

BOROUGH OF OAKLAND

Borough Council Meeting

MEETING MINUTES

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

October 11, 2023 – 7:00 p.m.

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

Mayor Linda H. Schwager presiding.

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

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

Also Present: Borough Administrator Richard Kunze, Deputy Borough Clerk Wendi Seelin, Borough Attorney Matt Gilson, Borough Engineer John Yakimik.

**Absent: None.
Councilman McCann left the meeting at 8:00 PM**

SALUTE TO THE FLAG AND MOMENT OF SILENCE:

MAYOR'S REPORT:

Mayor Schwager advised the public the Oakland Chamber of Commerce is hosting a restaurant week, the Great Oak Park Arts Pavilion event is canceled and will be rescheduled in the spring, the Mothers club is hosting pumpkin painting, Trunk or Treat will be held on October 28 and the Marine Breakfast has returned. Oakland has received two community development block grants for Jerome Avenue \$163,000 and the Senior Center \$16,000.00. The NJ Historic Trust Board of Trustees awarded Oakland \$61,000.00. Patriot's Way Bridge has full funding and bid requests are going out. There was a meeting scheduled on October 16 with Ramapo River Reserve to discuss speeding and the two gates on either side of the bridge. The association cancelled the meeting so the Borough will get the message out other ways. PFAS/PFOA is on schedule and the units should be in by November. The water will be remediated and back to State regulations and work should be complete by February. Mayor Schwager gave a report on the Class B Recycling Center. The meeting with the BCUA hearing is still on YouTube and Oakland TV. Approvals have not been received from the

Bergen County Board of Commissioners and NJDEP for the project. Mayor Schwager asked the public to please send letters of opposition which will be compiled to send to the BCUA and the Bergen County Board of Commissioners. A petition has been prepared and comments in writing will be accepted till October 28. This facility was first proposed in 2017 and remained dormant. The Bergen County Board of Commissions never acted on it. In 2019, the NJDEP issued new directives that requires public hearing in host municipalities, thus the September 28 meeting. The applicant is a private entity claiming to have Highlands Exemption. To date the Borough is unable to obtain a copy of the alleged 2020 Highlands exemption. The Planning Board Planner Mr. Lydon has done an OPRA request for the document but it does not seem to be available. This property is in the Highland Region Preservation Area subject to rules and regulations adopted by the NJDEP to protect our water and other natural resources. Operation hours would be 6 am- 6 pm M-F and Saturdays. Mayor Schwager cited many reasons why this facility must be stopped.

ENGINEER'S REPORT:

Mr. Yakimik stated that the Jerome Avenue project is a storm water upgrade replacement. The project will be going out to bid in approximately 3 weeks and can start in the winter. Bids for Patriot's Way Bridge will be received November 21, 2023 and can be awarded at the first meeting in December. Mr. Yakimik advises he is working with the DEP to try to expedite Allerman Brook. The design documents should be submitted to DEP in a month and regular inspections are being done. Mr. Yakimik would attend a Flood Commission meeting to discuss the project. Mr. Yakimik advised that 101 Walnut Street will be resurfacing their driveway before winter. He advised he is working with property maintenance and violations for remediation regarding Ms. Bourke's issue.

OPEN PUBLIC COMMENT:

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

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

(6 ayes - 0 nays - motion carried)

ALL IN FAVOR.

Gabriel Talamini 33 Seminole Avenue, Submitted a design for Mural contest and was wondering what happened to the results.

Dave Richardson 320 Ramapo Valley Road, Does not want the recycling facility and is happy to hear town is against it.

Irene Bourke 5 Hannah Rd, Asked for a reverse 911 letting public know petitions will be going around.

Will Lenzetti 21 Chicasaw Drive, Thanked the Mayor you for the summary of the recycling facility and asked the Mayor and Council to pay attention to what this really means. There would be a lot of tonnage coming through the Borough, water runoff and pollution.

Jennifer Enright 92 Monhegan Ave, This recycling facility will affect our town's home values, and new residents will not look in Oakland. She asked for petition to be circulated online.

Motion to Suspend Public Session:

Councilman Talamini set forth the motion to suspend Public session for Certificates of Appreciation for the 3 & 4th Grade Softball team, seconded by Councilman Pignatelli, to suspend public comment.

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

(6 ayes – 0 nays – motion carried)

ALL IN FAVOR.

Certificates of Appreciation were awarded to the 3 & 4th grade girls' softball Champions.

Andrea Levy of the Arts Commission responded to Ms. Talamini letting her know that the Mural Project was extended to allow schools to distribute and was ending on October 13, 2023 and an artist will be picked shortly.

Motion to Reopen Public Session:

Councilman Pignatelli set forth the motion to reopen Public session, seconded by Councilman Kulmala, public comment reopened.

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

(6 ayes – 0 nays – motion carried)

ALL IN FAVOR.

Ann Seader 33 Winding Ridge, asked if the Borough is doing anything legally to stop or delay BCUA facility

David Laganella 350 W Oakland Avenue, lives adjacent to the proposed facility and was never notified.

Sheila Boylan 16 Walnut Street Commended Mayor and Council for trying to stop the facility. She stated that her property is flooding after her neighbor did landscaping work. Mr. Yakimik did come

to inspect. She asked if the tennis courts are going to be redone and if there was a grant. She questioned why there is no plaque by Veterans Park. Councilman Saliani will look into the matter.

Elisabeth Gysbers 35 Lakeview Terrace, stated the proposed new facility will be a traffic issue.

Matt Goodrich 72 Hiawatha, hearing political rumors and wants to be assured where the candidates stand on issues.

Chopper Russo 392 Ramapo Valley Road, stated this facility is an environmental nightmare for Oakland, and Oakland resident should not do this to their town.

Valerie Hennessey 52 Yawpo Avenue, Turn in all petitions, how many signatures needed.

Andrea Levy 780 RVR, advised that for 2 days, Hiawatha was closed with no notification from town. She is opposed to BCUA Facility. The Arts Pavilion will have Grand Opening in the spring. The Mural Contest is due by October 13, and Open Mic Night will be held October 26 at Real Brave. Ms. Levy also reminded all of the no knock list and best way to get signatures fast is through change.org.

Ken Gysbers 35 Lakeview Terrace- Inquired about the Jerome Avenue project and advised he is, opposed to recycling facility

John Biale 19 Calumet Ave, stated that in 2017 this facility came up and was against it then and still against it now. He does not work for BCUA he works for the NWBCUA. Should be a state statute that no facilities like this should be allowed near aquifers.

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

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

ALL IN FAVOR.

Motion to Suspend the Agenda:

Councilman Kulmala set forth the motion to suspend the agenda, seconded by Councilman Saliani, to continue discussion on BCUA

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

ALL IN FAVOR.

Councilman Kulmala stated the BCUA hearing was held on September 28th. It was disappointing to see how far this application has gotten in the process. He stated that it has been thirteen days and the Mayor has not called an emergency meeting for the governing body to discuss. Councilman Kulmala stated we need to understand how the Borough got blindsided from the BCUA trying to get approval and usurping our authority at the local level. He stated an OPRA was submitted for emails to see who had communications on this matter. He asked the Borough Attorney to draft an emergency resolution and asked that it be distributed on the dais. He stated the Borough has lost 13 days to do something on this matter.

Councilman McCann stated that the Borough Administrator did have a copy of a letter responding to a request for Highlands's application determination and water quality management consistency determination. The letter stated the applicant qualified for Exemption #4. So the Borough had proof of this in 2015 although the Mayor said we didn't have. Councilman McCann stated in 2020 an email was sent to the Oakland Planning Board about the application submission. There was supposed to be an attachment but there was nothing attached to the email. The Highland's Council says this qualifies for exemption and that the project itself falls under their purview. The Highland's said the notice was published on their website and was a minor project not a major one. According to the notice, the water is supposed to go into seepage pits or septic on their property. The Borough is in the Highlands so we should be monitoring these things. The point is we have to do something about this now. A residence questioned what Exemption #4 is. Councilman McCann stated it establishes whether reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site providing that the reconstruction does not increase the lawfully existing impervious surface by ¼ acre or more. They reapplied because there was some ambiguity on whether or not this was going to be a class b recycling center. They provided us in the application the estimation of 30-40 trucks per day and 900 tonnage. We need to be aware they own the property next door and could expand. There is also an email from January 15, 2020 from James Humphries to Steve Lydon, regarding subject matter Oakland Materials LLC Highlands Application.

Discussion ensued regarding how the resolution came about and why the Mayor was not informed. Councilman Kulmala read the resolution out loud to the public. Councilman Kulmala stated he has contacted the surrounding towns and colleagues in surrounding towns for support.

• **23-306 RESOLUTION AUTHORIZING LITIGATION REGARDING THE
 PROPOSED RECYCLING CENTER**

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Councilman Pignatelli set forth a motion to adopt Resolution #23-306, Councilman Talamini seconded.

WHEREAS, Oakland Materials LLC, has made an application to the Bergen County Utilities Authority ("BCUA") to amend the Bergen County District Solid Waste Management Plan to permit a Class B recycling facility at 342 W. Oakland Avenue in the Borough of Oakland; and

WHEREAS, the Borough through its professional planner has asserted this is not a permitted use in the Industrial ("I") Zone; and

WHEREAS, the Borough desires to authorize the Borough Attorney to seek an injunction seeking to prevent any further action by the BCUA or Bergen County Board of Commissioners until such time as Oakland Materials, LLC receives the requisite site plan and municipal approvals to operate such a facility; and

WHEREAS, the Borough authorizes an additional \$10,000 to the contract of the Borough Attorney to institute such action

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 Attorney is hereby authorized to institute any necessary actions to enjoin the BCUA, Bergen County Board of Commissioners or any other relevant agencies from taking any additional action on the proposed Class B recycling center at 342 W. Oakland Avenue until such time as any and all necessary local approvals are obtained

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

ALL IN FAVOR

APPROVAL OF MINUTES:

September 27, 2023

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

ROLL CALL: **Ayes:** **Kulmala, Pignatelli, Saliani, Slasinski, Talamini.**
 Nays: **None.**
 Abstain: **None.**
 Absent: **McCann Left Meeting 8 PM**
 (5 ayes – 0 nays – motion carried)

September 13, 2023 Executive Session

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

ROLL CALL: **Ayes:** **Kulmala, Pignatelli, Saliani, Slasinski, Talamini.**
 Nays: **None.**
 Abstain: **None.**

Absent: McCann Left Meeting 8 PM
(5 ayes – 0 nays – motion carried)

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS:

- **Approve Social Affairs permit for Oakland Elks Lodge # 2167 for a Raffle on November 18, 2023**

On motion of Councilman Kulmala, seconded by Councilman Pignatelli, Social Affairs Permit be approved.

ROLL CALL: Ayes: Kulmala, Pignatelli, Saliani, Slasinski, Talamini.
Nays: None.
Abstain: None.
Absent: McCann Left Meeting 8:00PM
(5 ayes – 0 nays – motion carried)

ALL IN FAVOR.

- **Authorize Raffle License RL#1465 PTO Valley Middle School for a Raffle on December 2, 2023 @ Valley Middle School 71 Oak Street Oakland, NJ**

On motion of Councilman Kulmala, seconded by Councilman Pignatelli, Raffle License #1465 be approved.

ROLL CALL: Ayes: Kulmala, Pignatelli, Saliani, Slasinski, Talamini.
Nays: None.
Abstain: None.
Absent: McCann Left Meeting 8:00PM
(5 ayes – 0 nays – motion carried)

ALL IN FAVOR

- **Authorize Raffle License RL#1466 PTO Valley Middle School for a raffle on December 2, 2023 @ Valley Middle School 71 Oak Street Oakland, NJ**

On motion of Councilman Pignatelli seconded by Councilman Saliani, Raffle License #1466 be approved.

ROLL CALL: Ayes: Kulmala, Pignatelli, Saliani, Slasinski, Talamini.
Nays: None.
Abstain: None.
Absent: McCann Left Meeting 8:00PM
(5 ayes – 0 nays – motion carried)

ALL IN FAVOR

- **Appointment to the Public Events Committee**

Mayor Schwager nominated for appointment Deb Mutterer for one year unexpired term expiring on December 31, 2023.

On motion of Councilman Pignatelli seconded by Councilman Talamini, Deb Mutterer be approved for the Public Events Committee

ROLL CALL: Ayes: Kulmala, Pignatelli, Saliani, Slasinski, Talamini.
Nays: None.
Abstain: None.
Absent: McCann Left Meeting 8:00PM
(5 ayes – 0 nays –motion carried)

ALL IN FAVOR

RESOLUTIONS – CONSENT AGENDA:

23-290: CANCEL GRANT BALANCES

WHEREAS, there exist certain Grant Receivables and Grant Appropriated Reserves on the Balance Sheet that were adopted into previous Budgets for the Borough of Oakland; and

WHEREAS, the balances are no longer necessary for the purpose originally created; and,

WHEREAS, it is necessary to formally cancel the receivable balances and their offsetting appropriation balances from the balance sheet; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland that the following grant receivables and appropriation balances be cancelled:

Grant Fund

<u>Account</u>	<u>Description</u>	<u>Authorization Balance to</u>
<u>Cancel</u>		
G-02-04-703-000	Municipal Alliance	\$ 11,500.00
G-02-20-003-001	Municipal Alliance County	\$ 11,500.00

23-291: RESOLUTION AUTHORIZING THE ISSUANCE OF REQUESTS FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES TO THE BOROUGH OF OAKLAND FOR LEGAL, FINANCIAL, ENGINEERING, AND RISK MANAGEMENT SERVICES

WHEREAS, as of January 1, 2006, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, enacted by the New Jersey State Legislature became effective; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., a municipality may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$200.00, in the aggregate, to any candidate’s committee of any person serving in an elective public office of the said municipality when such contract was awarded, unless said business entity is awarded a contract under a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, a “fair and open process” constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter the “RFQ”) with ten (10) calendar days’ notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly open and announce the qualifications when awarded; and

WHEREAS, it has become necessary for the Borough of Oakland (hereinafter the “Borough”) to engage legal, financial and engineering professionals and the Borough desires to appoint such professionals for 2024 by a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, County of Bergen and State of New Jersey that Requests for Qualifications for professional services for the following professional services for the Borough and its agencies are hereby authorized:

1. Borough Attorney
2. Labor Attorney
3. Borough Auditor
4. Bond Counsel
5. Borough Engineer
6. Borough Prosecutor
7. Alternate Borough Prosecutor
8. Public Defender
9. Alternate Public Defender
10. Planning Board Attorney
11. Board of Adjustment Attorney
12. Borough Risk Manager
13. Borough Planner
14. Water and Sewer Engineer
15. Planning Board Engineer
16. Planning Board Planner
17. Board of Adjustment Engineer
18. Board of Adjustment Planner

19. Floodplain Manager

BE IT FURTHER RESOLVED, that all of the Requests for Qualifications for the professional services as set forth hereinabove shall be prepared and published in accordance with N.J.S.A. 19:44A-20.1 et seq. and all such RFQs shall be evaluated on the basis of the most advantageous RFQ, all factors considered, including, but not limited to: (1) experience and reputation in the profession; (2) knowledge of the subject matter to be addressed under contract; (3) availability to accommodate any required meetings of the Borough or Borough Agency; (4) and any other factors if demonstrated to be in the best interest of the Borough or Borough Agency.

23-292: AUTHORIZE LIEN ON 29 RIVER ROAD

WHEREAS, the Borough of Oakland Property Maintenance Officer has advised that the property located at 29 River Road and identified as Block 1806 Lot 4 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 \$1,684.86 in order to clean up the property at 29 River Road; 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 September 25, 2023 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 29 River Road the sum of \$1,684.86 being the amount due pursuant to the report dated September 25, 2023.

23-293: 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 \$467.34 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 September 25, 2023 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 \$467.34 being the amount due pursuant to the report dated September 25, 2023.

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.

23-294: AUTHORIZE ACCRUED TIME PAYOUT FOR MICHAEL CARELLI

WHEREAS, N.J.A.C. 5:30-15 establishes rules that govern how local government units manage and finance compensation for accumulated absence time for their respective employees, and

WHEREAS, accumulated absence includes any sick days, vacation days, personal days, compensatory time or any other absence time authorized as part of an employer agreement, which is not used by the employee during the allowed period and which is permitted to accumulate over time to the benefit of the employee, and

WHEREAS, the Chief Financial Officer has certified that the funds and authority exists to pay the part of the accumulated absence, as per the attached schedule, to Michael Carelli for sick, vacation, personal and compensatory time accumulated in the amount of \$356.16; and

WHEREAS, the attached certification and documentation are presented to comply with the rules and regulations established by the Local Finance Board.

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 total sum \$356.16 composed of 7hrs of vacation time, 0.00 hours of sick time, and 0.00 hours of personal time, and 0.00 hours compensatory time be paid out to Michael Carelli. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose.

23-295: AUTHORIZE EXECUTION OF MUNICIPAL ALLIANCE GRANT AGREEMENT

BE IT RESOLVED, by the Mayor Linda H. Schwager and CFO David Young are hereby authorized to execute the Municipal Alliance Grant Agreement on behalf of the Borough of Oakland.

23-297: AUTHORIZE PURCHASE OF ROCK SALT THROUGH THE 2023 NEW JERSEY COOPERATIVE PURCHASING ALLIANCE PRICING SYSTEM

WHEREAS, the Borough of Oakland needs to purchase rock salt; and

WHEREAS, the Borough of Oakland is a member of the New Jersey Cooperative Purchasing Alliance (State I.D. #11-BeCCP); and

WHEREAS, the New Jersey Cooperative Purchasing Alliance has awarded a contract, Rock Salt, to Atlantic Salt, Inc., and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended that the Borough of Oakland purchase rock salt through the New Jersey Cooperative Purchasing Alliance in an amount not to exceed \$75,000.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 3-01-26-306-058 and from appropriation in the 2024 budget, 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 Mayor and Borough Council hereby authorizes the purchase of Rock Salt, in an amount not to exceed \$75,000.00, through the New Jersey Cooperative Purchasing Alliance, contract Rock Salt, awarded to Atlantic Salt, Inc.

23-298: AMEND CONTRACT WITH CGPH- OAKLAND BOROUGH HOUSING REHABILITATION CONTRACT

WHEREAS, the Mayor and Borough Council awarded a contract for Affordable Housing Administrative Agent and the Rehabilitation Program Manager for 2023 in the amount of \$13,380.00 to Community Grants, Planning and Housing of Cranbury, NJ on February 8, 2023; and

WHEREAS, there is a need to amend the contract by an additional \$17,701.40 due to additional work required for the Housing Rehabilitation Program; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #T-27-26-286-002;

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 2023 Contract for CGPH be increased by \$17,701.40 for a new total of \$31,281.40.

**23-299: AWARD CONTRACT TO BOSWELL ENGINEERING FOR MAJOR
MODIFICATION WATER ALLOCATION PERMIT 5199**

WHEREAS, there is a need for construction inspection services for the Major Modification Water Allocation Permit 5199; and

WHEREAS, Boswell Engineering has submitted a proposal dated September 21, 2023 for services required at a total cost not to exceed cost of \$40,000.00; and

Task # 1:	Preparation of Major Modification Permit	\$ 22,000.00
Task #2:	Meetings	\$ 18,000.00

WHEREAS, the Chief Financial Officer has certified funds are available in Account # 3-05-55-502-028 in the amount of \$40,000.00; 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;

23-300: AUTHORIZE REFUND OF WATER PAYMENTS

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of water payments in the total amount of \$407.10; and

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

WHEREAS, the Chief Financial Officer has verified that the amount is due and that funds are available in account Misc. Revenue Refund WOP-05-55-999-014;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$407.10 to:

<u>NAME</u>	<u>ADDRESS</u>	<u>BLOCK & LOT</u>	<u>AMOUNT</u>
Patrick Beggan	13 Ramapo Valley Road Unit 10	4504-44	407.10

23-301: CHAPTER 159 – CDBG JEROME AVENUE SEWER IMPROVEMENTS

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Oakland has received a grant in the amount of \$163,750.00 from the Community Development Block Grant program for the purpose of improvements to the Jerome Avenue Sewer in the Borough, and wishes to amend its 2023 budget to include this amount as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Oakland hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with Prior Written
Consent of Director of Local Government Services - Public and
Private Revenues Offset with Appropriations:
CDBG Jerome Avenue Sewer

BE IT FURTHER RESOLVED that a like sum of \$163,750.00 be and the same is hereby appropriated under the caption of:

General Appropriations:
(A) Operations - Excluded from "CAPS"
Public and Private Appropriations Offset by Revenues:
CDBG Jerome Avenue Sewer Improvements
Other Expenses - \$163,750.00

BE IT FURTHER RESOLVED that the Borough Clerk forward an electronic copy of this resolution to the Director of Local Government Services.

23-302: CHAPTER 159 – CDBG SENIOR CENTER IMPROVEMENTS

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Oakland has received a grant in the amount of \$16,000.00 from the Community Development Block Grant program for the purpose of improvements to the Senior Center in the Borough, and wishes to amend its 2023 budget to include this amount as a revenue,

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Oakland hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with Prior Written
Consent of Director of Local Government Services - Public and
Private Revenues Offset with Appropriations:
CDBG Senior Center Improvement Program

BE IT FURTHER RESOLVED that a like sum of \$16,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:
(A) Operations - Excluded from "CAPS"
Public and Private Appropriations Offset by Revenues:
CDBG Senior Center Improvements
Other Expenses - \$16,000.00

BE IT FURTHER RESOLVED that the Borough Clerk forward an electronic copy of this resolution to the Director of Local Government Services.

23-303: AUTHORIZE SEPARATION AGREEMENT

WHEREAS, certain matters pertaining to K.P.'s employment with the Borough of Oakland, ("Borough"), are before the Borough; and,

WHEREAS, K.P. and United Public Service Employees Union have agreed to resolve such matters via a Settlement Agreement and General Release executed by K.P. and effective September 29, 2023; and,

WHEREAS, the Borough Council has reviewed the Settlement Agreement and General Release and accepts and agrees to the terms of same;

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

1. The Borough hereby accepts and agrees to the terms and conditions of the Settlement Agreement and General Release executed by K.P. and effective September 29, 2023;
2. The Borough hereby authorizes the Mayor to execute the Settlement Agreement and General

Release executed by K.P. and effective September 29, 2023;

3. That this resolution shall take effect immediately.

23-304: RESOLUTION CONDEMNING HAMAS AND IN SUPPORT OF ISRAEL

WHEREAS, on October 7, 2023, during the sacred Jewish holiday of Shmini Atzeret, Hamas terrorists launched a coordinated, unprovoked attack on Israel from the Gaza Strip; and

WHEREAS, Hamas has fired thousands of rockets toward Israel's major population centers, breached Israel's borders, infiltrated Israeli communities and kidnapped civilians, killed more than 300 Israelis, and wounded hundreds more; and

WHEREAS, this is the most significant attack on Israel since the Yom Kippur War, which was launched 50 years and one day to the day ago; and

WHEREAS, Israeli Prime Minister Benjamin Netanyahu declared that Israel was at war to defend itself and its citizens and gave the order to commence "Operation Swords of Iron."

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough of Oakland unequivocally condemns Hamas for this deplorable and unprovoked attack on Israel.

23-305: RESOLUTION AUTHORIZING ADOPTION OF INTERLOCAL SEWERAGE AGREEMENT

WHEREAS, the Borough of Oakland (the "Borough") is required to adopt an Interlocal Sewerage Agreement to support the Ridings at Ramapo development with the Borough of Franklin Lakes; and

WHEREAS, a copy of said agreement is attached as Exhibit A; and

WHEREAS, the Borough desires to authorize the Mayor to execute said agreement

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey that Interlocal sewerage agreement between the Borough of Oakland, K. Hovnanian at Oakland, LLC and the Borough of Franklin Lakes be executed by the Mayor in accordance with the provisions of law.

BE IT FURTHER RESOLVED this resolution shall take effect immediately in accordance with law.

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

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

Abstain: None
Absent: McCann Left Meeting 8 PM
(5 ayes – 0 nays –0 Abstain (motion carried))

RESOLUTIONS:

Discussion: Wording change suggested by Borough Attorney Matt Gilson to read for up to one-year

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

23-296: APPOINT ACTING BOROUGH CLERK

WHEREAS, a vacancy exists in the position of Municipal Clerk due to resignation; and

BE IT RESOLVED, that Deputy Clerk Wendi Seelin be appointed as Acting Municipal Clerk up to a one-year appointment effective October 2, 2023 at an annual salary of \$70,000.00, in accordance with the provisions of N.J.S.A. 40A:9-133.

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

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

ROLL CALL: Ayes: Kulmala, Pignatelli, Slasinski, Talamini
Nays: None.
Abstain: Saliani.
Absent: McCann Left Meeting 8 PM
(4 ayes – 0 nays – 1 abstain - -motion carried)

ORDINANCES:

Final Adoption

ORDINANCE NO. 23-BOND-929

BOND ORDINANCE TO AMEND SECTIONS 4, 7, 8, 10 AND 11 OF THE BOND ORDINANCE (ORD. NO. 23-903) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,600,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED ON APRIL 12, 2023.

The Borough Clerk was directed to take from the table Ordinance No. 23-Bond-929 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled: **BOND ORDINANCE TO AMEND SECTIONS 4, 7, 8, 10 AND 11 OF THE BOND ORDINANCE (ORD. NO. 23-903) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,600,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED ON APRIL 12, 2023.**

OPENED FOR PUBLIC COMMENT:

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

ROLL CALL: **Ayes:** **Kulmala, Pignatelli, Saliani, Slasinski, Talamini.**
 Nays: **None.**
 Abstain: **None.**
 Absent: **McCann left meeting 8 PM**
 (5 ayes – 0 nays –motion carried)

ALL IN FAVOR.

No public comment.

CLOSED FOR PUBLIC COMMENT:

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

ROLL CALL: **Ayes:** **Kulmala, Pignatelli, Saliani, Slasinski, Talamini.**
 Nays: **None.**
 Abstain: **None.**
 Absent: **McCann left meeting 8 PM**
 (5 ayes – 0 nays –motion carried)

ALL IN FAVOR.

Motion to Adopt:

On motion of Councilman Pignatelli, seconded by Councilman Saliani, Ordinance 23-Bond-929 be adopted.

ROLL CALL: **Ayes:** **Kulmala, Pignatelli, Saliani, Slasinski, Talamini.**
 Nays: **None.**
 Abstain: **None.**

Absent: McCann left meeting 8 PM
(5 ayes – 0 nays –motion carried)

ALL IN FAVOR.

WORK SESSION:

None

NEW BUSINESS:

No new business reported.

OLD BUSINESS:

No old business reported.

COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilman Talamini: October 28, 2023 is the Trunk or Treat and Parade. Access for All hours start at 9:30 am, November 4 is Touch a Truck at the Library. It's a very loud event. Public events can always use more members. Finance will have a meeting on October 18 for the budget.

Councilman Kulmala: Planning Board Meeting on October 12, 2023

Councilman Pignatelli: Seniors instantly signed a petition against the Recycling Plant. This week is Fire Prevention Week and the ladies auxiliary brought the snacks. Bingo will be held October 19 at the Senior Center.

Councilman McCann: Left the meeting at 8:00 PM

Councilman Slasinski: Events at the library are going well. Many events for the public to attend: Movie Monday 10 am, 6:30 PM Search for Bigfoot, Monday October 23 Understanding AI, Ramapo Chamber Ensemble live October 29, 3PM.

Councilman Saliani: Oakland Recreation Wrestling registration is open. Thank you to the rec commission for all the hard work for Great Oak Park. Shade tree needs two new members. Please keep all involved with the attacks in your thoughts.

OPEN PUBLIC COMMENT:

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

ROLL CALL: Ayes: Kulmala, Pignatelli, Saliani, Slasinski, Talamini.

Nays: None.
Abstain: None.
Absent: McCann left meeting 8 PM
(5 ayes – 0 nays -motion carried)

ALL IN FAVOR.

Charlie DiPalma 40 Nokomis Ave, Questioning the status and t the delay for Allerman Brook and stated he met with John Yakimik. At last meeting, you stated it was 2 weeks away. Resolution 22-246 was passed in August 2022.

Andrea Levy 780 RVR, stated the behavior earlier is unacceptable and we should be working together not against each other.

Kerri Sirinides 41 Sioux Ave, Access for All will be at the Halloween Parade to provide a quieter setting in the Library parking lot. Access for All is planned for 9:30AM. She thought Mr. Biale's statement was offensive.

Councilman Pignatelli set forth the motion, seconded by Councilman Kulmala, the public comment session be closed.

ALL IN FAVOR.

BILLS TO BE PAID:

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

(See following pages)

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

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

ALL IN FAVOR

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 8:39 p.m.

APPROVED BY:

ATTEST:

Linda H. Schwager, Mayor

Wendi Seelin, Acting Borough Clerk