

SPECIAL MEETING OF THE MAYOR AND COUNCIL
HELD VIA ZOOM VIDEO CONFERENCE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY MAY 5, 2021

MEETING CALLED TO ORDER: By Mayor Schwager at 7:01 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck. Absent: None. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney; John Yakimik, Borough Engineer.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Biale, seconded by Councilman Kulmala, 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 hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
Personnel
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: All yeas, Councilmembers Biale, Kulmala, Pignatelli, Slasinski, Talamini, Van Eck.

Discussion about personnel matters. No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Pignatelli, seconded by Councilman Talamini, the Executive Session be closed.

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

Mayor Schwager advised the meeting tonight is for discussion of the Patriots Way Bridge. She advised that the State inspected the bridge on June 17, 2020. They filed a 100 page report in February which states the structure is satisfactory. Mayor Schwager discussed this report with Borough Engineers John Yakimik and Kevin Boswell. Mayor Schwager received a few emails about flaking rust under the bridge. She contacted the Engineer. The rust has been addressed. Mayor Schwager spoke about funding sources since the cost of the bridge has increased. At this time, the Borough has reached out to Congressman Gottheimer who will be presenting our funding request for the bridge project to the U.S. Transportation Committee. Councilman Kulmala is trying to get the County involved. Councilman Biale explained that we are trying to get the County to allow us access to their bridge support funding. Mayor Schwager signed a letter yesterday to be sent to Senator Schepisi who will try to help us get funding.

CFO David Young advised that there are two Capital authorizations in place for the Patriots Way Bridge. Ordinance 18-771 authorized \$ 1,200,000 with \$ 1,050,000 towards construction costs. Ordinance 20-810 authorized \$ 3,600,000 with \$ 3,000,000 towards construction costs. He explained that the Mayor and Council have to authorize the spending no matter what the funding source is. So far, we have spent \$ 210,000 in soft costs from Ordinance 18-771 and \$ 197,168 in soft costs from Ordinance 20-180. The projected full soft costs for the project is \$ 850,000. He explained that we have spent approximately \$ 30,000 in construction costs for walkway rehabilitation and temporary road plates.

Mr. Young explained that the Mayor and Council have received draft ordinance to authorize another \$ 1,100,000 in funding. If the money is not spent, the ordinance canceled. Currently, in existing funding, there is \$ 240,000 in the Capital Improvement Fund, \$ 1,183,170 in grants, and \$ 3,376,830 in bonds. He explained the Borough is still seeking grant funding from various sources. Councilman Kulmala stated that there seems to be confusion that the money can be used for another project. Mr. Young responded that a bond ordinance is specific as to what the money can be used for. If it is not used for that purpose, the ordinance must be canceled or repurposed.

Borough Engineer John Yakimik advised that Boswell gave a comprehensive report on the cost schedule to the Mayor and Council. He advised that Boswell performed a bridge inspection in 2017. The condition at the time was poor so the Borough instituted a 10 ton weight limit. In June 2018, the State started inspecting the bridge and rating was poor. In October 2018, the Borough received an emergency inspection request from Ramapo River Reserve. As a result, the bridge was closed November 1, 2018. Mayor Schwager advised that the Borough contacted the Governor's office and the State committed to making emergency repairs. The bridge was reopened in January 2019. In June 2020, the State performed another inspection but the Borough did not receive the report until February 2021. In August 2020, Boswell was awarded a contract for the design of the bridge. In February 2021, the Borough received the inspection report and the bridge was rated satisfactory. The rating went up because of the work the State did. As of

today, our permit from the DEP was approved. The Borough needs to secure a permit from Bergen County Soil Conservation but we needed information from the DEP permit in order to apply. Mr. Yakimik expects the permit from Bergen County in about 30 days.

Mr. Yakimik advised that Boswell developed a scheme that the gas main could remain in place so there would be no gas shutdown. It entails installing a temporary bridge between two trusses. Basically all utilities except water will remain in place which saves a tremendous amount of reliability with the utility companies. It is a tremendous advantage. The cost of the temporary bridge is \$ 109,000 but the benefit is huge. The water line would have to be relocated onto the temporary bridge. Mayor Schwager commented that originally the project could only be done during certain seasons because of the gas main but that is not the case any longer. Mr. Yakimik advised that we would not want to do asphalt and concrete during the winter months. He advised that the deck should be poured between March and November.

Mayor Schwager commented that somewhere between March 5th and March 22nd, Mr. Yakimik said that Boswell miscalculated the cost. Mr. Yakimik responded that on March 5th, he reported to Ramapo River Reserve that everything was on schedule. As they were working on the final construction estimate, they found by March 20th that the cost was greater than the original estimate. Mr. Yakimik immediately contacted the Borough Administrator. Mayor Schwager asked about the bid and funding from grants. Mr. Yakimik responded that federal grants typically have a lot of requirements attached. There is a NEPA process which requires much more extensive environmental studies which would require a lot of soft costs and also mean more time and delay. State grants and County funding are much easier to promulgate and utilize. He recommends keeping an eye on steel prices which had escalated tremendously. He believes the prices may come down in June or July.

Mayor Schwager asked if the Borough could move forward with the bid while we wait for grants. Mr. Yakimik advised if the bid goes out now, it would mean pouring concrete in winter months. The temporary bridge is going to take two months to fabricate. It will take three months to fabricate the permanent bridge. It should be ready for next spring. Mayor Schwager asked how the bid affects grants. Mr. Yakimik responded that going out to bid now would have an adverse effect by disqualifying the borough from grants because they would want to review the bid documents before awarding a grant.

Mayor Schwager asked if the bridge is safe. Mr. Yakimik responded it is safe. He spoke about the flaking rust and advised it is important for the flaking steel to be taken down. The bridge has two defects. One is the weathering steel which has not been allowed over bodies of water since the 1990's because it deteriorates at a faster rate. The outside beams are getting a lot of salt and water runoff. He explained that not enough steel has delaminated to push it to a poor rating or to require a weight limit. Mayor Schwager asked about the inspection schedule. Mr. Yakimik responded that the federal government has determined that every bridge must be inspected every two years.

Mayor Schwager asked what the projected timeline would be if there is full funding. Mr. Yakimik responded that the estimated timeline is 10 months from pre-construction to ribbon cutting. Mr. Kunze advised that pre-construction is a function of when the Borough decided to advertise for bid. Mr. Yakimik responded that the bids should be advertised in September or October after the Borough hears back about grants. The bid has to be advertised for 30 days. The bid would be awarded in December 2021. Pre-construction meetings would take place in January 2022. During the winter months, the bridges would be fabricated offsite and the bridge would be

closed for construction in March 2022. Mayor Schwager asked Mr. Yakimik if the bridge would remain satisfactory in his opinion. Mr. Yakimik responded it would.

Councilman Biale asked how much further out the schedule is now than it was six weeks ago. Mr. Yakimik stated that we were looking at an 8 or 9 month schedule and now it is 10 months because of the temporary bridge. Councilman Biale commented that last year, we expected the DEP permit to be approved as of April 2021. Mr. Yakimik responded that there was a delay of a month due to COVID. Councilman Biale spoke of delays with the State for big projects. Mr. Yakimik advised they are trying to work through roadblocks and resolve them.

Councilman Talamini asked if the bridge would be ready if the Borough wants the County to take it over. Mr. Yakimik advised that he met with the County a couple of years ago and they pointed out substandard items. The Borough must rectify those items before the County will agree to take the bridge over. One item is a design flaw with the trusses because there are new standards. This bridge project corrects the flaws with the new standards so it puts the Borough in a good position to have the County take over responsibility of the bridge. Mayor Schwager commented that the bridge is still safe even though it was built under different standards than today. Councilman Talamini commented that the temporary utility bridge adds time and increases the price. Mr. Yakimik responded it will add time and may add cost but the project could be delayed even longer if the utility companies were involved and the Borough had to abide by their schedule. Councilman Talamini asked if the temporary bridge is being built in place. Mr. Yakimik stated it is a rental per month and serves as a work platform while the bridge is demolished.

Councilman Pignatelli questioned if the Borough could ask the County if they would accept the bridge once the project is complete. Mayor Schwager stated a bridge this size should not belong in the hands of a municipality. Councilman Biale advised that letter was submitted to the County who promised to do what they could to allow the Borough to use the County's bridge fund. Councilman Kulmala asked about the strings involved with the federal grant. Mr. Yakimik responded he has been involved with three bridges that used federal funding. They required resource studies. The location of this bridge would require additional studies and that process may take 9 months or longer. It may require new design changes which would add time.

Councilman Pignatelli asked if the design is done. Mr. Yakimik advised that he still has to write the specifications which will take a few weeks. Councilman Pignatelli hopes that Boswell understands this is a high priority project. Councilman Kulmala asked if the only thing preventing the Borough from moving forward now is the shortfall in funding. Mr. Yakimik responded it was.

OPENED FOR PUBLIC COMMENT:

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

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

Steven Martino, 8 Woods End, stated the Borough is relying on the State inspection which was done in June 2020 before this past winter with all the snow and salt.

Georden Kushan, 31 Winding Ridge, understands the temporary bridge adds more time. He asked for an explanation of what the original plan was for the utilities and why relocating the utilities in the original plan wasn't going to add in more time. He asked why it couldn't be done

in a shorter time frame to be done by November. He stated it is naïve to assume prices for steel will go down and asked what happens to funding if steel prices go up.

Richard Michaud, 15 River Dell, commented that the engineer mentioned issues with rainfall and silt. He asked if there are plans to create adequate drainage runoff so it doesn't cause degradation of the new bridge. He asked what the risk is of the temporary bridge for utilities and could it cut off Ramapo River Reserve from power and gas.

John Comer, 4 River Dell, understands the revised budget. He asked how confident the engineer is with his estimate. He asked about the alternate routes and if the bridges being used in the alternate routes will be in good condition.

Michelle Thomkins, 15 Crooked Hill, asked why the alternate routes aren't open in case some people want to use them instead of the Patriots Way Bridge.

CLOSED FOR PUBLIC COMMENT:

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

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

Mr. Yakimik advised that they are constantly monitoring the bridge. He explained that bridges have redundancy with regard to the amount of steel. He stated that even if the bridge loses some steel before the next inspection in June 2022, there are enough safety factors built in. The new bridge will have curbing and water will get channeled into gutters and into catch basins. It will no longer flow over the sides and onto the steel. The new bridge will have a slight arch and crossfalls to take water quickly off the bridge. He explained that Boswell does a tremendous amount of research to come up with the final estimate. They call prefabricators and contractors and take into account current trends. Mr. Yakimik is confident in the final cost estimate. Mr. Yakimik explained that the 8 to 9 month timeframe with the utility relocation was without anything going wrong. He explained if there are storms and hurricanes, the utility companies will be busy for weeks and it would delay the bridge project. He believes the temporary bridge is the way to go. There is much less risk by using a temporary bridge because the utilities are not physically moving.

Councilman Kulmala asked if Ramapo River Reserve is dual fed for gas and water. Mr. Yakimik responded he believes there is a gas main on Truman but not on Glen Gray Road. The gas main on Truman would not be enough to heat the Reserve on its own. Councilman Pignatelli asked if the temporary bridge was only going to be used for construction personnel. Mr. Yakimik responded that the temporary bridge is solely for support of the utilities and for use as a work platform. It is not going to be used for pedestrians or vehicles. Mr. Yakimik addressed the question on steel prices. He explained that U.S. Bridge who is the manufacturer that will supply the permanent bridge did advise that steel prices should level off and come down in the next couple of months. Mayor Schwager addressed the question regarding alternate routes and state before they are opened, there must be a meeting with the DPW and Public Safety personnel. Councilman Talamini asked if the price is locked in once we enter into a contract. Mr. Yakimik responded the price is locked in.

INTRODUCTION: ORDINANCE NO. 21-BOND-829

The Clerk was directed to take from table Ordinance No. 21-Bond-829 and read by title for its first reading.

The Clerk then read by title Ordinance No. 21-Bond-829 entitled: "BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$1,100,000 FOR THE REPLACEMENT OF THE PATRIOT'S WAY BRIDGE IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

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

BE IT RESOLVED that an Ordinance entitled, "Bond Ordinance To Appropriate An Additional Sum Of \$1,100,000 For The Replacement Of The Patriot's Way Bridge In, By And For The Borough Of Oakland, In The County Of Bergen, State Of New Jersey, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Additional Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds.", be introduced;

That said Ordinance be considered for final adoption at a meeting on May 26, 2021 via Zoom video conference, Oakland, New Jersey at 7:30 P.M.

That said Ordinance be published in full in The Record on or before May 10, 2021 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

RESOLUTION 21-178 INTRODUCTION BOND ORDINANCE

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

BE IT RESOLVED that the ordinance entitled:

"BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$1,100,000 FOR THE REPLACEMENT OF THE PATRIOT'S WAY BRIDGE IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 26th day of May, 2021, at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard

concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

Mayor Schwager advised that the Borough is trying to be as transparent as possible. She advised that on June 1st, Mr. Yakimik will update everyone on the timeline. Mayor Schwager will update residents on grant funding received and will keep them informed. Councilman Kulmala wants an update on the bridge at each Council meeting under new business.

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Talamini, the meeting be adjourned at 9:08 pm.

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

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk
May 26, 2021

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager