

BOROUGH OF OAKLAND
Borough Council Meeting
MEETING MINUTES

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

February 13, 2024 – 7:00 p.m.

MOVE TO EXECUTIVE SESSION:

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, (N.J.S.A. 10:4-12) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of action upon the herein after specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:

NJ DIVISION OF CIVIL RIGHTS: Notice of Violation & Offer of Settlement
GAETA
RML
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above-mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

ROLL CALL: **Goffredo, McCann, Pignatelli, Saliani, Talamini.**

Meeting of the Borough of Oakland Mayor and Borough Council opened on the above date at 7:00 p.m. in the Oakland Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, N.J. 07436.

Mayor Eric Kulmala presiding.

Acting Borough Clerk Wendi Seelin announced that proper notice of this meeting was made as to time, date, place, and agenda.

ROLL CALL: Present: Mayor Eric Kulmala, Councilmembers: Goffredo, McCann, Pignatelli, Saliani, Talamini.

Also Present: Borough Administrator Richard Kunze, Acting Borough Clerk Wendi Seelin, Borough Attorney Matt Gilson

Absent: Councilman Slasinski

On Motion by Councilman Pignatelli, second by Council President Saliani, to excuse Councilman Slasinski.

ALL IN FAVOR.

SALUTE TO THE FLAG AND MOMENT OF SILENCE: Led by Councilman Pignatelli

MAYOR'S REPORT:

Mayor Kulmala reviewed the status of the Borough of Oakland's current projects:

- Mayor Kulmala stated that the Water PFOA treatment is on schedule, the carbon material is being loaded.
- Mayor Kulmala stated that there was a Patriot's Way Bridge pre-construction meeting with Boswell Engineering, Councilman McCann and Councilman Saliani. A community meeting is being planned with the residents of Ramapo River Reserve.
- Mayor Kulmala advised the residents on Lakeside that the water main work will be complete by end of week.
- The first Sewer site was cut over yesterday for testing.
- Mayor Kulmala thanked the DPW for all of their hard work with the recent weather and snow plowing.
- Mayor Kulmala advised the residents that he attended the Bergen County Commissioners meeting. Mayor Kulmala asked Borough Attorney Matt Gilson if there have been any changes or updates and he advised no. Mayor Kulmala state at the Bergen County Commissioners meeting he spoke with commissioners one at a time to lobby for the Dump site to be declined. He stated he invited the commissioners to come to Oakland to see for themselves the closeness of neighborhoods, rivers and wildlife that will be affected by this site.
- The Mayor's Blood Drive is Thursday February 15, 2024 12:30- 4:30 PM and I will be donating. Please consider donating.

- The Oakland Historical Society is having its first open house of the Van Allen House is this Sunday February 18, 2024 from 1-4 PM weather permitting. There will be displays and a collection of historic dolls from Martha Washington.

OPEN PUBLIC COMMENT:

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

ALL IN FAVOR.

Kerri Sirinides, 40 Sioux Avenue, stated the way the public session removal was handled was not very transparent, she believes it is not in the best interest of the public to not have the second public session. Ms. Sirinides suggested telling the public that it's being removed and try it out, she stated the public is upset.

Jim Folkerts, 4 Seminole Avenue stated he wants the second public session, the perception is that you are limiting the public opinion. What was the reason?

Matt Weiland, 47 Winding Ridge, asked what the status is of the update to the residents on Patriot's Way Bridge. Mayor Kulmala stated there is a meeting being set up to establish the lines of open communications to the residents through the Board. The meeting will set the expectations and guidelines for the project. Mayor Kulmala stated this meeting will happen before the end of February.

Sheila Boylan, 16 Walnut Street, presented a state run community based deer management program for the borough. The deer are eating and destroying everything in sight. Ms. Boylan feels the Mayor and Council should consider a Bow and Arrow managed hunt. The time that dead animals lay on the road is disturbing. Ms. Boylan stated her second problem is her neighbor reggraded his property and put in a fence. He raised his property and now her yard is flooded, she has spoken with Mr. Yakimik, he filed reports, and is constantly calling him. Mr. Yakimik stated that the zoning and planning has no authority to do anything. Nothing is being done. She asked that someone please help remedy the situation.

Mr. Kunze stated that Ms. Boylan's issue has been referred to code enforcement and he will check on the status.

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

ALL IN FAVOR.

APPROVAL OF MINUTES:

- January 23, 2024 Minutes

Councilman Saliani set forth the motion, seconded by Councilman Talamini, to approve the above listed minutes.

ROLL CALL: **Ayes:** **Goffredo, McCann, Pignatelli, Saliani, and Talamini.**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

- January 23, 2024 Executive Minutes

Councilman Saliani set forth the motion, seconded by Councilman Talamini, to approve the above listed minutes.

- **ROLL CALL:** **Ayes:** **Goffredo, McCann, Pignatelli, Saliani, and Talamini.**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

RAFFLE LICENSES FOR APPROVAL:

- Authorize Raffle License #RL1482 for Oakland-Franklin Lakes Rotary for 50/50 on June 25, 2024 at Portobello's 155 Ramapo Valley Road, Oakland, NJ 07436 for Community Services Projects, Local Scholarships, Sponsor Exchange Students, Local Food Banks and various veterans Organizations.
- Authorize Raffle License #RL1483 for SJG Home & School Association on April 19, 2024 at Portobello's 155 Ramapo Valley Road, Oakland, NJ 07436 to raise money for Stephen J. Gerace Elementary School
- Authorize Raffle License #RL1485 for Stephen J. Gerace HSA on April 19, 2024 at Portobello 155 Ramapo Valley Road, Oakland, NJ 07436 to raise funds for the Elementary School.
- Authorize Raffle License #RL1486 for Wyckoff Reformed Church on March 3, 2024 at Portobello 175 Ramapo Valley Road, Oakland, NJ 07436 to raise funds for BSA Troop 89.
- Authorize Raffle License #RL1487 for Wyckoff Reformed Church on March 3, 2024 at Portobello 175 Ramapo Valley Road, Oakland, NJ 07436 to raise funds for BSA Troop 89.
- Authorize Raffle License #RL1488 for 50/50, Hubbard School PTO on March 14, 2024 at Portobello 155 Ramapo Valley Road, Oakland, NJ 07436 to raise funds for Hubbard School Natural Playground.
- Authorize Raffle License #RL1489 for Tricky Tray Hubbard School PTO on March 14, 2024 at Portobello 155 Ramapo Valley Road, Oakland, NJ 07436 to raise funds Hubbard School Natural Playground

Councilman Saliani set forth the motion, seconded by Councilman Talamini, to approve Raffle License #RL1482, RL1483, RL1485, RL1486, RL1487, RL1488, and RL1489:

ROLL CALL: **Ayes:** **Goffredo, McCann, Pignatelli, Saliani, and Talamini.**
 Nays: **None**

Abstain: None
(5 ayes – 0 nays – motion carried)

ALL IN FAVOR.

- Authorize Raffle License #RL1484 for Sports Association of Oakland on March 9, 2024 at Valley Middle School 71 Oak Street, Oakland, NJ 07436 to raise funds to purchase equipment for the Oakland Braves Basketball.

Councilman Talamini set forth the motion, seconded by Councilwoman Goffredo, to approve Raffle License #RL1484

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

ALL IN FAVOR.

- Approve Social Affairs Permit for Oakland BPO Elks Lodge 2167 for a Comedy Night Fund raiser on March 30, 2024 6pm-12am.

Councilman Talamini set forth the motion, seconded by Councilwoman Saliani, to approve Social Affairs Permit

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

ALL IN FAVOR.

APPOINTMENT OF BOROUGH PROFESSIONALS FOR 2024:

- Risk Manager- Health Benefits Acrisure
- Alternate Borough Prosecutor- Christopher Kane

On motion of Councilman Saliani, seconded by Councilman Talamini, that the listed Professionals be appointed for 2024.

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

ALL IN FAVOR.

MAYOR AND COUNCIL APPOINTMENT TO COMMITTEES:

Mayor Kulmala announced the following Mayor and Council appointments:

Arts Committee:

- Peter Marcalus

Appointment to the Board of Health:

- John Bellochio 3 year unexpired term exp 12/31/26
- Jeffrey Klein 3 year unexpired term exp 12/31/26

Environmental Commission:

Blake Cowley Alternate 2 2 year tem exp 12/31/25

On motion of Councilman Pignatelli, seconded by Councilwoman Goffredo,

ROLL CALL: **Ayes:** **Goffredo, McCann, Pignatelli, Saliani, and Talamini.**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

MAYOR APPOINTMENTS TO COMMITTEES:

Access for All:

- Eileen Perri 1 year Unexpired
- John Bellochio 1 Year Unexpired

Shade Tree Commission:

- Harry Harrison 5 year unexpired term exp 12/31/25

RESOLUTIONS: Consent Agenda 24-69 through 24-91:

On motion of Councilman Talamini seconded by Councilman Saliani, the following resolutions be introduced, adopted, and duly passed by consent agenda and a roll call vote:

Resolution No: 24-69

TITLE:

AUTHORIZE SHARED SERVICES AGREEMENT WITH NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY FOR SEPTAGE, SLUDGE, AND GREYWATER DISPOSAL

WHEREAS, there is a need for the Borough of Oakland to dispose of septage, sludge, and greywater from the Wastewater Treatment Plants; and

WHEREAS, the Northwest Bergen County Utilities Authority (NBCUA) has submitted a proposal to accept the disposal of septage, sludge, and greywater; and

WHEREAS, the proposal has been received and recommended by the Superintendent of Public Works; and

WHEREAS, the Borough Attorney has reviewed the Shared Services Agreement provided to the Borough by the Northwest Bergen County Utilities Authority;

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 Mayor is hereby authorized and directed to execute the 2024 Shared Services Agreement for Septage, Sludge, and Greywater Disposal; and

BE IT FURTHER RESOLVED, that the Borough of Oakland will pay the following rates:

1. For greywater less than or equal to 2.6% solids - \$0.0383 per gallon
2. For septage exceeding 2.6% solids but not greater than 4% solids - \$0.0592 per gallon
3. For sludge exceeding 4% solids but not greater than 7.9% solids - \$0.0796 per gallon
4. For sludge exceeding 7.9% solids but not greater than 12% solids - \$0.1040 per gallon

BE IT FURTHER RESOLVED, that a copy of this Resolution and 2024 Shared Services Agreement with the Northwest Bergen County Utilities Authority shall be maintained for public inspection in the Borough Clerk's office.

Resolution No: 24-70

TITLE:

AUTHORIZE GRANT AGREEMENT FOR BERGEN COUNTY FY 2023 OPEN SPACE TRUST FUND MUNICIPAL PROGRAM PROJECT FOR OAKLAND RECREATION COMPLEX

BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Oakland wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$89,780.00 matching grant award from the 2023 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the Oakland Recreation Complex project entitled Baseball and Softball Fields, Irrigation System Project; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council hereby authorize Mayor Eric Kulmala be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about December 13, 2025; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment,

and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements. Professional Services Costs may be reimbursed from grant award's unexpended balance, should there be a balance

Resolution No: 24-71

TITLE:

**AMEND CONTRACT WITH BURGIS ASSOCIATES FOR AFFORDABLE HOUSING
PROFESSIONAL PLANNING SERVICES**

WHEREAS, The Mayor and Council previously awarded contracts for Planning Services for a Housing Element and Fair Share Plan and work related to affordable housing matters to Burgis Associates totaling 85,500.00.

WHEREAS, due to the ongoing nature of the Affordable Housing Litigation, additional work has been required and there is a need to amend the contract by an additional \$30,000.00; and

WHEREAS, this is a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, The Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

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

WHEREAS, Burgis Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Burgis Associates has not made any reportable contributions to a candidate committee in the Borough of Oakland in the previous one year, and that the contract will prohibit the Burgis Associates from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified in accordance with N.J.A.C. 5:30-5.4 that funds are available in account #C-04-56-690-502;

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, that the 2023 contract for Burgis Associates for Affordable Housing services is increased by \$30,500.00 for a new total of \$115,500.00; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to sign the contract on behalf of the Borough of Oakland.

BE IT FUTHER RESOLVED, that a copy of this Resolution with Burgis Associates shall be advertised in the official newspaper of record.

Resolution No: 24-72

TITLE:

**AWARD CONTRACT TO BOSWELL ENGINEERING FOR DESIGN AND INSPECTION
ENGINEERING SERVICES FOR THE 2024 ROAD PROGRAM**

WHEREAS, there is a need for design engineering services for the preparation of construction plans and specifications and inspection services; and

WHEREAS, Boswell Engineering has submitted a proposal dated January 17, 2024 for services required at a total cost not to exceed cost of \$158,900 broken down as follows; and

- | | |
|-----------------------|-------------------|
| • Design Services | \$27,900.00 |
| • Inspection Services | <u>131,000.00</u> |
| • Total: | 158,900.00 |

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-933-701 in the amount of 158,900.00; 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 Boswell Engineering to perform the design and inspection services for the 2024 Road Program at a cost not to exceed \$158,900.00; and

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

Resolution No: 24-73

TITLE:

**AWARD CONTRACT TO BOSWELL ENGINEERING FOR PREPARATION OF REPORT FOR
REHABILITATION OF LENAPE LANE BRIDGE**

WHEREAS, there is a need for engineering services for the preparation of rehabilitating Lenape Lane Bridge services; and

WHEREAS, Boswell Engineering has submitted a proposal dated November 22, 2023 for services required at a total cost not to exceed cost of \$39,700.00; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-55-002-013 in the amount of \$39,700.00; 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 Boswell Engineering to perform the preparation of report for rehabilitation of Lenape Lane Bridge at a cost not to exceed \$39,700.00; and

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

Resolution No: 24-74

TITLE:

AWARD CONTRACT TO GIBLIN AND GANNAIO FOR PROFESSIONAL BOROUGH AFFORDABLE HOUSING LITIGATION ATTORNEY SERVICES FOR 2024

WHEREAS, it is necessary for the Borough of Oakland to engage the services of a Borough Affordable Housing Litigation Attorney for 2024; and

WHEREAS, funds will be available by way of budget to compensate said Borough Affordable Housing Litigation Attorney; and

WHEREAS, N.J.S.A. 40A: 11-1 et. seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, the Borough did undertake a competitive process to select a Borough Affordable Housing Litigation Attorney and solicited Requests for Qualifications in December 2023; and

WHEREAS, the Borough's Review Team has determined that Brian Giblin of the firm of Giblin and Gannaio will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract;

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 Brian Giblin of the firm of Giblin and Gannaio be and is hereby appointed as Borough Affordable Housing Litigation Attorney for the year 2024; and

BE IT FURTHER RESOLVED, that compensation for said Borough Affordable Housing Litigation Attorney for the year 2024 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED, that the contract amount shall not exceed \$20,000.00 without further authorization of the Governing Body, and the Chief Financial Officer has certified that \$20,000.00 is available in Account #4-01-20-155-028; and

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

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

Resolution No: 24-75

TITLE:

AUTHORIZE DONATION OF WASHER AND DRYER TO THE FIRST AID SQUAD

WHEREAS, the Borough of Oakland is in possession of a Washer and Dryer which is no longer of service to the Borough; and

WHEREAS, the Oakland First Aid Squad, Inc. has requested that the Washer and Drier be donated to the First Aid Squad; and

WHEREAS, the donation of such property is permitted under NJSA40A; 11-36; and

WHEREAS, the Mayor and Council of the Borough of Oakland is of the opinion that the transfer of the Washer and Drier to the First Aid Squad is in the best interest of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the donation of the Washer and Dryer from the Borough of Oakland to the Oakland First Aid Squad is hereby approved and the transfer shall take place as soon as possible

Resolution No: 24-77

TITLE:

AWARD CONTRACT TO DRESDNER ROBIN FOR RAMAPO RIVER RESTORATION FOR PROFESSIONAL SURVEYING AND ENGINEERING SERVICES

WHEREAS, the Borough of Oakland needs to retain a firm to provide Professional Engineering Services for the Ramapo River Restoration Project under a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, The Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Dresdner Robin, 55 Lane Road Suite 220, Fairfield, NJ 07004, has submitted a proposal for Professional Surveying and Engineering for the Ramapo River Restoration Project; and

WHEREAS, Dresden Robin has completed and submitted a Business Entity Disclosure Certification which certifies that Dresden Robin has not made any reportable contributions to a candidate committee in the Borough of Oakland in the previous one year, and that the contract will prohibit the Dresden Robin from making any reportable contributions through the perm of the contract; and

WHEREAS, the Chief Financial Officer has certified in accordance with N.J.A.C. 5:30-5.4 that funds are available in account #C-04-56-690-502;

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 award a contract to Dresden Robin for professional surveying and engineering services at a cost not to exceed \$71,800.00; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to sign the contract on behalf of the Borough of Oakland.

BE IT FURTHER RESOLVED, that a copy of this Resolution with Dresden Robin shall be advertised in the official newspaper of record.

Resolution No: 24-78

TITLE:

**AUTHORIZE SUBMITTAL OF APPLICATION TO THE NJ CLEAN ENERGY PROGRAM
COMMUNITY ENERGY PLANNING GRANT**

WHEREAS, a sustainable community seeks to ensure that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Oakland strives to assure clean land, air and water for current and future generations; and

WHEREAS, New Jersey's Energy Master Plan: Pathway to 2050 ("EMP") established that community-level action is necessary to achieve the state's goal of 100% clean energy by 2050; and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state's Energy Master Plan; and

WHEREAS, Oakland is invested in developing a community energy plan to help the state achieve the goal of 100% clean energy by 2050; and

WHEREAS, the Community Energy Plan Grant program will help Oakland to plan for and invest in renewable energy and to work towards a better environment for all residents by using the state's Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

THEREFORE, the Borough Council of the Borough of Oakland has determined that Oakland should apply for the aforementioned Community Energy Planning Grant program; and

THEREFORE, Oakland will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data and for convening at least one public meeting.

THEREFORE, BE IT RESOLVED, that Borough Council of the Borough of Oakland, State of New Jersey, authorizes the submission of the aforementioned application to the NJBPU Community Energy Planning Grant program.

Resolution No. 24-80

TITLE:

RESOLUTION AUTHORIZING GRANT AGREEMENT WITH NEW JERSEY HISTORIC TRUST

WHEREAS, The Mayor and Council of the Borough of Oakland desires to further historic preservation through a grant from the New Jersey Historic Trust, State of New Jersey in the amount of \$ 61,125 for the following project: Vygeberg Farm Office Building.

NOW, THEREFORE, BE IT RESOLVED, the Governing Body authorizes Mayor Eric Kulmala to execute a grant agreement with the State in an amount up to that awarded for the proposed project and to seal the grant agreement.

Resolution No: 24-81

TITLE:

AWARD CONTRACT TO BOSWELL ENGINEERING FOR CONSTRUCTION INSPECTION SERVICES FOR BUSH PARK PLAZA

WHEREAS, there is a need for construction inspection services for Bush Plaza Park.

WHEREAS, Boswell Engineering has submitted a proposal dated January 31, 2024 for services required at a total cost not to exceed cost of \$30,800.00; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-909-101 in the amount of \$30,800.00; and

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

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 construction inspection services for Bush Plaza Park at a cost not to exceed \$30,800.00; and

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

Resolution No: 24-84

TITLE:

AWARD CONTRACT TO CIVIL SOLUTIONS FOR 2024 TAX MAP MAINTENANCE SERVICES

WHEREAS, the Borough of Oakland must update its tax maps annually; and

WHEREAS, the Tax Assessor and Borough Administrator have recommended that Civil Solutions be retained to provide tax map updates; in accordance with their proposal; and

WHEREAS, Civil Solutions will provide the services at a cost not to exceed \$5,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #4-01-20-150-104; and

WHEREAS, the aforesaid award of contract is an exemption to the public bidding laws and one for professional services, 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 authorizes the Mayor and Borough Clerk to execute an agreement with Civil Solutions to provide Tax Map Maintenance Services for 2024 for an amount not to exceed \$5,000.00.

Resolution No: 24-85

TITLE:

AWARD CONTRACT TO INTEGRA REALTY RESOURCES FOR 2024 TAX APPEAL ASSISTANCE SERVICE

WHEREAS, the Borough of Oakland needs to retain a firm for 2024 Tax Appeal Assistance under a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, The Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Integra Realty Resources, 25A Vreeland Road, Suite 100, Florham Park, NJ 07932, has submitted a proposal to provide Real Estate and Tax Consulting Services for the Borough of Oakland for the year 2024; and

WHEREAS, Integra Realty Resources has completed and submitted a Business Entity Disclosure Certification which certifies that Integra Realty Resources has not made any reportable contributions to a candidate committee in the Borough of Oakland in the previous one year, and that the contract will prohibit Integra Realty Resources from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified in accordance with N.J.A.C. 5:30-5.4 that funds are available in account #4-01-55-904-001;

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 award a contract to Integra Realty Resources at a cost not to exceed 20,000.00; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to sign the contract on behalf of the Borough of Oakland.

BE IT FURTHER RESOLVED, that a copy of this Resolution with Integra Realty Resources shall be advertised in the official newspaper of record

Resolution No: 24-86

TITLE:

AUTHORIZE CHANGE ORDER #2 OAKLAND PFAS WATER TREATMENT IMPROVEMENTS

WHEREAS, the Borough of Oakland awarded a contract to J. Fletcher Creamer in the amount of \$2,526,905.00 for the Water Treatment Improvements; and

WHEREAS, there were additional work required at Well 5,9,10 for additional heat tracing required on above grade piping and backwash hose; and

WHEREAS, the following change order has been requested:

Change Order #2	Well 5, 9, 10 for additional heat tracing required on above grade piping and backwash hose	\$15,313.46
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WHEREAS, the Change Order has been reviewed and recommended by the project engineer John Yakimik of Boswell Engineering; and

WHEREAS, the Chief Financial Officer has certified that funds are available in account #C-06-56-903-202; and;

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 Change Order #2 in the amount of \$15,313.46 for a new total contract amount of \$2,603,905.05; and

BE IT FURTHER RESOLVED, that the Municipal Clerk shall advertise a notice of this change order in the Bergen Record, in accordance with N.J.A.C. 5:30-11.9 (c) (6).

Resolution No: 24-88

TITLE:

2024 TEMPORARY BUDGET EMERGENCY

WHEREAS, NJS40A:4-20 of the Local Budget Law provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget, the governing body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary

appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the adoption of the budget, and;

WHEREAS, the need exists to expend such funds prior to the adoption of the budget, and;

WHEREAS, the emergency temporary appropriations will be included in its entirety in the final adopted budget;

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, that the following emergency temporary appropriations be made and that a certified copy of this resolution be filed with the Director of the Division of Local Government Services:

Current Fund

Veh Maint - Outsource Repairs	4-01-26-315-028	\$ 10,000.00
Natural Gas - Public Buildings	4-01-31-446-001	\$ 25,000.00
BCOS REC COMPLEX IRRIGATION SYSTEM	4-01-41-804-000	\$ 89,780.00
HISTORIC TRUST VYGEBERG FARM OFF BLDG	4-01-41-805-000	\$ 61,125.00

Resolution No: 24-89

TITLE:

Authorize Transfer between Budget Appropriations Reserves

WHEREAS, it has become necessary to expend funds in excess of the amounts approved in the Calendar Year 2023 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 2023 budget of the Borough of Oakland; and

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of such funds between Appropriations Reserves during the first 3 months of the calendar 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 Appropriations Reserves budget:

Current Fund		From	To
Mun Clerk - Print Advertising	3-01-20-120-021		<u>\$ 4,500.00</u>
Sub-total			\$ 4,500.00
ADMIN - Perm Full Time	3-01-20-100-011	<u>\$ 4,500.00</u>	
Sub-total		\$ 4,500.00	

Resolution No: 24-91

TITLE:

AUTHORIZE APPLICATION SUBMITTAL- SUSTAINABLE JERSEY P.S.E & G FOUNDATION GRANT

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Oakland strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Oakland is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Governing Body of the Borough of Oakland has determined that the Borough of Oakland should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Oakland, Bergen County, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

On motion of Councilman Talamini, seconded by Councilman Saliani, the following resolutions be introduced, adopted, and duly passed by consent agenda and a roll call vote:

ROLL CALL: **Ayes:** **Goffredo, Pignatelli, Saliani, and Talamini**
 Nays: **None**
 Abstain: **McCann**
 (4 ayes – 0 nays – motion carried)

Individual Resolutions Pulled From Consent Agenda:

Resolution No: 24-76

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, pursuant to NJSA 26:8-17, the Registrar shall select a deputy; and

WHEREAS, Wendi Seelin, has selected Tracy Saliani to be the Deputy Registrar of Vital Statistics; and

WHEREAS, Tracy Saliani received her certification as of October 27, 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 Tracy Saliani be appointed as Deputy Registrar of Vital Statistics effective January 31, 2024; and

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

On motion of Councilman Pignatelli seconded by Councilman Talamini the following resolutions be introduced, adopted, and duly passed by consent agenda and a roll call vote:

ROLL CALL: **Ayes:** **Goffredo, McCann, Pignatelli, and Talamini**
 Nays: **None**
 Abstain: **Saliani**
 (4 ayes – 0 nays – motion carried)

Resolution No: 24-79

TITLE:

ANNUAL APPOINTMENT OF THE MUNICIPAL REPRESENTATIVES TO BERGEN COUNTY COMMUNITY DEVELOPMENT REGIONAL COMMITTEES FY 2023 COVERING JULY 1, 2023 THROUGH JUNE 30, 2024

WHEREAS the Borough of Oakland has entered into a three-year Cooperative Agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40A:65-1 et seq. and Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, said Agreement requires that the Municipal Council appoint a representative and alternate and that the Mayor appoint a representative and alternate for the FY 2023-2024 term starting July 1, 2023, and ending on June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby appoints Steven Saliani its representative and Kevin Slasinski as its alternate and that the Mayor hereby appoints Richard Kunze as his representative and David Young as his/her alternate to serve on the Community Development Regional Committee for FY 2023-2024; and

BE IT FURTHER RESOLVED, that an original, certified copy of this resolution be immediately emailed to Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, Fourth Floor; Hackensack, New Jersey 07601 | resposito@co.bergen.nj.us.

Mayor Kulmala Appointed Borough Administrator Richard Kunze and CFO David Young.

Council President Saliani appointed Council President Saliani and Councilman Slasinski.

On motion of Councilman Pignatelli, seconded by Councilman Saliani, the following resolutions be introduced, adopted, and duly passed by consent agenda and a roll call vote:

ROLL CALL: **Ayes:** **Goffredo, McCann, Pignatelli, Saliani and Talamini**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

Resolution No: 24-82

TITLE:

AWARD CONTRACT TO CGP&H FOR AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES FOR 2024

WHEREAS, the Borough of Oakland needs to retain a firm to administer its Affordable Housing Program and Housing Rehabilitation Program for 2024 under a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

WHEREAS, The Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Community Grants, Planning, and Housing, 1249 South River Road, Suite 301, Cranbury, N.J. 08512, has submitted a proposal to act as Affordable Housing Administrative Agent and Rehabilitation Program Manager for the Borough of Oakland for the year 2024; and

WHEREAS, Community Grants, Planning, and Housing has completed and submitted a Business Entity Disclosure Certification which certifies that CGP&H has not made any reportable contributions to a candidate committee in the Borough of Oakland in the previous one year, and that the contract will prohibit the CGP&H from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified in accordance with N.J.A.C. 5:30-5.4 that funds are available in account #T-27-26-286-002;

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 award a contract to Community Grants, Planning, and Housing to act as Affordable Housing Administrative Agent at a cost not to exceed \$5,000.00, and Rehabilitation Program Manager at a cost not to exceed \$36,000.00; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to sign the contract on behalf of the Borough of Oakland.

BE IT FUTHER RESOLVED, that a copy of this Resolution with CGP&H shall be advertised in the newspaper of record.

On motion of Councilman Pignatelli, seconded by Councilman Saliani, the following resolutions be introduced, adopted, and duly passed by consent agenda and a roll call vote:

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

Resolution No: 24-83

TITLE:

AWARD CONTRACT TO ASSOCIATED APPRAISAL GROUP FOR 2024 ANNUAL REASSESSMENT PROGRAM SERVICES

WHEREAS, the County of Bergen ordered a full reassessment be done on all properties in the Borough of Oakland and the reassessment was conducted by Associated Appraisal group; and

WHEREAS, the Borough issued a Request for Proposals for the services required; and

WHEREAS, for reasons of efficiency and equity in the administration of property assessments, the Borough has determined to implement an annual reassessment program; and

WHEREAS, Associated Appraisal Group is capable of providing annual reassessment services in accordance with their proposal dated January 31, 2022 for a cost of \$55,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #4-01-20-150-100 in the amount of \$55,000.00; and

WHEREAS, the award of the contract is for 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 award a contract for the annual reassessment program to Associated Appraisal Group in the amount not to exceed \$55,000.00; and

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

Discussion: Mayor Kulmala asked Borough Administrator Mr. Kunze to review the process due to Resident calls. The decision was made to do the annual reassessment program where all properties are look at every year to make sure the assessed value is market value. This keeps the assessments equitable year to year. Done over time there are more disparities. This system tends to reduce tax

appeals as well. The inspector only visits a select number of homes per year on a five year rolling basis. Councilman Saliani asked when comps are looked at. Mr. Kunze stated they are looked at every year using comps. Not every house is visually inspected and we are in the 3rd year. Council President Saliani asked if this is saving money. Mr. Kunze confirmed this process has been working better. Councilman McCann asked if an internal inspection is better. Mr. Kunze responded yes to avoid overassessment. All inspectors are registered with the Police Department and they can verify.

On motion of Councilman Talamini, seconded by Councilman McCann the following resolutions be introduced, adopted, and duly passed by consent agenda and a roll call vote:

ROLL CALL: **Ayes:** **Goffredo McCann, Pignatelli, Saliani and Talamini**
 Nays: **None**

 Abstain: **None**

 (5 ayes – 0 nays – motion carried)

Resolution No: 24-87

TITLE:

RESOLUTION OPPOSING A-4/S-50 AFFORDABLE HOUSING REVISIONS

WHEREAS, Rutgers' Citizen's Guide to New Jersey Municipal Master Plans cites the general principles for zoning pursuant to the Municipal Land Use Law (MLUL) N.J.S.A. 40:55D-1 and urges their incorporation into the Municipal Master Plan, including:

- Protect public health, safety, morals and general welfare
- Ensure compatible land uses, densities, and aesthetic designs
- Provide adequate light, air and open space;
- Preserve cultural and natural resources and energy
- Minimize congested transportation systems

WHEREAS, at the time the Rutgers' Citizen's Guide to New Jersey Municipal Master Plans was first printed in 2003, the US Census bureau predicted that New Jersey's population would grow by an additional one million people by 2020, and the Rutgers guide advised that "a well-crafted Master Plan is one vital tool to protect local resources for the future of your community," urging residents to take an active interest in their respective municipality's Master Plans "if you want future growth to be positive"; and

WHEREAS, since the inception of the MLUL in 1975, municipalities have endeavored to craft Master Plans that, as Rutgers expresses, bring 'cohesive focus by outlining development goals and objectives for a community" by creating a blueprint "that depicts current land uses, and guides decisions for both growth and conservation"; and

WHEREAS, the Legislative Findings of the 1985 "Fair Housing Act" N.J.S.A. 52:27D-301 cites the Mount Laurel decisions as determining that "every municipality in a growth area has a constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and moderate income families"; and

WHEREAS, the Fair Housing Act N.J.S. A 52:27D-303 proceeded to circumvent the MLUL by establishing "a low and moderate income housing planning and financing mechanism in accordance with regional considerations and sound planning concepts which satisfies the constitutional obligation enunciated by the Supreme Court," without regard for the municipal planning and zoning that is based on local land uses, densities, aesthetic designs, cultural and natural resources, energy and transportation system availability, open space, and public health, safety and welfare; and

WHEREAS, no one denies that there is an undisputable need for clean, safe affordable housing in New Jersey; and

WHEREAS, through the Master Plan and similar tools within the MLUL, New Jersey municipalities have established, regularly reviewed and adjusted, and implemented land use planning regulations that meet both the spirit and the letter of the Municipal Land Use Law while addressing the need for affordable housing in accordance with the spirit of the Fair Housing Act and the letter of the local land use laws; and

WHEREAS, imposing a one-size-fits-all approach for the development of affordable housing across New Jersey's varied and unique landscape not only defies the MLUL but changes those varied and unique characteristics into a cookie-cutter repetition of development; and

WHEREAS, imposing affordable housing regulation through legislation that circumvents the MLUL also circumvents a residents' ability to provide input into the development planning for their community; and

WHEREAS, the latest amendments to the Fair Share Housing Act, A4/S50, present the following specific concerns:

1. The arbitrary vacant land adjustment of minimally 25% of prospective need, to be planned as "required" redevelopment planning, is without an understanding of the nuances of each municipality, their respective built out condition and their efforts to guide responsible development within a context of the vision in its master plan. This requirement may effectively change significant areas of a municipality to residential use from currently productive non-residential uses, which in many cases contain significant employment centers, and substantially impacting the infrastructure capacity of roads, water and sewers. In addition, to distribute this number of new units, the zones would need to be spread out over the entire municipality without regard to their proximity to goods and services or being highly out of context with the established zone plan or vision.
2. Despite widespread concerns voiced by various State agencies post-Ida regarding the placement of affordable housing in flood zones, there is no consideration for, or even reference to, the recently adopted DEP Inland Flood Regulations. In built out municipalities, vacant land and abandoned parcels in need of redevelopment are often subject to flooding and hence undeveloped for a reason.

Additionally, the DEP Blue Acres program is currently buying severely impacted flood-prone properties and returning them to their natural, vacant state. While the legislation allows for the exclusion of land in the calculation of prospective need, the onus and related expense is on the municipality to prove the land is correctly excluded, even when the State has already determined it is not fit for human habitation due to flooding.

3. The respective time frames being considered between the settlement of the present and prospective need numbers and their deliberations with interested parties are extremely condensed and not practical. The legislation does not provide a reasonable time frame to work through this process and formulate a well-conceived and defensible plan with the intent to withstand legal challenges. It does not take into consideration the statutory time frame for the adoption of necessary ordinances, the need for additional board meetings and/or rescheduling of meetings, and the fact that in almost every municipality the board members are volunteers with full-time day jobs, families, and busy lives that will be upended in order to meet this rushed, arbitrarily condensed process.

4. There is no decisive immunity from a developer's remedy. A challenge to the obligation number can result in revoked immunity. Failure to meet the extremely condensed deadlines result in revocation of immunity.

5. The requirement to plan for "unused or underutilized" property is extremely vague without specificity of what constitutes "unused or underutilized property," thereby leaving such to a wide variety of interpretations of what constitutes these conditions. This will lead to significant legal challenges should this be made a requirement. Allow municipalities to rely on their zone plan and current requirements provided by the substantive rules.

6. The lack of consideration for increasing the age restricted affordable housing cap does not recognize the aging of the population and should be reconsidered.

7. For a smaller infill inclusionary development that would generate a small number of affordable units, the UHAC minimum bedroom requirements specify at least one 3 bedroom low-income or very-low-income unit be provided. In many cases this has caused some small developments to reduce the total number of units to preclude that requirement for the affordable 3 bedroom unit. This ongoing issue has essentially discouraged the creation of affordable units and needs to be addressed in SS0.

8. To require a municipality to account for development fees since the inception of their housing fee program when a municipality has properly accounted for the collection and distribution of these fees throughout the prior cycles of HEFSP is extremely redundant, challenging and not necessary. A practical revision would be to add to the existing accounting using the current activity since the last plan.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Westwood hereby oppose A4/S50 for the above stated reasons; and

BE IT FURTHER RESOLVED, that copies of this resolution be distributed by the Borough Clerk to both Houses of the NJ Legislature; the Governor; the League of Municipalities; and each municipality in the State.

Discussion: Mayor Kulmala asked Borough Attorney Matt Gilson to explain the Affordable Housing Resolution. Borough Attorney Matt Gilson stated there is a new bill that has passed the Assembly on a party line vote. It will change the way affordable housing obligations will be calculated going through 2025. This bill would put the determination in the hands of unelected experts that would decide what Oakland's share of the housing would be and our Legislators, Senator Schepisi, Assemblymen Auth and Azzariti have voted against it and they have asked us to issue a resolution of support to oppose this legislation. This has not passed the senate yet.

On motion of Councilman Saliani seconded by Councilman Talamini the following resolutions be introduced, adopted, and duly passed by consent agenda and a roll call vote:

ROLL CALL: **Ayes:** **Goffredo, McCann, Pignatelli, Saliani and Talamini**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

Resolution No: 24-90

TITLE:

RESOLUTION AUTHORIZING LENNAR DEVELOPERS AGREEMENT

WHEREAS, the Planning Board of the Borough of Oakland adopted a resolution approving a development by Hovnanian North Jersey Acquisitions, LLC property located at 123 McCoy Road (Block 4202, Lots 1, 2, 3) and 127 Mc Coy Road (Block 4004 Lots 4,5); and

WHEREAS, K. Hovnanian sold their interest in the property to U.S. Home, LLC d/b/a Lennar

WHEREAS, the resolution was conditioned upon the developer entering into a Developer's Agreement with the Borough of Oakland; and

WHEREAS, such Developer's Agreement has been executed by U.S. Home d/b/a Lennar which has been reviewed and approved by the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Mayor and Borough Clerk are hereby authorized to execute the Developer's Agreement with U.S. Homes d/b/a Lennar Developers, LLC subject to any edits deemed necessary by the Borough attorney in consultation with the Borough engineer; and

BE IT FURTHER RESOLVED that the Borough Clerk is authorized and directed to maintain a copy of this Resolution in the office of the Borough Clerk, for public inspection, pursuant to law.

Discussion: Mayor Kulmala asked Borough Attorney Matt Gilson to please explain and address the agreement for the property. Mr. Gilson stated that the Resolution allows the Mayor to execute the agreement if the Borough professionals are okay. Mr. Jason Tuvel attorney from Lennar explained

the underlying amendment to the developer's agreement, they are also working on their soil conservation approval to start tree removal. He explained that they need to complete tree clearing by March 31 then you have to wait 6 months to start tree clearing due to the Indiana Bat. Goal is to get this done then work on the additional approvals. Council President Saliani asked how long the lot would be clear cut till permits received. Mt. Tuvel responded, the estimated time is within 3 months from clearing. We are working with the borough having biweekly meetings. Councilman Pignatelli asked if it is the same property manager now that Lennar has taken over. Steve Dahl of Lennar stated Lennar constructs the homes themselves then turn it over to management group, will probably be Woodland development group. Councilman Pignatelli asked about rain gardens asked if they would consider and comply with all storm water management requirements. Councilman Talamini asked about a staged cut away. Mr. Tuval stated that tree restoration bond is in place for \$850,000. There is concern after clear cut of flooding, they will get conservation approval. Mr. Gilson stated that they will need all permits in place. Councilman Saliani asked is it clear cut or in stages. Lennar responded clear cut. Mr. Kunze provide the following information: Lennar, the developer that purchased the project from K. Hovnanian, wants to begin site clearing work on the site before they must cease activity on April 1st to comply with DEP regulations protecting the Indiana Bat. At last week's Planning Board Meeting, the Board clarified that site clearing can only begin when Lennar posts an appropriate bond for the tree clearing and when they receive their permit from the Bergen County Soil Conservation District. Mayor Kulmala asked how long the project will run. 3 year process start to finish. Councilwoman Goffredo asked is this just to speed it up to cut down trees, Lennar explained they always needed the developer's agreement?

On motion of Councilman Talamini, seconded by Councilwoman Goffredo, the following resolutions be introduced, adopted, and duly passed by consent agenda and a roll call vote:

ROLL CALL: **Ayes:** **Goffredo, Pignatelli and Talamini**
 Nays: **McCann, Saliani**
 Abstain: **None**
 (3 ayes – 2 nays – motion carried)

INTRODUCTIONS:

ORDINANCE 24-CAPITAL-940

"CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$440,000.00 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH"

The Borough Clerk was directed to take from table Ordinance No. 24-CAPITAL-940 and read by title for its first reading.

The Borough Clerk then read by title Ordinance No. 24-CAPITAL-940 entitled, **"CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$440,000.00 AND**

PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH"

On motion of Councilman Saliani, seconded by Councilman McCann, the following Ordinance be introduced, adopted and duly passed on roll call vote.

BE IT RESOLVED, that an Ordinance entitled, "**CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$440,000.00 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH**", be introduced;

That said Ordinance be considered for final adoption at a Borough Council Meeting on Tuesday February 27, 2024 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, N.J. at 7:00 p.m.

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

Discussion: Mayor Kulmala asked Borough Administrator to review:

Mr. Kunze stated this proposed ordinance would fund the remainder of the Fiber Project and a refresh of the PD Network.

ROLL CALL: **Ayes:** Goffredo, McCann, Pignatelli, Saliani, Talamini
 Nays: None
 Abstain: None
 (5 ayes – 0 nays – motion carried)

ORDINANCE 24-CAPITAL-941

"CAPITAL ORDINANCE TO AMEND SECTION 2 OF THE CAPITAL ORDINANCE (ORD. NO. 22-885) ENTITLED: "CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$4,765,250 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH - \$1,470,153, FROM THE GENERAL CAPITAL FUND BALANCE - \$400,000 AND FROM VARIOUS GRANTS - \$2,895,097," ADOPTED ON JUNE 8, 2022, AS PREVIOUSLY AMENDED BY CAPITAL ORDINANCE 22-897 ADOPTED ON 11/22/2022".

The Borough Clerk was directed to take from table Ordinance No. 24-CAPITAL-941 and read by title for its first reading.

The Borough Clerk then read by title Ordinance No. 24-CAPITAL-941 entitled, "**CAPITAL ORDINANCE TO AMEND SECTION 2 OF THE CAPITAL ORDINANCE (ORD. NO. 22-885) ENTITLED: "CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF**

BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$4,765,250 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH - \$1,470,153, FROM THE GENERAL CAPITAL FUND BALANCE - \$400,000 AND FROM VARIOUS GRANTS - \$2,895,097," ADOPTED ON JUNE 8, 2022, AS PREVIOUSLY AMENDED BY CAPITAL ORDINANCE 22-897 ADOPTED ON 11/22/2022".

On motion of Councilman Saliani, seconded by Councilman Talamini, the following ordinance be introduced, adopted and duly passed on roll call vote.

BE IT RESOLVED, that an Ordinance entitled, "CAPITAL ORDINANCE TO AMEND SECTION 2 OF THE CAPITAL ORDINANCE (ORD. NO. 22-885) ENTITLED: "CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$4,765,250 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH - \$1,470,153, FROM THE GENERAL CAPITAL FUND BALANCE - \$400,000 AND FROM VARIOUS GRANTS - \$2,895,097," ADOPTED ON JUNE 8, 2022, AS PREVIOUSLY AMENDED BY CAPITAL ORDINANCE 22-897 ADOPTED ON 11/22/2022", be introduced;

That said Ordinance be considered for final adoption at a Borough Council Meeting on Tuesday February 27, 2024 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, N.J. at 7:00 p.m.

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

Discussion: Mr. Kunze stated 941 amends fund sources to use for 940.

ROLL CALL: Ayes: Goffredo, McCann, Pignatelli, Saliani, Talamini
 Nays: None
 Abstain: None
 (5 ayes - 0 nays - motion carried)

ORDINANCE 23-CODE-942

"AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, and CHAPTER 2 ENTITLED "ADMINISTRATION" BY ESTABLISHING A RECREATION COMMITTEE"

The Borough Clerk was directed to take from table Ordinance No. 24-CODE-942 and read by title for its first reading.

The Borough Clerk then read by title Ordinance No. 24-CODE-942 entitled, "AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, and

CHAPTER 2 ENTITLED "ADMINISTRATION" BY ESTABLISHING A RECREATION COMMITTEE"

On motion of Councilman Talamini, seconded by Councilman McCann, the following ordinance be introduced, adopted and duly passed on roll call vote.

BE IT RESOLVED, that an Ordinance entitled, **"AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND, and CHAPTER 2 ENTITLED "ADMINISTRATION" BY ESTABLISHING A RECREATION COMMITTEE"**, be introduced;

That said Ordinance be considered for final adoption at a Borough Council Meeting on Tuesday February 27, 2024 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, N.J. at 7:00 p.m.

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

Discussion: Mr. Kunze stated that there is going to be an issue with the appropriations cap. The Recreation Commission has wished for a process where they can use the fees generated in the current year to fund programs in the current year. Specific to the Recreation Committee is that is funded through taxes, so they get a budget like other departments. A trust fund will meet their goals and substantially helps the appropriations cap. A trust fund requires a committee. At next meeting we would adopt the Ordinance and follow up with the appropriate resolutions. Councilman Pignatelli inquired as to the difference of a commission or committee. Mr. Kunze responded that commissions have an underpinned state statue, committees do not. Mr. Guadagnino stated he is comfortable with the change.

ROLL CALL: Ayes: Goffredo, McCann, Pignatelli, Saliani, Talamini
 Nays: None
 Abstain: None
 (5 ayes – 0 nays – motion carried)

FINAL ADOPTION:

ORDINANCE 23-CODE-938

"AN ORDINANCE REVISING CONSTRUCTION FEES IN THE BOROUGH OF OAKLAND"

The Borough Clerk was directed to take from the table Ordinance No. 23-CODE-938 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled **"AN ORDINANCE REVISING CONSTRUCTION FEES IN THE BOROUGH OF OAKLAND"**.

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

OPENED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

CLOSED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

On motion of Councilman Talamini, seconded by Councilman Saliani, Ordinance 23-CODE-938, entitled "**AN ORDINANCE REVISING CONSTRUCTION FEES IN THE BOROUGH OF OAKLAND**" be adopted.

ROLL CALL: **Ayes:** **Goffredo, McCann, Pignatelli, Saliani, Talamini**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

ORDINANCE 23-CODE-939

"AN ORDINANCE AMENDING RECREATION FEES"

The Borough Clerk was directed to take from the table Ordinance No. 23-CODE-939 and read by title for its final hearing.

The Borough Clerk then read by title an Ordinance entitled "**AN ORDINANCE AMENDING RECREATION FEES**".

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

The ordinance to effectuate the changes refers the drafts that were provided at the 12/20 workshop so please refer to that documentation for specifics. Also, there will be a separate resolution at the 1/23/24 meeting to authorize the sponsorship program with the Chamber of Commerce.

OPENED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

CLOSED FOR PUBLIC COMMENT:

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

ALL IN FAVOR.

On motion of Councilman Talamini, seconded by Councilman Saliani, Ordinance 23-CODE-938, entitled "AN ORDINANCE AMENDING RECREATION FEES" be adopted.

ROLL CALL: **Ayes:** **Goffredo, McCann Pignatelli, Saliani, Talamini**
 Nays: **None**
 Abstain: **None**
 (5 ayes – 0 nays – motion carried)

WORK SESSION:

Keller Williams Grand Opening:

The Keller Williams group would like to use the Shoppers Parking lot for a grand opening, Acting Borough Clerk relayed the details of the event to the Mayor and Council. Event is being held on May 16, 2024 from 4:30 – 7:30 PM. Councilman Pignatelli stated they need a food permit and Mr. Kunze added they also need the appropriate insurance liability coverage.

Establish Recreation Trust Fund:

Reviewed under Ordinance Discussion

Capital Ordinance IT Projects

Reviewed under Ordinance Discussion

NEW BUSINESS: None

OLD BUSINESS:

Councilman Saliani asked the status of the buyout of flood zone properties. Mr. Kunze responded phase 3 is almost complete, there is one more property going through the process and then all 5 Phase 3 properties have been acquired. Phase 1 was successful we acquired all 6 and Phase 2 we acquired 6 out of 7 one homeowner that changed their mind didn't want to sell. We will be going to bid to take down homes for phases 2 & 3 closing out those programs and move on to phase 4 where we do have a money commitment from Bergen County, this money is for some additional homes on Lenape and a few homes on Lakeshore Drive as well. Councilman Saliani asked for the timing of Phase 4, Mr. Kunze stated late this year into next, and that updated appraisals will be needed on all properties.

COUNCIL COMMITTEE AND LIAISON REPORTS:

Councilwoman Goffredo: - Councilwoman Goffredo reported that she attended the Shade Tree Commission meeting on February 5, 2024. They are working on Arbor Day presentations. The Deer problem was discussed, and to please consider their adopt a tree program, email them @ shadetree@oakland-nj.org. The OCC did not meet in February next meeting is March 4th @ 7 PM. The Access for All committee met on February 7 and spoke about future events, their next event will be the Easter egg Hunt on March 23, 2024, rain date March 24, and their next meeting is March 7, 2024 a change on the calendar.

Councilman McCann: Two items that we took action on tonight were from the meetings with the Administration Committee and Public Health. He thanked Mr. Kunze and IT Director Mr. Dies for all their input and stated we looked into other ways for funding but there is none. Discussions about the Health Risk Manager took place, we reviewed the Acrisure program and felt they have the best value with a commitment to customer services for employees.

Councilman Saliani: Councilman Saliani thanked the DPW for all the hard work today with the storm. He stated the Flood Commission is very happy with the Ramapo River Restoration project being approved. Councilman Saliani attended his first Public Events Committee, they are a fun group. Their next event is Easter egg hunt on March 23, rain date March 24.

Councilman Pignatelli: Councilman Pignatelli stated the Environmental committee did not meet due to not having a quorum. The Board of Health meets on February 20, 2024. He attended the First Aid meeting and relayed their stats. The First Aid Squad is celebrating its 70th Anniversary this year with a display of pictures at the Oakland Public Library. Councilman Pignatelli advised how to become part of the First Aide Squad.

Councilman Talamini: Councilman Talamini stated he attended a Recreation Commission meeting, they are a great group of people, and all volunteers work well together. Recreation signups are open for baseball and softball. He attended the Planning Board meeting and they reviewed the Lennar Project. Happy Valentine's Day to all.

BILLS TO BE PAID:

On motion of Councilwoman Goffredo, seconded by Councilman Saliani, the following bills be submitted for payment:

(See following pages)

BE IT RESOLVED, that the foregoing bills be paid and charged to their respective accounts when the funds are available.

ROLL CALL: **Ayes:** **Goffredo, McCann, Pignatelli, Saliani, Talamini.**
 Nays: **None**
 Abstain: **None**
 (5 ayes - 0 nays - motion carried)


ADJOURNMENT:

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


ALL IN FAVOR.

Adjourned: 8:15PM

APPROVED BY:


Eric Kulmala, Mayor

ATTEST:


Wendi Seelin, Acting Borough Clerk