

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD VIA ZOOM VIDEO CONFERENCE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY OCTOBER 28, 2020

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Talamini, seconded by Councilman Pignatelli, 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
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, Van Eck.

Discussion ensued regarding personnel matter. No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Kulmala, seconded by Councilman Van Eck, the Executive Session be closed.

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

MEETING CALLED TO ORDER: By Council President Talamini at 7:30 pm.

ROLL CALL: Council President Talamini called the meeting to order and the Clerk called the roll.

Present: Councilmembers Biale, Knapp, Kulmala, Pignatelli, Talamini, Van Eck. Absent: Mayor Schwager. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Council President Talamini 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.

MOTION TO EXCUSE ABSENCE:

On motion of Councilman Pignatelli, seconded by Councilman Biale, the absence of Mayor Schwager be excused.

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

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.

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, Kulmala, Pignatelli, Talamini, Van Eck.

APPROVAL OF MINUTES: OCTOBER 14, 2020

On motion of Councilman Biale, seconded by Councilman Kulmala, the minutes from the Mayor and Council meeting of October 14, 2020 be approved.

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

Van Eck.

APPROVAL OF MINUTES: OCTOBER 14, 2020 EXECUTIVE

On motion of Councilman Pignatelli, seconded by Councilman Biale, the minutes from the Mayor and Council Executive Session of October 14, 2020 be approved.

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

RESOLUTION 20-256 AWARD BIDS-SURPLUS PROPERTY AUCTION

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

WHEREAS, pursuant to the provisions of NJSA 40A:11-36, the Borough of Oakland may sell any personal property; and

WHEREAS, the Mayor and Council of the Borough of Oakland previously authorized the sale of surplus vehicles via online public auction; and

WHEREAS, said auction took place and the Governing Body now wishes to approve the winning bids.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the winning bids and amounts thereof are hereby approved for the following:

<u>Vehicle</u>	<u>Winning Bidder</u>	<u>Winning Bid</u>
2003 Ford F-250 & 8' Western Plow	Lazaro Triana	\$ 1,900
2000 Ford F-250 & 9' Western Plow	Rob Marsh	\$ 3,000
2001 Landscape Trailer	Donald Harvey	\$ 3,100
2012 Chevy Tahoe	Steven Castronova	\$ 8,900
2019 Chevy Tahoe rear seats:		
Item #31230710	Robert Hillegass	\$ 21
Item #31230856	Robert Hillegass	\$ 31
Item # 31231088	Robert Hillegass	\$ 120
Item # 31231235	Robert Hillegass	\$ 51
Progressive 65-2 tri-deck mower	Dan Cervini	\$ 2,200
88 Cushman Truckster	Michael Stefancik	\$ 875
Coats 650 Wheel Balancer	Henry Carr	\$ 52
Coats 5030 Tire Mounting Machine	Nicholas Foti	\$ 410
ONAN Generator Model		
12.0DJC-18R/12053AA	Paul Demartini	\$ 550
Accuturn Brake Lathe	Nicholas Foti	\$ 110

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

RESOLUTION 20-257 AMEND LOSAP CRITERIA

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

WHEREAS, on January 18, 1998, the Emergency Services Volunteer Length of Service Award Program was signed into law to provide tax-deferred income benefits to active volunteer members of an emergency service organization, and;

WHEREAS, pursuant to N.J.S.A. 40A:14-191, the Borough of Oakland did establish a Length of Service Awards Program (LOSAP) for the Oakland Fire Department and the Oakland First Aide Squad to recognize their commitment and service to the community, and;

WHEREAS, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a Length of Service Awards Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit for the previous year, and;

WHEREAS, the certification shall be based on records maintained by the emergency service organization in accordance with the sponsoring agency's adopted point system, and;

WHEREAS, in March of 2020, the Governor declared a State of Emergency and issued Executive orders prohibiting certain activities including non-essential meetings, drills & trainings which are critical elements of the adopted point systems, and;

WHEREAS, the cancellation of these meetings, drills and trainings for the majority of the 2020 calendar year due to COVID19 could preclude active volunteer members from achieving the points required to qualify for the LOSAP award credit in 2020 under the current point systems, and;

WHEREAS, the Oakland Fire Department and the Oakland First Aide Squad have different point systems that have been impacted differently by the Executive Orders, and;

WHEREAS, the Oakland Fire Department and the Oakland First Aide Squad have continued to provide critical emergency services to the residents of the community during the pandemic at their own personal risk and merit the recognition of their service that LOSAP provides;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey that the point system for LOSAP credit qualification for 2020 will be amended as follows:

Oakland Fire Department

- The number of points required for LOSAP eligibility will be changed to 35 points.
- The minimum requirement and maximum points achievable restrictions will be removed from each LOSAP point category.

Oakland First Aide Squad

- The number of points required for LOSAP eligibility will be changed to 80 points.
- The minimum requirement and maximum points achievable restrictions will be removed from each LOSAP point category.

BE IT FURTHER RESOLVED, that the amended point system will be posted at the office of the Municipal Clerk, and returned to the Oakland Fire Department & the Oakland First Aide Squad for posting at their locations, for a period of 30 days to allow sufficient time for membership review.

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

RESOLUTION 20-258 ADOPT GUIDELINES FOR REMOTE MEETINGS

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

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a state of emergency as a result of the Covid-19 pandemic; and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104, which announced aggressive social distancing measures as a result of the Covid-19 pandemic, which included encouraging employees to tele-work if feasible and limiting large social gatherings and in-person meetings such as those conducted by local government entities; and

WHEREAS, local government entities such as the Borough of Oakland (the “Borough”) have continued to conduct public meetings and hearings during the Covid-19 pandemic remotely so as to continue the effective administration of government and to enable the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and

WHEREAS, the Division of Local Government Services (“DLGS”) issued remote meeting guidance in March 2020 to provide a list of possible solutions available for local government entities to host remote meetings in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. (“OPMA”); and

WHEREAS, the Director of the DLGS has promulgated emergency regulations, codified at N.J.A.C. 5:39-1.1 to -1.7, which establish standard protocols for remote public meetings held by local government entities during a Governor-declared emergency, including minimum procedures to be followed to provide reasonable notice and to allow public input; and

WHEREAS, on September 24, 2020, the DLGS issued Local Finance Notice 2020-21, expounding upon the emergency regulations; and

WHEREAS, to allow the Borough to continue to conduct public business, and to allow the public to attend Mayor and Council public meetings remotely, consistent with and in compliance with Executive Order 104, the OPMA, and N.J.A.C. 5:39-1.1 to -1.7, the Mayor and Council establishes standard protocols for remote public meetings as set forth in this Resolution.

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

- The aforesaid recitals are incorporated herein as though fully set forth at length.
- The following procedures and requirements are hereby adopted for the Mayor and Council meetings held remotely:
 - (a) The Borough's notice of the meeting shall contain the dial-in conference number and/or web address and all other information (e.g., meeting ID, password) that will be necessary for members of the public to use to access the meeting remotely and to participate. The Borough is presently using "ZOOM" video for its public meetings. Members of the public wishing to comment during the public portion of meetings or during a public hearing may press "*9" for Zoom audio, or click on the appropriate "Zoom" video button to raise their hand. The Borough Clerk will keep members of the public muted, except when they are selected to speak during the public portion of the meeting or during any public hearing. Members of the public may also mute themselves or discontinue their video through the "Zoom" platform.
 - (b) Members of the public may submit written comments in advance of a meeting, which will be read during the relevant public portion of the meeting. Written comments shall contain the person's name and address and may be submitted via email to the Borough Clerk (boroclerk@oakland-nj.org) or by mail addressed to: Borough Clerk, Borough Hall, One Municipal Plaza, Oakland, NJ 07436. Emailed comments must be received at least 48 hours prior to the meeting. Mailed comments must be received by 4:00 p.m. the day before the meeting.
 - (c) The Borough will not accept comments through the "chat" feature available on Zoom remote meetings or other platforms.
 - (d) The agenda for the meeting will be available in the "Borough Council" section of the Borough website prior to the meeting.
 - (e) If any meeting includes a public hearing, all material that will be considered by the Borough at the public hearing shall be posted on or linked to the homepage of the Borough's website in a conspicuous location or as otherwise required by law. Written comments, as set forth above, will be accepted for such public hearings. If sworn testimony is to be taken during the public hearing, it shall be broadcast by both video and audio. Written public comments will not be considered where sworn testimony is required.
 - (f) Immediately after calling the meeting to order, the Borough Clerk or other designated facilitator shall ensure that the dial-in number or other means of conducting the meeting remotely is working. If the dial-in number or other means of conducting the meeting remotely is not working, and cannot be fixed in a reasonable period of time, the meeting shall be adjourned by the chair of the meeting to another time.

- (g) The Borough Clerk shall announce at the beginning of the remote public meeting the procedures and requirements for making public comment, along with an explanation of the audio muting function of the electronic communications platform being used.
- (h) In the event the meeting is being recorded, the Borough Clerk will advise the public at the beginning of the meeting.
- (i) If any member of the public is attending remotely, they will be provided an opportunity to provide public comment during a public comment period of a hearing. The Borough Clerk will ask whether any member of the public has a comment. If a member of the public provides an indication as set forth above that they wish to speak, then the Borough Clerk shall enable the person to speak. Such person shall set forth their name and address.
- (j) If any member of the public is attending remotely and a closed session is called by the Borough as permitted by the OPMA, a separate call-in number or other electronic means of limiting remote participation shall be available so only the Borough and other persons needed for the closed session may participate. The Borough shall clearly state at what point in the agenda the closed session will occur, the reasons for the closed session, the projected length of the closed session, whether formal action will be taken on any matter after the closed session, and that the public will not be able to hear the Borough or provide comment during the closed session. The Borough shall return to the public meeting following closed session to adjourn the meeting or take other action as necessary.
- (k) Any member of the public who is attending remotely must participate in the meeting with appropriate decorum. The Borough reserves the right to exclude those members of the public who display conduct or make comments that are disruptive, which includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, or the use of profanity. Members of the public engaged in such conduct will receive a warning, and if the conduct continues, the person will be muted, removed from video and/or removed altogether from the meeting.
- (l) Members of the public may also be immediately, and without warning, muted, removed from video and/or removed altogether from the meeting for conduct or comments that are harassing, demeaning, threatening and/or offensive to any person's race, gender, color, age, national origin, religion, sexual orientation, gender identify or expression, and disability (list is representative, not exclusive).

- Any prior ordinance or resolution controlling the decorum of the Mayor and Council meetings continue to be in effect unless directly contradictory to the provisions in this Resolution.

- A copy of this Resolution shall be prominently posted under the "Official Notices" section of the Borough's website and posted outside the Council chambers at Borough Hall, One Municipal Plaza, Oakland.

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator, Borough Attorney, Borough Clerk and any other necessary official, officer or employee of the Borough be and they are hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.

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

RESOLUTION 20-259 AUTHORIZE GRANT APPLICATION-CHILTON MEDICAL CENTER

On motion of Councilman Biale, seconded by Councilman Knapp, 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 Chilton Medical Center Community Health Advisory Committee in the amount of \$ 8,500 for the purpose of the 2021 Mayor's Wellness Campaign;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the Borough Administrator to submit the grant application to the Chilton Medical Center Community Health Advisory Grant Program.

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

RESOLUTION 20-260 AUTHORIZE GRANT APPLICATION-STATE FARM FOUNDATION GRANT

On motion of Councilman Biale, seconded by Councilman Knapp, 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 State Farm Good Neighbor Citizenship Companies Grant Program in the amount of \$ 7,261.00 for the purpose of a comprehensive Fire Prevention outreach program for 2021;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the Borough Administrator to submit the grant application to the State Farm Good Neighbor Citizenship Companies Grant Program.

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

RESOLUTION 20-261 AUTHORIZE RECREATION REFUNDS

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

Amante Family, 26 Walnut St. , Oakland, NJ, amount \$ 65 (Rec soccer)

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

RESOLUTION 20-262 AUTHORIZE RENEWAL BERGEN MUNICIPAL EMPLOYEE BENEFITS FUND

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

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the Bergen Municipal Employee Benefits Fund, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3,17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Department of Insurance and Community Affairs and has been operational since that date; and;

WHEREAS, the statute and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the Governing Body of the Borough of Oakland, has determined that membership in the FUND is in the best interest of the Borough of Oakland.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Oakland hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the Borough of Oakland's Indemnity and Trust Agreements.
- ii. Will participate in the following type(s) of coverage(s):
 - a) Health Insurance and/or Dental and/or Prescription as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the Borough of Oakland is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the Borough of Oakland by the FUND.
- ii. Receipt from the Borough of Oakland of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

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

RESOLUTION 20-263 CANCEL CAPITAL BALANCE

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

WHEREAS, certain Capital Improvement Authorization balances remain dedicated to projects which have been completed; and

WHEREAS, the balances are no longer necessary for the purpose originally created,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the following balances of unexpended General Capital Improvement Authorizations be cancelled as follows:

General Capital

<u>Ordinance</u> <u>Number</u>	<u>Description</u>	<u>Unexpended Improvement</u> <u>Authorization Balance to Cancel</u>
16-741	B&G Ramp Stairs	\$ 30,000.00
17-749	Library Sect 20	\$ 1,360.49
17-760	Admin Equipment	\$ 100.00
18-770	PD Long Guns w Accessory	\$ 561.44
18-770	PD Building Sec Cameras	\$ 309.25
18-770	PD Weapons Console	\$ 2,799.98
18-770	B&G Detective Bureau Reno Chairs	\$ 2,279.78
18-770	B&G Senior Center Ansel Hood	\$ 7,200.00
19-786	DPW Equip Replacement	\$ 334.74
19-787	Roller Rink Construction	\$ 195.06
Total – General Capital		\$ 45,140.74

Water Capital

<u>Ordinance</u> <u>Number</u>	<u>Description</u>	<u>Unexpended Improvement</u> <u>Authorization Balance to</u>
<u>Cancel</u>		
11-637	Various Water Improvements	\$ 114,805.36
Total – Water Capital		\$ 114,805.36

Sewer Capital

Ordinance

NumberDescriptionUnexpended Improvement
Authorization Balance toCancel

11-638 Skyview Collection / Pump

\$ 533,119.78

Total – Sewer Capital

\$ 533,119.78

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

RESOLUTION 20-264 AUTHORIZE AGREEMENT TO CONDUCT ELECTRONIC TAX SALE

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

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales at N.J.A.C. 5:33-1.1, and

WHEREAS, the Borough believes it is in the best interest of the public to utilize an electronic tax sale as this process results in a greater pool of potential lien buyers, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

WHEREAS, the Borough of Oakland wishes to enter into contract with the vendor to conduct the 2020 online tax sale at a rate of \$15 per listed property, not to exceed \$5,800; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 0-01-110-044;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute the agreement between the Borough of Oakland and RealAuction.com, LLC;

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

RESOLUTION 20-265 AUTHORIZE ISSUANCE OF RFQ'S

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

WHEREAS, as of January 1, 2006, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, enacted by the New Jersey State Legislature became effective; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., a municipality may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the said municipality's political parties or

to any candidate's committee of any person serving in an elective public office of the said municipality when such contract was awarded, unless said business entity is awarded a contract under a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualifications (hereinafter the "RFQ") with ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications; (3) award of contract under publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly open and announce the qualifications when awarded; and

WHEREAS, it has become necessary for the Borough of Oakland (hereinafter the "Borough") to engage legal, financial and engineering professionals and the Borough desires to appoint such professionals for 2021 by a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq. and in accordance with the Borough's Pay To Play Ordinance, Ordinance No. 12-Code-669.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Oakland, County of Bergen and State of New Jersey that requests for RFQs for professional services for the following professional services for the Borough and its agencies are hereby authorized:

1. Borough Attorney
2. Labor Attorney
3. Borough Auditor
4. Bond Counsel
5. Borough Engineer
6. Borough Prosecutor
7. Public Defender
8. Planning Board Attorney
9. Board of Adjustment Attorney
10. Borough Risk Manager
11. Borough Planner
12. Water and Sewer Engineer
13. Planning Board Engineer
14. Planning Board Planner
15. Board of Adjustment Engineer
16. Board of Adjustment Planner

BE IT FURTHER RESOLVED, that all of the RFQs for the professional services as set forth hereinabove shall be prepared and published in accordance with N.J.S.A. 19:44A-20.1 et seq. and all such RFQs shall be evaluated on the basis of the most advantageous RFQ, all factors considered, including, but not limited to: (1) experience and reputation in the profession; (2) knowledge of the subject matter to be addressed under contract; (3) availability to accommodate any required meetings of the Borough or Borough Agency; (4) and any other factors if demonstrated to be in the best interest of the Borough or Borough Agency.

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

RESOLUTION 20-266 WATER USAGE CALCULATION ADJUSTMENT

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

WHEREAS, in March of 2020, the Governor declared a State of Emergency and issued Executive orders prohibiting certain activities including non-essential contact between municipal employees and the general public, and;

WHEREAS, due to the Executive Orders it was determined that estimated meter reads should be used for the 2nd quarter 2020 water billing to eliminate the need for municipal employees to go to resident homes during the height of the pandemic, and;

WHEREAS, the Executive orders issued caused residents to work and school from home increasing domestic water consumption significantly over the 2nd quarter of 2019 that was used for the estimated meter reads, and;

WHEREAS, the 3rd quarter 2020 actual meter reads included both the increase of usage from the 2nd quarter not captured in the estimate as well as the increase in usage during the 3rd quarter due to on-going stay at home restrictions, and;

WHEREAS, the combined increases resulted in overage billings and higher variable rates for many users that would not have occurred at the same levels if actual meter reads had been possible for both the 2nd and 3rd quarters of 2020;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey that the variable rate for water billings for the 2nd and 3rd quarters of 2020 be recalculated as follows and a credit applied to each water account for the 4th quarter of 2020 as appropriate:

- Total water used will be determined from the start of the 2nd quarter of 2020 through the end of the 3rd quarter of 2020 for each account for each billing cycle.
- The total amount will be divided by 2 to determine the average amount of water used during the 2nd and 3rd quarters of 2020
- The 2nd and 3rd quarter bills will be re-run using the average water used.
- The difference between the actual bills already generated and the re-calculated bills will be applied as a credit on the 4th quarter 2020 water bill.

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

RESOLUTION 20-267 AWARD BID-YALE WAY DRAINAGE IMPROVEMENTS

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

WHEREAS, on October 15, 2020, the Borough of Oakland received eight (8) bids for the Yale Way Drainage Improvements Project; and

WHEREAS, DS Meyer Enterprises, LLC, 34 Maple Avenue, Waldwick, NJ 07643 had the lowest responsive and responsible bid with a total bid price of \$ 85,207.49 and

WHEREAS, the Borough Engineer and the Borough Attorney have reviewed the bids and have recommended acceptance of the bid from DS Meyer Enterprises, LLC.; and

WHEREAS, the Chief Financial Officer has certified funds are available in Account # C-04-56-787-412.

NOW, THEREFORE, BE IT RESOLVED that the bid of DS Meyer Enterprises, LLC in the total amount of \$85,207.49 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, Kulmala, Pignatelli, Talamini, Van Eck.

RESOLUTION 20-268 AWARD CONTRACTS-REPLACEMENT PICK UP TRUCKS

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

WHEREAS, the Department of Public Works wishes to purchase a 2021 Ford F350 4WD Pick-Up Truck with plow at a cost of \$ 40,123.00 and a 2021 Ford F350 4WD Utility Truck with snow plow at a cost of \$ 49,977.00; and

WHEREAS, Winner Ford of Cherry Hill, NJ has State Contract #A88758,T2101 for the vehicles desired; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account #C-04-56-809-401 \$ 40,123.00 and Account # C-04-56-809-402 \$ 49,977.00;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the purchase of the 2021 Ford F350 Pick-Up Truck with plow at a cost of \$ 40,123.00 and the 2021 Ford F350 Utility Truck with plow at a cost of \$ 49,977.00.

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

RESOLUTION 20-269 CHAPTER 159-2020 BULLET PROOF VEST GRANT

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

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Oakland has been awarded a USDOJ, BJA Bullet Proof Vest grant in the amount of \$905.65 for the purchase of body armor for members of the police department and wishes to amend its 2020 budget to include this amount as a revenue,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Oakland hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:
 Special Items of General Revenue Anticipated with Prior Written
 Consent of Director of Local Government Services - Public and
 Private Revenues Offset with Appropriations:
 Bullet Proof Vest Grant.

BE IT FURTHER RESOLVED that a like sum of \$905.65 be and the same is hereby appropriated under the caption of:

General Appropriations:
 (A) Operations - Excluded from "CAPS"
 Public and Private Appropriations Offset by Revenues:
 Bullet Proof Vest Grant
 Other Expenses - \$ 905.65

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

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

RESOLUTION 20-270 AUTHORIZE AUDITOR-2019 LOSAP AUDIT

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

WHEREAS, there is a need to have an audit of the 2019 Length of Service Award Program (LOSAP); and

WHEREAS, the Borough of Oakland received a proposal from the firm of Lerch, Vinci & Higgins, LLP for the services required in the amount of \$ 2,750; and

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

WHEREAS, Lerch, Vinci, & Higgins, LLP has submitted paperwork certifying they have not made any disqualifying pay-to-play contributions pursuant to the Borough's Pay-to-Play Ordinance No. 12-Code-669 adopted July 11, 2012; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 9-01-20-130-028;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body authorizes Lerch, Vinci & Higgins, LLP to perform an audit of the LOSAP program; 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: Yeas, Councilmembers Biale, Talamini, Van Eck.
Abstain, Councilmembers Knapp, Kulmala, Pignatelli.

RESOLUTION 20-271 CHAPTER 159-2019 BULLET PROOF VEST GRANT

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

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Oakland has been awarded a USDOJ, BJA Bullet Proof Vest grant in the amount of \$1,728.38 for the purchase of body armor for members of the police department and wishes to amend its 2020 budget to include this amount as a revenue,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Oakland hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with Prior Written
Consent of Director of Local Government Services - Public and
Private Revenues Offset with Appropriations:
Bullet Proof Vest Grant.

BE IT FURTHER RESOLVED that a like sum of \$1,728.38 be and the same is hereby appropriated under the caption of:

General Appropriations:
(A) Operations - Excluded from "CAPS"
Public and Private Appropriations Offset by Revenues:
Bullet Proof Vest Grant
Other Expenses - \$ 1,728.38

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of this resolution to the Director of Local Government Services.

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

RESOLUTION 20-272 SET FEES TO SELL BOROUGH OF OAKLAND FACE MASKS

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

WHEREAS, the Borough of Oakland has purchased a supply of face masks to sell to the public; and

WHEREAS, the fee to be charged per mask must be established by the Governing Body;

NOW, THEREFORE, BE IT RESOLVED that the fee to be charged for the sale of each Borough of Oakland face mask is \$ 6.00.

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

INTRODUCTION: ORDINANCE NO. 20-BOND-815 SEWER CAPITAL ORDINANCE

CFO David Young advised that at the last meeting, the Council chose not to adopt the amendment to the 2011 Sewer Capital ordinance. This is a new ordinance to support the same project. The project cost is \$ 370,000 and there are \$ 50,000 in soft costs. He explained that Boswell gave exact costs for the soft costs.

The Clerk was directed to take from table Ordinance No. 20-Bond-815 and read by title for its first reading.

The Clerk then read by title Ordinance No. 20-Bond-815 entitled: "BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF INFILTRATION AND INFLOW REDUCTION IMPROVEMENTS TO THE SKYVIEW COLLECTION SYSTEM 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 \$420,000 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."

On motion of Councilman Biale, seconded by Councilman Van Eck, the following resolution be introduced, adopted and duly passed on roll call vote.

BE IT RESOLVED that an Ordinance entitled, "Bond Ordinance To Authorize The Undertaking Of Infiltration And Inflow Reduction Improvements To The Skyview Collection System 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 \$420,000 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" be introduced;

That said Ordinance be considered for final adoption at a meeting on November 9, 2020 held via Zoom Video Conference at 7:30 P.M.

That said Ordinance be published in full in The Record on or before November 2, 2020 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

RESOLUTION 20-273 INTRODUCTION OF BOND ORDINANCE

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

BE IT RESOLVED that the ordinance entitled:

"BOND ORDINANCE TO AUTHORIZE THE UNDERTAKING OF INFILTRATION AND INFLOW REDUCTION IMPROVEMENTS TO THE SKYVIEW COLLECTION SYSTEM 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 \$420,000 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."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 9th day of November, 2020, at 7:30 P.M., or as soon thereafter as the matter can be reached, via Zoom video conference, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

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

WORK SESSION:

AMEND SALARY ORDINANCE:

Mr. Kunze advised that this item was put back on work session for discussion. He advised that the statute states that municipalities have to fix and determine salaries and compensation. There is nothing specific in the statute as to how that should be done. Mr. Kunze advised that every salary ordinance he has ever seen has a minimum and maximum. There should be a plan in place. Councilman Knapp advised that he just wanted extra time to review this and he is ok with the proposal. Councilman Biale advised that if the minimum salaries are undercut too much, the Borough could lose prospective candidates. Councilman Pignatelli thought that there was a problem with the minimum salaries. Councilman Knapp responded that the Mayor has a problem with the minimum salaries but every other municipality has an ordinance. Councilman Talamini asked if we would be hiring employees at the minimum salary. Mr. Kunze explained that the minimums and maximums for all the positions in the labor contracts are according to the starting salary in the contract. For other positions, if it is entry level and the person has no experience,

they would start at the bottom salary. If someone has experience in another municipality, they would start at a salary higher than the minimum. Councilman Kulmala commented that this is a salary guide so he is fine with introducing the ordinance. Mr. Chewcaskie advised this should be introduced at the next meeting. Councilman Talamini asked if the ordinance can be amended if the Council decided to change a minimum salary. Mr. Kunze explained that when labor contracts are ratified, there is a full revision of the entire ordinance based on those contracts. In the interim, the ordinance can be amended for certain titles when needed.

BEST PRACTICES:

Mr. Kunze explained that the State issues the Best Practices checklist annually. The State has changed how they structured this. They have now added more survey questions. There were a lot of land use survey questions this year. Out of a possible 24.5 points, the Borough scored a 23. If the Council is ok with the survey, it can be submitted to the State. The Council consented. Councilman Pignatelli thanked Mr. Kunze for getting the Borough to the point where we could score so high.

NEW BUSINESS:

Councilman Talamini stated that there have been issues with the garbage collection since Covid. Mr. Kunze responded the service had been good for six weeks. This week there was an equipment breakdown. Councilman Knapp commented that they have quite a few equipment breakdowns. Councilman Biale advised that the company had 15 employees go for Covid testing on Monday. Councilman Van Eck advised he took pictures of a truck leaking hydraulic fluid last week. Councilman Pignatelli asked if we have to go out to bid 60 days before bids can be received. Mr. Kunze responded that we do and the bids will be out soon. Councilman Kulmala asked if we have had a problem in the past with only one bidder. Mr. Kunze advised it is a problem statewide and was a question on this year's Best Practices checklist. Mr. Kunze advised that we have been trying to gauge interest and are structuring the bid based on feedback on the various options. Mr. Kunze advised that he met with the current hauler to get suggestions. He advised that there will be more flexibility with scheduling. Councilman Talamini asked if penalties could be put in the contract. Councilman Biale responded that is already in the contract. Councilman Kulmala asked if we have looked at a shared bid. Mr. Kunze responded that it is done for the disposal contract. The FLOW towns looked at a shared bid years ago and there were too many problems and hurdles.

MAYOR SCHWAGER ENTERED THE MEETING AT 7:55 PM

Councilman Pignatelli advised that one of the problems was that each town's contract expired different years. Mayor Schwager advised that a shared bid didn't work out with the FLOW towns and the Northwest Bergen Mayors have been trying to figure out how to do a shared bid.

Mayor Schwager commented on the salary ordinance. She stated that not all towns have minimums and the Council would be stuck with the minimums provided by Mr. Kunze. Councilman Talamini responded that if there is a specific problem, the ordinance can be amended. He stated the ranges seemed fair but he asked if there was a specific issue. Mayor Schwager responded that if someone is in a job for 20 years and then leaves, the Borough would be bound to give that minimum. She feels the minimum for all new workers should be reduced. Councilman Van Eck stated he thought the minimums were too high. Councilman Biale stated that Oakland would lose workers to towns that have higher minimum salaries. The Mayor stated that we should not list minimums at all. Councilman Van Eck stated that he has a problem if someone has been tenured in a position and has been receiving cost of living increases, then we have created a new minimum wage when that person leaves. He stated they tried to increase the

minimum wage federally in the past and it failed because it would have devastated businesses. It would not be fair to start someone new with no experience at a salary that might not be much lower than a current employee.

Mayor Schwager wants to see what other towns are paying for minimum salaries. Mr. Kunze will secure salary ordinances from other towns. He stated that if anyone has an issue with particular minimums to speak to him about an appropriate minimum. Mayor Schwager wants to see ordinances from other towns and what they are paying their current employees. She referenced the Payroll position and wants to know salaries for other towns. Councilman Knapp stated the minimum for Payroll Clerk is \$ 30,000 and Payroll Supervisor \$ 35,000. He thinks the minimums are sort of low. The minimums are elevating when it is a more professional role. Councilman Kulmala stated this is something that is done every year. Mayor Schwager advised that she spoke to the auditor and was told that not all towns have minimums. She is uncomfortable with the minimum salaries. Mr. Kunze advised that the \$ 30,000 minimum for Clerk 1 works out to \$ 16.40 per hour. By the time the contract is done in 2023, the salary would only be \$ 1.48 per hour over minimum wage. Mr. Kunze will get salary ordinances from other towns and advised he would be happy to discuss this with anyone who has issues with certain wages. Mayor Schwager is expressing her opinion even though she doesn't have a vote. Councilman Biale asked Mr. Kunze to get the ordinances from Franklin Lakes and Wyckoff. Councilman Pignatelli advised that the amounts can be amended before the ordinance is advertised.

OLD BUSINESS:

Councilman Talamini asked how long the asbestos removal will take at the Stream House. Mayor Schwager responded that the first phase is asbestos removal and the second step is protecting the stream. Mr. Kunze responded that once the asbestos removal is completed and certified, the contractor will secure the demolition permit. Councilman Talamini stated that the structure looks more unsafe now. Mayor Schwager commented that residents are happy to see progress.

Mayor Schwager asked that parents keep children in their own neighborhoods to trick or treat on Halloween.

COUNCIL REPORTS:

Councilman Talamini: The Finance Committee will meet to discuss the budget. The Library is up and running. The schools are adapting. Both high schools are virtual but will go back to hybrid when they can. The local schools are working towards going every day in person. Councilman Talamini thanked Mr. Kunze for taking care of the pigeon droppings under the 287 overpass. Mr. Kunze thanked the DPW. Councilman Talamini thanked the Recreation Commission and the DPW for doing a great job taking care of the fields. Other towns are jealous of our fields. He reminded residents to go vote and wished everyone a Happy Halloween.

Mayor Schwager thanked Dr. Coffaro and the Recreation Commission for working together on the use of the schools for Recreation.

Mayor Schwager advised residents that there is a ballot drop box at the Municipal Building which is secure. If voters wait to go to Valley Middle School on Election Day, the only people who will be allowed in the booth will ADA voters who cannot fill out the paper ballot. All other voters will be given a provisional ballot to fill out. The provisional ballots will be counted after it is checked to see if the person is a registered voter and that they haven't voted by Vote by Mail.

Councilman Van Eck: The Recreation Commission had a great meeting on Monday. Roller Hockey sign ups are ongoing as well as wrestling. The schools and Recreation are working together to ensure there will be a basketball program. The specifics will be released in the next few days. The next Recreation Commission meeting is November 23rd. The OCC will meet on November 2nd via Zoom. The OCC is looking for volunteers. The Planning Board will meet on November 12th via Zoom. The Oakland Diner has an application for a second story office and permanent outdoor dining. The Shade Tree Commission will meet November 2nd.

Councilman Pignatelli: The Green Team met last night. They are looking for artists as part of the Creative Bergen initiative. The Green Team discussed the community garden. Seed packages are available at the Library. Councilman Pignatelli advised that business done at the Board of Health meeting in October will have to be redone at the November 17th meeting. The Board of Health will discuss the chicken ordinance. Public Events will hold Trunk or Treat on Saturday. Masks must be worn and candy will be handed out. The American Legion Post 369 will hold a ceremony for Veteran's Day on November 11th. People are asked to gather at 10:45 am. Everyone is welcome to attend. The local churches will ring their bells at 11 am. In case of inclement weather, the ceremony will be held at the American Legion. He read the background of Veteran's Day.

Councilman Knapp: The Fire Department had 36 calls for 381 hours. For the year-to-date, they have responded to 275 calls for 2091 hours. They responded to accidents on 287 on September 3rd and September 10th. Councilman Knapp advised that the Borough has been in contact with the State regarding 287 and the matter has been elevated. The Borough received communication from the State that was headed in the right direction but not far enough. The Police Department had 361 Motor Vehicle stops which resulted in 433 summonses and 11 arrests. They did 49 radar details, 24 traffic enforcement details, responded to 39 burglar alarms and did 35 school checks. The Police Department has responded to 12269 calls year-to-date. Councilman Knapp read a statement from the Police Chief regarding a number of residents whose cars were burglarized. After a thorough investigation, an individual from East Orange was charged with 20 counts of burglary and 14 counts of theft. The Police thank all the residents who shared camera footage. Councilman Knapp advised that pedestrian signs were installed by the First Aid Building. The pedestrian wishing to cross Ramapo Valley Road can activate flashing lights. He spoke about the new programs that the Police Department has created and gave kudos to the Chief. The two Police recruits in the Academy are anticipated to graduate in December.

Councilman Biale: The Senior Center will have winter hours from November 2nd to February 26th. The winter hours will be 9 am to 2 pm. The Senior Center has a mix of in-person, zoom and hybrid programs. The November calendar is available online. Seniors who wish to attend an in-person program must register in advance. Private appointments are available to help Seniors with navigating Medicare. There are appointments available on November 9th and November 23rd and appointments are first-come, first-served. The Library is offering a service called Books to Go for homebound Seniors. Library rentals will be dropped off to the house and returns picked up weekly on Tuesdays. The Seniors will have a book club beginning December 16th. The weekly shopping trips have resumed. The 2020 Road resurfacing program is near completion. The outstanding items left are line striping and storm drains inlet retrofits. The 2020 allotment of LED lights from Rockland Electric will be done the 2nd week of November and in December. The DPW will submit the 2021 list. Heavy rains are anticipated tomorrow and blocked storm drains can cause flooding. Residents are advised to report any blockages to DPW. Boswell Engineering is going to submit a proposal for Ramapo Valley Road sidewalks. Councilman Biale is happy to see the start of the Stream House dismantling. There will be a meeting to discuss changing the specifications for the digital sign since the last bid prices received were all over the budget.

Councilman Van Eck advised that the Knights of Columbus is holding a holiday food drive on 11/7 and 11/8. It will benefit the OLPH and Ponds Church food pantries.

Councilman Kulmala: He advised that progress has been made with Verizon regarding the issues with wires and poles. He received an email from a resident about the sidewalk on West Oakland Ave. by Mike's Dog House.

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.

Rachel Gregory, 2 Kiowa Terrace, sent an email to the Mayor and Council on Monday and did not hear back from anyone. She then received an email from CFO David Young saying he was advised by the Borough Attorney not to comment. The residents want to negotiate the sewers with the town and ask to be part of the process. She is asking for information to be shared. She feels the town is looking to silence the sewer users but advised that the stakeholders are looking forward to participating in the process.

Benjamin Wagman, 10 Mountain Lakes, spoke to Councilman Biale a few weeks ago who said not to get caught up with rumors so he gave the Mayor and Council the benefit of the doubt. He was happy a couple of weeks ago that the Mayor was going to give the sewer users some representation. Then he found out that there are Council members not supporting this. Rumors of litigation are being thrown around and it is disheartening. He thought the Mayor was on the right track with the sewer advisory panel and that was just lip service. He wants assurance that the Mayor has the backs of the sewer users.

Katrine Beck, 8 Chapel Hill, advised that the sewer users need representation. She stated the Borough is putting 235 people in harms way and are compromising property values and mortgages. She knows the Mayor and Council have concerns over litigation but they need to respond to the sewer users. The sewer users want a seat at the table to negotiate.

Jennifer Inglett, 1 Chapel Hill Road, spoke of Copper Tree Mall on sewers as part of the downtown revitalization. She commented that there are a lot of bears in town and asked if they are tagged and monitored. There should be a public safety announcement about what residents should do if they encounter a bear.

Chris Giordano, 19 Academy Circle, spoke about the fines for the sewers and that 235 homes have to pay for the Borough's mistakes. He spoke about no one on the Governing Body having sewers. The Mayor had a good idea at the last meeting then took it off the table because the Council gave push back. I want someone on the Council to bring this back up and talk about their support for this idea.

Sarah Michel, 23 Cayuga Ave., is disappointed that the sewer advisory panel is not being put together. The sewer users were excited after the last meeting that things were going to move forward. She hopes the idea of a sewer advisory panel is revisited.

Martin Ruback, 45 Academy Circle, stated at the sewer users Zoom meeting, the residents were told the sewer users would be responsible for all costs and expenses. He read from the statute 40:14 regarding sewer authorities. A sewer authority is supposed to be created by ordinance and there is no basis for a sewer authority to exist in Oakland. It doesn't say the cost is the responsibility of the sewer users. This is an arbitrary decision because the Mayor and Council are not sewer users. He feels this is a conflict of interest. He does not want the penalties and fines the responsibility of the sewer users.

Benjamin Wagman, 10 Mountain Lakes, wanted to thank Mr. Ruback for his information and he hopes it will be addressed.

CLOSED FOR PUBLIC COMMENT:

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.

Borough Attorney Chewcaskie advised that at the last meeting, the Mayor had recommended a sewer advisory committee. After the meeting there was discussion about what the structure of a committee would be, how it would be handled and if there should be a committee or not. That decision was not made because subsequent to the meeting, Mr. Chewcaskie's partner, John Napolitano, received a call from an attorney asking if he would be willing to represent a group of homeowners from Oakland in claims litigation against the town. Mr. Napolitano relayed that information. Mr. Chewcaskie had concerns with regards to any committee liaison if the Borough was going to be involved with litigation. Mr. Chewcaskie understands this is affecting 200+ sewer users but there are 4500 homeowners to be concerned about if there is potential litigation. Mr. Chewcaskie has advised the Governing Body to act as a unified body at Council meetings and no one should respond individually.

In response to Mr. Ruback, Mr. Chewcaskie advised that Oakland does not have a sewer authority. It can create one but it is another layer of government and another expense. Oakland has a Municipal Sewer utility. Mr. Chewcaskie stated that the Borough has provided a wealth of information to the sewer utility users thus far. That information also included the public information session held on September 30th. Until Mr. Chewcaskie knows what will transpire, he reiterated that he is asking the Governing Body to act as a unified body. Mr. Chewcaskie had advised the Mayor that there cannot be a sewer advisory committee because of the potential litigation. This never made it the Council for discussion because we were informed of the claims/litigation. Mr. Chewcaskie advised that John Napolitano, who represents the Borough, has a great reputation regarding sewer issues. Mr. Napolitano's background is an engineer and he is an attorney and other attorneys reach out to him regarding sewer issues. For that reason, Mr. Chewcaskie recommended no other communication other than OPRA requests and public hearings for action.

Councilman Pignatelli advised that the Council members did not speak out against the sewer advisory committee.

BILLS TO BE PAID:

On motion of Councilman Talamini, 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, Kulmala, Pignatelli, Talamini, Van Eck.

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Biale, the meeting be adjourned at 9:18 pm.

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

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk
November 24, 2020

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager