

BOROUGH OF OAKLAND
Borough Council Meeting
MEETING MINUTES

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

December 20, 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, Saliani, Slasinski, and Talamini

Also Present: Borough Administrator Richard Kunze, Acting Borough Clerk Wendi Seelin, Borough Attorney Matt Gilson, Borough Engineer Kevin Boswell, Boswell Engineering

Absent: Councilman McCann, Councilman Pignatelli

Motion by Councilman Talamini to excuse Councilman Pignatelli, seconded by Councilman Slasinski

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

ALL IN FAVOR

SALUTE TO THE FLAG AND MOMENT OF SILENCE:

MAYOR'S REPORT:

Mayor Schwager made the following statement to the Councilmembers and residents in the audience and on TV: For the past 12 years I have had the honor to serve as your Mayor. During these years I played a major role in many positive changes in our town. I have tried to do what is best for all our residents. Now is the time for me to step down and take care of my family. However,

I leave with many projects that have begun and sincerely hope that the new administration will continue the progress and complete the work that I have started. Mayor Schwager stated that the PFOS/PFAS treatment system will be functioning by the end of February 2024. Mayor Schwager stated that the Patriot's Way Bridge is fully funded with money that was obtained through NJDOT and Grants received through NJ Community Affairs. Mayor Schwager reminded the public that after years of negotiations sewer service is a reality in the downtown area and that the 3 sewer treatment plants will be hooked up to NWBUA and will ultimately be extended downtown, which will encourage commercial business that can stabilize our taxes. Mayor Schwager hopes that Bush Plaza Park will continue to move forward and create a gateway to our revitalized downtown business area and work with the town planner and continue to be proactive. Mayor Schwager stated she is very proud of the Oakland Recreation Program and hopes that it continues to grow and become a bigger better program with the help of the many volunteers. Mayor Schwager stated she hopes that the plans for a splash pad in the Recreation Complex will move forward. Mayor Schwager stated that she hopes the plans for the Children's Museum in the Stream House continue so the children of Oakland can learn the history of Oakland and Bergen County, having been the County Seat at one time. Mayor Schwager stated she is very proud of the Arts Pavilion/ Band Shell and looks forward to seeing concerts and events there in the spring 2024 after delayed openings. Mayor Schwager stated she has enjoyed communicating with the residents and hopes the new administration will also continue with the improved communications. Mayor Schwager stated she wants all Oakland residents to continue their opposition to the Class B Recycling center, and that she has No Dumping signs in her office. Mayor Schwager thanked the borough employees, for all their hard work, the police officers for their professionalism and dedication to the residents, the Oakland Volunteer Fire Department and First Aid Squad saying a simple thank you is not enough and they are so appreciated. In closing Mayor Schwager stated she moved to Oakland 50 years ago, she and her husband love this town and will always do what she can to help. As such, she has submitted a citizen's leadership form to be appointed next year to fill the vacant seat on the Zoning Board of Adjustment. Mayor Schwager stated that she hopes this council will consider her knowledge and experience and appoint her. It has been her pleasure to serve the citizens of Oakland.

FIREFIGHTER OATH	Mayor Linda H. Schwager
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- **Swearing In Firefighter Nicholas Kiczek, Company 1 Member**

Mayor Schwager administered the Oath to Nicolas Kiczek.

- Firefighter Justin Longa was not present to be sworn in.

ENGINEER'S REPORT:

Mr. Kevin Boswell of Boswell Engineering reported that the Jerome Avenue Drainage Improvements, replacement of pipes that have lived their service life. Fourteen bids were received and the lowest bidder was Crossroads Paving Company. Boswell Engineering is recommending Crossroads Paving Company receive the bid with the lowest base bid of \$133,350 with an alternate bid with additional pipe work of \$12,400 for a total of \$145,750.00. Mr. Boswell stated that the Lakeview Terrace Drainage Improvements bids were received on December 19, 2023, this project

