

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD VIA VIDEO CONFERENCE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
TUESDAY APRIL 7, 2020

MEETING CALLED TO ORDER: By Mayor Schwager at 7:32 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. This meeting is being held via video conference pursuant to guidelines issued due to the COVID-19 emergency. There will be no flag salute or moment of silence this evening.

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MAYOR'S REPORT:

Mayor Schwager advised that information regarding COVID-19 is on the Borough Website, on the Borough's Facebook and Twitter page and by reverse 911 calls. Residents can sign up for the reverse 911 calls on the Borough website under Swiftreach. The State has an informative website. Mayor Schwager advised that we are trying to get as much information as possible out to the residents. The Memorial Day Parade will be canceled.

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.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Levy, seconded by Councilman Biale, 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: MARCH 11, 2020

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of March 11, 2020 be approved.

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

APPROVAL OF MINUTES: MARCH 25, 2020

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of March 25, 2020 be approved.

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

APPROVAL OF MINUTES: MARCH 11, 2020 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Executive Session of March 11, 2020 be approved.

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

APPROVAL OF MINUTES: MARCH 25, 2020 EXECUTIVE SESSION

On motion of Councilman Biale, seconded by Councilman Pignatelli, the minutes from the Mayor and Council Executive Session of March 25, 2020 be approved.

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

APPOINTMENT: GREEN TEAM

Mayor Schwager appointed Courtney Carbone to a one-year term on the Green Team.

RESOLUTION 20-121 AUTHORIZE RIGHT OF WAY AGREEMENT

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

WHEREAS, Cross River Fiber, LLC made a request to the Borough of Oakland seeking the Borough's consent to locate, place, attach, install, operate and maintain facilities within public rights-of-way for purposes of providing telecommunication services; and

WHEREAS, an agreement has been prepared by the Borough Attorney to provide such consent; and

WHEREAS, the Mayor and Council of the Borough of Oakland have determined that it is in the best interest of the citizens of Oakland to grant consent to Cross River Fiber, LLC.

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

1. The Mayor and Borough Clerk are authorized to enter into a Rights-of-Way Use Agreement with Cross River Fiber, LLC in order to locate, place, attach, install, operate and maintain facilities within public rights-of-way for purposes of providing telecommunication services in the form attached hereto as Exhibit A.
2. A copy of this Resolution shall be provided to Cross River Fiber.

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

RESOLUTION 20-122 AUTHORIZE ENGINEERING-GREAT OAK PARK BANDSHELL  
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 desires to purchase a Bandshell for Great Oak Park; and

WHEREAS, there is a need for engineering services required for the project; and

WHEREAS, Boswell Engineering has submitted a proposal dated March 20, 2020 for the work required in an amount not to exceed \$ 10,300 broken down as follows; and

Task 1	Site Plan	\$ 0
Task 2	Geotechnical Investigation	\$ 7,900
Task 3	Contract Documents	\$ 2,400

WHEREAS, Boswell Engineering has submitted all the paperwork necessary to comply with the Borough of Oakland’s Pay-to-Play requirements; and

WHEREAS, the award of this contract is for a professional service for which no public bidding is required; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # T-13-56-286-002;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize Boswell Engineering to perform the engineering services for the Great Oak Park Bandshell project at a cost not to exceed \$ 10,300 as specified in their proposal; and

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

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

RESOLUTION 20-123 ACCRUED TIME PAYOUT-J. ANGERMUELLER  
On motion of Councilman Biale, seconded by Councilman Pignatelli, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, N.J.A.C. 5:30-15 establishes rules that govern how local government units manage and finance compensation for accumulated absence time for their respective employees, and

WHEREAS, accumulated absence includes any sick days, vacation days, personal days, compensatory time or any other absence time authorized as part of an employer agreement, which

is not used by the employee during the allowed period and which is permitted to accumulate over time to the benefit of the employee, and

WHEREAS, the Chief Financial Officer has certified that the funds and authority exists to pay the part of the accumulated absence, as per the attached schedule, to Jerri Angermueller for sick, vacation, personal and compensatory time accumulated in the amount of \$ 30,573.52 ; and

WHEREAS, the attached certification and documentation are presented to comply with the rules and regulations established by the Local Finance Board.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the total sum \$ 30,573.52 composed of 322 hours of vacation time, 490 hours of sick time, and 17 hours of personal time and 0 hours compensatory time be paid out to Jerri Angermueller. Said payment to be paid out of the Accumulated Absence Trust Fund established in 2010 for this purpose

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

**RESOLUTION 20-124 CONFIRM LAYOFF-CROSSING GUARDS**

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

WHEREAS, due to the COVID-19 virus pandemic, all public schools throughout the State of New Jersey, including the schools located in the Borough of Oakland have been ordered to close by Executive Order No. 104 of Governor Philip D. Murphy; and

WHEREAS, the schools in the Borough have been closed since March 16, 2020 and must remain closed for as long as the Executive Order remains in effect; and

WHEREAS, the Borough Administrator determined that with the closure of schools it is necessary for the Borough to implement a reduction in force in school traffic guards due to a lack of work; and

WHEREAS, the Borough Administrator issued notices of layoff to all school traffic guards with an effective layoff date of April 6, 2020; and

WHEREAS, the Borough of Oakland is desirous of ratifying the actions of the Borough Administrator and the layoff of the school traffic guards; and

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Oakland, in the County of Bergen and State of New Jersey that due to a lack of work the April 6, 2020 layoffs of school traffic guards implemented by the Borough Administrator are hereby ratified.

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

RESOLUTION 20-125 AUTHORIZE REFUND TAXES-BL. 1805, L14

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 from the property owner of River Road (Block 1805, Lot 14) for a refund of taxes due to an overpayment; and

WHEREAS, N.J.S.A. 40A:5-17 requires governing body approval for said refund;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon advice of the Tax Collector, do hereby authorize a refund to be sent to:

Thomas & Crystal Loweth, 36 River Road, Oakland, NJ 07436 amount due \$ 608.47

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

FINAL PUBLIC HEARING: ORDINANCE NO. 20-CODE-807 AMEND FEE ORDINANCE

The Clerk was directed to take from the table Ordinance No. 20-Code-807 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled " AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF OAKLAND TO ESTABLISH A FEE FOR PARTICIPATION IN THE LIVING HEALTHY JOURNEY PROGRAM."

OPENED FOR PUBLIC DISCUSSION:

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

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

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

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

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing The Revised General Ordinances Of The Borough Of Oakland To Establish A Fee For Participation In The Living Healthy Journey Program, be adopted;

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published by title in The Record in the manner provided by law.

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

FINAL PUBLIC HEARING: ORDINANCE NO. 20-CODE-808 CAP BANK

The Clerk was directed to take from the table Ordinance No.20-Code-808 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled “ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”

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.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Biale, 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.

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

BE IT RESOLVED that an Ordinance entitled, ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”, be adopted;

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby directed to cause said Ordinance to be published by title in The Record in the manner provided by law.

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

WORK SESSION:

DIGITAL SIGN FUNDING:

Mr. Kunze explained that at the last meeting, there was request for additional information to give background on the digital sign. The report that was provided included quotes received prior to

going out to bid. Mr. Kunze needs to know how the Council would like to proceed. If we are going to award the bid for the digital sign, we need to get supplemental funding in place.

**MOTION TO TABLE:**

On motion of Councilman Pignatelli, seconded by Councilman Van Eck, the discussion of the digital sign funding be tabled.

**ROLL CALL:** Yeas, Councilmembers Biale, Pignatelli, Talamini, Van Eck.  
Nays, Councilmembers Knapp, Levy.

Mr. Kunze explained this means that on the next agenda, a resolution to reject the bids will be on because there is no additional funding in place to award the bid. He advised that we will go out to bid again in the future. Mr. Chewcaskie advised if the Council were going to fund the sign, it would have to be out of the operational budget. Councilman Knapp asked what this is going to do to the budget. Mr. Kunze advised that the draft capital plan included supplemental funding for the sign. We will have to decide whether or not to keep it in the plan. Councilman Pignatelli asked if we can fund it but not proceed to purchase yet. Councilman Levy commented that if the Council had not voted to table this discussion, we could have voted to put the funding in the budget. Putting the funding in the budget is not a commitment to purchase the sign or the location to put the sign. If this is tabled until the fall, this becomes a next year project. Mr. Kunze responded that this is in the capital plan. If the Council decides to keep it in the capital plan, we can do a bond ordinance at a later time. Mr. Chewcaskie advised that anyone can make a motion to bring it back from the table at a future meeting. If it comes off the table, it is open for discussion.

**WAIVER OF INTEREST AND PENALTIES-SECOND QUARTER TAXES**

Mr. Kunze explained that there have been a number of inquiries about relief from second quarter taxes. He explained that options are limited. The way the statute reads, the municipality can't extend the due date or the grace period. We can waive interest but would have to notice all property owners. The CFO included a report for the Mayor and Council. He looked at the issue with the Bond Counsel and Borough Auditor. They feel it would cause enough of a disruption in cash flow that it would require the Borough to take out Tax Anticipation Notes. The Bond Counsel has advised that the interest on TAN's would cost the Borough between \$ 10,000 and \$ 25,000 per month in interest charges. At this time, the recommendation is to remain status quo. The State has started to look at whether it is feasible to extend the grace period.

Mayor Schwager advised that the Borough collects taxes for the town, the schools and the County. The Borough's portion is small compared to the school's share. If we delay payment to the Borough, we may have to take TAN's in order to have funds to pay the County and schools. Mayor Schwager spoke to legislators in the State. The legislators are in discussion on whether the County and the schools can extend the grace period for us to pay them. The legislature is due to meet on April 13<sup>th</sup> and this issue is in for discussion. She asked if the April 22<sup>nd</sup> meeting is too late to make a decision. Mr. Kunze responded that according to the law, every taxpayer must be notified. He questioned if that would necessitate a mailing. Mr. Chewcaskie responded that the municipality would be allowed to put the notice on the website. However, in all likelihood we will not have concrete direction from the legislature next week. The only thing the municipality can do is waive interest and penalties.

Discussion ensued over the consequences of waiving or changing interest. Mr. Kunze responded that if there are a large number of delinquencies it would cause a cash flow problem for the Borough because we have to send 75 % of the taxes collected to the schools and the County. He reiterated that the interest payment on Tax Anticipation Notes would cost the Borough between

\$ 10,000 and \$ 25,000 per month. Councilman Levy commented that this would have a negative tax implication for residents down the road. He would like to hear from residents.

#### NEW BUSINESS:

Councilman Knapp advised that two of the Borough's volunteer firefighters have Covid-19. They have been on life support for two weeks. He asked residents to send prayers because it is touch and go for these two men.

#### COUNCIL REPORTS:

Councilman Knapp: OEM Coordinator Roy Bauberger has been forwarding information daily. He has filed for and received materials from the federal stockpile, has registered us with FEMA, and has had open communications with other OEM agencies as well as discussing a plan with Borough agencies. Councilman Knapp advised that the Police, Fire Department and First Aid Squad have had to modify responses due to the health emergency. Councilman Knapp read a statement from the Police Chief on the policy for doing a birthday drive-by. Starting April 8<sup>th</sup>, there will be a birthday drive-by program for children 12 and under. The Police Department will work to schedule a lights and sirens drive-by. However the fire trucks and ambulances will not be able to be used although they will bring the Chief's vehicle. There must be 48 hour notice in order to schedule. Councilman Knapp advised that every time the fire apparatus is brought out it needs to be decontaminated as well as the fire house. The Borough did purchase a decontamination machine to use to decontaminate buildings or vehicles.

Mayor Schwager acknowledged two donations. The first is by Teresa Cristaldi of Atelier who made and donated 130 masks for the Fire Department, Police Department and First Aid Squad. The second is from Charlie's Custom Cabinets who donated 300 gloves for the Police Department, Fire Department and First Aid Squad.

Councilman Van Eck: The Planning Board meeting has been postponed for April and they are working on the May meeting. The OCC is looking for new members and stories that are uplifting. Councilman Van Eck gave a shout out to OCC Chairman Ryan Schwertfeger who is in the control room so this meeting can go out to the public. Recreation football, cheerleading and soccer sign ups are ongoing. There will be a decision made in April regarding spring sports.

Councilman Levy: The Shade Tree Commission and Flood Commission have not met. The Borough has rules on shade trees and floodplain management that need to be followed. Residents need to follow the DEP guidelines with floodplain management. If the guidelines are not followed, they can remove us from the NIFP. There are two instances where trees were removed without permits. He asked residents to please apply for permits.

Councilman Biale gave a shout out to Senior Center Director Arielle Preciado who is continuing to coordinate volunteers to help Seniors. If Seniors need help getting groceries or prescriptions, please contact Arielle at the Senior Center. Councilman Biale sent thoughts and prayers to the family of longtime resident Charlie Page who passed away. The DPW advised that yard waste pick up has begun. There was a glitch today. Mr. Kunze explained that due to staffing issues, Suburban Disposal has been running behind schedule. Residents are advised to leave yard waste by the curb. This may be the case moving forward. Councilman Biale asked residents to follow rules about social distancing and to stay indoors. He wished the best to the residents and offered prayers to those who are suffering.

Mayor Schwager advised residents that the DPW workers are working. They are staggering workers and they are working one employee per truck. Mayor Schwager asked residents to clean



up their gloves and not to throw them on the ground because it is a health hazard. Mayor Schwager advised that there was a procession for Charlie Page around Academy Circle and the residents put up signs. There will be a Memorial service in the fall.

Councilman Pignatelli: He welcomed the new member to the Green Team. He advised that the volunteers are so valuable to the Borough. The Public Events Committee will hold a zoom meeting on April 13<sup>th</sup> at 4:00 pm. Councilman Pignatelli reminded residents to wash their hands for 20 seconds to kill the virus. He stated it is a tragedy to see people throw their gloves all over the place instead of disposing in the garbage. He offered prayers for the two firemen.

Councilman Talamini: The schools are educating the kids electronically. The Library is open digitally to download books and movies. The Finance Committee met and went over the budget. The Finance Committee will meet again with the whole Council to present the budget. He thanked the first responders, medical personnel and the Borough employees for all they are doing during this emergency. It is greatly appreciated. Councilman Talamini is disappointed that recreation sports is not going on because he enjoys coaching so much and misses the kids on his team. He wished residents a Happy Passover and Happy Easter.

Councilman Knapp advised that the DPW is part of emergency services. The residents might not see as many trucks on the road but they are working.

**OPENED FOR PUBLIC DISCUSSION:**

On motion of Councilman Levy, 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.

No comments made.

**CLOSED FOR PUBLIC DISCUSSION:**

On motion of Councilman Levy, seconded by Councilman Biale, 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 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, Talamini, Van Eck.

Mayor Schwager advised that this is a very holy week. She wished everyone a happy and healthy holiday whichever one is being celebrated. Mayor Schwager advised that the Governor has closed all State and County parks. She reminded residents to practice social distancing.

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Van Eck, the meeting be adjourned at 8:33 pm.

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

*Lisa M. Duncan*

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Lisa M. Duncan, Borough Clerk  
April 22, 2020

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Date Approved

*Linda H. Schwager*

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Mayor Linda H. Schwager