

BOROUGH COUNCIL MEETING
April 26, 2023

Municipal Court/Council Chambers
10 Lawlor Drive
Oakland, N.J. 07436
7:00 P.M.



BOROUGH OF OAKLAND
NEW JERSEY



Phone: (201) 337-8111
Website: www.oakland-nj.org

BOROUGH OF OAKLAND

Borough Council Meeting

FINAL AGENDA

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

MAYOR:
Linda H. Schwager

BOROUGH COUNCIL:
Steven Saliani, *President*
Eric Kulmala
John McCann
Pat Pignatelli
Kevin Slasinski
Russell Talamini

April 26, 2023 - 7:00 p.m.

EXECUTIVE SESSION

6:30 P.M.

- Executive Items

CALL TO ORDER

Mayor Linda H. Schwager Presiding

- Statement of Compliance with Open Public Meetings Act:
 - This Meeting is being held in accordance with the Open Public Meetings Law, duly announced, advertised, and posted in the Municipal Building. The meeting will adjourn no later than 10:00 p.m. unless a majority of the Councilmembers that are present vote to extend the time.
- Pledge of Allegiance to the Flag & Moment of Silence

ROLL CALL

Roll Call: Mayor Linda H. Schwager, Councilmembers Kulmala, McCann, Pignatelli, Saliani, Slasinski, Talamini

MAYOR'S REPORT

Mayor Linda H. Schwager

WRESTLING CERTIFICATES

Mayor Linda H. Schwager

- Recognition of Oakland Braves Wrestling Championships

OPEN PUBLIC COMMENT

General Public

Open public comment for members of the public not to exceed 3 minutes per person. Session not to exceed 30 minutes.

APPROVAL OF MINUTES

Borough Council

- April 12, 2023 Executive Session

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS

Borough Council

- Authorize Bingo License #BL1453 to, Manito School PTO for On-Premise Bingo on May 20, 2023 at 7 Court House Place, Oakland, NJ 07436
- Authorize Raffle License #RL1454 to, John Robert Walker Memorial Oakland First Aid Squad for On-Premises 50/50 Raffle on September 11, 2023

PUBLIC HEARING ON BUDGET AS INTRODUCED *Borough Council*

23-145: Final Adoption of Municipal Budget

RESOLUTIONS *Borough Council*

All Resolutions listed shall be acted upon by a single motion unless a member of the Governing Body requests specific items be pulled from the Consent Agenda for separate action.

- 23-136:** Resolution to Authorize a Non-Binding Ballot Question Related to Permissibility of Cannabis Businesses in the Borough of Oakland
- 23-146:** Self-Examination of Budget
- 23-147:** Resolution Adopting Daniel’s Law Redactors
- 23-148:** Authorize Chapter 159 for National Opioid Settlement
- 23-149:** Authorize Agreement with the Sport Association of Oakland for Fundraising for Bush Plaza Park Project
- 23-150:** Resolution Appointing Registrar
- 23-151:** Resolution Appointing Deputy Registrar
- 23-152:** Water Service Agreement- 9 Pima Court
- 23-153:** Award Contract Architectural Services to Repair the Recreation Shed
- 23-154:** Award Contract- Engineering Services for Bush Plaza Park
- 23-155:** Authorize Execution of Shared Services SLEO III Agreement

ORDINANCES:

Introduction:

- 23-CODE-904:** Revise Permit Parking Code
- 23-CODE-905:** Amend Land Use – Short Term Rentals
- 23-CODE-906:** Amend Land Use – Boarding Houses

WORK SESSION

- Bush Plaza Park Banner
- Political Contribution Disclosure Ordinance / State Elections Transparency Act

NEW BUSINESS

OLD BUSINESS

BOROUGH COUNCIL COMMITTEE/LIAISON REPORTS *Borough Council*

OPEN PUBLIC COMMENT *General Public*

Open public comment for members of the public not to exceed 3 minutes per person. Session not to exceed 30 minutes.

BILLS TO BE PAID	<i>Borough Council</i>
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ADJOURNMENT

The next Borough Council Meeting will be held on Wednesday May 10, 2023 at 7:00 p.m. at the Borough of Oakland Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, N.J. 07436



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-136

TITLE:

RESOLUTION TO AUTHORIZE A NON-BINDING BALLOT QUESTION RELATED TO PERMISSIBILITY OF CANNABIS BUSINESSES IN THE BOROUGH OF OAKLAND

WHEREAS, in the 2020 General Election the Borough of Oakland participated in a statewide ballot question which asked, “Do you approve amending the Constitution to legalize a controlled form of marijuana called ‘cannabis’?”; and

WHEREAS, said ballot question received sufficient support to pass and created a pathway to legalization of recreational cannabis in the State of New Jersey; and

WHEREAS, subsequently the New Jersey Legislature passed the CREAMM Act which created the statutory mechanism for legalization of recreational cannabis and authorized the Cannabis Regulatory Committee (“CRC”) to adopt rules to effectuate said statutes; and

WHEREAS, the CRC created six (6) recreational classes of cannabis licenses and left authority to individual municipalities as to whether to permit or prohibit any or all of the six (6) classes of licenses within their borders; and

WHEREAS, the citizens of Oakland have not been given the opportunity to vote regarding their opinion on whether or not to allow cannabis businesses within the Borough of Oakland; and

WHEREAS, N.J.S.A. 19:37-1 permits municipalities to authorize by a resolution for a non-binding ballot question to “[a]scertain the sentiment of the legal voters of the municipality or county upon any question or policy pertaining to the government or internal affairs thereof”; and

WHEREAS, the governing body of the Borough of Oakland requests the County Clerk to place two (2) non-binding ballot questions pursuant to N.J.S.A. 19:37-1 to ascertain the sentiment of the legal voters of Oakland as to the question of whether they support cannabis businesses operating in the Borough of Oakland for both the cultivation and related processes and retail sale of same

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, do hereby submit to the County Clerk of the County of Bergen to place a two (2) non-binding ballot questions for the November 2023 General Election pursuant to N.J.S.A. 19:37-1 stating as follows:

“Do you support allowing cannabis businesses to operate in the Borough of Oakland for cultivation, manufacturing, wholesaling and distribution of recreational cannabis defined as Class 1, 2, 3, and 4 cannabis licenses by New Jersey state statutes and regulations?”

“Do you support allowing cannabis businesses to operate in the Borough for Oakland for the retail of sale of recreational cannabis defined as a Class 5 cannabis license by New Jersey state statutes and regulations?”

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: April 26, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-145

TITLE:

ADOPTION OF BUDGET

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

- (a) \$ 16,645,930.00 for municipal purposes, and
- (d) \$ 300,541.75 Open Space, Recreation, Farmland and Historic Preservation Trust Levy
- (e) \$ 1,116,722.00 Minimum Library Tax

SUMMARY OF REVENUES

1. General Revenues

Surplus Anticipated	\$ 1,940,000.00
Miscellaneous Revenue Anticipated	\$ 4,195,348.00
Receipts from Delinquent Taxes	\$ 10,000.00
2. Amount to be Raised by Taxation for Municipal Purposes	\$ 16,465,930.00
3. Amount to be Raised by Taxation for Schools Type I	\$
4. Amount to be Raised by Taxation for Schools Type II	\$
5. Amount to be Raised by Taxation – Library Levy	\$ 1,116,722.00
Total Revenues:	\$ 23,728,000.00

SUMMARY OF APPROPRIATIONS

6. General Appropriations

Within "CAPS"

(a&b) Operations including Contingent	\$ 15,791,076.00
(e) Deferred Charges and Statutory Expenditures	\$ 2,389,616.00
(a) Operations	\$ 1,565,317.00
(c) Capital Improvements	\$ 1,233,446.00
(d) Municipal Debt Service	\$ 2,233,545.00
(e) Deferred Charges – Municipal	\$ 40,000.00
(m) Reserve for Uncollected Taxes	\$ 475,000.00
 Total Appropriations	 \$ 23,728,000.00

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: April 26, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-146

TITLE:

2023 SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Oakland, County of Bergen has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Oakland, in County of Bergen, and State of New Jersey, that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a) Payment of interest and debt redemption charges
 - b) Deferred charges and statutory expenditures
 - c) Cash deficit of preceding year
 - d) Reserve for uncollected taxes
 - e) Other reserves and non-disbursement items
 - f) Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
 - a) All estimates of revenue are reasonable, accurate and correctly stated,
 - b) Items of appropriation are properly set forth
 - c) In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: April 26, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-147

TITLE:

RESOLUTION APPOINTING DANIEL'S LAW REDACTORS

WHEREAS, on November 20, 2020, Governor Phil Murphy signed Daniel's Law (P.L. 2020, c 125) into law, which prohibits disclosure of the residential addresses of certain persons covered by the law ("Covered Persons") on websites controlled by the State, County, and Local Government Agencies; and

WHEREAS, the community of covered persons includes former, active, and retired judicial officers, prosecutors, and members of law enforcement and their immediate family members residing in the same household; and

WHEREAS, the State of New Jersey Department of Community Affairs has established a Daniel's Law portal to streamline the implementation process and those covered persons register through the Daniel's Law portal; and

WHEREAS, Redactors are appointed at State, County, and Municipal Government levels and are responsible for carrying out these protections;

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

1. The following Borough Officials, or their designee, shall be appointed as Redactors: Municipal Clerk, Deputy Municipal Clerk, and Tax Assessor.
2. The above Borough Officials shall register and maintain registration with the Office of Information Privacy through the Daniel’s Law portal as a Redactor, effective immediately and redact the protected information of Covered Persons as the law defines.
3. Redactors must be respectful of the confidentiality of the data to be redacted, mindful of the need to preserve that confidentiality when they identify and redact information.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: April 26, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-148

TITLE:

CHAPTER 159 – NATIONAL OPIOID SETTLEMENT

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 National Opioid Settlements in the amount of \$2,299.13 for the purpose of combating opioid abuse here in the Borough by investing in opioid use prevention programs, 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:
National Opioid Settlements

BE IT FURTHER RESOLVED that a like sum of \$2,299.13 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:
 National Opioid Settlements
 Other Expenses - \$2,299.13

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: April 26, 2023

 Linda H. Schwager, Mayor

 Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-149

TITLE:

AUTHORIZE AGREEMENT WITH THE SPORTS ASSOCIATION OF OAKLAND FUNDRAISING FOR BUSH PLAZA PARK

WHEREAS, the Mayor and Council of the Borough of Oakland and the Sports Association of Oakland wish to enter into an agreement to provide fundraising opportunities for the development and improvement of Bush Plaza Park; and

WHEREAS, after consideration by both parties, the Borough of Oakland and the Sports Association have come to an agreement, which has been memorialized in writing, a copy of which is attached hereto; and

WHEREAS, the Borough of Oakland and the Sports Association of Oakland desire to enter into this Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland authorizes the Mayor and Clerk to execute the Fundraising Agreement between the Borough of Oakland and the Sports Association of Oakland on behalf of the Borough.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Sports Association of Oakland.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: April 26, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-150

TITLE:

RESOLUTION APPOINTING THE REGISTRAR OF VITAL STATISTICS

WHEREAS, the Borough of Oakland has a vacancy in the position of Registrar of Vital Statistics upon the resignation of the current Registrar on March 17, 2023; and

WHEREAS, Michael Carelli is the Registrar of Vital Statistics and received his certification as of July 19, 2022;

NOW, THEREFORE, BE IT RESOLVED that Michael Carelli be appointed as Registrar of Vital Statistics effective April 27, 2023; and

BE IT FURTHER RESOLVED that Mr. Carelli’s compensation as Registrar of Vital Statistics shall be \$5,000 annually.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: April 26, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-151

TITLE:

RESOLUTION APPOINTING DEPUTY REGISTRAR OF VITAL STATISTICS

WHEREAS, the Borough of Oakland has a vacancy in the position of Deputy Registrar of Vital Statistics upon filling the position of Registrar of Vital Statistics; and

WHEREAS, Wendi Francis-Seelin is the Alternate Deputy Registrar of Vital Statistics and received her certification as of March 31, 2023;

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 Wendi Francis-Seelin be appointed as Deputy Registrar of Vital Statistics effective April 27, 2023; and

BE IT FURTHER RESOLVED, that Ms. Seelin’s compensation as Deputy Registrar of Vital Statistics shall be \$2,000.00 annually.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: April 26, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-152

TITLE:

AGREEMENT TO INSTALL WATER SERVICE LINE 9 PIMA COURT

WHEREAS, the water service line of the resident at 9 Pima Court, Oakland NJ Block 5501 lot 19 is seeking to increase the size of their water line; and

WHEREAS, the resident, Mr. Seth Diamond, is willing to pay the Borough's cost for our portion of the work, which is calculated to be \$ 4,619.00 and;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council authorizes a water service agreement with Mr. Seth Diamond to undertake this project as specified in this resolution.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: April 26, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-153

TITLE:

**AWARD CONTRACT TO DAN DRESSEL FOR ARCHITECTURAL SERVICES FOR
REPAIR OF DAMAGE TO THE RECREATION EQUIPMENT SHED**

WHEREAS, there is a need for Architectural Services in order to repair damage to the Recreation Equipment Shed; and

WHEREAS, Dan Dressel, Architect has submitted a proposal dated April 17, 2023 for services required at a total cost not to exceed cost of \$10,000.00, broken down as follows:

TASK #1 – Schematics/Construction Documents: \$3,500.00

TASK #2 – Bid Services and Construction Administration: \$6,500.00

WHEREAS, the Chief Financial Officer has certified funds are available in Account # 3-01-20-165-100 in the amount of \$10,000.00; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize Dan Dressel to perform the Architectural services for the Recreation Equipment Shed Repairs at a cost not to exceed \$10,000.00; and

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

RECORD OF COUNCIL VOTE:

Motion - by Councilman: _____ Second - by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: April 26, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-154

TITLE:

**AWARD CONTRACT TO BOSWELL ENGINEERING FOR ENGINEERING SERVICES FOR
BUSH PLAZA PARK**

WHEREAS, there is a need for Engineering Services for Bush Plaza Park; and

WHEREAS, Boswell Engineering has submitted a revised proposal dated April 21, 2023 for services required at a total cost not to exceed cost of \$27,500.00, broken down as follows:

TASK #1 – Design and Preparation of Contract Documents: \$25,000.00

TASK #2 – Bid Administration: \$2500.00

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-55-002-013 in the amount of \$27,500.00; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, hereby authorize Boswell Engineering to perform the engineering services for the Bush Plaza Park at a cost not to exceed \$27,500.00; and

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

RECORD OF COUNCIL VOTE:

Motion - by Councilman: _____ Second - by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: April 26, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 23-155

TITLE:

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF OAKLAND AND THE OAKLAND K-8 BOARD OF EDUCATION FOR SPECIAL LAW ENFORCEMENT OFFICERS, CLASS III FOR THE PURPOSE OF PROVIDING SCHOOL SECURITY AT OAKLAND K-8 SCHOOL FACILITIES

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., permits a local unit of the State to enter into an agreement with any other local unit to provide or receive any service that each local unit participating in the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the State of New Jersey has created a new class of special police officer, known as a Special Law Enforcement Officer Class III ("SLEO III"), solely for the purpose of school security, as set forth in N.J.S.A. 40A: 14-146. 10 et seq.; and

WHEREAS, the Borough of Oakland (the "Borough") and the Oakland K-8 Board of Education (the "Board of Education") desire to enter into an Interlocal Services Agreement (the "Agreement") with regard to providing the services of SLEO III personnel for purposes of school security at the Oakland K-8 School District for the 2023-2024 school year; and

WHEREAS, the SLEO III shall be an hourly, part-time, "at will" employee(s) of the Borough, subject to the rules and regulations of the Oakland Police Department, and shall be under the direction and supervision of the Chief of Police; and

WHEREAS, the Board shall reimburse the Borough for all expenses, including but not limited to the hourly salaries, hiring, cost and equipment; and

WHEREAS, the Board and the Borough have memorialized their agreement for SLEO III services in an Interlocal Services Agreement, a copy of which is attached hereto and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Oakland that the Mayor and Borough Clerk are hereby authorized to execute the Interlocal Services Agreement between the Borough of Oakland and the Oakland Board of Education to enter into an Interlocal Services Agreement (the "Agreement") with regard to providing the services of SLEO III personnel for purpose of school security at the Oakland K-8 School district for the 2023-2024 school year; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Oakland Board of Education; and

BE IT FURTHER RESOLVED that all Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution. This resolution shall take effect immediately.

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				

MAYOR (Tie-Break Vote): Yes No

Date of Adoption: April 26, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-904

AN ORDINANCE AMENDING CHAPTER 7, SECTION 16 OF THE OAKLAND CODE RELATED TO PERMIT PARKING

WHEREAS, the Borough of Oakland has established a parking permit program; and

WHEREAS, the Borough wishes to amend the ordinance governing same;

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

Section I. Chapter 7, Section 16 of the Borough of Oakland Code entitled "Parking by Permit During Certain Hours on Certain Days on Certain Streets" is hereby amended as follows:

- a. General Hardships. Any owner or tenant of a residence in the Borough may apply to the Oakland Police Traffic Bureau for an annual street parking decal if there is insufficient or nonexistent off-street parking in the area of the residence. The Traffic Officer and the Borough Construction Official or his designee shall investigate to determine whether a hardship exists. If one is found to exist, the Chief of Police shall approve the application and issue a street parking decal for a period of one year, upon payment of a fee of \$10. The applicant shall affix the decal to the vehicle's rear side window on the driver's side. The application for a street parking decal shall be renewed by the applicant annually thereafter. It shall be the responsibility of the applicant to remove the decal upon transfer of title to the vehicle.

Section II. All other parts, portions and provisions of Chapter 7 of the Borough of Oakland Code be and the same are hereby ratified and confirmed, except where inconsistent with the terms hereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section III. The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Section IV. This Ordinance shall take effect immediately upon final passage and publication according to law.

Adopted this ___ day of
_____, 2023.

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-905

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, "LAND USE AND ZONING", CHAPTER 59, BY ADDING A NEW ARTICLE XX "SHORT-TERM RENTALS"

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

Section 1. Chapter 59 "Land Use and Zoning" shall be amended to add a new Article XX "Short-Term Rentals", as follows:

ARTICLE XX. Short-Term Rentals.

§59-165 Short-term rentals prohibited.

- A. It shall be unlawful for an owner, lessor, sublessor, any other person(s) or entity(ies) with possessory or use right(s) in a dwelling unit, their principals, partners or shareholders, or their agents, employees, representatives and other person(s) or entity(ies) acting in concert, or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering and/or permitted, allowing, or failing to discontinue the use or occupancy of any dwelling unit, as defined herein, for a period of thirty (30) days or less.
- B. Nothing in this article will prevent an otherwise lawful occupancy of an entire dwelling for a rental period of more than thirty (30) days. However, rental of a room or a portion of the premises for any term is not permitted.

§59-166 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADVERTISE OR ADVERTISING: Any form of solicitation, promotion and communication for marketing, used to solicit, encourage, persuade or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this article, as same may be viewed through various media including, but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for consideration, which are prohibited by this article.

CONSIDERATION: Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration, including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT: Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, cooperative, converted space, or portions thereof, that is offered to

use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of occupants and/or guest(s), for consideration, for a period of thirty (30) days or less.

HOUSEKEEPING UNIT: Constitutes a family-type situation, involving one or more persons living together, that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable report and unreported decisions of the New Jersey Superior Court.

OCCUPANT: Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a dwelling unit, or portion thereof, or having other permission or possessory right(s) within a dwelling unit.

OWNER: Any person(s) or entity(ies), association, limited-liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sublease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a dwelling unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON: An individual, firm, corporation, association, partnership, limited-liability company, association, entity, and any person(s) and/or entity(ies) acting in concern or any combination therewith.

REIDENTIAL OCCUPANCY: The use of a dwelling unit by an occupant(s).

§59-167 Permitted uses.

The residential occupancy of an otherwise lawful and lawfully occupied dwelling unit for a period of thirty (30) days or less by a person who is a member of the housekeeping unit of the owner, without consideration, such as house guests, is permitted.

§59-168 Advertising prohibited.

It shall be unlawful to advertise, solicit or promote by any means actions in violation of this article.

§59-169 Enforcement; violations and penalties.

- A. The provisions of this article shall be enforced by the Zoning Official, Fire Official and/or other subcode or Code Enforcement Official.
- B. A violation of this article is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- C. Any person found to have violated any provision of this article, without regard to intent or knowledge, shall be liable for the maximum civil penalty, upon adjudicated violation or admission, of a fine not exceeding \$1,250.00. Each day of such violation shall be a new and separate violation of this article.
- D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law.

Section 2. Severability and Repealer

- A. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- B. All ordinance or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.
- C. The Borough Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance as finally adopted with the Bergen County Planning Board, as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

Section 3. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16.

Adopted this ___ day of
_____, 2023.

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-906

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, "LAND USE AND ZONING", CHAPTER 59, BY AMENDING ARTICLE VII ZONING

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

Section 1. Chapter 59 "Land Use and Zoning", Article VII "Zoning", Section 59-44 "Definitions" shall be amended to eliminate and replace the definition of "Family" in its entirety as follows:

FAMILY:

One or more persons occupying a dwelling unit as a single non-profit housekeeping unit who are living together as a stable, permanent living unit, being a traditional family unit or the functional equivalency thereof.

Section 2. Chapter 59 "Land Use and Zoning", Article VII "Zoning", Section 59-45 "Regulations Applicable to all Zones" shall be amended by adding new Subsections J and K as follows:

Section 59-45 Regulations applicable to all zones.

- J. The keeping of boarders or roomers and/or operation of a boarding or rooming house is hereby prohibited in any and all zones.
- K. Rental of dwelling units.

No house, dwelling, building, dwelling unit, structure or enclosure or any part of the same which is located in any residential district shall be used or permitted to be used or be rented for use as living quarters, sleeping quarters or for living purposes by or to any society, club, fraternity, sorority, association, lodge, commune or similar group, or other collection of persons who do not qualify as a family as defined in Section 59-44 of this chapter. This restriction shall not apply to hotels, motels or other places of public accommodation which are duly licensed by the Borough and/or the State of New Jersey or to convents, rectories or parish houses utilized in conjunction with any house of worship.

Section 3. Chapter 59 "Land Use and Zoning", Article VII "Zoning", Section 59-49 "Residential Zones" is amended by eliminating Subsection B.(3) "The keeping of not more than three boarders or lodgers".

Section 4. Severability and Repealer

- A. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

- B. All ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

Section 5. This ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16.

Adopted this ____ day of
_____, 2023.

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: (4-26-2023)

TITLE:

BILLS RESOLUTION

BILLS ALREADY PAID:

Payroll	\$206,338.82
Payroll Agency	\$117,190.09
Current	\$3,758,908.50
Water	\$901.53
Grant	\$0.00
Sewer	\$0.00
Trust	\$0.00
Capital	\$0.00
TOTAL BILLS ALREADY PAID:	<u>\$4,083,338.94</u>

BILLS TO BE PAID:

Current Fund	\$2,040,188.89
Water Operating	\$7481.71
Sewer	\$18,963.17
General Capital	\$4,819.00
Water Capital	\$994.75
Sewer Capital	\$507,056.52
Grant	\$1,622.57
Animal Control	\$1,410.00
Other Trusts	\$9,995.10
TOTAL BILLS TO BE PAID:	<u>\$2,592,531.71</u>

RECORD OF COUNCIL VOTE:

Motion – by Councilman: _____ Second – by Councilman: _____

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Kulmala					Saliani				
McCann					Slasinski				
Pignatelli					Talamini				
MAYOR (Tie-Break Vote): Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: April 26, 2023

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

This resolution, when adopted, must remain in the possession of the Borough Clerk. Certified copies are available.