

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD VIA ZOOM VIDEO CONFERENCING
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY JUNE 24, 2020

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Biale, seconded by Councilman Levy, 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:
Affordable Housing, Sandy Beach Acquisition, 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, Levy, Pignatelli, Talamini, Van Eck.

Discussion about Affordable Housing litigation, Sandy Beach acquisition and personnel matters.
No action taken.

CLOSE EXECUTIVE SESSION:

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

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

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

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Knapp, Levy, 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:

Oakland's nominees have been selected to receive the 5th district Hometown Heroes award. Mayor Schwager thanked Alison Fleeson and Carol Peterson for everything they do for Oakland. They make our community a special place to live. Oakland would not have a community garden if it weren't for them. The zoom ceremony will take place July 6th at 10 am. Mayor Schwager congratulated the Shade Tree Commission and Councilman Levy for earning 2019 Tree City recognition for Oakland. This recognizes that Oakland makes planting and taking care of trees a priority. Metal collection has been moved to July 9th. Mayor Schwager thanked Councilman Levy for organizing and running the meeting with the Huber Lake residents. It was very informative and well done. The Borough's hauler for yard waste has staffing issues due to the pandemic. She advised residents to leave their yard waste at the curb and it will be picked up during the week. Mayor Schwager advised that one of Oakland's greatest assets is its Recreation Department. She thanked Chairman Mike Guadagnino and the Recreation Commission for getting their program running and working with DPW Supervisor Jimmy McWilliams to make the facilities safer. Oakland has been ready and planning Summer camp which will open July 6th. There will be changes and it will not be a normal camp but will adhere to guidelines. Mayor Schwager thanked camp director Emily Smolenski. Mayor Schwager advised that the public portion of the meeting is meant to have the public comment and it is not a question and answer period of time for debate. She asked the Council to remain on mute and address any questions during their Council report.

OPENED FOR PUBLIC DISCUSSION:

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

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

Mike Rose, 665 Ramapo Valley Road, advised he is a long time resident. He is curious if there is an ordinance for political signage. He stated displeasure at the behavior at the last meeting and the town is displeased. Mr. Rose announced he is going to run as an independent candidate. He also questioned how the Council makes the decision on liaisons.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: JUNE 4, 2020 SPECIAL MEETING

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council special meeting of June 4, 2020 be approved.

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

APPROVAL OF MINUTES: JUNE 10, 2020

On motion of Councilman Pignatelli, seconded by Councilman Biale, the minutes from the Mayor and Council meeting of June 10, 2020 be approved.

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

PUBLIC HEARING FOR APPLICATION FOR BERGEN COUNTY OPEN SPACE TRUST FUND FLOODPLAIN PROTECTION GRANT PROGRAM-LENAPE/LAKESHORE PROJECT AREA:

Aaron Cela from the Land Conservancy was present to discuss the application. He explained this is for Phase 4 of the flood buyout program. The Borough is applying for nine properties this time. Last year, the Borough applied for five properties on Lenape Lane. Three of those property owners accepted the offer, one homeowner is deciding and one homeowner has been unreachable. This year, we are applying for five additional properties on Lenape Lane. These properties are well within the 100 year flood zone. This year, the decision was to also apply for four properties in the Lakeshore Drive area. All those properties have heavily flooded. This will be an asset to move the landowners out and demolish the homes.

Councilman Levy stated two properties are along the private lake and asked if those can turn into public lots since they are on a private lake. Mr. Kunze responded that even though the lake is private, the lots can be public. Mr. Cela explained that you do not have to allow access to the lake on those properties. Councilman Levy asked if the Borough is liable to RML because it is their lake. He questioned what happens if someone uses Borough property to access the lake. Mr. Kunze explained that if we are not allowing access, the property needed to be policed. Borough Attorney Chewcaskie advised these properties will become open space like any other properties the Borough acquired. If there is an issue, we may have to restrict access.

Councilman Levy commented that the properties on the lake side are not contiguous like those on the river side. Mr. Kunze explained that the overall concept subject to further discussion would be to continue with those properties on the other side of the street. Councilman Knapp asked if there is a way that we can go after two contiguous properties in order to make something for passive recreation. Mr. Kunze explained that the Mayor and Council discussed and chose these properties to apply for. The other properties that were considered high priorities will be potentially filled in by future grant acquisition. Councilman Levy explained that taking SRL and RL properties will help with our flood CRS program by mitigating risk.

OPENED FOR PUBLIC DISCUSSION:

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

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

Ellen Mednikoff asked what the plan is for the Lenape Lane properties. She wants to make sure that it doesn't turn into a parking lot. Mr. Cela explained that the land will be permanently preserved so there will be no structures on it in perpetuity. He further explained that because the land is being purchased for flood mitigation, there will not be a parking lot on the properties. Councilman Levy explained that the river is a C-1 waterway which has the highest standards. There can be no disturbance within the 300 foot riparian zone. Those properties have to remain in a natural state. Ms. Mednikoff asked if there are any plans to repair the bridge. Councilman Levy advised that the Capital Projects committee has been looking at all infrastructure and is prioritizing projects. The Lenape Lane bridge has scour on the abutment. The river restoration project to be done next year will repair the scour. The issue is the deck is in poor condition and it will cost \$ 750,000 to repair. The Lenape bridge needs to be functioning in order to repair the Patriots Way Bridge which is in much worse condition.

Vivian King, 113 Hiawatha Blvd, stated the properties are in the footprint of RML and asked if the town will be paying RML fees. Mr. Chewcaskie advised that there is no response at this time due to potential litigation. He is aware of the claims. Ms. King stated that the taxpayers are involved in a lawsuit that the town would not get involved. Now the town is buying these properties and the rest of the taxpayers are still responsible to pay RML. Mr. Chewcaskie responded that the purpose of the acquisition of these properties is flood mitigation. The town receives grant funding for that purpose. The RML litigation is not for public discussion. Ms. King stated that when the Borough is acquiring property on a private lake where people all over town are being forced to pay dues, that warrants a response. Mayor Schwager responded that the town cannot respond due to litigation. Ms. King stated in the past the public session has always allowed for back and forth dialogue. Mayor Schwager responded that the bylaws state that it is for public comment only.

Mike Rose, 665 Ramapo Valley Road, commented that the Borough is now eliminating properties from RML. He asked if the town will pay RML fees or will the fees for the remaining homeowners increase. He asked about the loss of tax revenue and commented it would be nice if there was a pavilion to connect to the trail going to Ramapo River Reserve.

CLOSED FOR PUBLIC DISCUSSION:

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

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

PUBLIC HEARING ON APPLICATION FOR BERGEN COUNTY OPEN SPACE TRUST FUND MUNICIPAL PARK IMPROVEMENT GRANT PROGRAM-ROOSEVELT BLVD. PARK

Mr. Kunze advised this project is an adjunct to the flood buyouts. Rutgers University gave a concept drawing for the creation of a park that would provide public access to the river. The

concept includes benches, signage and trash receptacles. This grant is meant to develop Project elements include the conversion of a drainage ditch into a bioswale, a network of trails that includes an ADA compliant section leading to a platform over the river bank, the development of meadow areas with appropriate riparian plantings, benches, trash and recycling receptacles, and signage. The design is meant to be low maintenance and easy to restore after flood events. The projected project cost is \$ 236,500 so the grant amount requested will be \$ 118,250. Mr. Kunze thinks that this area can be turned into an asset for the community. The Borough will be doing the river restoration project next year so there will be stream bank restoration. One of the lots will be the focus of the Roots for Rivers program.