received 13 bids with the lowest from KM Construction. KM Construction's bid was in the amount of \$123,706.85. Boswell Engineering recommends awarding this contract to KM Construction. Mr. Boswell stated that the Patriot's Way Bridge Project received 7 bids on November 21, 2023. The lowest bidder was Konkers Construction of Hillsborough with a bid price of \$4,776,150.92. Mr. Boswell stated the next lowest bidder was one million dollars higher. Mr. Boswell explained the process of public bidding law. There is a period of time where the low bid contractor can withdraw their bid. Mr. Boswell stated that they immediately reach out to the President/Owner of the lowest bidding company and discussed with the contractor that they are comfortable with their bid, Keith Tonkis is the gentleman's name and stated he was comfortable and willing to do the job. Mr. Boswell stated that after extensive reference checks and conversations with engineers from Somerset County, Passaic County, other counties and the DOT, we found that they do a lot of bridge work. Konkers Construction is in dispute over a bridge job in Hillsborough, but they are not barred from contracts while in a legal dispute. Mr. Boswell stated Boswell Engineering spent a lot of time going through the bid, speaking with Mr. Kunze, the Borough Administrator on multiple occasions and stated it is their recommendation that there is nothing of a legal conclusion to not recommend Konkers Construction be awarded the contract and recommends the award of contract go to Konkers Construction. Mr. Boswell stated that the Borough received five separate grants totaling approximately 8.85 million for the superstructure replacement. He stated there is more than enough money to pay for one hundred percent of the job. Mr. Boswell recommends the award of the bridge replacement project and stated it's a superstructure replacement. It's a three span bridge, 265 feet long while the abutments appear to be fine. The complexity of this job is the utilities. Mr. Boswell also reminded the Mayor and Council of the complexities of the project with regards to the utilities and communications wiring that run under the superstructure and being in a floodplain/way and the utilities will be required to be moved twice. Once to the temporary structure then moved back once new structure is in place. The project will require a lot of cooperation with the utilities and will be done in 6 phases. Boswell Engineering is recommending awarding the contract to Konkers Construction for immediate release and would like to get going with the contract and scheduling the preconstruction meeting, requesting of the construction schedule from the contractor. Mr. Boswell stated this is a twenty one month schedule, what makes the job difficult are the utilities, what makes the job long is the utilities. We need the utility companies to be responsive to help the job go quicker.

Mayor Schwager asked about the large gap between bidders. Are you concerned for the million dollar gap? The Mayor stated she received calls about the lowest bid. It's up to the Council to vote on this. The Mayor is concerned it's too good to be true. Will there be many change orders? The Mayor is asking council to be leery. Mr. Boswell responded that it was a concern and Mr. Boswell went through the bid with the contractor and discussed being comfortable with the supplier, which is US Bridge and his response was yes. Mr. Boswell's chief inspector spent 1.5 hours with him and Boswell did researching on other jobs. They are a heavy bridge contractor, an aggressive contractor and we will have to work hard to protect the resident's interest. Mayor stated the contractor is in litigation with the DOT. Mr. Boswell confirmed that they are in litigation on a project in Hillsborough route 202/206. Mr. Boswell stated they are not on the barred list and it should not interfere. Mr. Boswell stated based on public bidding law they are compelled to recommend the contractor.

Councilman Kulmala asked what is the cost differential on the Purchase Order analysis. Mr. Boswell responded that it is the contractor's method of supporting the utilities. The contractor is building a different support system than the other contractors. Mayor Schwager asked who the chief inspector is. Mr. Boswell answered Pete Penuche and the resident engineer is Bob Graham. Mr. Boswell stated Mr. Graham credentials. Councilman Kulmala asked what the life expectancy of this bridge would be. Mr. Boswell responded over 50 years maybe 60 or 70. He stated what happened here is the material selected by the developer for the bridge was a failure. Mr. Boswell stated that Boswell sent a letter with regards to Bridge being in a Floodplain/Way to the Borough on December 15, 2023 because they received correspondence from Michael Baker the DOT structural consultant that they went back out to the bridge site after we performed the recommended repairs, at that time they did not increase the tonnage but narrow the lane distance, which is effectively a one lane bridge. When this happened we recommended to the borough that the bridge be closed and to take the necessary steps to proceed with closure which is accelerating the process by 45-60 days. Mr. Boswell stated that due to possible weather and weight issues safety is paramount is to protect the public. Councilman Kulmala asked if we make it 20 feet wide why we can't plow the bridge. Mr. Boswell stated the road rating is 3 tons which is less than an electric pickup truck. Councilman Kulmala asked if you can walk across the bridge. Mr. Boswell responded yes, until the contractor takes over the site and is a construction zone. The contractor will have control of site for safety and cost issues. Councilman Talamini asked if closing the bridge speeds up the progress. Mr. Boswell stated closing the bridge now could speed it up, but they are still waiting to get the lead time on the actual bridge. Councilman Talamini asked if Boswell has ever working with this contractor. Mr. Boswell stated that he has not, but did spent the last month vetting the contractor. Councilman Talamini stated we will have to stay on top of the contractor.

Mr. Boswell stated that Allerman Brook is headed for a completion date by December 29, 2023. If not then expects one more week will be needed. Mr. Boswell stated that following the recent storm additional damage was found. Mr. Boswell complimented Mr. Roy Bauberger, stating he is a great asset to the borough. Mr. Boswell stated that Mahwah, Oakland and the County are working on the repairs to Glen Gray Road. There was no FEMA qualification for this storm. Councilman Kulmala asked if Glen Gray can be used if no structure issues are found by the state. Mr. Boswell stated Glen Gray should be open tomorrow.

OPEN PUBLIC COMMENT:

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

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

ALL IN FAVOR.

Adam Elkin, 147 Lakeshore Drive, I have reached out to all the councilman privately with regard to the RML Lake matter. I ask the borough to please get involved and help decide the fate of Mirror

and Crystal Lake. He stated that the NJ Courts have approved a divestment of the properties. He asked that the Borough help to take ownership of the lake properties and explore opportunities to work with the residents. He suggested a town swim club.

Frank Ritacco, 51 Lakeshore Drive, thank you to the Mayor for her many years of service to Oakland. There are lawsuits, hostility and anger with regards to Crystal and Mirror Lakes. He is asking the town to work with them to take over and manage the lakes. He stated the lakes ecological space and usefulness of the sites to Oakland. He stated that storm water runoff is an issue and the Dam needs repair. Please consider helping the lake community.

Alice Comer, 4 River Dell- Please have some holiday spirit and hold off on closing the bridge. It is one week before the holiday. We have guests coming and the detours are difficult. Asked that there please be more directional signage.

Leslie Derbyshire, 181 Lakeshore Drive, the detour onto Navajo onto Lakeshore is a traffic issue, there needs better signage. With regards to Allerman Brook, it leads to Crystal Lake which causes flooding. Allerman Brook is the town and the water runs into Crystal Lake. We need the towns help. RML has raised the Community fee significantly.

Geordan Kushner, 31 Winding Ridge, has the county signed on to accept ownership of the bridge once completed. Is there any warranty/ guarantee on the bridge for anything that may go wrong and what the recourse for the town is? Do we have to accept the lowest bidder and want causes us to have to. Is there a rendering of the bridge with a pedestrian pathway?

John Comer, 4 River Dell, Has questions with regards to the bridge, first if the bridge is reduced to 20 feet wide, that is the same size as the other entries. Can additional money be spent on the other bridges? There is a 21 month timeline to complete the project, the contract is approved and the contract has to be developed. Mr. Boswell stated that the Borough Attorney would draft and forward the contract to the contractor. 30 days for the contract to be in place. He asked about the utilities work and what the cost is and do they charge us. Mr. Boswell stated there may be a fee from the utility.

Kerri Sirinides, 41 Sioux Ave, we had our second annual Access for All event with Santa. We had 40 persons show up, which is our largest turnout yet, We would like to thank all involved especially Frank DiPentima, APL for the Tree donation, to Danny and Mame for who helped us all day, the Mothers club for food donations and Tony at the Oakland Elks for the cookies and of course all the Access for All volunteer especially Emily from the interact club.

Liz Carletta, 161 Lakeshore Drive, Please hear our pleas for help from the town with the Mirror and Crystal Lake situation. We ask the town to please help us with this situation, the latest storm flooded 2 feet of water into her yard. The runoff from Allerman is contributing to flooding.

Ann Seader, 33 Winding Ridge, Thank you to the Mayor for her service, I wish you well. With regards to the original bridge repair budget, we were told costs keep increasing, the contractor is getting 4.7 million, how much is the bridge? If this bidder is the only one with a unique idea for the

utilities, what is his backup plan if his idea for moving the utilities does not work? What is the plan as part of the backup plan for costs? I know the timeline is 21 months, the contract is signed, what is the timeline. If the Bridge itself wasn't going to be closed right away, why can't we do a one way on the bridge to be able to use it, which would allow another entrance in or out. Asked why the repairs recently done to increase the tonnage that were recommended by the DOT, why now is it closing and had the opposite effect. Is Boswell overseeing the project? In the event that they are no longer the town engineer will we be able to continue with the project.

Jodi Goffredo 44 Sioux Avenue, Thank you to the Mayor for her 12 years of services, it has been a pleasure working beside you on Access for All. Ms. Goffredo attended the BCUA meeting on December 19, 2023. It's a long lengthy process, she does not feel confident that it will not happen. If it does get approve I hope that the Mayor and Council will have in place items to protect the residents of Oakland, with ordinances, like a dust ordinance, Michigan just past something similar. Please attend the BCUA Meeting and the DEP meetings.

Alex Terlecky 8 Navajo Way, with the bridge closure there is more traffic. Allerman Brook is a borough project, how can the lake not be part of it. 287 and 202 are county roads and their runoff goes to the lake. Trying to understand how the borough disassociates itself from the lake. RML is 1/3 of the town, and the owners are angry at the situation.

Patty Schank 135 lakeshore Drive, asked for the Mayor and Council to please support them and the lake homeowners. Please I implore you to look at the traffic situation and Lenape Bridge.

Adam Elkin 147 Lakeshore Drive, Thank you Mayor for your services, the key word is responsibility. Very few actually use this bridge but we all support it. Crystal and Mirror Lake has been providing this town a service without maintenance for over 100 years. To completely fix the entire eco system is a fraction of the cost of the bridge and yet the town continues to indicate it has no responsibility. Thank you for working on Allerman Brook, but our lakes are just as important. Please come to the table and help the residents.

