

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY FEBRUARY 11, 2015

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Pignatelli, seconded by Councilman Jensen, 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:
Litigation, Negotiations, 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 Coira, Jensen, Kulmala, Pignatelli, Talamini.

Discussion ensued over personnel matters and potential litigation. Discussion on labor negotiations was carried. No action taken.

CLOSE EXECUTIVE SESSION:

On motion of Councilman Kulmala, seconded by Councilwoman Coira, the Executive Session be closed.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

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 Coira, Jensen, Kulmala, Pignatelli, Talamini. Absent: Councilman Visconti. Also Present: Lisa M. Duncan, Borough Clerk; 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.

EXCUSE ABSENSE:

On motion of Councilman Jensen, seconded by Councilman Pignatelli, the absence of Councilman Visconti be excused.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

MAYOR'S REPORT:

The Borough Administrator is sick today so he is not in attendance this evening. There is more snow coming tomorrow and Saturday. She advised residents to be careful. She asked residents not to throw snow back in the streets after the DPW plows. She asked residents to clear fire hydrants and sidewalks. She advised that there are openings on Boards and Commissions.

APPROVAL OF MINUTES: JANUARY 14, 2015

On motion of Councilman Pignatelli, seconded by Councilwoman Coira, the minutes from the Mayor and Council meeting of January 14, 2015 be approved.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

APPROVAL OF MINUTES: JANUARY 28, 2015

On motion of Councilwoman Coira, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of January 28, 2015 be approved.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

APPROVAL OF MINUTES: JANUARY 14, 2015 EXECUTIVE SESSION

On motion of Councilman Jensen, seconded by Councilwoman Coira, the minutes from the Mayor and Council Executive Session of January 14, 2015 be approved.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

APPROVAL OF MINUTES: JANUARY 28, 2015 EXECUTIVE SESSION

On motion of Councilman Jensen, seconded by Councilwoman Coira, the minutes from the Mayor and Council Executive Session of January 28, 2015 be approved.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Jensen, seconded by Councilwoman Coira, this portion of the meeting be opened for public discussion.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

Keith Ahearn, 34 Pawnee Avenue, he has complained for over ten years about speeding by residents and nothing has been done. He advised that someone is going to get hurt or killed. There should be a no tolerance policy by the Police Department. Mayor Schwager advised there needs to be a meeting set up with the Police Committee, Police Chief, and Traffic Officer. Councilman Kulmala advised he will set up a meeting.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilman Jensen, seconded by Councilwoman Coira, this portion of the meeting be closed to public discussion.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

CERTIFICATE OF APPRECIATION

Mayor Schwager presented a certificate to former Recreation Commissioner Marty O'Brien for his dedication and commitment to the Recreation program over the years.

APPOINTMENTS TO PUBLIC EVENTS COMMITTEE:

Mayor Schwager brought forth the nominations of Michael Kozak, Thomas Russo and Sharon Fadini for two-year appointments to the Public Events Committee.

MOTION TO CONSENT:

On motion of Councilman Talamini, seconded by Councilman Jensen, the Council consented to the appointments of Michael Kozak, Thomas Russo and Sharon Fadini to two-year appointments on the Public Events Committee.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

RESOLUTION 15-45 AUTHORIZE LEASE WITH UNIVERSAL BROADCASTING

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

WHEREAS, the Borough of Oakland leased certain real property located at Block 1601, Lot 3 to the predecessor of Universal Broadcasting in or about 1989, which lease includes renewal options up to and through 2029; and

WHEREAS, the tenant, Universal Broadcasting, requested consent to a sub-lease of a portion of one of the broadcasting towers for the placement of an antenna to McKay Brothers, LLC; and

WHEREAS, the Borough initially denied the consent to the sub-lease, but the parties thereafter have negotiated an Amendment to the Lease; and

WHEREAS, the Lease Amendment is attached hereto and made a part hereof; and

WHEREAS, the Lease Amendment has been reviewed by the Borough Attorney; and

WHEREAS, the Mayor and Council have reviewed the terms of the Lease Amendment, and have discussed this matter in detail, and believe that the execution of the Lease Amendment is in the best interests of the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Mayor be and she is hereby authorized to execute the Lease Amendment between the Borough of Oakland and Universal Broadcasting; and be it further

RESOLVED that a copy of this Resolution and the Lease Amendment shall be maintained by the Borough Clerk in her office, for public inspection.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

RESOLUTION 15-69 COMPLIANCE WITH INTERNAL REVENUE CODE FOR BAN SALE
On motion of Councilman Jensen, seconded by Councilman Jensen, the following resolution be introduced, adopted and duly passed by roll call vote:

WHEREAS, the Borough of Oakland, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, that require issuers of tax-exempt obligations, such as the Borough, to account for and rebate certain arbitrage earnings to the United States Treasury and to take such other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue \$ 9,693,000 of Notes consisting of \$7,844,000 General Bond Anticipation Notes, \$1,617,000 Water Utility Bond Anticipation Notes and \$232,000 Sewer Utility Bond Anticipation Notes, each of the three issues dated February 4, 2015 and payable May 26, 2015 (collectively, the "Notes");

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oakland, in the County of Bergen, New Jersey, as follows:

SECTION 1: The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Notes) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2: The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3: This resolution shall take effect immediately upon adoption.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

RESOLUTION 15-70 REDUCTION IN PERFORMANCE BOND

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

WHEREAS, Bill Smith, Jr. posted a performance bond by way of Letter of Credit No. 630061810 in the amount of \$459,163.62, along with the cash portion of the performance bond in the amount of \$51,018.18 (total amount \$510,181.80) with the Borough of Oakland; and

WHEREAS, the aforementioned guarantees were posted in connection with on site improvements for the premises known as Block 3311, Lot 2.01; and

WHEREAS, a substantial amount of site work has been completed by Bill Smith, Jr. and same has been inspected and approved by the Borough Engineer, Boswell McClave Engineering; and

WHEREAS, Bill Smith, Jr. has requested a reduction in the performance bond; and

WHEREAS, the Mayor and Council of the Borough of Oakland has reviewed the recommendation of Boswell McClave Engineering dated January 2, 2015, and have determined that the site improvements for the project have been sufficiently completed to warrant a seventy percent reduction in the bond from \$510,181.80 to \$153,054.99.

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

1. The site improvements required by that certain Developer's Agreement with Bill Smith, Jr. at the property located at Block 3311, Lot 2.01 have been sufficiently completed to warrant a reduction of the performance bonds from \$510,181.80 to \$153,054.99 as follows:

Performance Bond (Letter of Credit)	\$137,749.09
Cash Performance Bond	\$ 15,305.46

2. The Chief Financial Officer of the Borough of Oakland is hereby authorized to accept the reduction in performance bonds as follows:

Performance Bond (Letter of Credit)	\$137,749.09
Cash Performance Bond	\$ 15,305.46

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to: (i) the Chief Financial Officer of the Borough of Oakland; (ii) the Construction Code Official of the Borough of Oakland; (iii) Bill Smith, Jr.; (iv) Brian M. Chewcaskie, Borough Attorney.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

RESOLUTION 15-71 SHARED SERVICE AGREEMENT-BOARD OF EDUCATION

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

WHEREAS, the Borough of Oakland Board of Education and the Borough of Oakland desires to repave the parking lot adjacent to Valley Middle School, which is owned in part by the Board of Education and in part by the Borough of Oakland; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes public entities to enter into a contract with each other to share services which the entities are empowered to provide or receive within their own jurisdictions, including services incidental to the primary purposes of any of the participating public entities; and

WHEREAS, the Borough and the Board of Education desire to jointly undertake the project for the parking lot improvements adjacent to the Valley Middle School, which will benefit both the school community and the residents of the Borough; and

WHEREAS, the Borough of Oakland desires to enter into a shared service agreement which sets forth the obligations and responsibilities of each party, with the Oakland Board of Education, in the form attached to this Resolution.

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 execute the shared service agreement in the form annexed to this Resolution.
2. Certified copies of this Resolution shall be provided to the Oakland Board of Education, the Borough Engineer and Brian M. Chewcaskie, Borough Counsel.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

RESOLUTION 15-72 INTERLOCAL AGREEMENT WITH WALDWICK WELL-BABY CLINIC

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

WHEREAS, N.J.S.A. 40A:8A-1, known as the "Interlocal Services Act", authorizes agreements between local units for any services which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Borough of Oakland and Waldwick and their respective Boards of Health have determined that it is in their best interests to enter into an Interlocal Service Agreement for providing certain services to infants and pre-school children that reside in Oakland

through the Waldwick Well-Baby Clinic as mandated by the Public Health Council of the State of New Jersey; and

WHEREAS, in consideration of the services to be performed herein, Oakland shall be assessed a one-time administrative fee of \$ 125.00, payable upon execution of the contract, and a \$ 35.00 per child fee for examinations to be billed directly to the medical provider, and a \$ 20.00 per child fee for immunizations only; and

WHEREAS, the Chief Financial Officer has determined that funds are available in Account # 5-01-27-330-150;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Borough Clerk are hereby authorized to execute the agreement for Interlocal Services with the Borough of Waldwick for services with the Waldwick Well-Baby Clinic effective until December 31, 2015.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini, Visconti.

RESOLUTION 15-73 MUTUAL AID PLAN AND RAPID DEPLOYMENT FORCE

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

WHEREAS, the Police Departments in Bergen County have a day-to-day responsibility to provide for the security of lives and property and for the maintenance and preservation of the public peace and order; and

WHEREAS, Law Enforcement Officials also have a responsibility to provide for the preparedness against natural emergencies, such as floods, hurricanes, earthquakes, major storms, etc., man-made causes, civil unrest, and civil disobedience such as riots, strikes, jail or prison riots, train wrecks, aircraft crashes, major fires, ethnic disorders, terrorist incidents and bombings, state and national emergencies; and

WHEREAS, the Bergen County Police Chief's Association has proposed a Mutual Aid Plan and Rapid Deployment Force to deal with these emergencies; and

WHEREAS, this Plan is adopted in accordance with the provisions of N.J.S.A. 40A:14-156, N.J.S.A. 40A:14-156.1, N.J.S.A. 40A:14-156.4 and N.J.S.A. App.A:9-40.6; and

WHEREAS, this Plan will provide a uniform procedure for the coordination of the requesting, dispatching and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of an emergency, riot or disorder, in order to protect life and property; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Oakland to participate in a Mutual Aid Plan and Rapid Deployment Force in accordance with the Plan as submitted by the Bergen County Police Chief's Association;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, that the Police Department of the Borough of Oakland, under the direction of the Chief of Police, cooperate with the Bergen County Police Chief's Association to create an Interlocal

Services Agreement with all municipalities in the County of Bergen in order to put into place the Mutual Aid Plan and Rapid Deployment Force; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the County Executive, the Board of Chosen Freeholders, the County Prosecutor and all municipalities in the County of Bergen

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

RESOLUTION 15-74 AUTHORIZE AGREEMENT-SPECIAL SEWER COUNSEL

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

WHEREAS, the Borough of Oakland is interested in pursuing discussion with the Northwest Bergen County Utilities Authority for sewer service; and

WHEREAS, it is necessary to seek special counsel to represent the Borough of Oakland in this matter; and

WHEREAS, the Borough has received a proposal from John Napolitano and the firm of Cleary, Giacobbe, Alfieri & Jacobs, LLC at a cost not to exceed \$15,000.00; and

WHEREAS, the Chief Financial Officer has certified funds are available in account #5-01-20-155-028; and

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

WHEREAS, Cleary, Giacobbe, Alfieri and Jacobs, LLC has complied with the Borough's Pay-to-Play requirements as outlined in Ordinance 12-CODE-669 adopted July 11, 2012;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby award a contract to John Napolitano of Cleary, Giacobbe, Alfieri and Jacobs, LLC in an amount not to exceed \$15,000.00; and

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

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

NEW BUSINESS:

Councilman Jensen would like to finalize dates for budget hearings. He offered the following dates: February 19, 21, 26 and 28th. The consensus of the Council was to set the hearings for February 19th at 6 pm, February 21st at 10 am and February 26th at 6 pm.

COUNCIL REPORTS:

Councilman Talamini: The schools are closed on Monday and Tuesday for winter break. The schools want to thank the DPW for their help clearing the snow from the schools. They have a nice shared service arrangement. He wished everyone a Happy Valentine's Day.

Councilman Kulmala: There was a CERT meeting held last Wednesday. There were two new members that attended. There seems to be new interest. The OEM will hold a meeting on February 18th. The OCC will also meet on February 18th. He attended a fantastic program at Indian Hills promoting wellness and talking about the challenges children face.

Councilman Pignatelli: He also attended the program at Indian Hills and thought it was an excellent program on a growing problem in this country. The meeting of the Park Committee was held last night and the next meeting will be March 19th at 8 pm. Mike Guadagnino was made the Chairman and Lee Haymon the Vice-Chairman. They spoke about various projects to be done in the spring. The Environmental Commission sent the Mayor and Council a copy of their achievements for 2014 and they were impressive. They helped write a report for the Mayor and Council on the pipeline. The Senior Citizens will celebrate Heart Health Awareness month with a program on February 19th at 11:30 am. There will be free tax preparation assistance for Seniors through the Midland Park Senior Center. The Senior Center will hold bingo on February 18th at 1 pm. He advised that any donations for the people affected by the fire in Edgewater can be dropped off at the Senior Center. Councilman Pignatelli attended a JIF seminar and the Borough can receive a \$250 credit on insurance.

Mayor Schwager advised that the Flood Commission meeting had been cancelled due to inclement weather.

Councilman Jensen: The Planning Board will meet tomorrow at 7:30 pm at the Senior Center. There is a cold front moving in so please keep pets inside and check on Senior citizens.

Councilwoman Coira: The Shade Tree meeting was cancelled twice due to inclement weather. The Recreation Commission met last Tuesday and had their reorganization. She congratulated Marty O'Brien for his time and effort. She thanked all volunteers for their service. The next Recreation Commission meeting will be held on February 23rd at 8 pm.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Jensen, seconded by Councilwoman Coira, this portion of the meeting be opened for public discussion.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

BILLS TO BE PAID:

On motion of Councilman Jensen, seconded by Councilwoman Coira, 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 Coira, Jensen, Kulmala, Pignatelli, Talamini.

MEETING ADJOURNED:

On motion of Councilman Jensen, seconded by Councilwoman Coira, the meeting be adjourned at 8:06 pm.

ROLL CALL: All yeas, Councilmembers Coira, Jensen, Kulmala, Pignatelli, Talamini.

Lisa M. Duncan, Borough Clerk
February 25, 2015

Mayor Linda H. Schwager

Date Approved