OPENED FOR PUBLIC DISCUSSION:

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

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

RESOLUTION 20-163 AUTHORIZE RECREATION REFUNDS

On motion of Councilman Biale, seconded by Councilman Pignatelli, 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 in the amount of \$ 1,958; 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:

Alyssa Merritt, 71 Page Dr., Oakland, NJ , amount \$ 68 (T-ball)
 Nidhi Ram, 20 Cayuga Ave., Oakland, amt. \$ 68 (T-ball)
 Danielle Zodda, 565 Ramapo Valley Rd., Oakland, NJ, amount \$ 93 (Rec softball)
 Elaine Bergamini, 31 Seminole Ave., Oakland, NJ, amount \$ 93 (Rec Softball)
 Peter Havel, 98 Andrew Ave, Oakland, NJ, amount \$246 (Rec softball and baseball)
 Dina Karden, 141 Long Hill Rd, Oakland, NJ, amount \$93 (Rec softball)
 Sonia Elston, 78 Manito Ave, Oakland, NJ, amount \$ 93 (Rec softball)
 Jill Paulaski, 6 Raeben Ave, Oakland, NJ, amount \$ 93 (Rec softball)
 Ilannet Parisca, 68 Truman Blvd, Oakland, NJ, amount \$ 125 (Lacrosse)
 Sandra Taltavull, 36 Rutgers Dr., Oakland, NJ, amount \$ 125 (summer sports camp)
 Christopher Lawrence, 385 Newton Rd, Wyckoff, NJ, amount \$ 125 (sports camp)
 Mary Basich, 96 Pawnee Ave, Oakland, NJ, amount \$ 125 (summer sports camp)
 Dina Osborne, 95 Hiawatha Blvd, Oakland, NJ, amount \$ 93 (Rec softball)
 Candice Taylor, 10 Thackeray Rd, Oakland, NJ, amount \$ 93 (Rec softball)
 Jennifer Tarr, 146 Hiawatha Blvd, Oakland, NJ, amount \$ 93 (Rec softball)
 Lucy Talamini, 33 Seminole Ave, Oakland, NJ, amount \$ 186 (baseball ¾ and 5/6)
 Beata Grzesik, 40 Walnut Street, Oakland, NJ, amount \$ 146 (TBall and Rec Baseball ½)

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

RESOLUTION 20-164 AUTHORIZE APPLICATION-FLOODPLAIN PROTECTION GRANT

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

WHEREAS, the Borough of Oakland desires to acquire properties for the purpose of floodplain protection; and

WHEREAS, the acquisitions consist of a total of nine (9) properties as follows in order of priority:

Project Area: Lenape Lane/Lakeshore Drive

Priority Properties:

- #1 – 24 Lenape Lane, Block 1404, Lot 6
- #2 – 26 Lenape Lane, Block 1404, Lot 5
- #3 – 28 Lenape Lane, Block 1404, Lot 4
- #4 – 23 Lenape Lane, Block 1606, Lot 38
- #5 – 25 Lenape Lane, Block 1606, Lot 37
- #6 – 162 Lakeshore Dr., Block 1607, Lot 2
- #7 – 160 Lakeshore Dr., Block 1607, Lot 3
- #8 – 167 Lakeshore Dr., Block 1501, Lot 14
- #9- 155 Lakeshore Dr., Block 1501, Lot 18

WHEREAS, the Borough of Oakland desires to apply for a grant through the Bergen County Floodplain Protection Program for the funding of the application of the listed properties with this application; and

WHEREAS, the Borough of Oakland desires to authorize the execution and submission of said application to the Bergen County Floodplain Protection Program and the acceptance of said funds in the event the Borough of Oakland is awarded the grant.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Oakland, County of Bergen, State of New Jersey as follows:

1. The Borough of Oakland hereby authorizes and endorses the application for a Bergen County Floodplain Protection Grant for the acquisition of properties in the Lenape Lane/Lakeshore Drive Project Area; and
2. The Municipal Council hereby authorizes and directs the Borough Administrator to execute said application and together with all other appropriate officers, employees, and professionals of the Borough of Oakland are hereby authorized and directed to take any and all necessary steps to effectuate the purposes of this resolution;
3. The Borough of Oakland hereby authorizes the acceptance of said grant funds in the event the same is awarded; and
4. This resolution shall take effect immediately.