Kevin Gallo, 1 Pool Hollow Road, Thank you to the Mayor for her service and to the Councilmen that came to the BCUA Meeting. He is concerned for health issues, and the children in the neighborhoods that play outside. There is a website dontdumpinoakland.com where he is reporting information.

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

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

ALL IN FAVOR.

APPROVAL OF MINUTES:

December 6, 2023
December 6, 2023 Executive Session

Councilman Saliani set forth the motion, seconded by Councilman Slasinski, to approve the December 6, 2023 minutes.

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

ALL IN FAVOR

Councilman Saliani set forth the motion, seconded by Councilman Slasinski, to approve the December 6, 2023 Executive Session minutes.

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

ALL IN FAVOR

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS:

Presentation from Oakland recreation Commission:

The Oakland Recreation Commissioner Mike Guadagnino honored Mayor Schwager with a photo collage of the Mayor over the years of her involvement with Oakland Recreation and thanked her for her years of support.

Complete Street Presentation: Peter Bilton:

Mr. Bilton works with the North Jersey Transportation Planning Authority and will be reviewing a draft of the Complete Streets Policy and hopes the borough will adopt an Ordinance in the coming year. Mr. Bilton stated we sit between the state and the county to get funding for complete streets. Complete streets is an approach to managing the road transportation system and considering all possible users. Mr. Bilton stated he attended Trunk or Treat and spoke with residents for ideas and concerns. Resident's biggest concerns are recreation, sidewalks and bicycling. The full presentation is available on YouTube. Mr. Kunze advised that this is good for the borough for grant opportunities and a way of looking at the issues holistically and systematically in the development process. Councilman Kulmala asked if this is part of the Master Plan. Mr. Bilton stated this is the best practices of the state. Councilman Talamini asked what type of towns have this type of plan. Mr. Bilton responded that the towns with the policy tend to be more urban. Councilman Talamini thanked Mr. Bilton for coming to the trunk or Treat.

Response to Patriot's Way Bridge Questions by Kevin Boswell of Boswell Engineering:

Mr. Boswell provided the following responses to questions from the public with regards to Patriot's Way Bridge:

1. The county has not taken responsibility for the bridge superstructure.
 2. Guarantees associated with performance and the bridge, there are performance bonds in place while construction is ongoing, and there is a maintenance bond that is to make sure that the road does not settle for a period of 2 years after the work. Then there is a warranty that goes with the bridge itself as a separate component that is warrantied, Mr. Boswell will get the timeline of that coverage.
 3. There will be no intermittent opening of the bridge. Once the contractor starts he is in control of the bridge and will make all those determinations. Costs would be higher to keep the bridge open during reconstruction.
 4. The new bridge will look very close to what is in place now. The truss system will remain the same because we are using the same abutment system, what will change is the type of steel being used, what was used was a weathering steel and now they are using galvanized steel.
 5. With regards to using the monies for the other bridges, the money is specific to the purpose of Patriot's Way Bridge. It is difficult to get funds redirected. Not impossible but difficult.
 6. In public contracting law, there is means and methods, which means the contractor gets to identify how they are going to do something. We cannot tell the contractor how to do something. Boswell would review the submitted information.
 7. The project schedule is stipulated by the engineer and at the precon meeting we get a construction schedule from the contractor. They are saying 1 year, Boswell is not as optimistic due to utility work. If the contractor gets the job done sooner he makes more money.
 8. There is no viable way to open and close the road based on the weather. Road is closed till repairs are done.
 9. Mr. Michael Baker recommended the priority repairs, the borough did the repairs and the DOT said bridge needs to be closed.
 10. The Mayor and Council control whether Boswell Engineering will run the project through completion and have submitted a proposal.
 11. Yes there will be more traffic on Navajo. Might be necessary to flag the area for no parking.
- **Authorize Raffle License #RL1475 for Indian Hill Parents Athletic Committee for Raffle on February 15, 2024 at Indian Hills High School 97 Yawpo Ave, Oakland, NJ 07436 for the benefit of Ramsey-Indian Hills Ice Hockey team, General Fundraising**

On motion of Councilman Saliani, seconded by Councilman Slasinski, Raffle License #1475 be approved.

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

Abstain: None.
(4 ayes – 0 nays –motion carried)

ALL IN FAVOR

- **Authorize Raffle License #RL1476 for Sports Association of Oakland for an off-premise 50/50 raffle to be held January 21, 2024 at Indian Hills High School for the benefit of Oakland Braves wrestling**

On motion of Councilman Saliani seconded by Councilman Kulmala, Raffle License #1476 be approved.

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

ALL IN FAVOR

- **Authorize Raffle License #RL1477 for Oakland PBA Local 164 for a Casino Night to be held January 20, 2024 at the American Legion 65 Oak Street Oakland, NJ for the benefit of Oakland Families and Organizations**

On motion of Councilman Saliani, seconded by Councilman Kulmala, Raffle License #1477 be approved.

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

ALL IN FAVOR

- **Authorize Raffle License #RL1478 for Oakland PBA Local 164 for a 50\50 to be held January 20, 2024 at the American Legion 65 Oak Street Oakland, NJ for the benefit of Oakland Families and Organizations**

On motion of Councilman Kulmala, seconded by Councilman Saliani, Raffle License #1478 be approved.

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

ALL IN FAVOR

- **Approve Social Affairs Permit for Oakland PBA Local 164 on January 20, 2024 for a Casino Night**

On motion of Councilman Saliani, seconded by Councilman Slasinski, Social Affairs permit be approved.

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

ALL IN FAVOR

RESOLUTIONS – CONSENT AGENDA:

23-345: AUTHORIZE HIRE OF CLERK 1 MUNICIPAL COURT

WHEREAS, there is a need to hire a full-time Clerk 1 for the Municipal Court of the Borough of Oakland;

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, hereby authorize the hire of Dana Salazar as Clerk 1 for the Court at a salary of \$45,000.00, effective December 18, 2023.

23-346: AMEND BY-LAWS OF THE OAKLAND COMMUNICATIONS COMMISSION

WHEREAS, the Oakland Communications Commission sees a need to update the existing By-Laws.

WHEREAS, the Oakland Communications Commission approved the updates at the November 1, 2023 Meeting adopting the 5 year plan.

WHEREAS, the Mayor and Council of the Borough of Oakland deems it to be in the best interests of the Oakland Communications Commission that the By-laws be updated; and

BE IT RESOLVED, that the Bylaws of the Oakland Communications Commission previously adopted on January 26, 2022, Resolution 22-39 be amended as set forth in the draft document; and

BE IT FURTHER RESOLVED, that the Bylaws of the Oakland Communications Commission are hereby adopted as amended.

23-347: AUTHORIZE REFUND OF TAXES FOR 2023 4TH QTR OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the total amount of \$3285.39; 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 Tax Refund #CF-01-55-998-002 Tax Refund;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$3285.39 to:

<u>NAME</u>	<u>ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>
Jennifer and Anthony Giampietro	675 Birchwood Drive Wyckoff, NJ 07481	1901	30

23-348: AUTHORIZE REFUND OF TAXES FOR 2023 4TH QTR OVERPAYMENT

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of taxes in the total amount of \$2505.82; 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 Tax Refund #CF-01-55-998-002 Tax Refund;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$2505.82 to:

<u>NAME</u>	<u>ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>
Eric Thomasevich	4358 Sunmill Ct Bradenton, Fl. 34211	3903	42.18

23-349: RESOLUTION OPPOSING ASSEMBLY BILL #5659 ESTABLISHING 21ST CENTURY INJURED WORKERS' ACCESS TO JUSTICE ACT

WHEREAS: Local Government is facing the largest budget increase for property/casualty insurance since the mid-1980s; and

WHEREAS: The property/casualty budget for the typical municipality has already experienced a 20% to 25% increase since 2021 and will experience another 12% to 20% increase in 2024; and

WHEREAS: New Jersey now has the highest workers' compensation premium rates in the country based on data from the U.S. Bureau of Labor Statistics; and

WHEREAS: Workers' Compensation escalated because New Jersey judges are now reopening cases up to four and five times, whereas in the past they rarely reopened a case more than once; and

WHEREAS: Workers' Compensation also escalated because of a 2021 Department of Labor decision that directed workers' compensation to pay many accidental disability claims that previously were paid by the pension plans; and

WHEREAS: Another recent law created a presumption that firefighters diagnosed with cancer are eligible for workers' compensation; and

WHEREAS: During the COVID 19 Pandemic, the Legislature approved a law that made COVID contracted by first responders and essential employees compensable under New Jersey's workers' statute resulting in the COVID cost per employee being the second highest in the country; and

WHEREAS: Liability has increased because of the erosion of Title 59 protections in New Jersey's courts. Judges are now reluctant to grant summary judgement dismissing even frivolous claims because of the 2021 New Jersey Supreme Court decision in Gonzalez v. Jersey City; and

WHEREAS: The recent amendment in the sexual molestation statute of limitations also increased Title 59 liability costs. In some cases, towns are being sued based on allegations going back to the 1970s; and

WHEREAS: Property premiums are increasing rapidly because the world-wide frequency of large natural disasters has almost tripled since 2000. New Jersey alone was hit with Hurricane Irene in 2011, Superstorm Sandy in 2012 and Tropical Storm Ida in 2021; and

WHEREAS: Property insurance premiums are also indexed to replacement values that have jumped because of supply chain issues and the labor shortage; and

WHEREAS: Cyber liability premiums have more than doubled in recent years. Organizations without strong cyber risk controls are finding it difficult to purchase any coverage.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF OAKLAND THAT:

- 1) The Legislature is urged to adopt budget and levy cap exemptions for property/casualty insurance and claims; and
- 2) The Administration and the Legislature should not adopt additional legislation or regulations that will increase municipal claims without a thorough and complete analysis of the cost; and

The New Jersey Department of Labor, the New Jersey Department of Banking and Insurance and the New Jersey Department of Community Affairs should meet with representatives of municipal government to discuss ways to reduce property/casualty costs.

**23-350: RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS
RESULTING FROM TAX COURT JUDGMENT P & T COMPANY**

WHEREAS, the Tax Court of New Jersey entered Judgments for tax year 2023 on November 14, 2023 and for tax year 2022 on November 29, 2023 regarding the settlement of tax appeals filed by property owner: P & T Company, LP for the property located at: Block 3903, Lot 77 also known as 306 Ramapo Valley Road; and

WHEREAS, the Judgments entered reduced the assessment on the property for tax years 2022 and 2023; and

WHEREAS, as a result of the settlement Judgments, the above-mentioned property owner is owed a refund for tax overpayments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Chief Financial Officer be and is hereby authorized to make the following refund(s) as provided by the settlement Judgments attached hereto and for the Tax Collector to adjust her records accordingly:

Block	Lot	Address	Owner	Tax Year	Tax Rate	Refund
3903	77	306 Ramapo Valley Rd	P & T Company, LP	2022	2.352%	\$2,528.40
3903	77	306 Ramapo Valley Rd	P & T Company, LP	2023	2.374%	\$3,278.49
Subtotal						\$5,806.89
Outstanding Municipal Charges as of Date of Judgment(s)						- \$0.00
Total Refund						\$5,806.89

Make Check Payable to:

“James T. Cedarstrand Trust Account in trust for P & T Company, LP”

Deliver Check to:

James T. Cedarstrand, Esq.
229 Rock Road, 2nd Floor
Glen Rock, NJ 07452

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk and Borough’s Tax Professionals are hereby authorized and directed to execute any other documents necessary to effectuate the purpose of this Resolution.

BE IT FURTHER RESOLVED that the refund will be made without any interest to the taxpayer, as long as payment is made within 90 days of the date of Judgment.

Resolution 23-351 Pulled by Mayor Schwager for discussion:

On motion of Councilman Saliani, seconded by Councilman Kulmala, the following resolution be opened for public discussion:

ALL IN FAVOR

Mayor Schwager stated she was concerned with regards to accepting the lowest bid being that it is 1 million lower than the other bidders. Mr. Kevin Boswell, of Boswell Engineering stated that they have spent a lot of time vetting the winning bidder, their references and having discussion with the State on their contracting services and feels confident that they can start and complete the job on time. Boswell Engineering is recommending this contractor.

On motion of Councilman Kulmala, seconded by Councilman Talamini, the following resolution be closed for public discussion:

All IN FAVOR

23-351: AWARD BID TO KONKUS CORPORATION FOR THE SUPERSTRUCTURE REPLACEMENT OF PATRIOT’S WAY BRIDGE

WHEREAS, bids were received on November 21, 2023 for the Superstructure Replacement of Patriot’s Way Bridge; and

WHEREAS, Konkus Corporation has submitted the lowest responsive and responsible bid with a total bid price of \$4,776,150.92; and

WHEREAS, the Borough Administrator, Borough Engineer, and Borough Attorney have reviewed the bids and recommend the bid be awarded to Konkus Corporation; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-810-202 in the amount of \$3,000,000.00, C-04-56-810-212 in the amount of \$1,047,000.00 and in account #C-04-56-810-222 in the amount of \$729,150.92

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that the bid from Konkus Corporation in the total amount of \$4,776,150.92 be accepted; and

BE IT FURTHER RESOLVED, that the Borough Administrator is directed to prepare an appropriate contract for the same; and

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 Kulmala, seconded by Councilman Slasinski, the following resolutions be introduced, adopted, and duly passed by a roll call vote:

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

ALL IN FAVOR.

23-353: AWARD BID LAKEVIEW TERRACE DRAINAGE IMPROVEMENTS

WHEREAS, on December 19, 2023, the Borough of Oakland received fourteen (14) bids for the Lakeview Avenue Drainage Improvements project; and

WHEREAS, KM Construction Corp, 14 Cordier Street, Irvington, NJ 07111, had the lowest responsive and responsible bid with a base bid of \$ 123,706.85; and

WHEREAS, the Borough Administrator and Borough Attorney have reviewed the bids and have recommended acceptance of the bid from KM Construction Corp; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account # C-04-56-907-802;

NOW, THEREFORE, BE IT RESOLVED that the bid of KM Construction Corp in the total amount of \$123,706.85 be accepted; and

BE IT FURTHER RESOLVED that the Borough Administrator is directed to prepare an appropriate contract for the same; and

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

23-354: AWARD BID JEROME AVENUE DRAINAGE IMPROVEMENTS

WHEREAS, on December 19, 2023, the Borough of Oakland received fourteen (14) bids for the Jerome Avenue Drainage Improvements project; and

WHEREAS, Crossroads Paving Company, 386 South Street #169, Newark, NJ 07105, had the lowest responsive and responsible bid with a base bid of \$ 133,350.00 Alternate Bid \$ 12,400.00 for a total bid \$ 145,750.00; and

WHEREAS, the Borough Administrator and Borough Attorney have reviewed the bids and have recommended acceptance of the bid from Crossroads Paving Company; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account # G-02-23-799-001;

NOW, THEREFORE, BE IT RESOLVED that the bid of Crossroads Paving Company in the total amount of \$145,750.00 be accepted; and

BE IT FURTHER RESOLVED that the Borough Administrator is directed to prepare an appropriate contract for the same; and

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 Saliani, seconded by Councilman Slasinski, the following resolutions be introduced, adopted, and duly passed by a roll call vote:

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

ALL IN FAVOR.

ORDINANCES:

Final Adoption:

ORDINANCE NO. 23-CODE-934

AN ORDINANCE REVISING, AMENDING AND REENACTING PARAGRAPH 1,3, 4 and 8 OF ORDINANCE N0-22-CODE-887 TITLED "THE CODE OF THE BOROUGH OF OAKLAND, COUNTY OF BERGEN, STATE OF NEW JERSEY, ENTITLED "SALARIES OF MUNICIPAL EMPLOYEES"

The Borough Clerk was directed to take from the table Ordinance No. 23-CODE-934 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled **"AN ORDINANCE REVISING, AMENDING AND REENACTING PARAGRAPH 1,3, 4 and 8 OF ORDINANCE N0-22-CODE-887 TITLED "THE CODE OF THE BOROUGH OF OAKLAND, COUNTY OF BERGEN, STATE OF NEW JERSEY, ENTITLED "SALARIES OF MUNICIPAL EMPLOYEES"**

OPENED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

No public comment.

CLOSED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

On motion of Councilman Kulmala, seconded by Councilman Talamini, Ordinance 23-CODE-934, entitled **“AN ORDINANCE REVISING, AMENDING AND REENACTING PARAGRAPH 1, 3, 4 and 8 OF ORDINANCE N0-22-CODE-887 TITLED "THE CODE OF THE BOROUGH OF OAKLAND, COUNTY OF BERGEN, STATE OF NEW JERSEY, and ENTITLED "SALARIES OF MUNICIPAL EMPLOYEE”,** be adopted.

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

ORDINANCE 23-CODE-935

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIII, SECTION 10 OF THE OAKLAND CODE, ENTITLED “FEE SCHEDULE” AND SECTION 13 ENTITLED “CHARGES AND FEES”

The Borough Clerk was directed to take from the table Ordinance No. 23-CODE-935 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled **“ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIII, SECTION 10 OF THE OAKLAND CODE, ENTITLED “FEE SCHEDULE” AND SECTION 13 ENTITLED “CHARGES AND FEES””**

OPENED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

On motion of Councilman Talamini, seconded by Councilman Saliani, Ordinance 23-CODE-935, entitled "**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIII, SECTION 10 OF THE OAKLAND CODE, ENTITLED "FEE SCHEDULE" AND SECTION 13 ENTITLED "CHARGES AND FEES"**", be adopted.

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

ORDINANCE NO. 23-CODE-936

"AN ORDINANCE AMENDING CHAPTER 2 OF THE OAKLAND BOROUGH CODE TO CREATE A SUSTAINABLE OAKLAND GREEN TEAM COMMITTEE"

The Borough Clerk was directed to take from table Ordinance No. 23-Code-936 and read by title for its final hearing.

The Borough Clerk then read by title Ordinance No. 23-Code-936 entitled, **AN ORDINANCE AMENDING CHAPTER 2 OF THE OAKLAND BOROUGH CODE TO CREATE A SUSTAINABLE OAKLAND GREEN TEAM COMMITTEE"**

OPENED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

No public comment.

CLOSED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

On motion of Councilman Talamini, seconded by Councilman Kulmala, Ordinance 23-CODE-936, entitled "**AN ORDINANCE AMENDING CHAPTER 2 OF THE OAKLAND BOROUGH CODE TO CREATE A SUSTAINABLE OAKLAND GREEN TEAM COMMITTEE"**, be adopted.

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

(4 ayes – 0 nays –motion carried)

ALL IN FAVOR

**ORDINANCE NO. 23-CODE-937
An Ordinance Regulating Privately-Owned Salt Storage**

The Borough Clerk was directed to take from table Ordinance No. 23-Code-937 and read by title for its final hearing.

The Borough Clerk then read by title Ordinance No. 23-Code-937 entitled, **“An Ordinance Regulating Privately-Owned Salt Storage”**

OPENED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

No public comment.

CLOSED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

On motion of Councilman Talamini, seconded by Councilman Kulmala Ordinance 23-CODE-937, entitled **An Ordinance Regulating Privately-Owned Salt Storage**, be adopted.

**ROLL CALL: Ayes: Kulmala, Slasinski and Talamini
Nays: Saliani.
Abstain: None.
(3 ayes – 1 nays –motion carried)**

ALL IN FAVOR.

WORK SESSION:

Amend Code Enforcement Fees

The Code Enforcement Department has examined our current fees for construction, fire prevention and zoning by researching and comparing them to other area municipalities, including Franklin Lakes, Wyckoff, Mahwah, Wayne, Ramsey and Saddle River. Our fees are drastically lower than what other towns charge and have not been updated in the last 14-15 years.

Please refer to the documentation in the packet for a schedule of the fee changes and marked up versions of the applicable ordinances. The proposed revisions also include a new lead paint ordinance to fully implement the requirements handed down by the state last year and revisions to the COO fee structure since the fire prevention inspection components are now separate.

Councilman Kulmala asked if we have staffing to cover the building the Lennar Homes. Mr. Kunze stated yes, that is why it needs to be updated, has not been updated since 2009. Councilman Talamini asked that we be more vigilant in tracking fees to be current

Amend Recreation Fees

Most recreation programs require fee increases to account for increased costs for equipment, league fees, and officials. There is also an adjustment to help cover the additional cost of making the Recreation Aide a full time position. Currently budgeted at 24 hours per week, the Aide would move to 35 hours per week, with 30 hours devoted to Recreation and 5 hours spent assisting the Senior Center. Lastly, the fee adjustments also account for a new sponsorship program with the Oakland Chamber of Commerce where local businesses would sponsor baseball and softball teams by purchasing the uniforms.

NEW BUSINESS: NONE

OLD BUSINESS: NONE

COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilman Talamini:

Thank you to Mayor Schwager for her service to the Borough of Oakland. He wished all a happy Holiday and praised the Public Events for the wonderful Tree and Menorah Lighting. He also congratulated Access for All for another successful event and stated all the groups need volunteers. Councilman Talamini stated the budget is coming along for the Finance Committee. Schools are closed look out for the kids.

Councilman Kulmala:

Councilman Kulmala attended the BCUA meeting in Little Ferry on December 19, 2023 and had the opportunity to speak. He asked the commissioners if they have gone to the site. Please continue with your letters to the BCUA. He wished Mayor Schwager success in her future and thank her for her service to the Borough of Oakland. He also wish the residents a Happy Holiday.

Councilman Pignatelli: Absent

Councilman McCann: Absent

Councilman Slasinski:

Thank you to the Mayor for her years of service. Councilman Slasinski advised that public the Communications Commission YouTube Channel has reached 500 followers, and that chairman

Mark Albala was elected as a JAG trustee. He reminded the public of the upcoming Library events and wished the residents a Happy Holiday.

Councilman Saliani:

Council President Saliani thanked the DPW for all the work during the flooding and weather the Borough recently experienced. Council President Saliani thank Roy Bauberger of OEM for all of his work and assistance during the weather event. Council President Saliani also reminded the Council to plan a River Project work session

OPEN PUBLIC COMMENT:

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

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

ALL IN FAVOR.

Deb Mutterer 101 Walnut Street, There is water coming up in the street and needs repair as well as my driveway.

Ryan Schwertfeger 130 Hiawatha Boulevard, Gave the public the Oakland TV schedule. Congratulations to Eric for his win as Mayor and Russ and Pat for winning their seats. He thanked the Mayor for her support of the Oakland Communications Commission and for always supporting projects.

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

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

ALL IN FAVOR.

A presentation was made to the Mayor of a gift and flowers on behalf of her years of service. She was very thankful for all the kind words and support.

BILLS TO BE PAID:

On motion of Councilman Talamini, seconded by Councilman Saliani, 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, Saliani, Slasinski, And Talamini
Nays: None.
Abstain: None.
(4 ayes – 0 nays -motion carried)

ALL IN FAVOR

ADJOURNMENT:

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

ALL IN FAVOR.

Adjourned: 9:39 p.m.

APPROVED BY:

DATE: 12/20/23

ATTEST:

Eric Kulmala, Mayor

Wendi Seelin, Acting Borough Clerk