

BOROUGH COUNCIL MEETING
December 21, 2022

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:
Eric Kulmala
John McCann
Pat Pignatelli
Steven Saliani
Kevin Slasinski
Russell Talamini

December 21, 2022 - 7:00 p.m.

Executive Session 6:30 P.M.

- Executive Items

Call to Order *Mayor Linda H. Schwager Presiding*

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

Mayor's Report *Mayor Linda H. Schwager*

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.

Cannabis Cultivation License *Kusala Care, LLC.*

22-290: Resolution in Support of Application for Class I Cannabis Cultivation License in the Borough of Oakland

Approval of Minutes *Borough Council*

- December 7, 2022
- December 7, 2022 Executive Session

Special Announcements/Appointments/Raffles/Requests *Borough Council*

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.

- 22-317:** Authorize Shared Services Agreement with Bergen County Utilities Authority for Television Inspection
- 22-318:** Authorize Shared Services Agreement with Bergen County Utilities Authority for Sanitary Sewer Cleaning
- 22-319:** Authorize New Jersey Department of Environmental Protection Amended Green Acres Project Agreement
- 22-320:** Authorize Transfer between Budget Appropriations

- 22-321: Authorize Grant Submittal to Bergen County Community Development Block Grant CDBG FY2021-2022 Unprogrammed Funds Grant Program for Senior Center Refurbishments Project
- 22-322: Authorize Grant Submittal to Bergen County Community Development Block Grant CDBG FY2021-2022 Unprogrammed Funds Grant Program for Birch and Grandview Avenues Drainage Improvements Project
- 22-323: Authorize Agreement Modification with New Jersey Department of Transportation for Safe Routes to Schools Design Funding
- 22-324: Authorize Auction of Borough Surplus Vehicles
- 22-325: Amend Professional Services Agreement with Boswell Engineering for Water and Sewer Engineer
- 22-326: Authorize Renewal of Shared Services Agreement with Bergen County for Health Services
- 22-327: Authorize Refund of Recreation Fees:
- 22-328: Amend Professional Services Agreement with Boswell Engineering for Chapel Hill LSRP Services
- 22-329: Authorize Lien on 55 Seminole Avenue
- 22-330: Authorize Amendment to Settlement Agreement with Fair Share Housing Center

Ordinances	<i>Borough Council</i>
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Final Adoption:

- 22-Code-899: An Ordinance Amending and Supplementing Chapter XIII, Section 10 of the Borough Code, Entitled "Fee Schedule" and Section 13 Entitled, "Charges and Fees"

Work Session

- Historic Preservation Commission/Committee Analysis

New Business

Old Business

Council Committee/Liaison Reports	<i>Borough Council</i>
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Open Public Comment	<i>General Public</i>
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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 January 4, 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: 22-290

TITLE:

**RESOLUTION IN SUPPORT OF APPLICATION FOR CLASS 1 CANNABIS CULTIVATION LICENSE
IN THE BOROUGH OF OAKLAND**

WHEREAS, pursuant to P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, the Borough of Oakland (“Borough”) adopted ordinance 22-Code-872, which allows for a limited number of cannabis businesses to be located in specific sections of the Borough; and

WHEREAS, the Act established the Cannabis Regulatory Commission (“Commission”) to oversee and regulate the cannabis industry in the State of New Jersey and the Commission promulgated Personal Use Cannabis Rules, N.J.A.C. 17:30-1.1 et. seq. on August 19, 2021; and

WHEREAS, in order for a cannabis business to operate, both State and Local approval are required; and

WHEREAS, N.J.A.C. 17:30-5.1 requires that a municipalities governing body express its support for a cannabis license applicant through a resolution of the governing body; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(g), the support resolution should indicate that the proposed cannabis business location is appropriately located or otherwise suitable for activities related to the operations of the proposed cannabis business; and

WHEREAS, the Borough’s Cannabis License Application Evaluation Committee has received and reviewed the application submitted by Kusala Care, LLC. and has recommended that the Borough Council approve its application and adopt a resolution in support of their application for a State License;

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length;
2. The Borough recognizes that Kusala Care, LLC. will be operating a Class I Cannabis Cultivation business involved in the cultivation of cannabis products and that the business location will be 27 Muller Road, Oakland, N.J. 07436 if approved by the State of New Jersey Cannabis Regulatory Commission;
3. Approving Kusala Care, LLC. application for a Class I Cannabis Business License would not exceed the limit established by the Borough for Class I Cannabis Cultivation licenses located in the Borough;
4. Kusala Care, LLC's proposed Class I Cannabis Cultivation Business use and location satisfy the Borough's Zoning and Cannabis Ordinances;
5. Kusala Care, LLC. shall continuously comply with the Borough's ordinances governing cannabis operations and any future applicable changes that may be made thereto;
6. If Kusala Care, LLC. is not in compliance at any time with the Borough's Cannabis Ordinances and any future applicable changes thereto, the Borough reserves the right to withdraw its support for their operations and suspend or revoke their local license;
7. The Borough approves Kusala Care, LLC's application submitted to the Borough and endorses Kusala Care, LLC's application to be submitted to the Commission for a Class I Cannabis Cultivation Business License at the location in the Borough as set forth above, which location is appropriate and suitable for a Class I Cannabis Cultivation License;
8. The Mayor, Borough Administrator, Borough Clerk, Borough Attorney, Chief Financial Officer, and any other necessary official, officer or employee of the Borough be and they are hereby authorized to execute any and all documents and to make any and all actions necessary to complete and realize the intent and purpose of this Resolution;
9. This Resolution shall take effect immediately.

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: December 21, 2022

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: 22-317

TITLE:

**AUTHORIZE SHARED SERVICES AGREEMENT WITH BERGEN COUNTY UTILITIES
AUTHORITY FOR TELEVISION INSPECTION**

WHEREAS, the Borough of Oakland requires, at various times, television inspection of sanitary and storm water systems; and

WHEREAS, the Superintendent of the Department of Public Works and the Borough Administrator have reviewed the proposal of Northwest Bergen County Utilities Authority (NBCUA) to provide such services on an as-needed basis; and

WHEREAS, that the fee being paid is less than the Borough would pay to private contractors; and

WHEREAS, the Borough Attorney has reviewed the Shared Service Agreement forwarded to the Borough by the Executive Director of the NBCUA;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the Borough of Oakland is hereby authorized and directed to execute the Shared Service Agreement for the provision of television inspection services of the Borough's sanitary and storm water systems; and

BE IT FURTHER RESOLVED, that the Borough of Oakland will pay to NBCUA the sum of 0.89 cents (\$.89) per linear foot in 2023 and the sum of 0.92 cents (\$.82) per linear foot in 2024, and a minimum charge of \$500 per each day of inspection, for such services, and

BE IT FURTHER RESOLVED, that a copy of this Resolution and the Contract with NBCUA shall be maintained in the Borough Clerk’s office for public inspection.

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: December 21, 2022

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: 22-318

TITLE:

**AUTHORIZE SHARED SERVICES AGREEMENT WITH BERGEN COUNTY UTILITIES
AUTHORITY FOR SANITARY SEWER CLEANING**

WHEREAS, the Borough of Oakland requires, at various times, jetting services of sanitary and storm water systems; and

WHEREAS, the Superintendent of the Department of Public Works and the Borough Administrator have reviewed the proposal of Northwest Bergen County Utilities Authority (NBCUA) to provide such services on an as-needed basis; and

WHEREAS, the Borough Attorney has reviewed the Shared Service Agreement forwarded to the Borough by the Executive Director of the NBCUA; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the Borough of Oakland is hereby authorized and directed to execute the Shared Service Agreement for the provision of sanitary sewer cleaning for the Borough of Oakland; and

BE IT FURTHER RESOLVED, that Oakland will pay to NBCUA the sum of 65 cents (\$.65) per linear foot in 2023 and the sum of 68 cents (\$.68) per linear foot in 2024, and an equipment charge of \$500 per day, for such services, and

BE IT FURTHER RESOLVED, that a copy of this Resolution and the Contract with NBCUA shall be maintained in the Borough Clerk’s office for public inspection.

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: December 21, 2022

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: 22-319

TITLE:

**AUTHORIZE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AMENDED
GREEN ACRES PROJECT AGREEMENT**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Oakland has previously obtained a grant of 3,525,000.00 from the State to fund the following project(s):

#0242-04-055 Borough of Oakland Open Space and Recreation Plan; and

WHEREAS, the State and the Borough of Oakland intend to increase Green Acres funding by \$500,000; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

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

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Borough of Oakland Open Space and Recreation Plan and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$4,025,000.00; and
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project;
5. This resolution shall take effect immediately.

CERTIFICATION:

I, Michael E. Carelli, Municipal Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Mayor and Borough Council of the Borough of Oakland at a meeting held on the 21st day of December, 2022.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 21st day of December, 2022.

Michael E. Carelli, Municipal Clerk

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: December 21, 2022

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 22-320

TITLE:

AUTHORIZE TRANSFER BETWEEN BUDGET APPROPRIATIONS

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that, based on the recommendation of the Chief Financial Officer, the following transfers be made to the Calendar Year 2022 Current Fund budget:

Current Fund

		From	To
2-01-25-240-014	Police Overtime	\$ 20,000.00	
2-01-25-240-019	Police Court Appearance	\$ 5,000.00	
2-01-31-446-001	Natural Gas – Public Buildings	\$ 3,000.00	
2-01-31-446-002	Natural Gas – Fire	\$ 2,000.00	
2-01-26-310-011	Bldg & Grnds – Permanent Full Time	\$ 10,000.00	
2-01-26-305-011	Grbge & Trash – Recycling Coord	\$ 10,000.00	
2-01-31-440-001	Telephone – Public Buildings	<u>\$ 10,000.00</u>	
Sub-total		\$ 60,000.00	

2-01-31-430-001	Electricity – Public Buildings		\$ 15,000.00
2-01-43-490-028	Mun Ct – Professional Services		\$ 5,000.00
2-01-31-435-000	Street Lighting		\$ 20,000.00
2-01-26-290-011	St & Roads – Permanent Full Time		\$ 15,000.00
2-01-26-315-011	Veh Maint – Permanent Full Time		<u>\$ 5,000.00</u>
Sub-total			\$ 60,000.00

Water Fund

		From	To
2-05-55-502-078	Water – Rate Stabilization	<u>\$ 28,000.00</u>	
Sub-total		\$ 28,000.00	

2-05-55-510-000	Water – Other & Liability Insurance		<u>\$ 28,000.00</u>
Sub-total			\$ 28,000.00

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 No

Date of Adoption: December 21, 2022

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 22-321

TITLE:

**AUTHORIZE GRANT SUBMITTAL TO BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK
GRANT CDBG FY2021-2022 UNPROGRAMMED FUNDS GRANT PROGRAM FOR SENIOR
CENTER REFURBISHMENTS**

WHEREAS, a Bergen County Community Development Block Grant CDBG Unprogrammed Funds Application in the amount of \$43,905.00 has been proposed by the Borough of Oakland for the Oakland Senior Center Refurbishments in the municipality of Oakland; and

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

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

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

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

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

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: December 21, 2022

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 22-322

TITLE:

AUTHORIZE GRANT SUBMITTAL TO BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT CDBG FY2021-2022 UNPROGRAMMED FUNDS GRANT PROGRAM FOR BIRCH AND GRANDVIEW AVENUES DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, a Bergen County Community Development Block Grant CDBG Unprogrammed Funds Application in the amount of \$44,000.00 has been proposed by the Borough of Oakland for the Birch and Grandview Avenues Drainage Improvement Project in the municipality of Oakland; and

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

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

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

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

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

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: December 21, 2022

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 22-323

TITLE:

**AUTHORIZE AGREEMENT MODIFICATION WITH NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR SAFE ROUTES TO SCHOOLS DESIGN FUNDING**

WHEREAS, the Borough Council previously adopted Resolution #21-92 authorizing an agreement with the New Jersey Department of Transportation for preliminary design phase of the Safe Routes to Schools Grant Project in the total amount of \$70,201.98; and

WHEREAS, the New Jersey Department of Transportation wishes to modify the agreement and authorize additional funding in the amount of \$43,914.80 for the final design stage of the Safe Routes to Schools Grant Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council hereby authorize an agreement modification with the New Jersey Department of Transportation for additional funding in the amount of \$43,914.80 for a total agreement amount of \$114,116.78;

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are 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: December 21, 2022

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 22-324

TITLE:

AUTHORIZE AUCTION OF BOROUGH SURPLUS VEHICLES

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:11-36, the Borough of Oakland may sell any personal property; and

WHEREAS, the Mayor and Borough Council of the Borough of Oakland have determined that the property listed in this resolution is no longer needed for public use and wishes to divest said property;

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

1. The sale of the surplus property shall be conducted online using Municibid (www.municibid.com) pursuant to New Jersey Local Finance Notice 2008-9. Terms of the agreement are available on the vendor's website and available in the Borough Clerk's Office.
2. The surplus property to be sold is as follows:

<u>YEAR:</u>	<u>MAKE/MODEL:</u>	<u>VIN:</u>	<u>MILEAGE:</u>
2000	Seagrave Trk.	1F9F838JXYCST2006	13,668
2001	Ford F-250	1FTNF21L01ED82690	107,796

3. The surplus property as identified shall be sold in 'as is' condition without express or implied warranties.
4. In accordance with N.J.S.A. 39:10-9.1, the certificates of ownership for former police vehicles shall state that the motor vehicles were used as police patrol vehicles and notice is provided that the buyer shall continue to so state on each subsequent sale or transfer
5. The successful bidder will be required to pay in cash or certified check made out to the Borough of Oakland at the time of pickup of the vehicle. The Borough will not deliver the vehicle to the successful bidder.
6. The vehicle is to be transferred and taken off the site within 10 business days after approval of the sale by the Governing Body.

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: December 21, 2022

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 22-325

TITLE:

AMEND PROFESSIONAL SERVICES AGREEMENT WITH BOSWELL ENGINEERING FOR WATER AND SEWER ENGINEER

WHEREAS, the Mayor and Borough Council awarded a contract for 2022 Water & Sewer Engineer to Boswell Engineering in the amount not to exceed \$25,000.00; and

WHEREAS, there is a need to amend the contract by an additional \$10,000.00; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #2-05-55-502-028;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the 2022 contract for Boswell Engineering for Water & Sewer Engineer is increased by \$10,000.00 for a new total of \$35,000.00.

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: December 21, 2022

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 22-326

TITLE:

AUTHORIZE RENEWAL OF SHARED SERVICES AGREEMENT WITH BERGEN COUNTY FOR HEALTH SERVICES

WHEREAS, the Borough of Oakland had entered into a one-year Public Health Shared Services Agreement with the County of Bergen Department of Health Services to assist the Borough with its public health obligations; and

WHEREAS, the agreement with the County of Bergen Department of Health Services is due to expire December 31, 2022; and

WHEREAS, the County of Bergen is going to renew the agreement for an additional year pursuant to the fees attached hereto; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract from appropriation in the FY2023 and FY2024 budget, subject to adoption.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council authorize the renewal of the Public Health Shared Services Agreement with the County of Bergen Department of Health for a four (4) year period to expire December 31, 2026; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are authorized to sign the agreement on behalf of the Borough 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: December 21, 2022

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: 22-327

TITLE:

AUTHORIZE REFUND OF RECREATION FEES

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of recreation fees in the amount of \$357.00; and

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

WHEREAS, the Chief Financial Officer has verified that the amount is due and that funds are available in account Tax Refund #CF-01-55-998-006;

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, do hereby authorize a payment to be made in the amount of \$357.00 to:

Stasiak Family	Block 5203
28 Wenonah Avenue	Lot 31
Oakland, N.J. 07436	

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: December 21, 2022

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: 22-328

TITLE:

AMEND PROFESSIONAL SERVICES AGREEMENT WITH BOSWELL ENGINEERING FOR CHAPEL HILL LSRP SERVICES

WHEREAS, the Mayor and Borough Council awarded a contract via Resolution #21-248 adopted on July 14, 2021 for the removal of an underground storage tank at the Chapel Hill Sewage Treatment Plant to Boswell Engineering in the amount not to exceed \$13,500.00; and

WHEREAS, there is a need to amend the contract by an additional \$381.40; and

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

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-08-56-817-101;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the contract with Boswell Engineering for the Chapel Hill Sewage Treatment Plant Underground Storage Tank Removal is increased by \$381.40 for a new total of \$13,881.40.

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: December 21, 2022

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: 22-329

TITLE:

AUTHORIZE LIEN ON 55 SEMINOLE AVENUE

WHEREAS, the Borough of Oakland Property Maintenance Officer has advised that the property located at 55 Seminole Avenue and identified as Block 4806 Lot 32 on the Tax Assessment Map of the Borough of Oakland was in violation of the Borough's property maintenance code; and

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

WHEREAS, the Borough was compelled to provide labor and expend significant costs totaling \$1,456.80 in order to clean up the property at 55 Seminole Avenue; and

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

WHEREAS, a report dated November 30, 2022 detailing the work performed and expenses incurred has been provided to the Borough Administrator who has approved the cost and expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland that the Tax Collector be and is hereby directed to charge as additional real property taxes to the owner of the property located at 55 Seminole Avenue the sum of \$1,456.80 being the amount due pursuant to the report dated November 30, 2022.

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

BE IT FURTHER RESOLVED, that a copy of the report, along with a certified copy of this resolution, shall be sent to the owner of the property of 55 Seminole Avenue by certified mail, return receipt requested.

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

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: December 21, 2022

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: 22-330

TITLE:

AUTHORIZE AMENDMENT TO SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER

WHEREAS, the Borough of Oakland entered into a settlement agreement with Fair Share Housing Center (“FSHC”) dated July 29, 2020; and

WHEREAS, the Borough of Oakland desires to add Landmark Oakland 24, LLC as a party to the Settlement Agreement; and

WHEREAS, after due negotiations, an Amendment to Settlement Agreement was prepared; and

WHEREAS, the Borough Attorney of the Borough of Oakland has reviewed and approved the Amendment to Settlement Agreement; and

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

1. That the Borough of Oakland approves the Amendment to Settlement Agreement, which is attached hereto as Exhibit A.
2. That the Mayor and Borough Clerk are hereby authorized to execute the Amendment to Settlement Agreement.

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: December 21, 2022

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. 22-CODE-899

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

WHEREAS, the Borough of Oakland operates a water and sewer system as a municipal utility which must be self-sustaining; and

WHEREAS, the Water Quality Accountability Act requires purveyors to create and implement an asset management plan designed to inspect, maintain, repair, and renew its infrastructure consistent with standards established by the American Water Works Association. In addition, the Act also specifies a methodology for routinely testing of valves and fire hydrants; and

WHEREAS, compliance to the requirements of the Water Quality Accountability Act will generate increased operating and capital expenses; and

WHEREAS, increases in the costs of goods and services for the water utility due to inflation and increases in costs associated with labor and various other contracted services have increased overall operating and capital expenses for the utility; and

WHEREAS, in the event of revenue shortfalls, rates must be raised in order to keep the utility solvent;

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

Section I. Chapter 13, Section 10.2 of the Borough of Oakland Code entitled "Minimum Charges" be and the same is hereby repealed and replaced with the following:

13-10.2 Minimum Charge.

Effective January 1, 2022 each customer shall pay a minimum charge of fifty-two dollars and zero (\$52.00) cents per quarter on the account, which charge shall entitle the customer to utilize up to six thousand (6,000) gallons of water. In the event that a customer commences or ceases to require services, during such portion of a quarter that it would be inequitable to charge the full minimum quarterly charge, the aforesaid amount shall be prorated as nearly as possible at the rate of sixteen dollars and sixty-six (\$17.33) cents which entitled the user to two thousand (2,000) gallons of water per month. In any event, any customer owning a home in Oakland for a minimum of one (1) year, using water supplied by the Borough, shall be required to pay a minimum of two hundred dollars and zero (\$208.00) cents per year.

Section II. Chapter 13, Section 10.3 of the Borough of Oakland Code entitled "Water and Sewer - Fee Schedule - Charges Over Minimum" be and the same is hereby repealed and replaced with the following:

13-10.3 Charges Over Minimum.

Effective January 1, 2022, customers who use in excess of six thousand (6,000) gallons per quarter shall pay, in addition to the minimum charge set forth in subsection 13-10.2, the sum of four dollars and five (\$4.05) cents for each one thousand (1,000) gallons used in a quarter above six thousand (6,000) gallons, up to ten thousand (10,000) gallons; the sum of five dollars and fourteen (\$5.14) cents for each one thousand gallons used in a quarter above ten thousand (10,000) gallons up to twenty-five thousand (25,000) gallons; the sum of five dollars and seventy (\$5.70) cent for each one thousand gallons used in a quarter above twenty-five thousand (25,000) gallons up to fifty thousand (50,000) gallons; and the sum of seven dollars and twenty-four (\$7.24) cents for each one thousand gallons used in a quarter above fifty thousand (50,000) gallons up to one hundred thousand (100,000) gallons. For each one thousand (1,000) gallons used in a quarter above one hundred thousand (100,000) gallons, the customer shall pay eight dollars and seventy-eight (\$8.78) cents per one thousand (1,000) gallons.

Section III. All other parts, portions and provisions of Chapter 13 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 IV. 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 V. This Ordinance shall take effect immediately upon final passage and publication according to law.

Adopted this ____ day of
_____, 2022.

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: (12-21-2022)

TITLE:

BILLS RESOLUTION

BILLS ALREADY PAID:

Payroll	\$273,754.97
Payroll Agency	\$135,269.55
Current	\$4,281,332.40
Water	\$0.00
Grant	\$0.00
Sewer	\$0.00
Trust	\$1,262.73
Capital	\$0.00
TOTAL BILLS ALREADY PAID:	<u>\$4,691,619.65</u>

BILLS TO BE PAID:

Current Fund	\$423,154.43
Water Operating	\$31,296.98
Sewer	\$12,953.90
General Capital	\$65,144.25
Water Capital	\$124,632.50
Sewer Capital	\$692,228.50
Grant	\$70.00
Animal Control	\$0.00
Other Trusts	\$36,241.94
TOTAL BILLS TO BE PAID:	<u>\$1,385,772.50</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: December 21, 2022

Linda H. Schwager, Mayor

Michael E. Carelli, Borough Clerk

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