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

RESOLUTION 20-165 AUTHORIZE APPLICATION-MUNICIPAL PARK IMPROVEMENT GRANT

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

WHEREAS, the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("County Trust Fund"), provides matching grants to municipal governments and to non-profit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and

WHEREAS, the Borough of Oakland desires to further the public interest by obtaining a matching grant of \$ 118,250 from the County Trust Fund to fund the following project: Roosevelt Blvd, Park; and

WHEREAS, the Governing Body has reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and

WHEREAS, as part of the application process, the Governing Body will hold the required Public Hearing to receive public comments on the proposed park improvements in the application on June 24, 2020; and

WHEREAS, the County of Bergen shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and

WHEREAS, the applicant is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Bergen for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of June 29, 2020, as established by the County; and
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Mayor and Council of the Borough of Oakland has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and

3. That the Mayor and Council of the Borough of Oakland is committed to providing a dollar for dollar cash match for the project; and
4. That only those park improvements identified and approved in the project application, its Trust Fund contract, or other documentation will be considered eligible for reimbursement.
5. That the Mayor and Council of the Borough of Oakland agrees to comply with all applicable federal, state and local laws, rules, and regulations in its performance of the project; and
6. That this resolution shall take effect immediately.

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

RESOLUTION 20-166 AUTHORIZE INCLUSION IN BERGEN COUNTY COMMUNITY DEVELOPMENT PROGRAM

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

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

WHEREAS, the current Interlocal Services Cooperative Agreement contains an automatic renewal clause to expedite the notification of the inclusion process; and

WHEREAS, each Municipality must notify the Bergen County Division of Community Development of its intent to continue as a participant in the Urban County entitlement programs noted above; and

WHEREAS, it is in the best interest of the Municipality of Oakland and its residents to participate in said Programs.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Municipality of Oakland hereby notifies the Bergen County Division of Community Development of its decision to be included as a participant Municipality in the Urban County entitlement programs being the Community Development Block Grant Program (CDBG), the HOME Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the Program Years 2021, 2022, and 2023 covering the period July 1, 2021 – June 30, 2024; and

BE IT FURTHER RESOLVED, that an original copy of this resolution be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than Friday, July 17, 2020.

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

RESOLUTION 20-167 AUTHORIZE EXECUTION OF AGREEMENT WITH BERGEN COUNTY- COMMUNITY DEVELOPMENT PROGRAM

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

WHEREAS, certain Federal funds are potentially available to the County of Bergen under Title I of the Housing and Community Development Act of 1974, as amended; the HOME Investment Partnership Act of 1990, as amended; and the Emergency Solutions Grant of 2012; and

WHEREAS, it is necessary to supersede an existing Interlocal Services Cooperative Agreement for the County and its people to benefit from these Programs; and

WHEREAS, an Agreement has been proposed under which the Municipality of Oakland and the County of Bergen in cooperation with other Municipalities, will modify an Interlocal Services Program pursuant to N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, it is in the best interest of the Municipality of Oakland to enter into such an Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Municipality of Oakland that the Agreement entitled “Three Year Cooperative Agreement” (an Agreement superseding the Cooperative Agreement dated July 1, 2000 – June 30, 2003) to clarify the planning and implementation procedures and to enable the Municipality to make a Three Year irrevocable commitment to participate in the Community Development Block Grant Program (CDBG), the Home Investment Partnership Program (HOME), and the Emergency Solutions Grant Program (ESG) for the Program Years 2021, 2022, and 2023 covering the period July 1, 2021 – June 30, 2024 be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately in accordance with law and that an original copy be made available to the Director of the Bergen County Division of Community Development as soon as possible and no later than Friday, July 17, 2020.

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

RESOLUTION 20-168 HIRE CAMP STAFF

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

BE IT RESOLVED that the Mayor and Council hereby authorize the hiring of Summer Camp staff at their respective rates as per the attached list effective Monday June 29, 2020.

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

RESOLUTION 20-169 AUTHORIZE BERGEN COUNTY CARES PROGRAM M.O.A.

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

WHEREAS, Bergen County has received CARES Act funds from the United States Treasury to be used to reimburse specific COVID-19 related expenditures within the County due to economic damage and hardship caused by COVID-19; and

WHEREAS, the County seeks to provide Municipalities within the County access to stimulus funds for COVID-19 related expenditures on a reimbursement basis in order to alleviate a degree of the economic damage and hardship caused by COVID-19; and

WHEREAS, the Borough of Oakland would like to participate in this Bergen County Cares Act Reimbursement Program;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland authorizes the Mayor and Borough Clerk to execute the agreement on behalf of the Borough of Oakland.

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

RESOLUTION 20-170 AUTHORIZE APPLICATION-COVID-19 CDBG GRANT

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

WHEREAS a Bergen County Community Development Block Grant totaling \$ 10,300 has been proposed by the Borough of Oakland for the Oakland Senior Software project in the Borough 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 aforesaid project is in the best interest of the people of the Borough 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 Community Development application.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough 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 Division of Community Development (Robert G. Esposito, Director; Bergen County Division of Community Development; One Bergen County Plaza, 4th Floor; Hackensack, NJ 07601) so that implementation of the aforesaid project may be expedited.

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

WORK SESSION:

OCC BYLAWS:

Mr. Kunze explained that the OCC has submitted their revised bylaws for the Governing Body to review and approve. Councilman Pignatelli questioned the \$ 15 to be charged to put something on cable tv. He questioned how that would be done. Mr. Kunze responded that it may not work the way that OCC envisioned. It may be anticipated as revenue and then put back into the budget. This would have to be established by ordinance. Councilman Pignatelli commented that it would have been helpful to have the existing bylaws to compare. Mr. Kunze responded it was included in the meeting packet. Mayor Schwager complimented the OCC for doing this. Councilman Van Eck thanked the Communications Commission who worked on this. They put a lot of energy and thought into this and he appreciates their time and effort.

CAPITAL AND BOND ORDINANCE:

Mr. Kunze explained that the budget has been adopted so we would like to move forward with the capital ordinances. The Council already had discussion on the capital projects during budget discussions. The Council must now adopt ordinances to authorize the funding. The Capital ordinance will be fully-funded. The Bond ordinance will contain those projects that must be bonded for. Mr. Kunze advised that he and Mr. Young need direction to move forward with the ordinances. The consensus of the Council was to move forward.

SPECIAL EVENT PERMITTING:

Councilman Talamini had asked for this to be listed because he had been concerned about the protesting. He asked if there is something that can be done in the future to collect fees for Police Overtime or to ensure there is no property damage. Mayor Schwager commented in the eight and a half years she has been Mayor, there have been two marches. Mr. Chewcaskie responded that there are a number of issues. The protest was in response to a recent event can't be regulated. The Borough would not be able to charge fees or require insurance because it restrains First Amendment rights. As long as the protest is done safely and doesn't cause traffic concerns, it can occur without regulation. The bigger question is special events and can the Borough have a permit process to utilize Borough facilities, open space and parks and buildings. The Borough is a Green Acres facility with its open space and parks so Green Acres would have to review this. The intention is that all open space is open for use by everyone. He advised that Bergen County has a permit process in place for groups of 25 or more people. The question is does the Borough want to regulate. If we do regulate, everyone needs to be treated the same way. For instance, the Memorial Day Parade does not go through a permit process but they would have to if special events are being permitted. Mr. Chewcaskie advised that when you look at the situation globally, public facilities are open to the public. Mayor Schwager advised that you may not like what people are protesting but you would have to give them permission.

Councilman Talamini advised that he wanted discussion about the issue but it seems that free speech and freedom to assemble take precedence. Mr. Chewcaskie advised that Oakland was one of the first towns to have a protest but it did occur in Ridgewood, Ramsey and Allendale as well. Mayor Schwager acknowledged this is important to discuss.

BOSWELL PROPOSAL-ROUTE 202 TRAFFIC STUDY:

Borough Engineer John Yakimik explained this proposal is to interpret the traffic counts taken by Bergen County. He originally thought Bergen County would interpret the data but they said they were not doing it. Mr. Yakimik advised that this proposal is in the amount of \$2850 to interpret the data. Councilman Pignatelli is disturbed that there were only three areas where the County looked at traffic counts when Boswell recommended taking counts from nine areas. He explained that we need to know how traffic comes into town and gets disbursed and he does not feel the

County gave enough information. Councilman Pignatelli asked if we should wait until the Master Plan is reviewed and we have sewers or move forward with the traffic counts now.

Mr. Yakimik responded that the County was supposed to pave Ramapo Valley Road in 2020. This may be in jeopardy because of issues with the State. He believed the Council had wanted traffic counts to see if we could have the County tweak the line striping. It could be built upon in the future. Councilman Pignatelli will leave it up to the Council if they want to go ahead with the partial traffic study.

Councilman Knapp spoke with Tom Connolly at Bergen County who indicated that it is not likely Ramapo Valley Road will get paved this year due to COVID-19. The discussion included Mr. Kunze and the road supervisor. The decision was made for the time being to restripe what was there as is. Councilman Knapp would not spend money on this traffic study. There is another year to look at this. The Public Safety Committee and Oakland Police Department should discuss the traffic issues.

Councilman Levy asked if the study would still be valid in a year or two. Mr. Yakimik responded in a year it would be valid. The data can be extrapolated. He advised that traffic data is different during COVID-19. The purpose of the study was to identify areas ahead of paving. Now that paving is postponed, this can be postponed. Councilman Levy has heard that the federal government will release money for infrastructure projects. He explained that restriping will not help solve the traffic problems. The problems are coming from West Oakland Ave. and Route 202 north and south. He questioned spending \$ 2800 to put a small bandaid on a big problem. The only thing that may help is to take away the left turn onto Yawpo Avenue. That intersection needs a redesign and the alternate access pursued.

Councilman Biale commented that a meeting was held at that intersection where different scenarios were discussed to alleviate problems on the West Oakland turn. He thinks the Council should look at the bigger picture and come up with a plan to alleviate traffic. Some things are necessary to do for Station Park. We will need the railroad, the County and the State involved. Councilman Levy advised that he started a conversation with the State DOT railroad division regarding alternate access. That will be a big item to take traffic away from that intersection. That is going to be an expensive fix.

Councilman Van Eck commented that \$ 2850 is just the beginning. He thinks this needs to be pushed off at this time. Councilman Talamini advised that there is time but someone should call the County and get definitive data. Councilman Knapp commented that this is going to be pushed off until 2021. Mr. Yakimik agreed it should be postponed.

NEW BUSINESS:

Councilman Talamini wanted to discuss having meetings in person. He asked if there are any plans to move forward with this. Mayor Schwager advised that we can have meetings in person if the Council members are 6 feet apart. No public can be allowed. Councilman Biale felt it should remain status quo until things get better. Councilman Van Eck feels that we should start exploring what can be done to get back to in-person meetings. Mr. Kunze advised that if the Council wishes to meet in-person, there are tables set up on the floor. More tables could be added and the Council would sit on the floor where the public sits. The public would still participate in the meeting via Zoom. The meeting would be broadcast live on YouTube and the public would comment on zoom. Some towns are starting to do in-person meetings. Mayor Schwager would like to wait to see what happens in July as things open up.

Councilman Levy asked why Councilman Talamini felt it was important to have meetings in-person. Councilman Talamini responded that he thinks Zoom is difficult to use with the interruptions and internet lag. It is hard

to make a point over the computer. He thinks the meeting will run easier in person. Councilman Pignatelli has spoken about the difficulties with logging on and with the screen freezing. He also feels the meeting will flow better in-person. Councilman Knapp agrees with everyone. He suggested setting the first meeting in August as a target to meet in-person with the Council. If something changes, it can be delayed. Discussion ensued over procedures to hold meetings in the Council chambers.

OLD BUSINESS:

Councilman Biale questioned the Stream House. Mr. Kunze responded that the bid notice will be out next week and a bid opening date will be set in July.

Councilman Van Eck questioned if the Borough has heard from Altice regarding our resolution. Mr. Kunze advised we will reach out to Altice.

Councilman Van Eck questioned the issue of the Suburban News littering driveways and not letting people opt out. Mayor Schwager responded she has tried to get in touch with them and doesn't know what else to do. She will bring up at the next meeting of the Northwest Bergen Mayors Association to see if other towns have this problem. Mr. Chewcaskie responded that he was supposed to prepare a letter and did not do that yet. Councilman Pignatelli asked if we can cite the newspaper for a property maintenance violation. Mr. Kunze responded that would go to the homeowner.

Councilman Van Eck brought up the welcome signs. He thanked the individuals and businesses for their generous donation to sponsor the signs. Out of respect for those people, he thinks a timeline for sponsorship should be set for instance when a sign needs to be replaced. He suggested maybe other businesses would want to sponsor. He suggested talking at a future meeting about sponsorship and future revenue generating programs. Mayor Schwager had asked Councilman Pignatelli to be on the sponsorship committee. She proposed that the Admin Committee discuss this issue along with the bylaws and then bring it forth to the Council. She asked Mr. Kunze to resend the second draft. Mr. Kunze advised the second draft was sent in mid to late March. He will resend and work on scheduling a meeting. Mayor Schwager stated that at the same time the Council discusses the bylaws, they can discuss a future sponsorship program.

Councilman Knapp wants to change the ordinance regarding outside dining. It is only allowed in the CBD 1 and CBD 2 zones. He thinks this is discriminatory to other restaurants outside those zones. The restaurants that are not located in the downtown should not be penalized. They should have the same opportunities. Mayor Schwager spoke to the Planning Board attorney regarding this issue and was told that there is no prohibition on outdoor dining. The issue is the capacity and if parking is acceptable. His opinion was that the restaurants can do seating outside as long as there is enough parking. Mr. Kunze advised that outdoor dining is only explicitly mentioned that it is allowed in the CBD 1 & 2 zones. It is not mentioned elsewhere.

Mr. Chewcaskie advised that the CBD 1 & 2 zones were created to spur development in the downtown area. Nothing prohibits outdoor dining in the Borough code. If permitted in other zones, outdoor dining can be permitted. The issue to be addressed is parking. Mayor Schwager suggested the Planning Board discuss this to get their opinion. She advised that we have until October 15th when the temporary outdoor dining expires to discuss. Councilman Levy suggested

adjustment made to number of parking spots to allow for outdoor dining. Mr. Yakimik advised we should take notes of what is working and not working with the temporary outdoor dining to discuss. Mayor Schwager asked Councilman Van Eck to work with the Planning Board chairman, Borough Planner and Borough Engineer to get the ball rolling on this matter. Councilman Knapp commented it is important to give business owners the opportunity to have outdoor dining. Councilman Pignatelli thinks it will bring more people into Oakland.

COUNCIL REPORTS:

Councilman Talamini: The Library has curbside pick up. As of July 6th, the Library will be able to open with 25% capacity. They will have curbside pick up through the summer. The schools had a virtual graduation last week. The 8th grade graduation was wonderful. There was a wave parade in the afternoon and the graduates drove by as the teachers waved. Then the virtual graduation was in the evening. Councilman Talamini thanked the school board for all they did. Councilman Talamini thanked the Recreation Commission for all they had to do and all the hours involved in order to make the season go forward. The first practice was held today and the kids are so happy to be playing.

Councilman Van Eck: It will be determined whether the Planning Board will hold a meeting in July. The TV Committee will be recognizing graduates in their show that will air next week. He thanked everyone who has watched the VMS graduation. This Week in Oakland is currently airing. The newsletter will be going out July 1st. If anyone has an idea for a story, email Liz Llorente. The Recreation Commission volunteers have an incredible commitment to the town. Councilman Van Eck thanked DPW supervisor Jim McWilliams for retrofitting the Recreation bathrooms for safety requirements. The summer camp will begin July 6th. This great program will follow all safety guidelines but will allow kids to enjoy fresh air and their friends. Fall sports sign ups are taking place online. The next Recreation Commission meeting is June 29th.

Councilman Biale: The Senior Center reopened June 22nd with a limited schedule of social distanced outdoor programs. The calendar is available on the website. Programs are open to Oakland Seniors age 55 and older and they must be registered members. Any Senior who is in need of assistance in regards to obtaining food should contact the Senior Center. The Senior Center is still offering free fitness classes weekly that are open to the entire community. Anyone wishing to participate must register on community pass. The DPW will begin meter readings on July 1st. Fire hydrant flushing and preventative maintenance will take place in June, July and August. Our yard waste hauler has had staffing issues which has caused delays. Councilman Biale asked residents to be patient and leave yard waste out. Orange and Rockland has been responsive to residents having outage issues.

Councilman Pignatelli: The Board of Health met last week and discussed the chicken ordinance. Carol Tyler from Tyco Animal Control will make recommendations for the ordinance. The Board of Health suspended meetings in July and August. He congratulated Alison Fleeson and Carol Peterson. It takes a lot of time to volunteer for these committees and commissions. This year it looks like we will be getting 570 points for Sustainable Jersey certification which is silver certification. The Green Team discussed the census. Councilman Pignatelli encouraged everyone to respond. It is important for Oakland to receive federal funding to offset taxes. Oakland's response is currently at 86%. The Green Team is also working on an Arts Council for Oakland. He spoke about Creative Bergen which is to promote creative community in Bergen County.

Councilman Levy: He spoke about a resident's claim that he should not talk about flood issues because he lives in a flood zone. Councilman Levy explained that people get into public service

to help solve issues that are personal to them. This motivates him to help people. He helped save residents \$ 20,000 by running the flood insurance seminar. The Flood Commission has not met. The river restoration project was supposed to take place this year but we can't meet with the DEP. The Roosevelt park is being done and will be included in the river restoration project. The Borough has been awarded Tree City USA certification again. The Shade Tree Commission has finalized specifications for a forester. The Water & Sewer Committee held a meeting with the residents of Huber Lake. The Wastewater treatment facilities are past their prime and it is not fiscally reasonable to operate them. The Borough is going to put a pump station on the property adjacent to Huber Lake. Our intent is to turn that area into a pollination park once the project is complete. Councilman Levy explained that the Borough is going to eliminate the treatment plants and update the system. The properties serviced by these plants will go to Northwest Bergen County Utilities Authority. The residents of Huber Lake are concerned about the Wilson Street walkway. Councilman Levy explained this will need to be discussed if it is determined to be Borough of Oakland property. Councilman Pignatelli asked if the sewers are predicated on putting in that pump station. Councilman Levy responded it is. The pump station is needed to service the 68 houses currently being serviced by the Skyview treatment plant. He explained that phase 1 of the sewer project is replacing the wastewater treatment plants. He explained that the Borough already has Highlands approval and is waiting for DEP approval. He explained that there will be a 3 inch force main from the pump station to Franklin Avenue where it turns into a gravity system. Councilman Levy advised that the Patriots Way Bridge project has been started. All the utilities met at the bridge last week.

Councilman Knapp: The Fire Department responded to 19 calls in May for 125 hours. Year-to-date, the Fire Department has responded to 111 calls for 795 hours. The First Aid Squad thanked residents who continue to donate PPE. The First Aid Squad participated in 80 drive by birthdays. The First Aid Squad is looking for new members. The Police Department continues to work through the COVID-19 pandemic. They are starting to resume normal operations and are acclimating to the "new normal". Councilman Knapp missed the Great Oak Park meeting.

Mayor Schwager answered the question regarding political signs. She advised that at one time, the ordinance stated that political signs could only go up 30 days prior to an election but that was found to be unconstitutional. She advised that the liaison positions are determined by the Council President.

OPENED FOR PUBLIC DISCUSSION:

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

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

Mike Rose, 665 Ramapo Valley Road, thanked the Council for working together this evening. He spoke of a parking permit to park on the road. He spoke about sidewalks. He asked if it was possible to attach a stipend to speeding tickets to come to the town for safety. He feels he has the right to speak since he is one of the highest taxpayers of the town.

CLOSED FOR PUBLIC DISCUSSION:

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

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

MEETING ADJOURNED:

On motion of Councilman Biale, seconded by Councilman Van Eck, the meeting be adjourned at 9:52 pm.

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

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk
July 8, 2020

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager