

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD VIA ZOOM VIDEO CONFERENCE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY AUGUST 26, 2020

MEETING CALLED TO ORDER: By Mayor Schwager at 7:31 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Knapp, 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 and included in the schedule of regular meetings and held with the guidelines set up for this COVID-19 crisis.

MAYOR'S REPORT:

Mayor Schwager advised it is not too late to submit the Census information online. The Census is important because it affects our federal funding and it affects the number of representatives in Congress. Mayor Schwager advised that the November election will be Vote By Mail this year. All registered voters will receive a ballot. The ballot can be mailed back, put in a drop box or brought to the polling place where there will be a drop box. Mayor Schwager advised that Councilman Levy resigned. The Council will vote for Council President tonight. His decision was personal and was done voluntarily.

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, Pignatelli, Talamini, Van Eck.

No comments made.

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, Pignatelli, Talamini, Van Eck.

APPROVAL OF MINUTES: AUGUST 12, 2020

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of August 12, 2020 be approved.

ROLL CALL: Yeas, Councilmembers Biale, Knapp, Pignatelli, Van Eck.
Abstain, Councilman Talamini.

APPROVAL OF MINUTES: AUGUST 12, 2020 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Executive Session of August 12, 2020 be approved.

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

APPOINT COUNCIL PRESIDENT:

On motion of Councilman Pignatelli, seconded by Councilman Van Eck, Councilman Talamini be Council President for the remainder of 2020.

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

APPOINTMENT TO FLOOD COMMISSION:

Mayor Schwager brought forth the nomination of Lewis Levy for appointment to a three-year term on the Flood Commission.

Motion to Consent:

On motion of Councilman Knapp, seconded by Councilman Pignatelli, the Council consented to the appointment of Lewis Levy to a three-year term on the Flood Commission. The term will expire December 31, 2022.

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

Council President Talamini appointed Councilman Pignatelli as Liaison to the Flood Commission.

RESOLUTION 20-206 AUTHORIZED SHARED SERVICE AGREEMENT-B.C. HEALTH

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

WHEREAS, on January 1, 2016, the Borough of Oakland had entered into a five-year Public Health Shared Services Agreement with the County of Bergen Department of Health Services to assist the Borough with its public health obligations; and

WHEREAS, the agreement with the County of Bergen Department of Health Services is due to expire December 31, 2020; and

WHEREAS, the County of Bergen is going to renew the agreement for an additional year for the following fees:

| | |
|---|--------------|
| Public Health Officer | \$ 17,345.44 |
| Registered Environmental Health Specialist | \$ 31,497.25 |
| Septic and Well Services Billed at \$76.33/hour | |
| Total Agreement 2021 Cost Per Annum | \$ 48,942.69 |

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract from appropriation in the 2021 budget, subject to adoption.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize the renewal of the Public Health Shared Services Agreement with the County of Bergen Department of Health for an additional year to expire December 31, 2021; and

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

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

Van Eck.

RESOLUTION 20-208 RECREATION REFUNDS

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

Tompkins Family, 13 Crooked Hill, Oakland, amt. \$ 250 (basketball camp-2 kids)
Gottlieb Family, 94 W. Sheffield St, Oakland, NJ, amount \$ 115 (Fall Rec Cheer)
Matusевич Family, 3 Woods End, Oakland, amount \$ 115 (Fall Rec Cheer)
Fischer Family, 65 Cherokee Trail, Oakland, NJ, amount \$ 108 (Rec Softball)
Manzollilo Family, 144 Chuckanutt Dr, Oakland, NJ, amount \$ 78 (Rec Softball)
Parisis Family, 21 Oswego Ave, Oakland, amount \$ 108 (Rec Softball)
Potter Family, 38 Mohawk Ave, Oakland, NJ, amount \$ 78 (Rec Softball)
Rivela Family, 20 Pine Crest Dr., Oakland, NJ, amount \$ 171 (Rec softball-2 kids)
Nisivoccia Family, 54 Calumet Ave, Oakland, NJ, amount \$ 78 (Rec Baseball)
Brown Family, 380 W. Oakland Ave, Oakland, NJ, amount \$ 113 (Rec Softball)
Pisacane Family, 36 Eagle Crest Pl, Oakland, NJ, amount \$ 143 (Rec Softball)
Slasinski Family, 74 Long Hill Rd, Oakland, NJ, amount \$ 113 (Rec Softball)
Morello Family, 26 Hickory Dr, Oakland, NJ, amount \$ 113 (Rec Softball)
Babino Family, 90 Thackeray Rd, Oakland, NJ, amount \$113 (Rec Softball)
Forsdahl Family, 11213 Wharton Ct, Riverdale, NJ, amount \$ 113 (Rec Softball)
Dandeneau Family, 85 Chuckanutt Dr, Oakland, NJ, amount \$ 113 (Rec Softball)
Carlson Family, 12 Arapaho Ct., Oakland, NJ, amount \$ 113 (Rec Softball)
Bayani Family, 44 Spear St, Oakland, NJ, amount \$ 182 (Session 2 Summer Camp-Tyler)
Zieger Family, 84 Yawpo Ave, Oakland, NJ, amount \$ 93 (Rec Baseball)

Councilman Talamini commented that the Borough is giving a lot of refunds back for Recreation. He asked how the budget is doing. Mr. Kunze responded that when they did the COVID budget, they kept appropriations intact but figured there would be less participants, so revenue was reduced. The CFO will have a discussion with Recreation to project the end of the year figures.

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

RESOLUTION 20-209 ENDORSE CDBG GRANT APPLICATION FOR REBUILDING TOGETHER NORTH JERSEY

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

WHEREAS, a Bergen County Community Development grant of \$5,000 has been proposed by Rebuilding Together North Jersey for Personal Protective Equipment in the Municipality of Oakland, and

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

WHEREAS, the aforesaid project is in the best interest of the people of Oakland, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of Oakland hereby confirms endorsement of the aforesaid project, and

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

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

RESOLUTION 20-210 APPROVE AMENDMENT TO JIF BYLAWS

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

WHEREAS, the Borough of Oakland is a member of the Bergen County Municipal Joint Insurance Fund, hereinafter the "FUND"; and

WHEREAS, recent changes were made to the FUND's bylaws; and

WHEREAS, after a public hearing conducted on March 19, 2020, the Executive Committee of the FUND distributed the proposed bylaw amendment to the membership for their consideration; and

WHEREAS, these revised bylaws must be ratified by at least three-fourths of the member towns before they can become effective.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Oakland that the revised bylaws are hereby ratified.

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

RESOLUTION 20-211 AUTHORIZE EXPENDITURES FROM SEWER CAPITAL IMPROVEMENT FUND FOR PRELIMINARY PLAN EXPENSES

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

WHEREAS, the New Jersey Local Finance Board, by regulation, permits municipalities to fund preliminary surveys, architects' fees, engineering costs, etc. from the Capital Improvement Fund provided that the ultimate project could be funded by a bond ordinance; and

WHEREAS, there is preparatory engineering work required for the Phase I Sewer Infrastructure project that will be financed through the New Jersey Infrastructure Bank;

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

- The Borough hereby establishes in the Sewer Capital Fund an account designated "Reserve for Preliminary Expenses" in the amount of \$60,000.

- That all related services and costs could result in a project that would be bondable pursuant to NJSA 40A:2-1 et. seq., having a useful life of not less than five (5) years.
- Upon completion of the project, any unused funds in said Reserve shall be returned to the Capital Improvement Fund.

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

RESOLUTION 20-212 AMEND CONTRACT BOSWELL ENGINEERING-PHASE 1 SANITARY SEWER IMPROVEMENTS

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

WHEREAS, the Borough of Oakland awarded a contract to Boswell Engineering in the amount of \$260,000 on December 5, 2018 with Resolution 18-355 for Engineering for Phase 1 Sanitary Sewer Improvements; and

WHEREAS, the contract was amended by Resolution 20-106 on March 11, 2020 for an additional \$ 15,000 for survey work and easement preparation; and

WHEREAS, the Borough of Oakland wishes to submit an application to the New Jersey Water Bank for decommissioning the three (3) wastewater treatment plants and installing three (3) pumping stations with associated force mains to convey flow to the Northwest Bergen County Utilities Authority; and

WHEREAS, Boswell Engineering has submitted a proposal dated August 6, 2020 for an amount not to exceed \$ 60,000 for the planning and engineering services required; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account # C-07-00-001-009;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the contract for Boswell Engineering for Phase 1 Sanitary Sewer Improvements be amended by an additional amount not to exceed \$ 60,000 for a new contract total not to exceed \$ 335,000.

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

RESOLUTION 20-213 REHIRE CROSSING GUARDS

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

WHEREAS, the crossing guards were issued notices of layoff effective April 6, 2020 due to the closure of schools on March 15, 2020 for the COVID-19 virus pandemic; and

WHEREAS, the Borough of Oakland must now rehire the crossing guards for the upcoming opening of schools in September;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council rehire the following crossing guards effective Monday September 7, 2020:

Barbara Beamon

Debbie Hill

Bill Bickford
John Carr
Maryann Carroll (sub)
Monica Carson
Phil DiBiasi
Marilyn Dockery
Maria Gimenez
John Gray
Mindy Greenfield

Bob Lynn
Debbie Paterson (sub)
Richard Pierce
Charlotte Schaffler
Bill Sisti (sub)
Kelly Smith
Terry Vollmin
Bob Weston

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

RESOLUTION 20-214 AMEND OUTDOOR DINING RESOLUTION

On motion of Councilman Pignatelli, seconded by Councilman Biale, 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 has promoted the take-out and home delivery services of restaurants as residents have quarantined at home; and

WHEREAS, restaurant owners are seeking guidance as to how they may safely resume dine-in service upon an eventual broadening of business activity allowable under state authority; 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

WHEREAS, the Borough supports temporary, practical measures that enable restaurants to augment their dine-in capabilities as a means to boost customer activity.

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. Outdoor seating will be temporarily permitted as an accessory use to a restaurant, fast-food restaurant and drive-in restaurant as those terms are defined in § 59 in the Borough Zoning Ordinance. The temporary period shall be up to 120 days unless a longer or shorter time is established by an Executive Order issued by the Governor.
2. Outdoor restaurant seating will not require the filing of a Site Plan Application.

3. A Temporary Outdoor Restaurant Seating Permit must be obtained prior to the creation of any outdoor seating. A drawing of the proposed outdoor restaurant seating area must accompany the Temporary Outdoor Restaurant Seating Application. This drawing shall show the number, location and size of all proposed tables and chairs and distances to other tables and chairs and distances from any other structures such as a host podium and serving stations. All distance separations shall comply with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions and/or limitations in any applicable Executive Orders. Where available, the sketch shall be superimposed upon an existing site plan drawing or survey. Any revisions or modifications to the approved drawing will require a resubmission to the Borough for review and approval.

4. The applicant shall also include an insurance certificate that indicates that the outdoor seating area has been approved by the applicant's insurance carrier.
5. No filing fee is required for a Temporary Outdoor Restaurant Seating Permit.
6. The Borough will expedite the review of all Applications seeking to create outdoor restaurant seating.
7. No performance bond, maintenance bond or engineering inspection fees will be required in connection with an approved outdoor restaurant seating plan.
8. No temporary outdoor restaurant seating permit shall be issued to a restaurant that is not in compliance with all applicable laws and regulations.
9. The following standards are hereby created in connection with outdoor restaurant seating:
 - a. Outdoor restaurant seating areas can be located upon public sidewalks where adequate provision is made for the pedestrian public, on relatively level grass areas, and in parking lots where an adequate number of parking stalls remain in the opinion of the Borough Zoning Officer. Preference should be given to creating outdoor restaurant seating on sidewalks and upon grass areas.
 - b. Where outdoor seating is proposed to be created in a parking lot, bollards or other protection structures shall be erected along the perimeters of the outdoor restaurant seating area in order to enhance public safety.
 - c. Temporary LED lighting will be required if the outdoor restaurant seating area is proposed to be utilized after dusk.
 - d. No candles or open fires permitted.
 - e. An awning or umbrellas may be utilized within an outdoor restaurant area, Tents shall be permitted provided that a minimum of three sides are completely open while people are dining.
 - f. Serving stations and a host podium may be located within an outdoor restaurant seating area provided a plexiglass or other similar partition is used.
 - g. No change in grading will be permitted in order to create an outdoor restaurant seating area, and no temporary flooring or mats may be utilized.

- h. The proposed hours of operation of the outdoor restaurant seating area will be included in the Temporary Outdoor Restaurant Seating Application.
 - i. No outdoor restaurant seating area may be located within an approved delivery area/loading zone.
 - j. No valet parking is permitted.
 - k. Restaurants with existing outdoor seating areas may seek to expand the existing area.
 - l. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcoholic Beverage Control Commission; therefore, all applicants are responsible for verifying that their liquor license permits the serving of alcohol outdoors. Any Temporary Permit to expand the service of alcoholic beverages shall be administratively approved by the Borough Clerk and Police Chief..
 - m. In multi-tenanted properties, an approved outdoor restaurant seating area must be approved by the restaurants landlord and discontinued or reduced in size if other retail, personal service and/or commercial establishments are permitted to reopen and there is not then an adequate number of parking stalls available in the discretion of the Borough Zoning Officer.
 - n. Any live or recorded music shall be discontinued by 11:00 p.m.
 - o. An approved outdoor restaurant seating area must be discontinued or reduced in size if proper social distancing is not maintained or the restaurant establishment does not comply with applicable sanitary and cleaning standards, use of masks and partitions or other Executive Order requirements issued by the Governor.
 - p. The Borough Zoning Officer shall have the discretion to create additional standards for a particular property and to fashion such conditions as may be necessary to further the purposes of the Borough Zoning Ordinance in §_59_as well as the goals and objectives of the Borough's Master Plan.
 - q. Additional provisions concerning such issues as the maximum number of people at a table; required minimum distances between tables; and standards for addressing patrons waiting to be seated will be formulated after the promulgation of the Governor's Executive Order permitting restaurants to reopen.
10. This Resolution shall take effect on the date that restaurants for dine-in service are permitted to reopen by executive order of the Governor.

11. Any violations of the provisions of this resolution will be enforced by the Police Department or Code Enforcement Officer. A warning shall be issued for the first violation. Any subsequent violation will result in the revocation of the outdoor restaurant seating permit. If there are violations of other applicable laws or regulations, the outdoor restaurant seating permit is subject to revocation.

BE IT FURTHER RESOLVED that this Resolution supersedes Resolution 20-182.

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.

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

RESOLUTION 20-215 AWARD BID-REMOVAL OF STREAM HOUSE

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

WHEREAS, on August 13, 2020, the Borough of Oakland received four (4) bids for the Removal of the Stream House; and

WHEREAS, Dell Tech Inc., 930 New York Ave, Trenton, NJ 08630 had the lowest responsive and responsible bid with a total bid price of \$ 202,000 and

WHEREAS, the Architect and the Borough Attorney have reviewed the bids and have recommended acceptance of the bid from Dell Tech Inc.; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account # C-04-56-787-512;

NOW, THEREFORE, BE IT RESOLVED that the bid of Dell Tech Inc. in the total amount of \$202,000 be accepted; and

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

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

Councilman Van Eck commented that the Borough couldn't award to the lowest bidder because they did not meet the requirements. The second bid was an additional \$ 34,000. Mr. Kunze advised there were four bidders that were 30,000 apart. The engineering estimate for the project is \$ 200,000. The low bidder had a non-curable defect. The Borough was precluded by law to award. Therefore, the contract will be awarded to the next low bidder. The Borough was not in a position to reject all bids. Mr. Chewcaskie spoke about the statute and the fact there are five mandatory items that the bidder needs to have. If the bidder does not have one of the five items, there is no discretion and the bidder must be rejected. Mr. Kunze explained that there is a list of

reasons why the Borough reject all bids and certain conditions need to be met. This didn't meet the conditions to reject all bids. Mayor Schwager asked the timeline. Mr. Kunze responded that this will take place in the fall. A pre-construction meeting is being scheduled. Asbestos removal is required. Mr. Kunze explained that part of the bid is to reconstruct a covering for the foundation which will be left in place. Councilman Talamini questioned what the covering will be over the foundation. Mr. Kunze responded it will look like a roof.

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

RESOLUTION 20-216 AWARD BID-2020 ROAD PROGRAM

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

WHEREAS, on August 18, 2020, the Borough of Oakland received five (5) bids for the 2020 Road Program; and

WHEREAS, D & L Paving Contractors, 675 Franklin Avenue, Nutley, NJ 07110 had the lowest responsive and responsible bid with a total bid price of \$1,201,387.00 and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and have recommended acceptance of the bid from D & L Paving Contractors; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account #C-04-56-763-503 \$ 191,938.35, Account # C-04-56-787-312 \$ 921,713 and Account #C-04-56-810-102 \$ 87,735.65;

NOW, THEREFORE, BE IT RESOLVED that the bid of D & L Paving Contractors, in the total amount of \$ 1,201,387.00 be accepted; and

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

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

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

RESOLUTION 20-217 PURCHASE CHEVY TAHOE

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

WHEREAS, the Borough of Oakland is in need of purchasing a 2021 Chevrolet Tahoe Police vehicle; and

WHEREAS, Mall Chevrolet, 75 Haddonfield Road, Cherry Hill, NJ 08002 has ESCNJ Cooperative Pricing Contract #ESCNJ-17/18-44 for the vehicle as per the specifications desired; and

WHEREAS, the cost for each vehicle is \$39,678.10 with the desired options; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-809-301;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Purchasing Agent is hereby authorized to issue a Purchase Order to Mall Chevrolet, Cherry Hill, NJ for the purchase of a 2021 Chevrolet Tahoe vehicle at a total cost of \$39,678.10.

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

RESOLUTION 20-218 PURCHASE FRONT-END LOADER

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

WHEREAS, the Department of Public Works wishes to purchase a 2020 Front End Wheel Loader; and

WHEREAS, JESCO, Inc. of South Plainfield, NJ has the vehicle desired at a cost of \$ 188,574.86 on ESCNJ Co-op Bid #18/19-25; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-810-404;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the purchase of the John Deere 544L Front End Wheel Loader at a total cost of \$ 188,574.86.

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

RESOLUTION 20-219 ESTABLISH "CREATIVE TEAM"

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

WHEREAS, a Sustainable Jersey 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 conditions and living environments; and

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

WHEREAS, the Mayor and Council of the Borough of Oakland adopted resolution 20-37 on January 9, 2020 to support continued participation in the Sustainable Jersey Municipal Certification Program and to appoint Green Team members; and

WHEREAS, one of the Sustainable Jersey actions is to create a Creative Team, which Creative Team can be the catalyst for meaningful development by linking arts and culture directly to sustainability; and

WHEREAS, the Borough of Oakland supports the creation of Creative Bergen, and that the Borough of Oakland fully supports the Borough's participation in Creative Bergen, which is a subcommittee of the Bergen County HUB of Sustainable Jersey; and

WHEREAS, important outcomes of creative place making that Creative Bergen can support includes:

- Improving local business vitality and community spirit.
- Providing new reasons for others to visit, invest, or live in the Borough of Oakland.
- Bringing diverse people together to celebrate, create, inspire, and to be inspired, improving quality of life and community well-being.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that we hereby support the formation of Creative Bergen and appoint members.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, hereby authorizes the Sustainable Oakland Green Team to annually choose their representative by a majority vote of their Board Members. Initial term to end December 31, 2021.

This resolution was adopted by the Mayor and Council of the Borough of Oakland at a meeting on August 26, 2020.

Councilman Van Eck requested to table this resolution in order to understand how it works. He wants more time to look at this. Mayor Schwager asked the timeframe to pass this resolution. Mr. Kunze advised that the consortium of Green Teams in Bergen County has been working on this effort to endorse creation of Creative Teams. Michael Carelli, Assistant to the Administrator, advised that it is part of silver certification for Sustainable Jersey which is due by September 11th. He added that silver certification is rigorous and hard to achieve. It requires a lot of programs and actions to go towards the point total. Mr. Kunze advised that the program offers grant opportunities and silver certification would be a feather in the Borough's cap. Councilman Pignatelli advised that the Green Team has been trying for silver certification for at least two years. The higher the certification, the more grants the Borough can apply for. The Green Team has been doing a lot of work towards silver certification.

ROLL CALL: Yeas, Councilmembers Biale, Knapp, Pignatelli, Talamini.
Nay, Councilman Van Eck.

RESOLUTION 20-220 AMEND RECREATION REFUND

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

WHEREAS, Resolution 20-204 adopted August 12, 2020 authorized a refund of \$93 to the Bergamini Family and that amount was incorrect; and

WHEREAS, the correct refund amount should be \$ 78;

NOW, THEREFORE, BE IT RESOLVED that Mayor and Council of the Borough of Oakland hereby authorizes the refund to the Bergamini Family, 31 Seminole Avenue, Oakland, NJ in the amount of \$ 78 for Rec Softball.

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

WORK SESSION:

RESIDENTIAL AND COMMERCIAL ALARM ORDINANCE:

Mr. Kunze advised that the Police Chief has recommended updating the Residential and Commercial Alarm ordinance to bring it up to date with current practices and standards. The original ordinance was from 1967. A draft ordinance has been provided and will be listed for introduction at the next meeting.

TRANSPORTATION ALTERNATIVES SET ASIDE GRANTS PROGRAM:

Mr. Kunze advised that in a previous grant round, the Borough applied for Station Park and the downtown streetscape and was turned down. Another grant program has been announced for this year. He would like the Council's thoughts on applying again. Mr. Kunze explained that discussion is needed with the Borough's planner to sync with the work being done on the Master Plan. The grant application is due at the end of November but this is a very involved process. If the Borough is going to apply, we need to start the process. Councilman Biale asked what is necessary to have to have a shovel ready plan in place. Mr. Kunze responded that it does not have to be a shovel ready plan. He needs to determine what extend the plans have to be and if we do need detail, there needs to be time to plan. Councilman Pignatelli stated if there is money available for sidewalks, sidewalks are a safety issue. Councilman Knapp asked Mr. Kunze to start the process and stated he would be happy to work on the project. Councilman Biale stated this is an opportunity to start planning the beautification of the downtown. It involves determining what kind of fixtures will go in the downtown. Mr. Kunze will get started and report back to the Council.

PROPOSAL FOR ADMINISTRATIVE AGENT-AFFORDABLE HOUSING PROGRAM:

Mr. Kunze advised that the Borough needs to set up its Affordable Housing Program. We have received two proposals from firms to act as Administrative Agent for the Borough. Mr. Kunze advised that the firm of Community Grants, Planning & Housing is being recommended. They are well-versed and have the resources. He is recommending the contract not-to-exceed amount be \$ 7,500 for this year. Councilman Pignatelli asked if this will be through December 31, 2020. Mr. Kunze responded this is for the initial set up fee and may be pro-rated. Mr. Chewcaskie advised this will be required as part of the Affordable Housing Plan. In lieu of having a municipal employee run the program, the Borough will hire an Administrative Agent to run it. There is an initial up-front cost. Councilman Van Eck stated that it seems invasive to local zoning. A resolution will be listed on the next agenda.

NEW BUSINESS:

Councilman Van Eck stated there should be more in-person voting. Mayor Schwager responded that the State is discouraging people going to the polls. She explained this is new ground for everyone. Councilman Biale stated they are having trouble finding people to work the polls. Mayor Schwager advised that we are waiting for more direction from the State.

Mayor Schwager left the meeting at 8:24 pm.

OLD BUSINESS:

Councilman Van Eck spoke about the traffic light at Franklin Ave. and Ramapo Valley Road. He wants to move forward with looking at adaptive traffic control. He thanked Councilman Knapp for working on this matter as well.

Councilman Van Eck asked if the Borough Attorney sent a letter to the Suburban News regarding the littering issue. Mr. Chewcaskie responded he did but has not received a response. Councilman Van Eck suggested Mr. Chewcaskie try again to reach the Suburban News.

Councilman Ban Eck asked if the Borough has received a response from Altice regarding the Borough's request to be broadcast at the industry standard 720. Mr. Kunze advised he has made a number of attempts to get an answer from the Government Affairs representative on why they won't agree to our request. The next step is to have a conversation with the BPU.

Councilman Pignatelli asked what the final disposition is regarding grooving on Skyline Drive. Councilman Knapp responded that he was in touch with the County and it is on the County's schedule to get done this year. Councilman Pignatelli stated it is a big safety concern. Councilman Knapp advised the County is going to put on red tacky surface in certain locations. Councilman Pignatelli commented that he has seen this in other areas and it doesn't last.

NEW BUSINESS:

Councilman Talamini advised he was contacted by a resident who is interested in having a rally in support of the Police. He suggested maybe a committee can be put together to discuss.

COUNCIL REPORTS:

Councilman Biale: The Senior Center is running a mix of hybrid programs. Seniors must call to register for classes. People can borrow books and puzzles by appointment. Private appointments are available for assistance navigating Medicare beginning September 21st. The flu shot clinic will be held October 8th by appointment and people must pre-register. There will be bingo on the patio on September 24th at 12:30 subject to weather. The weekly shopping trips are resuming. The DPW asked residents to report potholes. The DPW has repaired over 1200 potholes to date. The annual fire hydrant flushing program will begin on September 14th. There will be a Water & Sewer Committee meeting on Friday.

Councilman Van Eck: There was no Planning Board meeting. The Recreation Commission began football, cheerleading and soccer programs. The winter sports signups begin in September. Councilman Van Eck thanked all the volunteers. The OCC is looking for two new members and are always looking for newsletter submissions.

Councilman Pignatelli: The Bylaws committee completed the first draft of the bylaws. They are hoping the Borough Attorney can give suggestions about committees. The Environmental Commission will meet on September 1st. The Public Events Committee will meet September 14th. The Board of Health will meet September 15th. The Green Team will meet September 22nd. Councilman Pignatelli thanked Lew Levy for all the work he has done in the past year that he dedicated a lot of time to.

Councilman Knapp: The Police have advised that as of now, school will be back in session soon. The high school will have classes from 7:35 am to 2:29 pm every day. Valley Middle School will hold classes every day from 8:00 am to 12:24 pm. The elementary schools will hold classes from 9:00 am to 1:00 pm. The Police ask residents to keep this in mind as they drive through town. In the month of July, the Police did 129 radar details, 15 traffic enforcement details. 322 cars were

stopped and 264 summonses were issued. The Police responded to 39 burglar alarms, 33 motor vehicle crashes and 27 fireworks complaints. The First Aid Squad responded to 46 calls in July. They have responded to 315 calls for the year-to-date for a total of 7,273 hours. The Fire Department had 26 calls in July. They have volunteered 1136 hours for the year-to-date.

Councilman Talamini asked about the parking tickets that were issued to residents for parking on the streets. Councilman Knapp responded they were issued warnings not summonses. The situation is being addressed and rectified.

Councilman Talamini: He received word from Recreation Chairman Mike Guadagnino that Recreation always operates in the black. The Recreation camp made money this year. Recreation always spends whatever money they take in. Councilman Talamini advised the 10u team won the championship for the third year in a row. He thanked Recreation for all they do. Schools will open as of now. The elementary schools will have a hybrid plan with some days in person and some days of virtual instruction. The Ramapo Indian Hills Board of Education will vote tomorrow on their plan. Councilman Talamini attended their zoom meeting and there lots of questions regarding lunch. Councilman Talamini advised that the Library is open for use. It was used as a shelter during the storm. The Library is a wonderful resource. Councilman Talamini suggested that the Finance Committee should meet.

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, Pignatelli, Talamini, Van Eck.

Vivian King, 113 Hiawatha Blvd, thanked Lew Levy for his service to the town. She advised that there is a process to fill a vacancy. The County Committee members are elected. An email was sent out today by a non-County committee member. The County Committee is supposed to meet and pick three names to fill the vacancy. She is surprised that someone who is not a County Committee member is running this.

Ann Bernhard, 101 East Oak, thanked the town for fixing the sidewalk. She asked if local gas stations who do inspections can charge whatever they want. Mr. Kunze responded he is not aware of price controls but they may exist. He suggested the resident contact the Motor Vehicle Commission.

Rachel Gregory, 2 Kiowa Terrace, asked who the head of the Sewer Committee is now. She stated that former Councilman Levy was planning on having a meeting either September 17th or 21st. She wants to know if the meeting is being held. She asked if the Sewer Committee meeting on Friday is open to the public. She read the Administrative Consent Order and has a number of questions and concerns. She asked if this is the first time Oakland has had to pay and asked where the money is coming from to pay for the fines. She advised there was never a public comment period. Councilman Talamini advised that the liaison to the Water & Sewer Committee is Councilman Biale. Councilman Biale stated that the Committee will speak of Ms. Gregory's concerns. Ms. Gregory asked if the meeting was open to the public. Mr. Kunze advised that a sub-committee meeting is not open to the public. He advised that the Water & Sewer committee discusses water and sewer issues. They will be discussing Phase 1 of the sewer project as well as planning for a meeting with the stakeholders. Ms. Gregory has concerns. Councilman Talamini advised her to send her concerns to Mr. Kunze.

Sara Michel, 23 Cayuga, congratulated Councilman Talamini on becoming Council President. She appreciates all the work the Council does. She is disheartened that only a select few are on sewers. She suffered a back up in June 2019 and experienced a lot of property damage. The DEP is forcing Oakland to close the sewer treatment plants. She has two children and she can't utilize her house and can't finish her basement. It is not fair to put the \$ 6 million cost on the users. She stated that Lew Levy was trying to get information from the CFO on how much it is going to cost the sewer users. She wants the figures from the CFO to know how it is going to financially affect her. She has been waiting for the numbers since June. The town is going to benefit from this project and only a few are going to pay. There is a host of issues and Ms. Michel feels the residents are being ignored.

Al DiGiacomo, 24 Long Hill Road, asked if there was any discussion on the noise from Portobello. Councilman Van Eck responded that the Council amended the resolution on outdoor dining to cut off music at 11 pm. Mr. DiGiacomo thanked the Council for their consideration.

Benjamin Wagman, 10 Mountain Lakes Road, had no idea about the sewer issues until this past week. He is looking to get information. He asked what this is going to mean for the 200+ houses on sewers. He asked what the bill will look like. Councilman Talamini advised that the Water & Sewer Committee will have a meeting to discuss and will make a public presentation. Mr. Wagman commented that there has been information floating around that indicated this will decrease the bill but he thinks it is hearsay. Councilman Biale has taken note of all points of concern. He advised that the Borough has been working for the last three years on decommissioning the sewer treatment plants which have been failing. The effluent will be sent to the Northwest Bergen County Utilities Authority. Mr. Kunze stated that the Borough is planning on having a meeting. He stated that work is being done on the finance end to develop projections of cost. That is an internal document and in development until it is shared with the Water & Sewer subcommittee. Phase 1 of the project is decommissioning the existing sewer treatment plants and sending flow to another entity. The long term goals would be to sewer the downtown and some neighborhoods. That was the point of redoing the Wastewater Management Plan. This has been a very long process given the issues with the Highlands Commission and the regulatory issues. The Wastewater Management Plan has been submitted to the DEP. Mr. Wagman stated if the long term goal is to convert over to sewers, shouldn't the financial responsibility be shared. Mr. Kunze responded there will be cost information at the community meeting.

Maureen Mulligan, 20 Page Drive, commented that some homeowners have sewer easements. She wants to make sure that she is made aware if it involves digging up her property. She asked how many property owners have easements. Mr. Kunze responded he did not know if the easements were sanitary sewer or drainage easements.

CLOSED FOR PUBLIC COMMENT:

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

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

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Van Eck, the meeting be adjourned at 9:24 pm.

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

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk

September 23, 2020

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager