



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

September 27, 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

ENGINEER'S REPORT

Borough Engineer

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

- September 13, 2023
- September 13, 2023 Executive Session

SPECIAL ANNOUNCEMENTS/APPOINTMENTS/RAFFLES/REQUESTS

Borough Council

- Authorize Raffle License #RL1464 for Marine Corps League Detachment 744 for Casino on December 1, 2023 at 65 Oak Street, Oakland, N.J. 07436

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.

- 23-277:** Resolution Certifying the Governing Body has Reviewed, at a Minimum, the Comments and Recommendations Set Forth in the 2022 Annual Audit Report

- 23-278:** Resolution Approving Annual Audit Corrective Action Plan Prepared by the Chief Financial Officer in Response to the Findings and Recommendations in the 2022 Annual Audit Report
- 23-279:** Award Contract to T&M Associates for Downtown Alternative 2 Study Area
- 23-280:** Appoint Registrar of Vital Statistics
- 23-281:** Authorize Temporary Hire Clerk's Office
- 23-282:** Authorize Grant Submittal for New Jersey Department of Community Affairs
- 23-283:** Award Contract to Boswell Engineering for Construction Inspection Services for the Water Main Improvements on River Road
- 23-284:** Introduction Ordinance 23-BOND-929
- 23-285:** Refund Borough Calendar Sponsorship Fee
- 23-286:** Refund of Recreation Fees
- 23-287:** Authorize Borough Administrator to Execute Shared Service Agreements for Tree Work
- 23-288:** Amend Borough Council Bylaws
- 23-289:** Award Bid to D.L.S. Contracting for Improvements to Seminole Avenue, Phase III

ORDINANCES:

Final Adoption:

- 23-Code-928:** An Ordinance Amending Chapter 2, Section 25 of the Oakland Code to Comply with the Elections Transparency Act

Introduction:

- 23-Bond-929:** Bond Ordinance to Amend Sections 4, 7, 8, 10, and 11 of the Bond Ordinance (No. 23-903 Entitled, "Bond Ordinance to Authorize the Making of Various Public Improvements In, By and For the Water Utility of the Borough of Oakland, to Appropriate the Sum of \$3,600,000.00 to Pay for the Cost Thereof, to Authorize the Issuance of Bonds to Finance Such Appropriation and to Provide for the Issuance of Bond Anticipation Notes in Anticipation of the Issuance of Such Bonds", Adopted on April 12, 2023
- 23-Code-930:** Amend MU-AH Zone Standards

WORK SESSION

- Streetscape Ordinance
- Major Modification Water Allocation Permit 5199

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 *Borough Council*

ADJOURNMENT

The next Borough Council Meeting will be held on Wednesday October 11, 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: 23-277

TITLE:

RESOLUTION CERTIFYING THE GOVERNING BODY HAS REVIEWED, AT A MINIMUM, THE COMMENTS AND RECOMMENDATIONS SET FORTH IN THE 2022 ANNUAL AUDIT REPORT

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Audit Report for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation, requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections entitled "Comments and Recommendations"; and

WHEREAS, the members of the Governing Body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "General Comments and Recommendations" as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after receipt of the annual audit; pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey, may subject the members of the local Governing Body to the penalty R.S. 52:27BB-52 "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director of the Division of Local Government Services, under a provision of this article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one-thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit office;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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: September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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: 23-278

TITLE:

RESOLUTION APPROVING ANNUAL AUDIT CORRECTIVE ACTION PLAN PREPARED BY THE CHIEF FINANCIAL OFFICER IN RESPONSE TO THE FINDINGS AND RECOMMENDATIONS IN THE 2022 ANNUAL AUDIT REPORT

WHEREAS, the Borough of Oakland is in receipt of the Report of Audit for the period ending December 31, 2022; and

WHEREAS, the Mayor and Borough Council of the Borough of Oakland formally accepted said audit on September 27, 2023; and

WHEREAS, it is necessary to develop and obtain Mayor and Borough Council approval of an Audit Corrective Action Plan: and

WHEREAS, said plan must be approved and filed within sixty days of formal notice,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, that the required Audit Corrective Action Plan, having been prepared and submitted by the Chief Financial Officer, is hereby approved and further that said plan document by placed on file and made available for public inspection in the Office of the Borough 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: September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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: 23-279

TITLE:

AWARD CONTRACT TO T & M ASSOCIATES FOR DOWNTOWN ASSESSMENT STUDY

WHEREAS, there is a need for planning services for the for Downtown Assessment Study and;

WHEREAS, T & M Associates has submitted a proposal dated September 8, 2023 for services required at a total cost not to exceed cost of \$3,800.00, broken down as follows:

TASK #1:	Map Preparation:	\$2,200.00
TASK #2:	Meetings:	\$1,600.00

WHEREAS, the Chief Financial Officer has certified funds are available in Account #3-01-20-110-044 in the amount of \$3,800.00.; and

WHEREAS, T & M Associates 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 T & M Associates to perform the planning

services for the Downtown Assessment Study at a cost not to exceed \$3,800.00; 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 No

Date of Adoption September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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: 23-280

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 September 29, 2023; and

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

NOW, THEREFORE, BE IT RESOLVED that Wendi Seelin be appointed as Registrar of Vital Statistics effective September 29, 2023; and

BE IT FURTHER RESOLVED that Ms. Seelin’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: September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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: 23-281

TITLE:

AUTHORIZE TEMPORARY HIRE CLERK'S OFFICE

BE IT RESOLVED that Lisa Duncan be hired to provide administrative services at a salary of \$40.00 per hour for 25 hours per week through January, 2024, effective October 2, 2023.

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: September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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: 23-282

TITLE:

AUTHORIZE GRANT SUBMITTAL FOR NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

WHEREAS, the Borough of Oakland desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$ 1,640,000.00 to carry out a project for the Superstructure Replacement of Patriot's Way Bridge.

BE IT THEREFORE RESOLVED, that the Borough of Oakland does hereby authorize the application for such a grant; and, recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Oakland and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the Borough Administrator and his/her designee are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

CERTIFICATION:

I, Wendi Seelin, the Deputy Borough Clerk, of the Borough of Oakland hereby certify that at a meeting of the Governing Body held on September 27, 2023 the above RESOLUTION was duly adopted.

**AFFIX GOV'T,
CORPORATE OR
NOTARY SEAL**

Wendi Seelin, Deputy Borough 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: September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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: 23-283

TITLE:

AWARD CONTRACT TO BOSWELL ENGINEERING FOR CONSTRUCTION INSPECTION SERVICES FOR THE WATER MAIN IMPROVEMENTS PROJECT ON RIVER ROAD

WHEREAS, there is a need for construction inspection services for the water main improvements on River Road; and

WHEREAS, Boswell Engineering has submitted a proposal dated July 29, 2023 for services required at a total cost not to exceed cost of \$26,500.00; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-885-801 in the amount of \$26,500.00; 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 construction inspection services for the water main improvements on River Road at a cost not to exceed \$26,500.00; 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 September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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: 23-284

TITLE: INTRODUCTION ORDINANCE 23-BOND-929

BE IT RESOLVED that the ordinance entitled:

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

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 11th day of October, 2023, at 7:00 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.

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: September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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: 23-285

TITLE:

AUTHORIZE REFUND OF BOROUGH CALENDAR SPONSORSHIP FEE

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of recreation fees in the total amount of \$900.00; and

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

WHEREAS, the Chief Financial Officer has verified that the amount is due and that funds are available in account Communication Calendar Trust T-13-56-286-029;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$900.00 to:

<u>NAME</u>	<u>ADDRESS</u>	<u>Calendar Sponsor</u>	<u>AMOUNT</u>
Long Hill Liquors	14 Post Road, Oakland NJ 07436	2024 Calendar	900.00

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: September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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: 23-286

TITLE:

AUTHORIZE REFUND OF RECREATION FEES

WHEREAS, the Borough of Oakland has received a request (attached) for a refund of recreation fees in the total amount of \$823.00; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland hereby authorize payment in the total amount of \$823.00 to:

<u>NAME</u>	<u>ADDRESS</u>	<u>SPORT TYPE</u>	<u>AMOUNT</u>
Bruno Family	8 Poplar Ave, Pompton Plains, NJ	Cheer	155.00
Villatoro Family	34 Mohawk Avenue, Oakland, N.J. 07436	Cheer Camp	\$668.00

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: September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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: 23-287

TITLE:

**AUTHORIZE BOROUGH ADMINISTRATOR TO EXECUTE SHARED SERVICES AGREEMENTS
FOR TREE WORK**

WHEREAS, the Borough of Oakland has entered into a shared service agreement with the County of Bergen for the emergency removal of shade trees from the county right-of-way; and,

WHEREAS, the County has long provided emergency tree removals for Oakland; and,

WHEREAS, Bergen County now requires a Hold Harmless and Indemnification Agreement for the removal of any tree along a county roadway; and,

WHEREAS, the Borough of Oakland's Shade Tree Commission understands and agrees to comply with this new requirement.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey that the Borough Administrator is authorized to sign all Hold Harmless and Indemnification Agreements for the removal of trees along county roads.

CERTIFICATION

I, Wendi Seelin, Deputy Borough Clerk for the Borough of Oakland, Certify the above to be a true and exact copy a resolution adopted by the Borough of Oakland on September 27, 2023.

Wendi Seelin
Deputy Borough 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 September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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: 22-288

TITLE:

AMEND BY-LAWS OF THE GOVERNING BODY

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

BE IT RESOLVED, that the Bylaws of the Governing Body previously adopted on May 26, 2021, Resolution 21-205 be amended as set forth in the attached draft document; and

BE IT FURTHER RESOLVED, that the Bylaws of the Governing Body are hereby adopted as amended.

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: September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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: 23-289

TITLE:

AWARD BID TO D.L.S. CONTRACTING FOR IMPROVEMENTS TO SEMINOLE AVENUE, PHASE III

WHEREAS, bids were received on September 26, 2023 for the Improvements to Seminole Avenue, Phase III; and

WHEREAS, D.L.S. Contracting has submitted the lowest responsive and responsible bid with a total bid price of \$250,544.75; and

WHEREAS, the Borough Administrator, Borough Engineer, and Borough Attorney have reviewed the bids and recommend the bid be awarded to D.L.S. Contracting; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-761-100 in the amount of \$7,887.46, C-04-56-885-702 in the amount of \$143,177.24 and C-04-56-885-701 in the amount of \$99,480.05;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen, and State of New Jersey, that the bid from D.L.S. Contracting in the total amount of \$250,544.75 be accepted; and

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

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

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: September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy 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-928

AN ORDINANCE AMENDING CHAPTER 2, SECTION 25 OF THE OAKLAND CODE TO COMPLY WITH THE ELECTIONS TRANSPARENCY ACT

WHEREAS, the Borough of Oakland previously adopted Ordinance #12-Code-669 creating local restrictions on awarding public contracts to certain contributors; and

WHEREAS, such a provision was permissible under the New Jersey statutes in effect at the time; and

WHEREAS, on April 3, 2023, New Jersey Governor Phil Murphy signed into law the Elections Transparency Act (A4372), which contained significant changes to the state's campaign finance laws; and

WHEREAS, the Elections Transparency Act prohibits local ordinances which contain stricter campaign finance provisions than the state statutes; and

WHEREAS, due to the aforementioned provisions, the Election Transparency Act has rendered Chapter 2, Section 25 of the Oakland Borough Code null and void in its entirety; and

WHEREAS, the Borough of Oakland desires its ordinances to be in compliance with state statutes

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

Section I. Chapter 2, Section 25 of the Borough of Oakland Code entitled "Awarding of Public Contracts; Restrictions" is repealed in its entirety as inconsistent with New Jersey state statutes

Section II. All other parts, portions and provisions of Chapter 2 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

Wendi Seelin, Deputy Borough Clerk



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-BOND-929

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

BE IT ORDAINED by the Borough Council of the Borough of Oakland, in the County of Bergen, State of New Jersey, as follows:

Section 1. Section 4 of Ordinance No. 23-903 entitled:

"BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,600,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

adopted by the Borough Council of the Borough of Oakland, in the County of Bergen, New Jersey (the "Borough") on April 12, 2023 (the "Prior Ordinance") is hereby amended to (A)(i) increase the appropriation and estimated cost in Section 4.A. from \$3,000,000 to \$4,100,000 (an increase of \$1,100,000); and (ii) increase the bonds and notes authorized in Section 4.A. from \$3,000,000 to \$4,100,000 (an increase of \$1,100,000); and (B)(i) increase the aggregate appropriation and estimated cost for Section 4 from \$3,600,000 to \$4,700,000 (an increase of \$1,100,000); and (ii) increase the aggregate amount of bonds and notes authorized in Section 4 from \$3,600,000 to \$4,700,000 (an increase of \$1,100,000); and shall hereafter read as follows:

"Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (3) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of various water system treatment improvements at Well Nos. 5, 9 and 10.

Appropriation and Estimated Cost	\$4,100,000
Bonds and Notes Authorized	\$4,100,000
Period of Usefulness	20 years

B. Replacement of water mains at various locations.

Appropriation and Estimated Cost	\$ 600,000
Bonds and Notes Authorized	\$ 600,000
Period of Usefulness	40 years

Aggregate Appropriation and Estimated Cost	\$4,700,000
Aggregate Amount of Bonds and Notes Authorized	\$4,700,000."

Section 2. Section 7 of the Prior Ordinance is hereby amended to increase the amount of bonds authorized from \$3,600,000 to \$4,700,000 (an increase of \$1,100,000), and shall hereafter read as follows:

"Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$4,700,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted."

Section 3. Section 8 of the Prior Ordinance is hereby amended to increase the amount of bond anticipation notes authorized from \$3,600,000 to \$4,700,000 (an increase of \$1,100,000), and shall hereafter read as follows:

"Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$4,700,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding."

Section 4. Section 10 of the Prior Ordinance is hereby amended to decrease the average period of usefulness of the purposes authorized from 23.33 years to 22.55 years (a decrease of 0.78 years), and shall hereafter read as follows:

"Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 22.55 years computed from the date of said bonds."

Section 5. Section 11 of the Prior Ordinance is hereby amended to increase the amount of gross debt of the Borough shown on the Supplemental Debt Statement filed for the ordinance, as amended, from \$3,600,000 to \$4,700,000 (an increase of \$1,100,000), and shall hereafter read as follows:

"Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that

such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$4,700,000, but said \$4,700,000 shall be deducted from gross debt pursuant to Section 44(c) of the Local Bond Law and that the issuance of the bonds and notes authorized by this ordinance is permitted by an exception to the debt limitations prescribed by the Local Bond Law as provided in Sections 47(a) and 7(h) of the Local Bond Law."

Section 6. The capital budget is hereby amended to conform with the provisions of this amendatory bond ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 7. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Adopted this ___ day of
_____, 2023.

Linda H. Schwager, Mayor

Wendi Seelin, Deputy Borough Clerk



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



ORDINANCE NO. 23-CODE-930

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND,
LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING"

BE IT ORDAINED by the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough of Oakland, Chapter 59 entitled "Land Use and Zoning".

Section 1

Ordinance No. 23-Code 924 is hereby repealed in its entirety and replaced with the following provisions.

Section 2

- A. §59.52.5 Affordable Housing (MU-AH).
Oakland is constitutionally obligated to provide a reasonable opportunity for the construction of affordable housing, with a strong focus on generating rental affordable dwellings. Establishing the MU-AH zone will assist the Borough in satisfying this obligation by creating a reasonable opportunity for the construction of one or more inclusionary rental affordable housing developments within the context of an integrated, pedestrian friendly shopping experience. This zone is intended to result in the construction of both residential and non-residential development within the limits of development intensity prescribed herein.
- B. Permitted principal uses in this zone include:
- i. All uses permitted pursuant to §59-53.2
 - ii. Restaurants with drive-through service windows.
 - iii. Banks, with or without, drive-through service windows.
 - iv. Cafes, coffee shops and bakeries, with or without, drive-up service windows.
 - v. A municipal building, municipal structure or a municipal use, governmental or proprietary in nature.
- C. Permitted accessory uses in this zone include:
- i. Outdoor seating areas associated with and on the same lot as coffee shops, ice cream parlors, restaurants, bakeries and cafes.
 - ii. Walk-up service windows and counters.
 - iii. Off-street drives and parking areas.
 - iv. Solar energy systems. Such systems may be installed only as an accessory use either on the roof of a permitted principal or conditional use or as freestanding structures such as above a parking area.
 - v. Recreational and social amenities for the use and enjoyment of residents and guests.
 - vi. Drive-through service windows and accompanying menu boards, but not to exceed two menu boards per drive-through lane. Menu board(s) shall be a permitted accessory structure only in the event drive-through service windows are proposed.
 - vii. Signage, as regulated herein.

- viii. Facilities for the temporary storage of trash and recyclables.
- D. Prohibited uses. Within the MU-AH zone, the following uses are specifically prohibited:
- i. Adult book and/or adult gift shops and/or adult stores.
 - ii. Adult mini-motion picture theaters.
 - iii. Adult motion picture theaters.
- E. Conditionally Permitted Uses.
- i. Multi-family inclusionary housing.
- F. Schedule A: Limiting Lot and Yard Sizes and Bulk Standards for Principal Buildings and Uses. The following bulk requirements are applicable for all permitted uses in the MU-AH zone:

Zone Parameter	MU-AH Zone Requirements
Minimum Lot Area	15,000 square feet
Minimum Lot Width	50 feet
Minimum Lot Depth	150 feet
Maximum Building Coverage	40%
Min. Open Space	15%
Maximum Number of Building Stories	3
Maximum Building Height	38 feet
Minimum Front Yard	10 feet
Minimum Side Yard	10 feet
Minimum Rear Yard	25 feet

- i. Lot area and other dimensions. Minimum required lot area in this zone shall be 15,000 square feet. Due to the integrated nature of development in this area of the downtown, parking spaces and parking drives can be located on the property the parking spaces and drives are intended to serve or these site development features can be provided on adjacent lots. If on adjacent lots, appropriate cross access easements must be established and provided to the Board attorney for review and if acceptable, approval.
- ii. Not more than two (2) principal buildings per lot are permitted in the zone.
- iii. All non-residential development constructed after adoption of this zoning amendment shall be required to make a contribution to Oakland’s affordable housing trust fund consistent with applicable state statute. Half of the required affordable housing trust fund contribution shall be paid to Oakland prior to the issuance of any construction permit. The remaining half of the fee shall be paid prior to the issuance of either a temporary Certificate of Occupancy or a Certificate of Occupancy.
- iv. Parking and Drives. Residential uses shall provide parking pursuant to the Residential Site Improvement Standards and the statewide electric vehicle act. Parking spaces and access drives shall be no closer than ten (10) feet to any public street, other than the drive intersecting with the roadway. Internal driveway connections and shared parking arrangements increase overall site efficiency and are therefore encouraged if provisions are in place to ensure their long-term viability. To encourage shared parking arrangements between residential and non-residential developments, parking spaces and parking drives are not subject to buffer requirements except as noted above. To ensure that a sufficient number of parking spaces are provided, non-exclusive parking easements will be required with provisions that RSIS minimum parking supply will be available to residential uses.

- v. Access and/or utility easements must be established in favor of any property in which drives, parking or utility lines serving one property pass through from an adjoining privately owned lot regardless of ownership.
- vi. Yards. Required building setbacks from interstate highways and associated highway ramps shall be no less than fifty (50) feet for all non-residential uses.
- vii. All roof mounted equipment other than solar panels, shall be screened from public view by the use of a parapet wall or other architectural detail. Typical building appurtenances shall not be included in the building height calculation provided that they are shielded from view, when summed do not cover more than 25% of the roof surface and are only as high as necessary to fulfill their objective.
- viii. All areas of the subject site not covered with building, recreational amenities, pavement or walkways shall be suitably and attractively landscaped.
- ix. Concrete walkways of an adequate width, but not less than four (4) feet, shall provide safe and convenient access between a developed lot and the adjacent street sidewalk network.
- x. Not more than two (2) building mounted signs are permitted per building. In calculating the number of building mounted signs, a logo and the text portion of a sign located on the same elevation shall be counted and treated as one sign. Signage on any one elevation shall conform with the sign area and height limitations below but the area and height limitations shall be calculated individually for each portion of separate logo and text portions of a sign and then summed. The area and height calculations shall not include the building space between a logo and the text portions of a sign, unless said sign is of a single, unified and integrated design.
- xi. No individual wall sign shall exceed fifty (50) square feet in size and shall be mounted no higher than twenty (20) feet above grade. Size of permitted ground-mounted freestanding/monument or pylon shall not exceed thirty-two (32) square feet per side. Such freestanding/pylon sign shall not exceed ten (10) feet in height. Said sign may be illuminated and shall be setback no less than five (5) feet from any property line. Any proposed sign shall be outside any area necessary for the provision of safe sight distance.
- xii. One (1) freestanding/pylon/monument sign per lot shall also be permitted.
- xiii. Menu boards proposed in conjunction with drive-through window service shall be permitted and regulated as below.
- xiv. Menu board signs, of which two (2) are permitted shall not exceed twenty (20) square feet in area and no portion of a menu board shall be higher than ten (10) feet above grade. Pre-order board signs, of which two (2) are permitted, shall not exceed ten (10) square feet in area, nor shall the said per-order board signs exceed ten (10) feet above grade.
- xv. Directional signs shall be permitted as determined by the planning board to properly direct on-site circulation. Directional signs shall not exceed two (2) square feet in size. Directional signs are limited in height to three (3) feet.

G. CONDITIONS OF THE CONDITIONAL USE.

- i. Multi-family inclusionary developments of up to but not exceeding twenty-four (24) units in total with an affordable housing set aside of not less than six (6) deed restricted rental affordable units.
- ii. Market-rate units may be offered as for-sale units or as rental units.
- iii. Required residential building setbacks to the right-of-way of an interstate highway and associated ramps shall be a minimum of thirty-five (35) feet. Building setbacks from all other property lines shall be a minimum of five (5) feet.
- iv. Accessory structures and recreation facilities are permitted in any front, side or rear yard, provided that any accessory structure or use, other than parking and access or parking drives, shall be set back a minimum of five (5) feet from any property line.
- v. Not less than 13% of the income restricted units shall be deed restricted to household earning 30% or less of the regional median gross household income within COAH housing region 1. Thirty-seven (37) percent of all income restricted units within each bedroom distribution shall be deed restricted to households more than 30 percent but less than 50 percent of the median gross household income within COAH housing region 1. Up to fifty (50) percent of all income restricted units within each bedroom distribution shall be deed restricted to households earning between 50 and 80 percent of the median gross household income within COAH housing region 1.
- vi. Bedroom distribution among the market-rate units is unregulated and shall be to developer discretion. However, among the rental affordable units to be constructed on Block 1706 Lot 4.01, or a subdivided portion of that lot, shall be in accordance with the following schedule: two (2) three-bedroom units, three (3) two-bedroom units and a single one-bedroom unit. Bedroom distribution on any other MU-AH zoned parcel shall be in strict accordance with provisions of the Uniform Housing Affordability Controls.
- vii. Affordable housing units generated in this zone shall comply in all respects with the requirements and conditions contained within the Settlement Agreement between Oakland and Fair Share Housing Center I.T.M. No. BER-L-6359-15, and all amendments thereto, all relevant Orders of the Honorable Christine A. Farrington, J.S.C., Oakland's Affordable Housing Ordinance and all applicable New Jersey requirements pertaining to the operation of privately developed affordable housing.
- viii. No construction permit shall be issued for a building in this district until and unless a site plan application has been approved pursuant to this Chapter.
- ix. No certificate of occupancy shall issue unless the building applied for is physically connected to, through approved plumbing connections, an approved sanitary sewer treatment facility and the building owner has been issued all necessary permits for the sewer connection.
- x. A twenty-four (24) square foot building mounted sign is permitted so long as height of said sign is not greater than twenty (20) feet above grade.

- xi. Schedule A: Limiting Lot and Yard Sizes and Bulk Standards for Conditional Uses. The following bulk requirements are established as conditions of the conditional use in the MU-AH zone:

Zone Parameter	MU-AH Zone Requirements
Minimum Lot Area	15,000 square feet
Minimum Lot Width*	100 feet
Minimum Lot Depth	150 feet
Maximum Building Coverage	40%
Maximum Number of Building Stories	4
Maximum Building Height	52 feet
Minimum Front Yard**	35 feet
Minimum Side Yard	5 feet
Minimum Rear Yard	5 feet

* measured along front yard setback line from side property line to side property line.

** measured from a public right-of-way.

Section 3:

All ordinances of the Borough of Oakland which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5:

This ordinance shall take effect upon final passage, approval and publication as provided by law.

3.

ATTEST:

BOROUGH OF OAKLAND
 COUNTY OF BERGEN
 STATE OF NEW JERSEY

By: _____
 Wendi Seelin, Deputy Borough Clerk

By: _____
 Linda H. Schwager, Mayor



BOROUGH OF OAKLAND BERGEN COUNTY, NEW JERSEY



Resolution No: (09-27-2023)

TITLE:

BILLS RESOLUTION

BILLS ALREADY PAID:

Payroll	\$217,809.61
Payroll Agency	\$287,190.83
Current	\$2,871,316.02
Water	\$200.00
Grant	\$0.00
Sewer	\$0.00
Trust	\$18.00
Capital	\$0.00
TOTAL BILLS ALREADY PAID:	<u>\$5,183,434.02</u>

BILLS TO BE PAID:

Current Fund	\$403,056.09
Water Operating	\$14,285.91
Sewer	\$9,442.58
General Capital	\$53,845.40
Water Capital	\$13,606.25
Sewer Capital	\$662.12
Grant	\$3,092.00
Animal Control	\$1,350.00
Other Trusts	\$37,388.03
TOTAL BILLS TO BE PAID:	<u>\$536,728.38</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: September 27, 2023

Linda H. Schwager, Mayor

Wendi Seelin, Deputy Borough Clerk

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