congratulated John McCann and Kevin Slasinski on their election win and thanked them for a non-negative campaign. It was announced that Optimum Channel 77 will be upgraded to high definition on November 15, 2022. Call customer service should you need to upgrade your SD box.

OPEN PUBLIC COMMENT:

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

ALL IN FAVOR.

Kevin Heffernan of 40 Grove Street, Oakland, N.J. 07436, provided statistics regarding Historic Preservation Commissions/Committees in the State of New Jersey. Mr. Heffernan provided a handout regarding the pros and cons of a Commission versus a Committee. Mr. Heffernan encouraged the Governing Body to establish a Historic Preservation Commission.

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

ALL IN FAVOR.

PRESENTATION AND DISCUSSION ON CANNABIS CULTIVATION LICENSE:

Mayor Schwager introduced the Borough's Cannabis Counsel Mr. Ron Mondello. Mr. Mondello introduced himself and explained the process of Cannabis licensing. The applicant is seeking a resolution of support from the Governing Body, which is required to obtain a license from the State Cannabis Regulatory Commission.

George Lutfey and Justin Lee introduced themselves as the co-owners of Kusala Care LLC. Mr. Lee explained their company's cultivation process called microbial loop. Mr. Lutfey explained that the company is a microbusiness, which means that they operate in less than 2,500 sq. ft. and 50% of the company's owners must live in the Borough of Oakland or a surrounding town. Kusala Care LLC is also a social equity business, in which all employees have previous entanglements with cannabis law. Mr. Lutfey explained that their company wants to collaborate with other businesses. Mr. Lutfey explained that their company wants to destigmatize and educate the community via social media, seminars, and classes. Mr. Lee explained their intention to host community cleanups and work with the Sustainable Oakland Green Team on projects and educational programs. Mr. Lee presented their security plan, which involves cameras, adequate lighting, and locks. Mayor Schwager asked if security guards are on site. Mr. Lee advised that security guards would be on site during hours of operation. Mr. Lee advised that they estimate producing 600 pounds per year. Councilman Pignatelli asked for the owners past business experience. Mr. Lee and Mr. Lutfey explained their prior business and professional experience. Mr. Lutfey advised that Kusala Care LLC's projected revenue is \$1.5 million gross, with the Borough eligible for 2% of the gross revenue. Mr. Lee explained that their company put in a waiver request for trucking in their own water. It was explained that their proposed water usage is much less than the average homeowner due to their regenerative water recycling process. Councilman Pignatelli asked who enforces the premises. Mr. Mondello stated that the enforcement is the Borough's responsibility. Mr. Mondello advised that if the company changed to a larger facility, that they would have to come forth to the Governing Body for approval given that demand far exceeds supply. Mr. Mondello advised that if there is an issue with odor on the premise, that Kusala Care LLC. may have to increase their equipment to remediate any potential issues. Councilman McCann asked what happens if the company cannot resolve any potential issues such as odor or alike. Mr. Mondello advised that the Borough has the right to revoke the local license. Councilman Pignatelli suggested that the Borough designates a local enforcement issue. Mr. Kunze advised that it depends on the nature of the complaint. Councilman Kulmala asked if the license could have conditions. Mayor Schwager confirmed that Kusala Care LLC holds a conditional license until the Borough provides a resolution of support. Mr. Mondello advised that an entity would have to renew their license each year. Mr. Lee advised that they will file an amendment to remove the verbiage regarding delivery in their application, as it is not their intention to provide delivery services. Mr. Mondello advised that he is not concerned about the owners' inexperience in running a cultivation business. Mr. Mondello further advised that should Kusala Care LLC want to expand to tier #1, they would have to prove to the Cannabis Regulatory Commission that their demand far exceeds supply, although Kusala Care LLC must come forth to the Governing Body as well. Mayor Schwager read Resolution #22-290 in full as follows:

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

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.

On motion of Councilman McCann, seconded by Councilman Kulmala, Resolution #22-290 be tabled.

ROLL CALL: Ayes: Kulmala, McCann, Slasinski, Talamini
Nays: Pignatelli, Saliani,
Abstain: None
(4 ayes – 2 nays – motion carried)

Mr. Mondello advised that Kusala Care LLC will apply to the State Cannabis Regulatory Commission for an extension, and should the State not grant an extension, they will have to refile in full.

On motion of Councilman Kulmala, seconded by Councilman Saliani, the Governing Body will enter into a five (5) minute recess.

ALL IN FAVOR.

APPROVAL OF MINUTES:

October 26, 2022

Councilman Pignatelli set forth the motion, seconded by Councilman Slasinski, to approve the above listed minutes as read.

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

October 26, 2022 Executive Session

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

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

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS:

APPOINTMENT TO ENVIRONMENTAL COMMISSION:

Councilman Pignatelli set forth the motion, seconded by Councilman Kulmala, to appoint Jo-Ann Orzo Ashkenazi as an unexpired Alternate 1 Commissioner for the Oakland Environmental Commission, with a term expiration date of December 31, 2022.

ROLL CALL: Ayes: Kulmala, Pignatelli.
Nays: McCann, Saliani, Slasinski, Talamini.
Abstain: None.
(2 ayes – 4 nays – motion not carried)

**AUTHORIZE RAFFLE LICENSE #RL1442 FOR MIDLAND PARK ELEMENTARY SCHOOL
PARENT TEACHER ORGANIZATION FOR ON-PREMISE 50/50 CASH RAFFLE ON
NOVEMBER 19, 2022 AT HOLIDAY BOWL, 29 SPRUCE STREET, OAKLAND, N.J. 07436:**

Councilman Pignatelli set forth the motion, seconded by Councilman Saliani, to approve Raffle License #RL1442.

ALL IN FAVOR.

RESOLUTIONS – CONSENT AGENDA:

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

**22-285: AUTHORIZE GRANT AGREEMENT FOR BERGEN COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT CDBG-CV PHASE III FOR SENIOR CENTER
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 \$11,000.00 in 2022 Community Development Block Grant funds for Oakland Senior Center 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.

**22-286: AUTHORIZE GRANT SUBMITTAL TO BERGEN COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT CDBG-CV PHASE IV FOR SENIOR CENTER
OUTDOOR FURNITURE**

WHEREAS, a Bergen County Community Development Grant of \$13,000.00 has been proposed by the Borough of Oakland for Oakland Senior Center Outdoor Furniture in the Borough of Oakland; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Oakland; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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

**22-288: AUTHORIZE STRATEGIC PLAN SUBMITTAL TO BERGEN COUNTY
DEPARTMENT OF HEALTH SERVICES FOR FY24 MUNICIPAL ALLIANCE
PROGRAM**

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Bergen;

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

1. The Borough Council does hereby authorize submission of a strategic plan for the Oakland Municipal Alliance grant for fiscal year 2024 in the amount of:

DEDR	\$4,507.18
Cash Match	\$1,126.80
In-Kind	\$3,380.39

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**22-289: AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING
SERVICES FOR 2023 ROAD RESURFACING PROGRAM**

WHEREAS, there is a need for Engineering Services for the 2023 Road Resurfacing Program; and

WHEREAS, Boswell Engineering has submitted a proposal dated October 24, 2022 for the engineering services required at a total cost not to exceed cost of \$23,500.00, broken down as follows:

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-885-701 for \$23,500.00; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council hereby authorize Boswell Engineering to perform the engineering services for the 2023 Road Resurfacing Program at a cost not to exceed \$23,500.00;

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

22-291: AUTHORIZE LIEN ON 81 LAKEVIEW TERRACE

WHEREAS, the Borough of Oakland Property Maintenance Officer has advised that the property located at 81 Lakeview Terrace and identified as Block 2518 Lot 16 on the Tax Assessment Map of the Borough of Oakland was in violation of the Borough's property maintenance code; and

WHEREAS, the property owner of the premises was notified by the Borough on several occasions respecting the condition of the property and the need to remedy same consistent with the requirements of the Borough's property maintenance code 10-3.1 et seq.; and

WHEREAS, the Borough was compelled to provide labor and expend significant costs totaling \$305.60 in order to clean up the property at 81 Lakeview Terrace; and

WHEREAS, the property maintenance code of the Borough of Oakland permits the imposition of the lien in the nature of additional taxes in such case; and

WHEREAS, a report dated October 25, 2022 detailing the work performed and expenses incurred has been provided to the Borough Administrator who has approved the cost and expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland that the Tax Collector be and is hereby directed to charge as additional real property taxes to the owner of the property located at 81 Lakeview Terrace the sum of \$305.60 being the amount due pursuant to the report dated October 25, 2022.

BE IT FURTHER RESOLVED, that a copy of the report and this resolution approving the expenses and costs shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection of same.

BE IT FURTHER RESOLVED, that a copy of the report, along with a certified copy of this resolution, shall be sent to the owner of the property of 81 Lakeview Terrace by certified mail, return receipt requested.

BE IT FURTHER RESOLVED, that the Tax Collector shall take whatever actions are necessary and reasonable in accordance with statutory law.

22-292: AUTHORIZE TRANSFER BETWEEN BUDGET APPROPRIATIONS

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

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

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of such funds during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough 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 Current Fund budget:

<u>CURRENT FUND:</u>		<u>FROM:</u>	<u>TO:</u>
2-01-25-240-014	Police Overtime	<u>\$17,000.00</u>	
Sub-total		\$17,000.00	
2-01-26-310-024	Bldg &Gr Park & Rec Facility Maint		\$7,500.00
2-01-26-310-026	Bldg &Gr Repairs & Maint		\$7,500.00
2-01-20-120-021	Mun Clerk – Print Advertising		<u>\$2,000.00</u>
Sub-total			\$17,000.00

22-294: RENEW SHARED SERVICE AGREEMENT FOR LENDING OF VEHICLES AND EQUIPMENT

BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland that the Borough shall renew the Shared Services Agreement “Lending of Vehicles and Equipment” with the Borough of Franklin Lakes and the Township of Wyckoff, for a one-year term to expire on December 31, 2023 with an automatic one-year renewal option; and

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

22-295: AUTHORIZE UECA AGREEMENT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR INTERSTATE 287 IMPROVEMENT PROJECT

WHEREAS, the New Jersey Department of Transportation will undertake the design and construction of Interstate 287, Route 202 to the Ramapo River located in Montville Township, Kinnelon Borough, Pequannock Township, Riverdale Borough in Morris County; Bloomingdale Borough, Pompton Lakes

Borough, Wanaque Borough in Passaic County; and Oakland Borough in Bergen County, hereinafter called the "Project"; and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation, and/or adjustment of facilities of the existing water and sewer system which is owned and operated by the Utility; and

WHEREAS, the Utility's legal right to occupy public right-of-way, subject to the conditions imposed by the State, is in no way mitigated by the Agreement; and

WHEREAS, Utility is not obligated by State law or agreement to relocate its own facilities as its own expense for this type of Project; and

WHEREAS, the provisions of the State's Accommodation of Utilities within Highway Right of Way N.J.A.C. 16:25 and Code of Federal Regulations, 23 C.F.R. 645, Subpart B are applicable;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Clerk is hereby authorized to execute the Municipal Utility Engineering and Construction Agreement for the Interstate 287, Route 202 to Ramapo River Project with the New Jersey Department of Transportation, in the form attached hereto.

**22-297: AUTHORIZE GRANT AGREEMENT FOR BERGEN COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT CDBG FY22 FOR RIVER ROAD
IMPROVEMENTS**

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 \$101,331.50 in 2022 Community Development Block Grant funds for the River Road Improvements Project;

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.

**22-298: AUTHORIZE CHANGE ORDER #1 FOR OAKWOOD KNOLLS, CHAPEL HILL,
SKYVIEW/HIBROOK TREATMENT PLANTS DECOMMISSIONING
PROJECT**

WHEREAS, a contract was awarded to Pacific Construction in the amount of \$5,531,500.00 for the Oakwood Knolls, Chapel Hill, Skyview/Hibrook Treatment Plants Decommissioning Project; and

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

Change in Method of Installing Pipe Route 202 Railroad Crossing \$108,669.47

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

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-08-56-817-301;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland hereby authorize Change Order #1 for an increase of \$108,669.47 for a total contract amount of \$5,640,169.47.

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

RESOLUTIONS:

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

22-287: AWARD BID FOR SOLID WASTE, RECYCLING, AND VEGETATIVE WASTE COLLECTION TO SUBURBAN DISPOSAL, INC.

WHEREAS, on September 20, 2022, the Borough of Oakland received one (1) bid with respect to the collection services of solid waste and recyclable materials; and

WHEREAS, the Borough of Oakland has determined to select Solid Waste Alternate #1, which will provide for garbage collection twice a week; and

WHEREAS, the Borough of Oakland has determined to select Recycling Alternate #1, which will provide for comingled collection on alternating weeks; and

WHEREAS, after review, it has been determined that Suburban Disposal, Inc. has submitted a responsive and responsible bid; and

WHEREAS, the Borough of Oakland has further determined to award the contract for solid waste and recycling collection for a period from January 1, 2023 through December 31, 2025, in the total amount payable as follows:

<u>YEAR:</u>	<u>GARBAGE:</u>	<u>RECYCLING:</u>	<u>YARD WASTE:</u>	<u>TOTAL:</u>
2023	\$894,000.00	\$455,000.00	\$304,000.00	\$1,653,000.00
2024	\$921,000.00	\$467,000.00	\$313,000.00	\$1,701,000.00
2025	\$967,000.00	\$488,000.00	\$329,000.00	\$1,784,000.00
<u>TOTAL:</u>	\$2,782,000.00	\$1,410,000.00	\$946,000.00	\$5,138,000.00

WHEREAS, the Chief Financial Officer has certified that funds are available in the Account #X-01-26-305-078 from appropriation in the 2023 budget and future budgets, subject to adoption;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of

Oakland, County of Bergen, State of New Jersey, that the contract for the collection of solid waste, recyclable materials, and vegetative waste is hereby awarded to Suburban Disposal, Inc.;

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to sign a contract with Suburban Disposal, Inc. for the collection of solid waste, recyclable materials, and vegetative waste in the amount of \$5,138,000.00 for a period from January 1, 2023 through December 31, 2025;

BE IT FURTHER RESOLVED, that the Borough Clerk be and is hereby authorized and directed to maintain a copy of this resolution and the contract for public inspection.

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

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

22-293: AUTHORIZE PURCHASE OF FIRE CHIEF'S VEHICLE

WHEREAS, the Borough of Oakland is a member of the Houston-Galveston Area of Governments (HGAC) purchasing program, a national purchasing cooperative; and

WHEREAS, HGAC published notice soliciting sealed competitive bids on April 2, 2020 for a variety of fire apparatus and awarded a contract (#AM10-20) to 1075 Emergency Lighting, LLC. d.b.a. 10-75 Emergency Vehicles for Ambulances, EMS, and Other Special Service Vehicles for the period October 1, 2020 through September 30, 2022; and

WHEREAS, P.L. 2011 c 139 (the "Law" or "Chapter 139") allows local contracting units to utilize national cooperative contracts as a method of procurement; and

WHEREAS, the New Jersey Department of Community Affairs, Division of Local Government Services (DLGS) has published LFN 2012-10, a Local Finance Notice detailing guidance to contracting units desiring to purchase under the Law; and

WHEREAS, the Borough Administrator and Fire Chief are satisfied that the procurement conducted by HGAC and the contract awarded to 10-75 Emergency Vehicles. with the associated documentation submitted by both HGAC and Ford are compliant with the guidance in LFN 2012-10; and

WHEREAS, the total purchase price is \$73,695.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-561-831-109; and

WHEREAS, the Borough Attorney has reviewed this procurement and concurs with the procurement through the national cooperative contract.

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 Borough of Oakland is authorized to purchase from the HGAC National Cooperative Contract.

The proposal submitted by 10-75 Emergency Vehicles in accordance with HGAC contract #AM10-20 in the amount of \$73,695.00 is hereby accepted.

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

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

**22-296: AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT BETWEEN
THE BOROUGH OF OAKLAND AND THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION TO RESOLVE PENALTY LIABILITY AT
THE SKYVIEW-HIBROOK SEWAGE TREATMENT PLANT**

WHEREAS, the Borough of Oakland (the "Borough") owns and operates the facility known as the Skyview-Hibrook Sewage Treatment Plant (the "Skyview-Hibrook STP"), located on Lakeside Boulevard; and

WHEREAS, the New Jersey Department of Environmental Protection (the "Department") issued a New Jersey Pollutant Discharge Elimination System Permit No. NJ0021342 (the "NJPDDES Permit") for the Skyview-Hibrook STP to the Borough in June 2017; and

WHEREAS, the Borough previously submitted monitoring results for the Skyview-Hibrook STP, which exceeded the NJDPES Permit effluent limitations and the Department issued a violation for same; and

WHEREAS, the Borough is obligated to pay a civil administrative penalty for the violation, pursuant to N.J.S.A. 58:10A-10(d) and N.J.A.C. 7:14-8.1, et seq.; and

WHEREAS, the Department has proposed a Settlement Agreement requiring the Borough to pay \$1,000.00 in settlement for the accrued penalty liability; and

WHEREAS, the Borough's professionals recommend acceptance of the Settlement Agreement; and

WHEREAS, the Borough has determined that it is in the best interest of the Borough to enter into the Settlement Agreement with the Department to resolve the accrued penalty liability for the Skyview-Hibrook STP.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland as follows:

1. The Mayor and Borough Clerk, or any other official, officer or employee of the Borough be and are hereby authorized to execute the Settlement Agreement in the form annexed to this

Resolution, and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.

2. Certified copies of this Resolution shall be provided to John A. Napolitano, Special Counsel.

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

ORDINANCES:

ORDINANCE 22-CODE-896

“AN ORDINANCE ESTABLISHING BUSINESS INSURANCE REGISTRY”

The Borough Clerk was directed to take from the table Ordinance No. 22-Code-896 and read by title for its introduction.

The Borough Clerk then read by title Ordinance No. 22-Code-896 entitled, **“AN ORDINANCE ESTABLISHING BUSINESS INSURANCE REGISTRY”**

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 ESTABLISHING BUSINESS INSURANCE REGISTRY”**, be introduced;

That said Ordinance be considered for final adoption at a Borough Council Meeting on Tuesday November 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, McCann, Pignatelli, Saliani, Slasinski, Talamini
 Nays: None
 Abstain: None
 (6 ayes – 0 nays – motion carried)

ORDINANCE 22-CAPITAL-897

"CAPITAL ORDINANCE TO AMEND SECTION 2 OF THE CAPITAL ORDINANCE (ORD. NO. 22-885) ENTITLED: "CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$4,765,250 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH - \$1,470,153, FROM THE GENERAL CAPITAL FUND BALANCE - \$400,000 AND FROM VARIOUS GRANTS - \$2,895,097."

The Borough Clerk was directed to take from the table Ordinance No. 22-Capital-897 and read by title for its introduction.

The Borough Clerk then read by title Ordinance No. 22-Code-897 entitled, **"CAPITAL ORDINANCE TO AMEND SECTION 2 OF THE CAPITAL ORDINANCE (ORD. NO. 22-885) ENTITLED: "CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$4,765,250 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH - \$1,470,153, FROM THE GENERAL CAPITAL FUND BALANCE - \$400,000 AND FROM VARIOUS GRANTS - \$2,895,097."**

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, **"CAPITAL ORDINANCE TO AMEND SECTION 2 OF THE CAPITAL ORDINANCE (ORD. NO. 22-885) ENTITLED: "CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$4,765,250 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH - \$1,470,153, FROM THE GENERAL CAPITAL FUND BALANCE - \$400,000 AND FROM VARIOUS GRANTS - \$2,895,097."**, be introduced;

That said Ordinance be considered for final adoption at a Borough Council Meeting on Tuesday November 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, McCann, Pignatelli, Saliani, Slasinski, Talamini
 Nays: None
 Abstain: None
 (6 ayes – 0 nays – motion carried)

ORDINANCE 22-CODE-893

**“AN ORDINANCE AMENDING CHAPTER 59 OF THE CODE OF THE BOROUGH OF OAKLAND,
ENTITLED “LAND USE AND ZONING””**

The Borough Clerk was directed to take from the table Ordinance No. 22-Code-893 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled **“AN ORDINANCE AMENDING CHAPTER 59 OF THE CODE OF THE BOROUGH OF OAKLAND, ENTITLED “LAND USE AND ZONING””**.

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.

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

WORK SESSION:

SHORT TERM RENTALS/BOARDING HOUSES:

Councilman Kulmala recommended that this topic be postponed for review in January 2023. The Mayor and Borough Council consented to same.

RECREATION FEE AMENDMENTS:

Mr. Kunze reported that the Recreation Commission is recommending sports fee adjustments for the 2023 calendar year. Mr. Kunze added that the Commission is recommending fee adjustment for field usage, which has not been updated in over ten (10) years. The Mayor and Borough Council consented to introduce said fee adjustments at the November 22, 2022 Council Meeting.

REVIEW BEST PRACTICES INVENTORY:

Mr. Kunze provided a copy of the Borough's Best Practices Inventory, which is required annually by the State of New Jersey. Mayor Schwager asked if the Borough has updated the personnel manual recently. Mr. Kunze added that the manual will be updated in 2023. Mayor Schwager asked Mr. Kunze if the Borough has an anti-nepotism policy. Mr. Kunze advised that the Borough does not have a policy in place. Mayor Schwager asked if the Borough has an ethics policy. Mr. Kunze responded that the Borough follows the State Ethics Law.

NEW BUSINESS:

Councilman Saliani asked for an update on the Complete Streets Technical Assistance Program. Mr. Kunze reported that a follow-up meeting has been scheduled in early December to get the results of the outreach session and to start to develop a draft Complete Streets Policy for consideration and adoption in early 2023.

Councilman Pignatelli asked if the Borough could look into potential grant writing companies. Mr. Kunze responded that Capital Alternatives LLC. used to be the Borough's grant writer for specific NJDOT grants with a retainer amount per grant. Mr. Kunze added that last time the Borough looked into grant writers, the price was rather high. Mayor Schwager encouraged the Borough Council to look into vendors at the 2022 League of Municipalities Conference.

OLD BUSINESS:

No old business reported.

COUNCIL COMMITTEE AND LIAISON REPORTS:

COUNCILMAN KULMALA: Councilman Kulmala reported that the Arts Committee held their first meeting last month. Events and programs are being planned for 2023. The next meeting is scheduled for November 21, 2022 at the Oakland Senior Center.

COUNCILMAN MCCANN: Councilman McCann reported that the Oakland Access for All Committee is hosting a Santa Tour on December 18, 2022 at the Danny D'Elia Building, 24 Lawlor Drive, Oakland, N.J. 07436.

COUNCILMAN PIGNATELLI: Councilman Pignatelli reported that the Environmental Commission met and discussed the pending marijuana application. The Green Team is looking at recycling Christmas tree lights. The Senior Center is hosting an AARP Safe Driver Course on November 17, 2022. Those that participate can obtain a reduction on their car insurance. There is a Veterans Day Ceremony scheduled for November 11, 2022 at 10:45 a.m. in Veterans Park. Residents are encouraged to attend.

COUNCILMAN SALIANI: Councilman Saliani reported that the property survey for Bush Plaza has been completed by Boswell Engineering. The Borough will be looking for a new Forester for 2023.

COUNCILMAN SLASINSKI: Councilman Slasinski reported that the Decommissioning Project for the Sanitary Sewer Treatment Plants continues along Hiawatha Boulevard with pipe installation. Over the next two weeks, all force main work is expected to be complete. The contractor will then move to the crossing at the railroad. Boswell Engineering has resolved a service issue for the

Iroquois Pump Station Upgrade Project, and the project is expected to be complete in 2023. The Oakland Public Library thanked the first responders and DPW for a successful Truck Day.

COUNCILMAN TALAMINI: Councilman Talamini applauded the Public Events Committee for a successful Halloween Parade and Trick or Trunk. The Annual Christmas Tree and Menorah Lighting Ceremony is scheduled for December 4, 2022 at 5:00 p.m. in Veterans Park. Councilman Talamini congratulated all who ran in this year's election.

OPEN PUBLIC COMMENT:

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

ALL IN FAVOR.

Kerri Sirinides of 41 Sioux Avenue, Oakland, N.J. 07436, encouraged residents to attend the Access for All Santa Tour on December 18, 2022 at the Danny D'Elia Building, 24 Lawlor Drive, Oakland, N.J. 07436, for children with auditory and/or sensory disabilities. The truck will be quiet with minimal lighting and/or flashing. Gifts will be provided to participants. The Mother's Club of Oakland will host coffee and hot chocolate. Refreshments will be provided by the Oakland Elks Lodge.

Michael Elston of 78 Manito Avenue, Oakland, N.J. 07436, asked why the short-term rentals topic has been pushed to January. Mr. Chewcaskie advised that there is not adequate time within the current calendar year for introduction, referral to the Planning Board, and final adoption.

Deborah Mutterer of 101 Walnut Street, Oakland, N.J. 07436, asked when is Walnut Street going to be paved. Borough Engineer John Yakimik advised that the current contractor was scheduled to pave the road by December 2022, and the Borough is actively working with the contract to get it done as quickly as possible. Mr. Yakimik advised that a change order may be required. Ms. Mutterer asked if the hole in front of her driveway can be repaired in the interim. Mayor Schwager encouraged Ms. Mutterer to reach out to the Department of Public Works.

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

ALL IN FAVOR.

Councilman McCann commended both campaigns for a positive election season and thanked all of the campaign workers. Councilman McCann thanked the board workers and the Borough Clerk for all of their hard work during Election Day.

Councilman Slasinski thanked the residents for their support and confidence in him and his running mate.

BILLS TO BE PAID:

On motion of Councilman Slasinski, seconded by Councilman Pignatelli, the following bills be submitted for payment:

(See following pages)

BE IT RESOLVED, that the foregoing bills be paid and charged to their respective accounts when the funds are available.

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

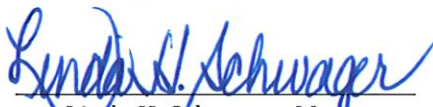
ADJOURNMENT:

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

ALL IN FAVOR.

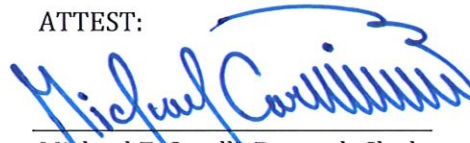
Adjourned: 9:42 p.m.

APPROVED BY:



Linda H. Schwager, Mayor

ATTEST:



Michael E. Carelli, Borough Clerk