

EMERGENCY MEETING OF THE MAYOR AND COUNCIL
HELD VIA ZOOM VIDEO CONFERENCE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
MONDAY NOVEMBER 30, 2020 6:00 PM

MEETING CALLED TO ORDER: By Mayor Schwager at 6:02 pm.

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

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: This Emergency meeting has been called due to a public safety and health emergency matter. The meeting is being held in accordance with the Open Public Meetings Law, and advertisements have been sent to the newspaper and posted in the municipal building.

Mayor Schwager advised that the Council needs to go into Executive Session to discuss a matter of public safety. Councilman Kulmala asked the basis for excluding the public on this discussion. Mr. Chewcaskie advised it is a matter of public safety and potential litigation which merits the exclusion of the public. No action can be taken until the Governing Body is back in public session.

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Pignatelli, seconded by Councilman Biale, 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:
Public Safety and Health Emergency

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 the public health and safety matter at Portobello restaurant. No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Knapp, seconded by Councilman Talamini, the Executive Session be closed.

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

MEETING RECONVENED: By Mayor Schwager at 7:01 pm.

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

Mayor Schwager announced that there was an extensive discussion on a public safety matter in Executive session. She is told there will be a motion.

MOTION:

On motion of Councilman Knapp, seconded by Councilman Biale, due to the violations that occurred this past Wednesday, Friday and Saturday at Portobello's restaurant, the outdoor dining be shut down at 4:00 pm for 30 days.

Councilman Talamini mentioned requiring the owner to come before the Council at an Executive session before they reopen. Councilman Knapp amended the motion to add this language and Councilman Biale seconded.

Mr. Chewcaskie stated the motion again:

The license authorizing outdoor dining for Portobello is going to be revised for a period of 30 days that all outdoor dining must cease by 4:00 pm. In addition, the owner of Portobello is required to appear before the Governing Body in an Executive session either December 9th or December 21st to address the Council prior to any reopening after 4:00 pm. This will start December 1st.

Councilman Kulmala asked about enforcement. Mr. Chewcaskie responded it will be enforced by the Police Department, Health Department and Construction office. Councilman Kulmala asked what happens if the restaurant owner does not comply. Mr. Chewcaskie responded that he may be taken to court.

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

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Pignatelli, the meeting be adjourned at 7:07 pm.

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

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk
December 21, 2020

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager