

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD VIA ZOOM VIDEO CONFERENCE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY AUGUST 12, 2020

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Levy, seconded by Councilman Van Eck, 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; Sandy Beach acquisition
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, Levy, Pignatelli, Van Eck.

Discussion over personnel matters and the acquisition of Sandy Beach property. 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, Levy, Pignatelli, 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, Levy, Pignatelli, Van Eck. Absent: Councilman Talamini. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney; Kevin Boswell, 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 and included in the schedule of regular meetings.

EXCUSE ABSENCE:

On motion of Councilman Biale, seconded by Councilman Van Eck, the absence of Councilman Talamini be excused.

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

MAYOR'S REPORT:

Mayor Schwager got many emails on Monday from residents complaining about places where there was no social distancing and people not wearing masks over the weekend. She advised that residents must call Police immediately to report a violation so they can enforce it. Mayor Schwager was told there were concerts at the lake. She reiterated that people must call the Police at that time for enforcement purposes. The Borough has been open and transparent about what has been happening in our State and County regarding COVID-19. Mayor Schwager met with Councilman Knapp, the Police Chief, Planning Board Chairman and Borough Planner about long range plans to keep outdoor dining. She advised that restaurants need help but the Borough must maintain public safety for residents. Councilman Knapp will work closely with the Police Chief on this issue. Mayor Schwager advised it is important for residents to do the Census. It helps with getting federal funding. Mayor Schwager asked everyone to be respectful and patient when people are speaking during the meeting.

OPENED FOR PUBLIC COMMENT:

On motion of Councilman Levy, seconded by Councilman Van Eck, this portion of the meeting be opened for public comment.

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

Rachel Gregory, 2 Kiowa Terrace, had questions on the sewers. She asked if there is a written agreement between the town and residents that she can get access to. She asked what Council meetings sewers were discussed.

Jim Folkerts, 4 Seminole Ave, wanted to comment about garbage collection. He advised he does not have a garage to store garbage cans. If he misses a week of collection, the garbage sits outside and there is a concern about smell and wildlife. Once per week garbage collection would cause an issue.

CLOSED FOR PUBLIC COMMENT:

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

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

APPROVAL OF MINUTES: JULY 16, 2020 SPECIAL MEETING

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Special meeting of July 16, 2020 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Knapp, Levy, Pignatelli.
Abstain, Councilman Van Eck.

APPROVAL OF MINUTES: JULY 22, 2020

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of July 22, 2020 be approved.

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

APPROVAL OF MINUTES: JULY 27, 2020 SPECIAL MEETING

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Special meeting of July 27, 2020 be approved.

ROLL CALL: All yeas, Councilmembers Biale, Knapp, Levy, Pignatelli.
Abstain, Councilman Van Eck.

APPROVAL OF MINUTES: JULY 8, 2020 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Executive Session of July 8, 2020 be approved.

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

APPROVAL OF MINUTES: JULY 22, 2020 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Levy, the minutes from the Mayor and Council Executive Session of July 22, 2020 be approved.

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

APPROVE RAFFLE LICENSE RL1388:

On motion Councilman Biale, seconded by Councilman Levy, approval be granted for Raffle License RL1388 for Knights of Columbus to hold an off-premise 50/50 on December 18, 2020 at 7 Courthouse Place, Oakland.

ROLL CALL: All yeas, Councilmembers Knapp, Levy.
Abstain, Councilmembers Biale, Pignatelli, Van Eck.

RESOLUTION 20-190 HIRE CODE ENFORCEMENT OFFICER TRAINEE

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

BE IT RESOLVED that Vincent Dies be appointed as part-time Code Enforcement Officer Trainee at an hourly rate of \$ 20 per hour effective Thursday August 13, 2020.

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

RESOLUTION 20-200 AUTHORIZE MUNICIPAL ALLIANCE GRANT FUNDING

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

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages, and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Oakland, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the Oakland Municipal Alliance grant for fiscal year 2021 in the amount of

DEDR	\$ 3,579.47
Cash Match	\$ 894.87
In-Kind	\$ 2,684.60
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

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

RESOLUTION 20-201 AUTHORIZE SETTLEMENT-FAIR SHARE HOUSING

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

WHEREAS, the Borough of Oakland (the "Borough") is involved in litigation entitled In the Matter of the Application of the Borough of Oakland, a Municipal Corporation of the State of New Jersey in the Superior Court of New Jersey, Docket No. BER-L-006359-15 with respect to Oakland's affordable housing obligation; and

WHEREAS, a Settlement Agreement has been reached between the Borough of Oakland and Fair Share Housing Center (“FSHC”), a copy of which is on file with the Borough Clerk; and

WHEREAS, this Settlement Agreement will determine the parameters for the Borough’s affordable housing obligations for the prior Round and Third Round (1999-2025); and

WHEREAS, the parties will be required to appear in Court for a fairness hearing resolving the aforementioned litigation.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Settlement Agreement by and between the Borough of Oakland and Fair Share Housing Center be executed by the Mayor in accordance with the provisions of law.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately in accordance with law.

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

RESOLUTION 20-202 AWARD CONTRACT-ROCK SALT

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

WHEREAS, the Borough of Oakland needs to purchase rock salt; and

WHEREAS, the Borough of Oakland is a member of the New Jersey Cooperative Purchasing Alliance (state ID #11-BeCCP); and

WHEREAS, the New Jersey Cooperative Purchasing Alliance has awarded a contract, Rock Salt, to Chemical Equipment Labs DE, Inc., and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Superintendent of Public Works have recommended that the Borough of Oakland purchase rock salt through the New Jersey Cooperative Purchasing Alliance in an amount not to exceed \$75,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 0-01-26-306-058 and from appropriation in the 2021 budget, subject to adoption.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes the purchase of Rock Salt, in an amount not to exceed \$75,000, through the New Jersey Cooperative Purchasing Alliance, contract Rock Salt, awarded to Chemical Equipment Labs, Inc.

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

RESOLUTION 20-203 AWARD CONTRACT-WILSON STREET SPILLWAY INSPECTION

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

WHEREAS, there is a need for an informal visual inspection and NJDEP Visual Inspection Report for the Wilson Street Spillway, directly below Huber Lake Dam; and

WHEREAS, Agnoli Engineering has submitted a proposal dated July 17, 2020, for engineering services for the project in an amount not to exceed \$ 1,650.00:

WHEREAS, Agnoli Engineering has submitted all paperwork to comply with the Borough of Oakland's Pay-to-Play requirements; and

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

WHEREAS, the Chief Financial Officer has certified funds are available in Account # 0-01-20-165-100;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize a contract to Agnoli Engineering for engineering services for the Wilson Street Spillway Inspection in an amount not to exceed \$ 1,650 as specified in their Proposal dated July 17, 2020; and

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

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

RESOLUTION 20-204 AUTHORIZE RECREATION REFUNDS

On motion of Councilman Biale, seconded by Councilman Levy, 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:

DeRisi Family, 27 Andrew Ave., Oakland, amt. \$ 78 (Rec Baseball)
 Bergamini Family, 31 Seminole Ave, Oakland, NJ, amount \$ 93 (Rec Softball)
 Rocco Family, 85 Pawnee Ave., Oakland, NJ, amount \$ 113 (Rec Softball)
 Matusevich Family, 3 Woods End, Oakland, amount \$ 160 (Rec soccer-2 kids)
 Caufield Family, 11 Walnut St., Oakland, NJ, amount \$ 182 (Session 2 Summer Camp)
 Wands Family, 126 Yawpo Ave, Oakland, NJ, amount \$ 182 (Session 2 Summer Camp)
 Bajakian Family, 166 Yawpo Ave, Oakland, amount \$ 182 (Session 2 Summer Camp)
 Cox Family, 12 Crooked Hill, Oakland, NJ, amount \$ 182 (Session 2 Summer Camp)
 Bayani Family, 44 Spear St., Oakland, NJ, amount \$ 182 (Session 2 Summer Camp)
 Darcy Family, 522 Ramapo Valley Rd, Oakland, amt. \$ 182 (Session 2 Summer Camp)
 LiButti Family, 47 Walton Ave, Oakland, NJ, amount \$182 (Session 2 Summer Camp)
 Gribbin Family, 80 Walnut St., Oakland, NJ, amount \$ 182 (Session 2 Summer Camp)
 Pallarino Family, 114 Roosevelt Blvd, Oakland, amount \$182 (Session 2 Summer Camp)
 Lill Family, 11 Tomahawk Trail, Oakland, NJ, amount \$ 280 (Session 1 Camp-2 kids)

Oritheneer Family, 552 Ramapo Valley Rd, amount \$182 (Session 2 Summer Camp)
 Stankard Family, 61 Minnehaha Blvd, Oakland, amount \$ 546 (Session 2 Camp-3 kids)
 Ross Family, 88 Dogwood Dr, Oakland, NJ, amount \$ 182 (Session 2 Summer Camp)
 Gluchanicz Family, 39 West Sheffield St., Oakland, amt. \$182 (Session 2 Camp)
 Silletti Family, 195 Franklin Ave, Oakland, NJ, amount \$182 (Session 2 Summer Camp)
 Gilliland Family, 44 Seminole Ave, Oakland, amount \$ 364 (Session 2 Camp-2 kids)
 Beck Family, 25 Princeton Terr., Oakland, NJ, amount \$182 (Session 2 Summer Camp)
 Pearson Family, 93 Yawpo Ave, Oakland, NJ, amount \$ 113 (Rec Softball)
 Ruebenacker Family, 7 Mt. Holyoke Dr., Oakland, amount \$ 78 (Rec Baseball)
 Havel Family, 98 Andrew Ave, Oakland, NJ, amount \$ 125 (Rec Basketball)

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

RESOLUTION 20-205 APPLICATION FOR NJ INFRASTRUCTURE BANK

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

WHEREAS, the Borough of Oakland intends to file an application for funding from the New Jersey Infrastructure Bank (NJIB) associated with the Phase 1 Sanitary Sewer Improvement project, which consists of decommissioning the three (3) existing wastewater treatment plants and installing three (3) pumping stations and associated force mains to convey flow to the Northwest Bergen County Utilities Authority (NBCUA);

NOW, THEREFORE, BE IT RESOLVED, that David Young, Chief Financial Officer, be authorized to act as the Authorized Representative to represent the Borough of Oakland in all matters relating to the project undertaken pursuant to the above referenced NJIB Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Infrastructure Bank. The Authorized Representative may be contacted at:

Borough of Oakland
 Attn: David Young
 1 Municipal Plaza
 Oakland, NJ 07436
 201-337-8111 ext. 2014

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

WORK SESSION:

REGULATION OF CHICKENS:

Mr. Kunze advised that the issue was discussed by the Board of Health and Animal Control Officer. They have provided recommendations that they would like the Mayor and Council to consider if an ordinance is going to be crafted. Councilman Pignatelli highlighted some of the recommendations which included no males, limiting the number of hens, cleaning of waste, and submittal of plans to the Health Department and Zoning Officer. The Board did not discuss the hen house not being close to the property line.

Mr. Chewcaskie advised he had provided an ordinance from Eatontown which established standards. If the standards are met, a permit is issued. He doesn't know why people would have to go to the Board of Adjustment if they comply with the standards. If people meet the standards, the Zoning Officer should issue a permit.

Mayor Schwager asked how often the hen house should be inspected. Councilman Pignatelli advised it should be inspected yearly. There was discussion on getting rid of the waste and the question was raised if it could be composted. Councilman Pignatelli responded it must be put out with the trash. The composting process creates heat and the animal waste would smell.

Mr. Chewcaskie asked if we are requiring an appearance before the Board of Adjustment of requiring notice to adjacent property owners. Mayor Schwager responded that notice should be provided to property owners. Mr. Chewcaskie believes people should get a zoning permit issued by the Zoning Officer. Councilman Biale asked what would happen if someone doesn't comply with the standards once a permit is issued. Mr. Chewcaskie responded they would receive a summons. Mr. Kunze asked if the Board of Health would enforce.

AMENDMENTS TO BERGEN COUNTY JIF BYLAWS:

Mr. Kunze explained that the Executive Committee of the Bergen County JIF approved amendments to the Bylaws. This now must go to member municipalities for approval. The changes deal with conflict of interest for the Risk Managers. A resolution will be listed on the next agenda.

Mr. Kunze advised that the Borough is currently under contract with the Bergen County Health Department through a shared service. They provide a variety of services to the Borough. The contract expires at the end of the year. The County wants to extend the contract for a year under the same terms. A resolution will be listed on the next agenda.

OLD BUSINESS:

Councilman Van Eck has heard that residents complained about music being played after certain hours. He encouraged residents to call the Police immediately to complain. Mayor Schwager reiterated that the Police Chief advised residents have to call the Police at that time so enforcement can take place.

COUNCIL REPORTS:

Councilman Van Eck: There is no report from Planning Board and they will not be meeting in August. The OCC is looking for volunteers for the newsletter committee and the television committee. The next meeting will be held September 14th at 7:30 pm. He advised residents to subscribe to the Borough's YouTube page. Recreation completed a successful summer camp program. Kudos to the staff and the Recreation Commission. There was only one COVID incident because of all the safety measures in place. Recreation is wrapping up the baseball and softball seasons next week. Football, cheerleading and soccer will begin next week. Winter sports sign ups will begin in September. The basketball and wrestling programs are in limbo.

Councilman Levy: The Shade Tree Commission is looking for members. The Borough Attorney is reviewing the Shade Tree ordinance. The Flood Commission has not met.

Councilman Pignatelli: The Environmental Commission could not meet because of the power outage. The Board of Health will meet in September and review actions to be taken. He reiterated the importance of responding to the Census. It is incredibly important for Oakland residents to complete the census because tens of billions of dollars are at stake.

Councilman Biale: The Senior Center has a mix of hybrid programs. Seniors must register in advance for in-person classes. Seniors can make an appointment to borrow games and puzzles. There is a new program, by appointment only, for anyone who needs assistance navigating Medicare. The Senior Center Director is in the office Monday to Friday to provide assistance.

The bus service will resume Tuesday with shopping at 9 am. Seniors should call to sign up for the bus. The Senior Center Director took a poll of Seniors regarding garbage collection. They would rather keep the twice per week pick up. The Seniors also felt the large cans for the one-arm bandit would be too difficult to move and there would be issues with storage. The DPW has submitted a work order to Rockland Electric for this year's allotment of LED lights. The request is focusing on school routes and intersections and work will begin in October. The garbage hauler is having difficulty with equipment breaking down and employees calling out sick. They promise the yard waste will be picked up Thursday and Friday. Councilman Biale advised that Borough officials were on the calls daily with Rockland Electric during the storm. He thanked OEM coordinator Roy Bauberger for countless of hours of work. Mr. Bauberger was the main point of contact to locate Rockland Electric crews. This was a major storm and the distribution centers were without power.

Councilman Knapp: The Police has a new community outreach program called Project Spotlight. It provides residents with an opportunity to identify a problem in the neighborhood like speeding issues or disregard for traffic control devices. The Oakland Police Department thanks residents for the patience and perseverance during the power outage. The Police Department had 100 storm related calls in addition to the normal calls. There were temporary traffic control measures in place. Councilman Knapp stated that Orange and Rockland did not hold up to the agreement put in place a couple of years ago and their response to this storm was a complete failure. Councilman Knapp assured residents that Oakland's emergency services were well prepared days before the storm. Councilman Knapp advised that Borough Engineer Kevin Boswell was in touch with the Governor's office and the DOT will meet with us regarding the issues on 287.

Mayor Schwager advised residents that they can file a claim with Orange and Rockland if they were out of power over 48 continuous hours.

OPENED FOR PUBLIC COMMENT:

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

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

Mike Rose, 665 Ramapo Valley Road, commented that chicken waste must be picked up every day but the garbage is only going to be collected once per week. He asked for a survey from Boswell for Station Park. He asked if the town gets reports from the State regarding the census and asked if the town could promote committees who are looking for volunteers. He advised there are a lot of people in town who want to volunteer. He commented on complaints about noise from generators and asked if the town can do an ordinance to provide direction to residents on generator use. Mr. Rose advised that the Council should have respect for one another and get along.

CLOSED FOR PUBLIC COMMENT:

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

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

BILLS TO BE PAID:

On motion of Councilman Knapp, seconded by Councilman Biale, 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, Levy, Pignatelli, Van Eck.

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Pignatelli, the meeting be adjourned at 8:39 pm.

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

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk
August 26, 2020

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager