

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD VIA ZOOM VIDEO CONFERENCE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY OCTOBER 14, 2020

MOVE TO EXECUTIVE SESSION:

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

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

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

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
Personnel; PBA Grievance; Affordable Housing Update
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

ROLL CALL: All yeas, Councilmembers Biale, Knapp, Kulmala, Pignatelli, Talamini.

Councilman Van Eck entered the meeting at 6:32 pm.

Discussion on personnel matters, the PBA grievance arbitration and Affordable Housing ensued. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:30 pm.

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

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

MAYOR'S REPORT:

Mayor Schwager advised that many residents email the entire Mayor and Council with questions. She explained that each Council person has a Committee that they are in charge of and suggested residents contact to the Council person who is liaison to the particular department, Board, Commission or Committee. Mayor Schwager advised that the Oakland and Franklin Lakes Mayors' Wellness Program will be holding a Women's Breast Health seminar on October 27th from 12 to 1 pm. Mayor Schwager advised that the Borough officials have been constantly pestering the DOT regarding I287. The Borough has been advised that the Attorney General and the DOT Commissioner will be meeting with Borough officials and the Engineers. Mayor Schwager advised residents that the proposed draft of the chicken ordinance has not been distributed to the Council. If anyone has comments, they should be submitted to the Board of Health. Mayor Schwager advised that sewers are still being discussed. The Public Events Committee has Trunk or Treat planned for Halloween. There will be social distancing and there will be different start times depending on which school the child attends to limit the amount of people at one time. Mayor Schwager asked parents to remind children to stay in their own neighborhood for trick or treating this Halloween and to maintain social distancing and avoid large groups. She asked children if they see a house with the lights off to respect them. Mayor Schwager advised that there have been automobile burglaries. She reminded residents to lock their cars and keep valuables out of their car. There will be a small ceremony on October 15 at 2 pm to commemorate the beginning of the dismantling of the Stream House. She explained that the first step is asbestos removal and to make sure the stream is protected then dismantling can begin. Mayor Schwager and Councilman Biale have been working on this for a long time. The State finally gave permission to dismantle the Stream House after acknowledging the damage to the building. The goal is to construct a new building for education and exhibit purposes.

OPENED FOR PUBLIC COMMENT:

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

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

Ann Bernhard, 101 East Oak Street, had asked if anyone knew if there was a standard rate for a service station to charge for vehicle inspection and no one got back to her. She asked who signed the time sheets for the employee that worked for the Sewer department.

Katrine Beck, 8 Chapel Hill, emailed Councilman Pignatelli and did not receive a response. She wants to know if there has been final passage on the 5.7 million cost of the sewer project.

Chris Giordano, 19 Academy Circle, stated that residents should hear back from the Council in response to emails. Councilman Van Eck advised he responded to Mr. Giordano's email.

Christina Miller, 38 Heath Road, is looking forward to working on the chicken ordinance.

Jay DeMauro, 35 Massasoit Trail, commented that he had emailed the Mayor about the grant application we were denied funding for. There was no response. He opposes the sewer amendment ordinance.

Benjamin Wagman, 10 Mountail Lakes Road, opposed the sewer amendment ordinance. He had questions about the ordinance.

CLOSED FOR PUBLIC COMMENT:

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

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

APPROVAL OF MINUTES: SEPTEMBER 23, 2020

On motion of Councilman Talamini, seconded by Councilman Biale, the minutes from the Mayor and Council meeting of September 23, 2020 be approved.

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

RESOLUTION 20-247 AUTHORIZE RECREATION REFUNDS

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

WHEREAS, the Borough of Oakland has received a request for a refund of Recreation fees;
and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Oakland hereby authorize a refund to:

Pagerie Family, 116 Yawpo Ave., Oakland, NJ, amt. \$ 263 (Financial Hardship)
Ahern Family, 34 Pawnee Ave., Oakland, NJ, amount \$ 80 (Rec Soccer)
MacDonald Family, 23 Osage Rd, Oakland, NJ, amount \$ 80 (Rec Soccer)
Berispek Family, 22 Dacotah Ave., Oakland, NJ, amount \$ 80 (Rec Soccer)
Metje Family, 5 Massasoit Trail, Oakland, NJ, amount \$ 130 (soccer-2 kids)
Okeefe Family, 62 Andrew Ave, Oakland, NJ, amount \$ 125 (Rec Golf)
Mahajan Family, 8 Fieldstone Ct., Oakland, NJ, amount \$ 93 (Rec Baseball)
Kleinman Family, 50 Dogwood Dr., Oakland, NJ, amount \$ 78 (Rec Baseball)
Pres Family, 29 Monhegan Ave., Oakland, NJ, amount \$ 93 (Rec Baseball)
Lopez Family, 32 River Dell, Oakland, NJ, amount \$ 113 (Rec Softball)
Pallarino Family, 114 Roosevelt Blvd, Oakland, NJ, amount \$ 182 (Rec Summer Camp session2)

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

RESOLUTION 20-248 AUTHORIZE DEVELOPER'S AGREEMENT-IE HOLDINGS, LLC

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

WHEREAS, the Planning Board of the Borough of Oakland adopted a resolution approving a development by IE Holdings, LLC for property located at Block 3202, Lot 2; and

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 IE Holdings, LLC, 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 IE Holdings, LLC.

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

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

RESOLUTION 20-249 CONSENT TO VERIZON WIRELESS TO INSTALL FACILITIES WITHIN RAMAPO VALLEY ROAD RIGHT-OF-WAY

Councilman Biale would like Verizon to remove the old equipment when they install new equipment. Councilman Pignatelli spoke of a wire hanging in front of the computer store. Mr. Chewcaskie explained that Verizon Wireless has a franchise with the County of Bergen who has given them permission to install poles. Pursuant to the Statute, this needs consent of the Mayor and Council. It was discussed at last meeting's work session subject to review by the Borough Engineer. This project is to accommodate 5G services. He suggested amending a provision in the ordinance regarding right-of-way to remove poles. Borough Engineer John Yakimik explained that this project is 5G service for Verizon Wireless to install small mini cell sites on utility poles within the Ramapo Valley Road right-of-way. One is north of Patriot's Way and one is close to Glen Gray. Councilman Knapp explained that they are two different entities. Councilman Kulmala asked if they are putting these sites on existing poles. Mr. Chewcaskie responded they are putting in new poles. Mr. Yakimik advised the poles are roughly the same height but will have more equipment on them now. Mayor Schwager asked what happens if this resolution were tabled. Mr. Chewcaskie responded that we received this request a month ago and they want to start the project. Councilman Knapp commented that Councilman Biale has a valid point about the Verizon wires. However, the Council should not interfere with the progress of 5G because of the issue of wires. Mayor Schwager asked Mr. Kunze to contact Verizon about the wires. Councilman Talamini asked if an ordinance can be passed to require Verizon to remove the wires. Mr. Chewcaskie stated that Ramapo Valley Road is governed by the County. The Borough can establish regulations for the municipal right-of-way. Mr. Chewcaskie is reluctant to delay any Verizon Wireless project due to federal laws. Councilman Kulmala will attempt to arrange a meeting with Verizon regarding the wires.

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

WHEREAS, Verizon Wireless made a request to the Borough of Oakland seeking the Borough's consent to locate, place, attach, install, operate and maintain facilities within a Bergen County right-of-way (Ramapo Valley Road a/k/a U.S. Route 202); and

WHEREAS, Verizon Wireless has an agreement with the County of Bergen for the installation of its facilities; and

WHEREAS, N.J.S.A. 27:16-6 requires the consent of the municipality to such installation; and

WHEREAS, the Mayor and Council of the Borough of Oakland have determined that it would be in the best interests of the citizens of Oakland to grant their consent for the installation proposed by Verizon Wireless, subject to review and approval by the Borough Engineer;

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

1. The Borough of Oakland consents to the installation of facilities within the Ramapo Valley Road/Route 202 public right-of-way for purposes of providing telecommunications services;
2. This consent is subject to the review and approval of the Borough Engineer with respect to the facilities to be provided and the location of same;
3. A copy of this Resolution shall be provided to Verizon Wireless.

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

RESOLUTION 20-250 AUTHORIZE GRANT APPLICATION-FIREHOUSE SUBS SAFETY GRANT
On motion of Councilman Biale, seconded by Councilman Kulmala, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough of Oakland is interested in submitting a grant application to the Firehouse Subs Public Safety Foundation Grant Program requesting funding of \$ 7,391.00 for a new APX8500 Motorola All Band MP Mobile Radio System for the Fire Chief's Vehicle;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the Borough Administrator to submit the grant application to the Firehouse Subs Public Safety Foundation Grant Program.

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

RESOLUTION 20-251 ACCEPT GRANT AWARD-FY19 ASSISTANCE TO FIREFIGHTERS GRANT

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

WHEREAS, the Borough of Oakland has received FY2019 Assistance to Firefighters Grant funding in the amount of \$ 210,476.19 from FEMA; and

WHEREAS, the Borough of Oakland must accept the grant award;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that Borough Administrator Richard Kunze is authorize to sign and submit the grant award acceptance.

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

RESOLUTION 20-252 REJECT BIDS-DIGITAL SIGN

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

WHEREAS, the Borough of Oakland received bids for a Digital Information Sign on September 24, 2020; and

WHEREAS, the bid amount exceeded the amount of available funding established by the Borough for this project; and

WHEREAS, the Borough Administrator and Borough Engineer reviewed the bid and have recommended that the bid be rejected at this time pursuant to N.J.S.A. 40A:11-13.2(b);

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough does hereby reject the bid for the Digital Information Sign.

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

RESOLUTION 20-253 EXTEND TEMPORARY OUTDOOR DINING

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

WHEREAS, restaurants are an integral part of the local economies and social fabrics of municipalities; and

WHEREAS, policies regarding restaurants established by the State of New Jersey through law, regulation and executive order rightfully prioritize public health; and

WHEREAS, the proper adherence of measures to mitigate the spread of the Covid-19 virus has greatly affected the business model of restaurants; and

WHEREAS, the Borough wishes to help its local businesses through this difficult time; and

WHEREAS, many restaurants are owned and operated by local families that depend upon continued economic activity; and

WHEREAS, the Borough had previously adopted Resolution No. 20-214, which allowed for outdoor dining; however, that Resolution is due to expire; and

WHEREAS, Borough desires to extend the time period for outdoor dining through the end of the year 2020; and

WHEREAS, the Borough supports and follows the recommendations of health care professionals to continue proactive measures such as social distancing to curtail the spread of the Covid-19 virus; and

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Oakland in the County of Bergen in the State of New Jersey hereby agree to allow outdoor dining to continue through December 31, 2020 under the same terms and conditions as set forth in Resolution No. 20-214

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to: (i) the eateries located within the Borough of Oakland; (ii) the Zoning Officer of the Borough of Oakland; (iii) Brian M. Chewcaskie, Borough Attorney.

Councilman Talamini advised that the Mayor and Council are trying to do whatever they can so the residents can provide outdoor dining and he would appreciate if the restaurants follow the regulations set forth.

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

RESOLUTION 20-254 HIRE TEMPORARY SENIOR CENTER AIDE

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

WHEREAS, there is a need to hire a temporary Aide for the Senior Center; and

WHEREAS, the Senior Center Director has recommended the hiring of Debbie Henry for the temporary position;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby authorize the hire of Debbie Henry to the temporary Aide position for the Senior Center at a salary of \$ 13.00 per hour for the period October 15, 2020 to March 5, 2021.

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

RESOLUTION 20-255 AUTHORIZE ACCRUED TIME PAYOUT-M. TABBACK

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

WHEREAS, N.J.A.C. 5:30-15 establishes rules that govern how local government units manage and finance compensation for accumulated absence time for their respective employees, and

WHEREAS, accumulated absence includes any sick days, vacation days, personal days, compensatory time or any other absence time authorized as part of an employer agreement, which is not used by the employee during the allowed period and which is permitted to accumulate over time to the benefit of the employee, and

WHEREAS, the Chief Financial Officer has certified that the funds and authority exists to pay the part of the accumulated absence, as per the attached schedule, to Michael Tabbac for sick, vacation, personal and compensatory time accumulated in the amount of \$ 5,572.60; and

WHEREAS, the attached certification and documentation are presented to comply with the rules and regulations established by the Local Finance Board.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the total sum \$5,572.60 composed of 60 hours of vacation time, 50 hours of sick time, and 0 hours of personal time and 0 hours compensatory time be paid out to Michael Tabback. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose.

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

INTRODUCTION: ORDINANCE NO. 20-CODE-813-TABLED

Mayor Schwager stated she objected to having a minimum salary in the ordinance. Councilman Knapp stated he did not have time to review the chart that was included in the packet and he would make a motion to table.

MOTION TO TABLE:

On motion of Councilman Knapp, seconded by Councilman Van Eck, the Introduction of Ordinance 20-Code-813 be tabled.

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

Councilman Van Eck wants a version without minimum salary. He stated it would lock the Mayor and Council in to paying more if we have to replace an employee. Mr. Kunze advised he will put this back on work session for the next meeting for further discussion. Mr. Chewcaskie advised to check with the Auditor but he has never seen a salary ordinance that does not have a minimum and maximum.

FINAL PUBLIC HEARING: ORDINANCE NO. 20-BOND-814

CFO David Young advised that in 2011, the Governing Body adopted Ordinance 11-638 to authorize various improvements for the sewer utility. There were two purposes. The first was for the Infiltration and Inflow at Skyview for \$122,000. The second was to replace the Skyview pump station for \$ 575,000. Before construction could occur, the Borough decided to investigate decommissioning the sewer treatment plants. The first purpose was canceled and the second remains unspent. Mr. Young advised that the Borough has spent \$ 71,000 per year on maintenance and those funds came from the sewer utility annual budget. Earlier this year, it was determined that the Skyview pipes should be re-lined. After discussion with the Bond Counsel, it was determined that we should amend the funding authorization already on the books. Mr. Young explained that this option was easier than canceling the old ordinance and doing a new ordinance. Mr. Young explained that the projected \$ 370,000 cost of the project was included in the 10-year projection of rates that was reviewed. He explained that this ordinance is an authorization to spend.

The Clerk was directed to take from the table Ordinance No. 20-Bond-814 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " BOND ORDINANCE TO AMEND SECTION 4.B OF THE BOND ORDINANCE (ORD. NO. 11-638) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE SEWER UTILITY OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$697,000 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 MARCH 9, 2011.

OPENED FOR PUBLIC COMMENT:

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

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

Katrine Beck, 8 Chapel Hill, asked if the Borough has known since 2011 that they were going to decommission the sewer plants. Mr. Young advised that the Borough has been looking at ways to get out of the sewer treatment business for some time. Ms. Beck asked if funds were put aside for that capital project. Mr. Young explained that the decommissioning of the sewer plants is a separate project from sewers. An ordinance was adopted in 2018 for the Engineering for the decommissioning project. Mr. Young advised that any engineering done between 2011 and 2018 on the project was done under the retainer. Ms. Beck asked if anything done for sewers comes out of the fund for capital projects. Mr. Young explained this capital fund is for the sewer utility not general capital. Mr. Young reiterated this is an authorization to spend and we do not do anything about the money until the design is done for the project. Mr. Chewcaskie explained that a bond ordinance is an authorization for funding not an expenditure. He advised that nothing will be passed to the users until such time as bonds are sold. Ms. Beck asked if there was ever a general fund that paid these costs. Mr. Young explained there is not only the sewer utility pays these costs. Ms. Beck wanted to note her objection to the ordinance.

Rachel Gregory, 2 Kiowa Terrace, asked what the infrastructure improvements are. Mr. Young explained that when drafting an ordinance, you want to be specific to cover what project you are working on as well as unknowns that come up during the project. If the money is not spent at the end of the project, the authorization is canceled. Mr. Chewcaskie explained that the primary objective of this ordinance is the sewer lining. If during the project, they find a broken pipe, the funds from this ordinance can be used to fix it. Ms. Gregory asked what Inflow & Infiltration means. Borough Engineer John Yakimik advised it is to prevent groundwater from entering into the pipe at the joints to reduce the amount of water in the sewer system to be treated. Ms. Gregory asked if this was part of the 2011 ordinance and the project was not done at the time. Mr. Yakimik responded that was correct. Ms. Gregory asked why the cost in 2011 was \$ 122,000 and it is now \$ 370,000. Mr. Kunze explained that estimate was prepared a long time ago by a different engineer. Ms. Gregory stated if the project was done then, it would have been 1/3 of the cost and maybe the backup wouldn't have happened. Mayor Schwager advised she doesn't know why the project was not done in 2011. She asked what happens if the ordinance is not amended. Mr. Kunze explained the funding won't be in place to go ahead with the project. Ms. Gregory stated the Borough needs to get more quotes. Mr. Young explained that the dollar amount of the 2011 ordinance is not being changed, only the purpose. He stated that is standard for managing amendments to bond ordinances. The Borough has the ability to cancel the authorization if not needed. It is difficult to add funding if additional is required. This was the recommendation of the bond counsel. Ms. Gregory objected to the ordinance. She stated that the Borough needs to follow up to the 9/30 sewer meeting because there are a lot of questions that still have to be answered.

Sarah Michel, 23 Cayuga Ave., stated that in 2011, the Borough found out they needed to re-line the pipes and did not do so. She asked if the backup that occurred at her house is due to negligence. She questioned why the 575,000 to replace Skyview plant is still in the ordinance if it is not being done. Mr. Young advised that the bond counsel recommended changing the purpose of the ordinance only. He does not know what the scope was in 2011 but it may be different from the project being done now. Ms. Michel is opposed to the ordinance.

Chris Giordano, 19 Academy Circle, asked if this ordinance is a result of the ACO. Mr. Chewcaskie responded this ordinance has nothing to do with the ACO. Mr. Giordano spoke of negligence. He asked why the Borough is going forward to amend this ordinance. Mr. Young explained that in 2019, they tv'd the pipes and they recommended re-lining. Boswell did this at the request of the Borough. This was done before the ACO was issued. Mr. Giordano asked if this ordinance is trying to get sewer utility owners to pay for the sewer decommissioning. Mr. Kunze stated this project has nothing to do with the decommissioning project. Mr. Giordano feels the town neglected the sewer system which made it not last long. He stated the language in the ordinance is getting a blank check from the sewer users. Mr. Chewcaskie stated that no other ordinance for the decommissioning project has been done at this time. The purpose of this ordinance is to re-line the pipes.

Jay DeMauro, 35 Massasoit, asked if it would be better to do a new ordinance to use the amount actually needed. The project that the Borough is planning to do is less than \$575,000 so why not redo the ordinance. Mayor Schwager asked what happens if this ordinance is not adopted. Mr. Young advised the old ordinance can be canceled and a new one done. The amount of \$ 370,000 is the amount to do the sewer lining project so that is not going to change.

Rachel Gregory, 2 Kiowa Terrace, asked why the pipes need to be re-lined. Mr. Kunze explained the main reason is to eliminate the infiltration of groundwater. The pipes are old and the joints allow rainwater to enter the system. We don't want to send that additional flow to be processed. Ms. Gregory has a contact at the DEP who said this shouldn't have happened to the pipes and that it is due to the chemicals used. She stated this makes the sewer users pay 3 times as much for something not maintained correctly. Mr. Chewcaskie asked who Ms. Gregory spoke to at DEP. She would not say. Mayor Schwager said that is hearsay then until it is confirmed by the DEP. Ms. Gregory asked who bond counsel is. Mr. Young responded it is Steven Rogut of Rogut McCarthy.

Paul Chaderjian, 187 Lakeside Blvd, stated that someone must have camera'd the lines in 2011 and someone dropped the ball in 2011. That is neglectful. He asked if this is really going to get done. The Borough can't just pile on costs to the sewer users. Mayor Schwager responded if the project wasn't done, the money wasn't spent.

CLOSED FOR PUBLIC DISCUSSION:

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

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

Councilman Biale made a motion to adopt and there was no second.

Councilman Talamini asked why the ordinance is not being rewritten. Mr. Young advised that every year, he goes through ordinances to see if any can be canceled. Since this ordinance was already on the books, it was easier to amend. Mayor Schwager asked what happens if the ordinance is not amended. Mr. Yakimik advised this work is critical. Councilman Knapp asked when the work would start. Mr. Yakimik advised this work could be done this winter. Once Boswell's proposal for engineering is accepted, the work can start 40 days after. Councilman Knapp stated the numbers in the old ordinance are part of the problem. He suggested rewriting the ordinance if it won't hurt the project. Councilman Pignatelli agreed that the ordinance should price out work to be done individually. Mayor Schwager asked why the project wasn't done in 2011. Councilman Pignatelli is not sure. The engineer at the time, Crew Engineers, had recommended sealing access points that were causing infiltration. They didn't recommend re-lining the pipes. The purpose of the project is so rainwater does not get into the pipe and we are

getting charged to treat rainwater. Mr. Kunze advised that there was I & I done on the system such as sealing manholes. However, he needs to research the issue. He explained if a new ordinance is done, adoption is 4 to 6 weeks away. Councilman Kulmala agreed that a clean ordinance would be the way to move forward. Councilman Biale asked what will happen with the 2011 ordinance. Mr. Kunze responded a resolution will be adopted to cancel it. Councilman Biale agreed to cancel the 2011 ordinance and do a new ordinance.

Mayor Schwager stated that no one on this Council has sewers. She knows what a financial impact having septic is. She stated it is very expensive to have septic. However, she did not realize what people on sewers have to go through. Mayor Schwager thinks we need to set up a sewer advisory panel. She asked the Borough attorney how to do this. Mr. Chewcaskie will discuss with the Mayor. Councilman Pignatelli agreed there should be people who have sewers involved. Councilman Van Eck stated it is important that ad-hoc committees give a report at every meeting. Mayor Schwager hears the residents who have been speaking and thinks that there needs to be people who deal with sewers on the committee.

WORK SESSION:

IN-PERSON MEETINGS:

Mr. Chewcaskie provided a Client Alert that was circulated to clients to try to make sense of the regulations the State sent. The guidance is encouraging in-person meetings. If in-person meetings are going to be done, they must be held at an appropriate facility to provide social distancing. This may be difficult in Oakland with the facilities we have available. In terms of technology, what the Governing Body is doing with Zoom is acceptable. There must be provision in the meeting notice with regard to public comment. If comments are submitted in writing or via email, the comments must be read in the public comment section of the meeting.

Mr. Chewcaskie advised that the procedures for public comment should be done by resolution at the next meeting.

Mr. Chewcaskie advised that the State prefers in-person meetings but we must be prepared to deal with the number of public that wishes to attend and provide safety measures. The Township of Wayne decided to conduct public hearing on a controversial application. They made available three rooms and only 18 people showed up. Tonight's meeting had 40 participants. If the Governing Body is looking to hold an in-person meeting, they would need to accommodate 50 people.

Councilman Pignatelli commented that he feels comfortable meeting at the Senior Center. The main room has windows and there is enough parking. He stated there are two smaller rooms that people can wait in if the main room has maximum occupancy. Councilman Knapp asked how people can be waiting in the small rooms with no social distancing. Councilman Kulmala asked how many people the Senior Center can accommodate safely. Mr. Kunze advised that the Council Chambers option is off the table because the public cannot be accommodated. The Senior Center can accommodate 15 members of the public. The DPW has started looking at the ventilation. Most of our HVAC systems would be fine with the addition of a filter. One unit may need to be upgraded.

Mayor Schwager asked why we couldn't have a tent in the parking lot with heaters. Mr. Kunze responded that we would have to comply with the regulations the restaurants do for outdoor dining. Councilman Pignatelli stated that we could use the cafeteria or gym of Valley Middle School. Mr. Kunze advised that the school is not allowing outside groups to use their facilities. Councilman Kulmala asked if people wanted to attend, can they let us know 24 hours in advance so we can find a space. Mr. Chewcaskie responded that you must anticipate capacity prior to the meeting being held and advertised.

Mayor Schwager asked other Northwest Bergen Mayors if they are meeting in-person. Most said they were on Zoom but if they were meeting in-person, it was without public. Mr. Kunze stated that is no longer allowed according to the regulations. Councilman Knapp asked what is wrong with the electronic meeting because there is unlimited capacity for public. The virus is coming back. Mayor Schwager asked what happens if one person tests positive. Councilman Talamini stated that the best Zoom meeting is nothing compared to an in-person meeting. The goal is to meet in person. There is already a limit in the Council Chambers due to fire code so having a limit is not unprecedented. Mr. Kunze reiterated the capacity for the public at the Senior Center with social distancing is 15. Councilman Kulmala asked when there will be information on the filters. Mr. Kunze responded that the DPW is waiting for quotes from the vendors.

Councilman Van Eck stated the Planning Board has discussed going back to in-person meetings. There is a benefit to meeting in-person. Councilman Kulmala asked if it is safe to say the Council Chambers is not an option. Mr. Kunze responded if we have to allow the public and they must be social distanced, it must be held in the Senior Center. Councilman Van Eck is surprised the State didn't give out the rapid test so we can test prior to the meeting. Mayor Schwager asked if temperatures would be taken. Councilman Knapp responded that asymptomatic people wouldn't have a fever. He agrees that in-person meetings are better but feels there is no need to rush. Mayor Schwager is not ready to sit close to people and stated the Council agreed the decision has to be unanimous. Councilman Van Eck stated it seems like there is progress being made.

AFFORDABLE HOUSING UPDATE:

Mr. Chewcaskie asked for this to be deferred because the hearing has not been held yet.

AMEND LOSAP CRITERIA:

Mr. Kunze advised that the LOSAP program is authorized by State statute. The participants need a certain level of involvement and then money is put into a retirement account for them. It became apparent many people would not meet point totals this year due to COVID-19 restrictions. The Public Safety Committee is proposing that the number of points required to earn LOSAP credit be reduced and that any restrictions in various point categories be removed to give members the best opportunity to earn their credit for 2020. Councilman Talamini asked what LOSAP costs annually. Mr. Kunze responded between \$85,000 and 90,000. Mayor Schwager is thankful that Oakland has these volunteers. Councilman Knapp stated the fire house is closed so there have been no meetings. He didn't feel it was right to punish the firefighters and First Aid members due to the pandemic. A resolution will be listed on the next meeting.

OLD BUSINESS:

Councilman Van Eck stated he is still fighting for higher resolution from Cablevision. He has been in touch with Senator Cardinale and Assemblyman Auth's office. They are going to try to help on the State level so that we can be able to broadcast Channel 77 at the industry standard 720p.

Mayor Schwager is getting calls from businesses at Copper Tree Mall and Yawpo Avenue. They are having trouble with their internet. Perhaps Assemblyman Auth can assist with this issue as well.

Councilman Van Eck advised that Suburban News is such a problem with pollution and littering in town. Councilman Pignatelli asked if the Borough can fine the Suburban News for littering. Mr. Chewcaskie responded that the fine would go to the carrier. He advised that he has written and emailed the Suburban News and received no response. Councilman Pignatelli suggested putting something in the newsletter urging residents to call or write the Suburban News.

Councilman Kulmala asked if something could be done with the boulders at the Rec Field. Mr. Yakimik spoke to Tom Potash to see if any are needed for the dog park. Mr. Yakimik has been thinking of places to use the boulders. Councilman Knapp stated they can be placed throughout Great Oak Park. Mr. Kunze will speak with Mr. Yakimik about getting rid of the boulders.

COUNCIL REPORTS:

Councilman Biale: The Senior Center is doing a mix of hybrid programs. The County is offering private appointments for assistance navigating Medicare on October 19th. These appointments are on a first-come, first-served basis. Bingo will be held on October 15th and there is limited space available. There is a new service for homebound Seniors to have their Library rentals dropped off and picked up. This will take place on Tuesdays. The shopping trips have resumed. In November, the Senior Center will move to a winter schedule. From November 2nd to February 26th, the Senior Center will be open from 9 am to 2 pm. There are new Ipads available to borrow at the Senior Center. The DPW has been taking care of problem areas in the downtown that need attention such as trash receptacles and street signs. The DPW has pruned and elevated some trees and Borough owned sidewalks were repaired. This year's allotment of LED lights from Rockland Electric is scheduled to be installed later this month. Councilman Biale stated that since the meeting on September 30th, everyone has received an overload of emails. We are trying to answer as many as we can. The Borough wants to maintain consistency and transparency. He is looking forward to the advisory committee. Councilman Biale advised that he did call Ms. Bernard to advise that that he called the Better Business Bureau to find out the answer to her question on what service stations can charge for inspection of motor vehicles. There are no regulations on what stations can charge.

Councilman Knapp: The tree work has been completed on the Dog Park. He thanked Vanderbeck Tree Service for donating their services and he thanked James Construction for donating their time excavating. The Great Oak Park parking lot will be milled and paved this week and next. Shade Tree will be donating trees to be planted around the Dog Park. The Dog Park is scheduled to open on Mother's Day 2021.

Councilman Kulmala: No report other than he is looking forward to the Stream House ceremony tomorrow at 2 pm.

Councilman Pignatelli: Trunk or Treat will be held on October 31st starting at 10 am. There will be an announcement in the mail with details. The Public Events Committee is going to try to reduce the number of people who come at one time in order to comply with social distancing. It will be grouped according to school. There is no rain date. Councilman Pignatelli met with the Health Department and Ali Fleeson to discuss the draft ordinance regarding chickens. The Board of Health will meet on November 17th to discuss. The Environmental Commission took up the subject of the Suburban News. Their suggestion is everyone should call Suburban News to complain. Councilman Pignatelli apologized to Ms. Beck for not getting back to her. He advised her to email the appropriate Council liaison because he doesn't have answers regarding sewers.

Councilman Talamini: Beginning October 21st, Kindergarten through 2nd grade will be attending school Monday to Friday from 9 am to 1 pm. Beginning November 2nd, 3rd through 5th grade will be attending school Monday to Friday from 9 am to 1 pm. Valley Middle School will remain hybrid until the end of the first marking period.

Councilman Van Eck: He wished everyone Happy Columbus Day. He is upset about not voting in person but it is good news that Oakland has a ballot drop box. He spoke about the application before the Planning Board and advised they are discussing in-person meetings. The OCC has two new members for the Newsletter Committee. The TV Committee did a great job with the candidate forum. The Recreation Commission summer camp and sports program have been the highlight during this pandemic. The entire

basketball program is dependent on use of the school gyms. The schools are not allowing outside groups to use the gym. Recreation is working on putting together the wrestling program in another facility. The Recreation Commisison will meet on October 26th via Zoom.

OPENED FOR PUBLIC COMMENT:

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

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

Cesar Arredondo, 120 Dogwood Drive, thanked Councilman Knapp for the update on the Dog Park. He thinks the Council is meeting their obligations and there is no push by the public for in-person meetings. There are members of the public who are high risk and having in-person meetings would exclude them from participating. Meeting in-person with masks would also affect the sound quality. He commended the Council for not missing a beat during the pandemic. Mr. Arredondo advised that the current draft of the chicken ordinance is restrictive.

Chris Giordano, 19 Academy Circle, thanked those who spoke out tonight because now the Council is considering adopting a new ordinance. He hopes the language is specific to that one project. He hopes the language is not too general so it can be used for future projects. He asked about the fines.

CLOSED FOR PUBLIC COMMENT:

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

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

BILLS TO BE PAID:

On motion of Councilman Talamini, seconded by Councilman Pignatelli, 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: All yeas, Councilmembers Biale, Knapp, Kulmala, Pignatelli, Talamini, Van Eck.

Mayor Schwager reminded everyone of the ceremony at the Stream House tomorrow at 2 pm.

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Talamini, the meeting be adjourned at 10:25 pm.

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

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk
October 28, 2020

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager