

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD VIA ZOOM VIDEO CONFERENCE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY JULY 8, 2020

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Knapp, 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:
Potential Litigation, 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, Van Eck.

Discussion ensued over potential litigation and personnel. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

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

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Biale, Knapp, Levy, Pignatelli, Van Eck. Absent: Councilman Talamini. Also Present: Michael Carelli, Deputy Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

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.

MOTION TO EXCUSE ABSENCE:

On motion of Councilman Pignatelli, seconded by Councilman Levy, the absence of Councilman Talamini be excused.

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

MAYOR'S REPORT:

Mayor Schwager advised the Recreation summer camp is open and following CDC guidelines. Baseball and softball seasons are in progress. Metal pickup will take place tomorrow. The Governor announced new directives about outdoor dining that are confusing. The Governor is allowing businesses to open indoor space if they can expose wall space to the outside and have an overhang. There is also a new directive regarding wearing masks outdoors if you can't maintain social distancing. The exceptions are if a child is under two years old or there is a medical reason that you can't wear a mask. Mayor Schwager is hoping to get an interpretation on the dining in the next few days. Mayor Schwager received a lot of calls and emails regarding the issues at Motor Vehicle. She has been in constant communication with the Police Chief. People were lining up and not social distancing and were also parking on Yawpo Avenue and in the medical building on Yawpo Avenue. Mayor Schwager thanked Chief Sanzari for taking this issue on.

OPENED FOR PUBLIC DISCUSSION:

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, Levy, Pignatelli, Van Eck.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: JUNE 24, 2020

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of June 24, 2020 be approved.

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

APPROVAL OF MINUTES: JUNE 24, 2020 EXECUTIVE SESSION

On motion of Councilman Pignatelli, seconded by Councilman Biale, the minutes from the 420 Mayor and Council Executive Session of June 24, 2020 be approved.

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

RESOLUTION 20-171 APPROVE OCC BYLAWS

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

WHEREAS, the Oakland Communications Commission reviewed their existing bylaws with the main focus of the review being political programming procedures, remote access for the Television Committee and the Bulletin Board Committee and the section relating to the Television Committee overall; and

WHEREAS, said bylaws have been submitted to the Mayor and Council for approval;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby approve the bylaws that were adopted by the Oakland Communications Commission effective May 2020.

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

RESOLUTION 20-172 AUTHORIZE GREEN ACRES PROJECT AGREEMENT

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

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Oakland has previously obtained a grant of \$ 3,025,000 from the State to fund the following project(s):

#0242-04-055 Borough of Oakland Open Space and Recreation Plan; and

WHEREAS, the State and the Borough of Oakland intend to increase Green Acres funding by \$500,000; and

WHEREAS, the applicant is willing to use the State's funds in accordance with its rules, regulations and applicable statutes, and is willing to enter into an Amendment of the Agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF OAKLAND IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY THAT:

1. The Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Borough of Oakland Open Space and Recreation Plan and;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$3,525,000.
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project, and;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
5. This resolution shall take effect immediately.

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

RESOLUTION 20-173 AUTHORIZE SETTLEMENT AGREEMENT-BI-COUNTY

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

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

WHEREAS, on January 14, 1991, a Settlement Agreement was entered into between the Borough of Oakland (the "Borough") and Bi-County Development Corp. ("Bi-County") to provide for affordable housing on property located at Block 3001, Lots 1, 4, 15 and 18 and commonly known as 136, 194 and Back of Long Hill Road, Oakland, NJ; and

WHEREAS, the scope of the Bi-County project was reduced, pursuant to a Settlement Agreement entered into by By-County and the New Jersey Department of Environmental Protection ("NJDEP") on January 28, 2014; and

WHEREAS, the scope of the project, as originally contemplated, has been modified; and

WHEREAS, Bi-County intervened in the Borough's affordable housing litigation; and

WHEREAS, the Borough and Bi-County have determined to enter into a Memorandum of Understanding in order to address the future development of the property to provide affordable housing; and

WHEREAS, the Memorandum of Understanding is on file with the Borough Clerk.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Memorandum of Understanding by and between the Borough of Oakland and Bi-County Development Corp. be executed by the Mayor and Borough Clerk in accordance with the provisions of law.

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

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

RESOLUTION 20-175 APPOINT INTERIM CFO

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

WHEREAS, N.J.S.A. 40A:9-140.10 requires every municipality to have a Chief Financial Officer; and

WHEREAS, David Young was appointed as the Temporary Chief Financial Officer for the term July 26, 2019 through July 26, 2020 in accordance with N.J.S.A. 40A:9-140.13(f) and N.J.A.C. 5:32-2.5(a); and

WHEREAS, the Borough of Oakland is seeking to reappoint Mr. Young for another one (1) year term as the Temporary Chief Financial Officer; and

WHEREAS, the Borough of Oakland has sought the approval from the Director of the Division of Local Government Services for the additional one (1) term of Mr. Young as the Temporary Chief of Financial Officer and is waiting for a response on such approval; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Oakland that subject to the final approval of the Director of Local Government Services, David Young is hereby appointed as Temporary Chief Financial Officer effective July 27, 2020 through July 27, 2021.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Director of the Division of Local Government Services.

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

RESOLUTION 20-176 AUTHORIZE A.C.O.

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

WHEREAS, the Borough of Oakland owns and operates three (3) sewerage treatment plants and their related sewage collective systems which serve selected area within the Borough of Oakland; and

WHEREAS, the Borough was issued fines for violations of the Water Pollution Control Act, N.J.S.A. 58:10A-1, et. seq. at the sewerage plants; and

WHEREAS, the New Jersey Department of Environmental Protection and the Borough have agreed to a schedule for the Borough to decommission its three (3) sewerage plants and for the construction by the Borough of public works for the conveyance of sewage from the Borough's three (3) sewerage treatment plants to the Northwest Bergen County Utilities Authority's treatment plant; and

WHEREAS, in furtherance of the agreement between the Borough and the New Jersey Department of Environmental Protection, the Parties have agreed to enter into an Administrative Consent Order enumerating same, which is attached hereto and is incorporated herein.

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

1. The Borough of Oakland hereby approves the Administrative Consent Order between the Borough and the New Jersey Department of Environmental Protection, attached hereto and incorporated herein.
2. The Borough hereby authorizes the Mayor, or his/her designee, to take all steps reasonable and necessary to effectuate the terms of this Resolution.
3. The Borough hereby authorizes the Mayor, or his/her designee, to execute the Administrative Consent Order with the New Jersey Department of Environmental Protection.

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

RESOLUTION 20-177 AUTHORIZE TAP FEE REFUND

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

WHEREAS, the Borough of Oakland has received a request for a refund of a water tap fee in the amount of \$ 1,200; 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:

Joseph Noury, 169 Page Drive, Oakland, NJ 07436, amount due \$ 1,200

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

RESOLUTION 20-178 AUTHORIZE SNOW PLOW AGREEMENT-B.C.

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

WHEREAS, as part of its snowplowing operations, the Borough of Oakland clears various county roads located within the Borough; and

WHEREAS, the Borough is entitled to be reimbursed by the County of Bergen for such services;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor be and is hereby authorized and directed to execute an agreement by and between the County of Bergen and the Borough of Oakland, in the form annexed hereto and made a part hereof, with respect to the snowplowing operations by the Borough on County roads, including compensation therefor.

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

RESOLUTION 20-179 CHAPTER 159 FIRE PREVENTION GRANT

On motion of Councilman Pignatelli, seconded by Councilman Biale, 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 received notification of a Fire Prevention Grant in the amount of \$3,000 from FM GLOBAL for purchase of new tablets, a camera, and outreach materials for the Fire Prevention Bureau 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:
 Fire Prevention Grant.

BE IT FURTHER RESOLVED that a like sum of \$3,000.00 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:
 Fire Prevention Grant
 Other Expenses - \$ 3,000.00

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, Levy, Pignatelli, Van Eck.

RESOLUTION 20-180 AUTHORIZE REFUNDS-CANCELED SENIOR TRIP

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

WHEREAS, the Borough of Oakland Senior Center has cancelled its casino trip and must refund all participants their registration fees in the total amount of \$ 396.00;; 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:

Len & Carol Abbate, 57 Lakeshore Dr., Oakland, NJ 07436, amount due \$ 24.00
 Linda Adams, 27 Walnut Street, Oakland, NJ 07436, amount due \$ 12.00
 Shirley Alu, 44 Monhegan Ave, Oakland, NJ 07436, amount due \$ 12.00
 Ann Bernhard, 101 E. Oak St, B-7, Oakland, NJ 07436, amount due \$ 12.00
 Betty & Tony Bertuna, 1 Geronimo Way, Oakland, NJ 07436, amount due \$ 24.00
 Ann Marie Dellapia, 104 Hiawatha Blvd, Oakland, NJ 07436, amount due \$ 12.00
 Nancy Dugan, 105 Lakeshore Drive, Oakland, NJ 07436, amount due \$ 12.00
 Athena Fitzgerald, 40 Page Drive, Oakland, NJ 07436, amount due \$ 12.00
 Bernice Forrest, 56 Seminole Ave, Oakland, NJ 07436, amount due \$ 12.00
 Millie & Cecil Glassman, 8 Robin Lane, Oakland, NJ 07436, amount due \$ 24.00
 Sarah Haines, 40 Page Drive, Oakland, NJ 07436, amount due \$ 12.00
 Grace Hammond, 8 First Street, Oakland, NJ 07436, amount due \$ 12.00
 Terry Hudzina 574 Ramapo Valley Road, Oakland, NJ 07436, amount due \$ 12.00
 Marilu Irizzary, 107 Yawpo Ave, Oakland, NJ 07436, amount due \$ 12.00
 Dottie Jung, 63 Spear Street, Oakland, NJ 07436, amount due \$ 12.00
 Joan & Sal Laurice, 41 Iroquois Ave, Oakland, NJ 07436, amount due \$ 12.00
 Lois Mahonchak, 15 Brandywine Place, Oakland, NJ 07436, amount due \$ 12.00
 Carole Manger, 20 Cardinal Drive, Oakland, NJ 07436, amount due \$ 12.00
 Millie McCabe, 8 Pima Court, Oakland, NJ 07436, amount due \$ 12.00
 Barbara & Frank Monaco, 60 Thackeray Rd, Oakland, NJ 07436, amount due \$ 24.00
 Dahliah Nichols, 69 McNamee Street, Oakland, NJ 07436, amount due \$ 12.00
 Trudy O'Connor, 281 Ramapo Valley Road, Oakland, NJ 07436, amount due \$ 12.00
 Dawn Oblak, 52 Grove Street, Oakland, NJ 07436, amount due \$ 12.00
 Claire & Claudia Shine, 15 Hiawatha Blvd, Oakland, NJ 07436, amount due \$ 12.00
 Helen Stewart, 38 Bannehr St., Oakland, NJ 07436, amount due \$ 12.00
 Pat Swenson, 101 E. Oak St., I-1, Oakland, NJ 07436, amount due \$ 12.00
 Laura Watson, 52 Minnehaha Blvd, Oakland, NJ 07436, amount due \$ 12.00

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

RESOLUTION 20-181 CHAPTER 159 CENSUS GRANT

On motion of Councilman Pignatelli, seconded by Councilman Biale, 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 received notification of a Census Communication Grant in the amount of \$1,000 from the County of Bergen for the purpose of outreach to increase the return rate for the 2020 Census 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:
 Bergen County Freeholders Census Grant.

BE IT FURTHER RESOLVED that a like sum of \$1,000.00 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:
 Bergen County Freeholders Census Grant
 Other Expenses - \$ 1,000.00

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, Levy, Pignatelli, Van Eck.

RESOLUTION 20-182 REVISE TEMPORARY OUTDOOR DINING

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

WHEREAS, restaurants are an integral part of the local economies and social fabrics of municipalities; and

WHEREAS, policies regarding restaurants established by the State of New Jersey through law, regulation and executive order rightfully prioritize public health; and

WHEREAS, the proper adherence of measures to mitigate the spread of the Covid-19 virus has greatly affected the business model of restaurants; and

WHEREAS, the Borough wishes to help its local businesses through this difficult time; and

WHEREAS, many restaurants are owned and operated by local families that depend upon continued economic activity; and

WHEREAS, the Borough has promoted the take-out and home delivery services of restaurants as residents have quarantined at home; and

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

WHEREAS, the Borough supports and follows the recommendations of health care professionals to continue proactive measures such as social distancing to curtail the spread of the Covid-19 virus; and

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

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Oakland in the County of Bergen in the State of New Jersey hereby agree as follows:

1. Outdoor seating will be temporarily permitted as an accessory use to a restaurant, fast-food restaurant and drive-in restaurant as those terms are defined in § 59 in the Borough Zoning Ordinance. The temporary period shall be up to 120 days unless a longer or shorter time is established by an Executive Order issued by the Governor.
2. Outdoor restaurant seating will not require the filing of a Site Plan Application.
3. A Temporary Outdoor Restaurant Seating Permit must be obtained prior to the creation of any outdoor seating. A drawing of the proposed outdoor restaurant seating area must accompany the Temporary Outdoor Restaurant Seating Application. This drawing shall show the number, location and size of all proposed tables and chairs and distances to other tables and chairs and distances from any other structures such as a host podium and serving stations. All distance separations shall comply with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions and/or limitations in any applicable Executive Orders. Where available, the sketch shall be superimposed upon an existing site plan drawing or survey.
4. The applicant shall also include an insurance certificate that indicates that the outdoor seating area has been approved by the applicant's insurance carrier.
5. No filing fee is required for a Temporary Outdoor Restaurant Seating Permit.
6. The Borough will expedite the review of all Applications seeking to create outdoor restaurant seating.
7. No performance bond, maintenance bond or engineering inspection fees will be required in connection with an approved outdoor restaurant seating plan.
8. The following standards are hereby created in connection with outdoor restaurant seating:
 - a. Outdoor restaurant seating areas can be located upon public sidewalks where adequate provision is made for the pedestrian public, on relatively level grass areas, and in parking lots where an adequate number of

parking stalls remain in the opinion of the Borough Zoning Officer. Preference should be given to creating outdoor restaurant seating on sidewalks and upon grass areas.

- b. Where outdoor seating is proposed to be created in a parking lot, bollards or other protection structures shall be erected along the perimeters of the outdoor restaurant seating area in order to enhance public safety.
- c. Temporary LED lighting will be required if the outdoor restaurant seating area is proposed to be utilized after dusk.
- d. No candles or open fires permitted.
- e. An awning or umbrellas may be utilized within an outdoor restaurant area, but Tents shall not be permitted.
- f. Serving stations and a host podium may be located within an outdoor restaurant seating area provided a plexiglass or other similar partition is used.
- g. No change in grading will be permitted in order to create an outdoor restaurant seating area, and no temporary flooring or mats may be utilized.
- h. The proposed hours of operation of the outdoor restaurant seating area will be included in the Temporary Outdoor Restaurant Seating Application.
- i. No outdoor restaurant seating area may be located within an approved delivery area/loading zone.
- j. No valet parking is permitted.
- k. Restaurants with existing outdoor seating areas may seek to expand the existing area.
- l. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcoholic Beverage Control Commission; therefore, all applicants are responsible for verifying that their liquor license permits the serving of alcohol outdoors. Any Temporary Permit to expand the service of alcoholic beverages shall be administratively approved by the Borough Clerk and Police Chief..
- m. In multi-tenanted properties, an approved outdoor restaurant seating area must be approved by the restaurants landlord and discontinued or reduced in size if other retail, personal service and/or commercial establishments are permitted to reopen and there is not then an adequate number of parking stalls available in the discretion of the Borough Zoning Officer.

- n. An approved outdoor restaurant seating area must be discontinued or reduced in size if proper social distancing is not maintained or the restaurant establishment does not comply with applicable sanitary and cleaning standards, use of masks and partitions or other Executive Order requirements issued by the Governor.
- o. The Borough Zoning Officer shall have the discretion to create additional standards for a particular property and to fashion such conditions as may be necessary to further the purposes of the Borough Zoning Ordinance in §_59_ as well as the goals and objectives of the Borough's Master Plan.
- p. Additional provisions concerning such issues as the maximum number of people at a table; required minimum distances between tables; and standards for addressing patrons waiting to be seated will be formulated after the promulgation of the Governor's Executive Order permitting restaurants to reopen.

9. This Resolution shall take effect on the date that restaurants for dine-in service are permitted to reopen by executive order of the Governor.

BE IT FURTHER RESOLVED that this Resolution is effective as of July 1, 2020.

BE IT FURTHER RESOLVED that this Resolution supersedes Resolution 20-154

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to: (i) the eateries located within the Borough of Oakland; (ii) the Zoning Officer of the Borough of Oakland; (iii) Brian M. Chewcaskie, Borough Attorney.

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

RESOLUTION 20-183 AUTHORIZE TWA APPLICATION

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

WHEREAS, the Borough of Oakland is in the process of decommissioning its wastewater treatment plants and constructing a conveyance system to the Northwest Bergen Utilities Authority; and

WHEREAS, this project requires the issuance of a TWA approval by the NJ Department of Environmental Protection;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough Administrator is authorized to sign the TWA permit application on behalf of the Borough of Oakland

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

INTRODUCTION: ORDINANCE NO 20-BOND-809 2020 CAPITAL PURCHASES

The Clerk was directed to take from table Ordinance No. 20-Code-809 and read by title for its first reading.

The Clerk then read by title Ordinance No. 20-Code-809 entitled: " CAPITAL ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND ACQUISITIONS IN, BY AND FOR THE BOROUGH, APPROPRIATING THEREFOR THE SUM OF \$864,200 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM THE CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND OF THE BOROUGH."

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

BE IT RESOLVED that an Ordinance entitled, Capital Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey Authorizing The Making Of Various Public Improvements And Acquisitions In, By And For The Borough, Appropriating Therefor The Sum Of \$864,200 And Providing That Such Sum So Appropriated Shall Be Raised From The Capital Improvement Fund Of The General Capital Fund Of The Borough, be introduced;

That said Ordinance be considered for final adoption at a meeting on July 22, 2020 held via Zoom video conferencing at 7:30 P.M.

That said Ordinance be published in full in The Record on or before Monday July 13, 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, Levy, Pignatelli, Van Eck.

INTRODUCTION: ORDINANCE NO 20-BOND-810 2020 BOND ORDINANCE

The Clerk was directed to take from table Ordinance No. 20-Bond-810 and read by title for its first reading.

The Clerk then read by title Ordinance No. 20-Bond-810 entitled: " BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$5,561,250 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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 Levy, 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 Making Of Various Public Improvements And The Acquisition Of New Additional Or Replacement Equipment And Machinery In, By And For The Borough Of Oakland, In The County Of Bergen, State Of New Jersey, To Appropriate The Sum Of \$ 5,561,250

To Pay The Cost Thereof, To Make A Down Payment, 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 July 22, 2020 held via zoom video conferencing at 7:30 P.M.

That said Ordinance be published in full in The Record on or before July 13, 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, Levy, Pignatelli, Van Eck.

INTRODUCTION: ORDINANCE NO 20-BOND-811

The Clerk was directed to take from table Ordinance No. 20-Bond-811 and read by title for its first reading.

The Clerk then read by title Ordinance No. 20-Bond-811 entitled: " BOND ORDINANCE TO AMEND SECTIONS 4.B AND 10 OF THE BOND ORDINANCE (ORD. NO. 18-771) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,995,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, 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," ADOPTED ON JULY 25, 2018.

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

BE IT RESOLVED that an Ordinance entitled, " Bond Ordinance To Amend Sections 4.b and 10 Of The Bond Ordinance (Ord. No. 18-771) Entitled: "Bond Ordinance to Authorize The Making of Various Public Improvements In, By and For The Borough of Oakland, In The County of Bergen, State of New Jersey, To Appropriate The Sum of \$2,995,000 To Pay The Cost Thereof, To Make A Down Payment, 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," Adopted on July 25, 2018, be introduced;

That said Ordinance be considered for final adoption at a meeting on July 22, 2020 via zoom video conferencing at 7:30 P.M.

That said Ordinance be published in full in The Record on or before July 13, 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, Levy, Pignatelli, Van Eck.

NEW BUSINESS:

Councilman Knapp voiced continued concern with Route 287. The DOT fixed potholes and patched the road but it is still horrible. He doesn't know what the next step is but he thinks the Borough needs to go further than we have gone before. He suggested contacting the Governor's office because the DOT is not receptive enough. It is a big problem for people who are coming up 287 and don't realize what they are getting into. He stated that the concrete portion of the roadway is horrible. He commented that the road from Cannonball bridge to mile marker 58.4 needs to be redone. He is tired of the State filling potholes and the potholes need to be filled again the following week. There are so many accidents in that area and it is mind-boggling that the State government is letting this happen.

Borough Engineer John Yakimik advised that he has been pushing the DOT Community Relations liaison for a response. Mr. Yakimik received a response a few hours ago. The DOT talked about signage and striping but did not talk about redoing the roadway. Mr. Yakimik agrees with Councilman Knapp that the roadway needs major rehabilitation. Councilman Knapp felt that was an understatement. Mayor Schwager asked why we are not going to the federal government since 287 is an Interstate. Councilman Levy responded that the NJDOT is responsible for that highway. Mr. Yakimik responded that the State has ownership and jurisdiction. Mayor Schwager asked if we should take our legislators on another tour of the area. Mr. Yakimik advised that the response to today's email should be very stern and to the point that we are very concerned that the DOT will not rehabilitate the roadway. Mayor Schwager advised that Senator Cardinale, Assemblyman Auth, Assemblywoman Schepisi and the Governor should be copied on our response.

Councilman Knapp asked if we can put the DOT on notice because there have been so many accidents. Mr. Yakimik responded that we have notified them three times and sent photos of accidents. He does not know what else to do. Mr. Kunze advised that we have sent the DOT traffic data and accident reports with photos and Mr. Yakimik has been pushing them for a response. Mr. Kunze reiterated that we need to tell DOT that we are underwhelmed with their response.

Councilman Pignatelli asked if they agreed to the sign. Mr. Yakimik advised they agreed to a chevron and will look into blinking lights. It is extremely disappointing that they didn't mention repairing the road. Councilman Levy asked Mr. Yakimik what would be involved with doing an engineering report identifying the failures in that roadway. The concrete is pitted and causes trucks' wheels to skip. Mr. Yakimik responded the most effective thing is to show the DOT the different sections of the highway from here to Boonton that have been rehabilitated in the past year. This one section of roadway has glaringly not been addressed. Mayor Schwager asked why they took care of the Boonton section. Mr. Yakimik responded it was most likely cost. The other sections were overlaid with asphalt. An asphalt overlay on top of that section would make it smoother. Mayor Schwager asked about the curb. Councilman Levy responded that the curb causes inertia for the trucks. A smooth road is necessary to solve the problem. Councilman Knapp thinks the asphalt overlay will help solve the issue. He advised it is bad on the south bound side as well.

Mr. Yakimik will work with Mr. Kunze to draft a stern response to the DOT. Mayor Schwager asked that the legislators and Governing Body be copied on the response.

Councilman Van Eck brought up the traffic signal at Franklin Avenue and 202. Since that light is at the end of its life, he asked if the Borough can look into an adaptive system to help alleviate traffic. He explained that Teaneck has one. Councilman Levy stated it is not the Borough's

traffic light. Mayor Schwager explained about the issues of dealing with the County and State. She explained that Councilman Biale worked with the entities to coordinate the cycle of the lights. Councilman Biale explained that the State put a computer in each traffic box and it resets during the middle of the night. He concurs with Councilman Van Eck's concern over the Franklin Avenue light and the people who refuse to turn into the left lane and block traffic on 202. He advised that the light is not the Borough's.

Councilman Van Eck asked if there is a way to make the light under one jurisdiction. He thinks it is important to have an adaptive system. Mr. Chewcaskie explained that an adaptive system is computerized with cameras to react to traffic in real time. He advised that Fort Lee worked with the State and County to get an adaptive system for traffic headed toward the bridge. It can be done but it is expensive and someone needs to run the system. He advised that Fort Lee manages the system. He explained that either the County or the municipality would have to manage the system but the State would have to give permission. Councilman Knapp stated he would work with Councilman Van Eck and the traffic officer on this matter.

OLD BUSINESS:

Mayor Schwager advised that the dismantling of the Stream House was delayed with the pandemic. Mr. Kunze advised that the bid opening will take place in August. The Stream House should come down in the fall.

Councilman Van Eck wanted to follow up regarding the Suburban News. Mr. Chewcaskie advised that he prepared a letter to be sent to the Suburban News.

Councilman Van Eck wanted to bring up the Borough's request to Altice to upgrade the resolution for our local access channel to 720 pixels. Mr. Kunze advised that the Borough Clerk sent the resolution to the Government Affairs person at Altice. She had indicated that she would get back to us with a response.

COUNCIL REPORTS:

Councilman Knapp: The Police Department wants to remind residents that certain fireworks are illegal. Fireworks that are aerial and explode are illegal. The fireworks that are purchased in NJ are legal. People are doing fireworks constantly and it is not fair to dogs, to our veterans or special needs people. Officers responded to a lot of fireworks complaints and issued one summons. The Police officers will be enforcing the law. Councilman Knapp advised that the County will be restriping Ramapo Valley Road from Franklin Ave to Long Hill Road on Friday and Saturday, weather permitting. Ramapo Valley Road was scheduled to be paved this year but has been delayed due to COVID-19. Councilman Knapp contacted the County and asked if they could at least do the striping.

Councilman Levy: The Flood Commission has not met. The Shade Tree Commission met Monday. They are looking for two new members. They hope to have a job description for a forester at the next meeting.

Councilman Pignatelli: The Environmental Commission met and talked about the Sandy Beach property. Councilman Pignatelli will report back to them on what the Mayor and Council decided. The Administration Committee will meet on July 15th to discuss the bylaws. They will report back to the Council to seek input.

Councilman Biale: The Senior Center Director, Arielle Preciado, would like to send a message to the members of the community who went shopping for Seniors. The volunteers went above and

beyond and the Seniors are grateful. Oakland is a community that comes together in times of need. Ms. Preciado thanked all the volunteers. The Senior Center is having a limited schedule of socially distanced programs on the outdoor patio. There is an updated calendar with policies and procedures on the website. The programs are only open to Oakland Seniors who are registered members of the Senior Center. The Senior Center is hosting free Zoom fitness classes open to the entire community. They take place Tuesday from 1 to 2 pm and on Thursday from 10 to 10:45 am. The DPW is asking residents to limit outdoor watering to odd/even schedule. The excessive consumption coupled with lack of rainfall has caused a slow decline in the levels in our water tanks. This could help avoid mandatory restrictions going forward. Hazardous waste pick up will take place on July 18th at Campgaw.

Councilman Van Eck: Planning Board meeting is being postponed. Recreation baseball and softball are in full swing. Coaches are wearing masks and working hard to socially distance players. The Kindergarten to second grade lacrosse program starts Saturday. This is a new program and he thanked the dads who volunteered to run the program. Fall sport signups are ongoing. The OCC had a great meeting on Monday. There is an opening on the Commission for the secretary role. Councilman Van Eck thanked everyone who participated in the graduation episode of This Week in Oakland. The finale of the 12-week episode series This Week in Oakland will air tomorrow. He thanked everyone who participated. The Borough of Oakland is now on Instagram. He asked residents to email Oaklandcrossroads@gmail.com with ideas of stories.

OPENED FOR PUBLIC DISCUSSION:

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

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

Mike Rose, 655 Ramapo Valley Road, thanked the Mayor and Council for working together. The adaptive light is amazing technology and we have to do something about traffic in town. He mentioned the speed on 287 and asked if a ghost police car would slow down traffic. He thanked them for helping the restaurants in town.

CLOSED FOR PUBLIC DISCUSSION:

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

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

BILLS TO BE PAID:

On motion of Councilman Knapp, seconded by Councilman Biale, the following bills be submitted for payment:

(see following pages)

BE IT RESOLVED that the foregoing bills be paid and charged to their respective accounts when the funds are available.

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

MEETING ADJOURNED:

On motion of Councilman Levy, seconded by Councilman Pignatelli, the meeting be adjourned at 8:23 pm.

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

Lisa M. Duncan

Lisa M. Duncan, Borough Clerk

July 22, 2020

Date Approved

Linda H. Schwager

Mayor Linda H. Schwager