

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY SEPTEMBER 9, 2015

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Pignatelli, seconded by Councilman Kulmala, 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:  
Tax Appeal-3 Stony Point; PBA grievance settlement
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 Jensen, Kulmala, Pignatelli, Talamini.

Discussion ensued over the tax appeal for 3 Stony Point and a PBA grievance settlement. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Schwager at 7:31 pm.

ROLL CALL: Mayor Schwager called the meeting to order and the Clerk called the roll. Present: Mayor Schwager, Councilmembers Jensen, Kulmala, Pignatelli, Talamini. Absent: Councilmembers Coira, Visconti. Also Present: Lisa M. Duncan, 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.

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MOTION TO EXCUSE ABSENCES:

On motion of Councilman Pignatelli, seconded by Councilman Jensen, the absences of Councilmembers Coira and Visconti be excused.

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

MAYOR'S REPORT:

Mayor Schwager advised that September 27<sup>th</sup> will be a free day at the Bergen County Zoo for families of children with disabilities. Valley Health and Shop Rite will hold a family wellness day on October 1<sup>st</sup>. Mayor Schwager congratulated Gerard Berman Day School for receiving a 2015 grant from the BCUA. Mayor Schwager read an article from Trout Unlimited. The work on the river will start in June 2016. It is an extensive project which will improve the health of the river. Mayor Schwager advised that September 17<sup>th</sup> will be Constitution Day commemorating the signing of the U.S. Constitution on September 17, 1787.

OPENED FOR PUBLIC DISCUSSION:

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

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

Mike Pritchard, 23 Calumet Avenue, read that the Mayor and Council are contemplating an ordinance to regulate pipelines. There were 353 pipeline failures in the United States. He spoke about the distances required from natural gas pipelines. He spoke about federal regulations and advised that he found a sample ordinance. He distributed literature to the Mayor and Council. He advised he is meeting with the Bergen County Freeholders tomorrow about the pipeline.

Mark Piercy, President of the PBA, PO Box 164, Oakland, NJ, asked if anything is happening with the County dispatch. Mayor Schwager responded she had nothing to report. Mr. Kunze advised that a test was done on the equipment. Mr. Piercy commented that he was denied getting a copy of the proposal through an OPRA request. Mr. Kunze advised that a revised proposal was sent to him and the Police Chief and has not been reviewed yet. Mayor Schwager advised this has not been discussed yet and the Police will be involved when it is discussed.

William Cunningham, 194 Franklin Ave, has an ongoing problem with a tree planted by the town in the 1960's. It is starting to uproot the walkway and driveway. There is a water and gas line about 4 feet from the tree's roots. He asked if the town can take down the tree. Mr. Kunze advised he will follow up with the DPW tomorrow and have someone look at the tree.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

**APPROVE RAFFLE LICENSE RL1250**

On motion of Councilman Jensen, seconded by Councilman Kulmala, approval be granted for Raffle License RL1250 for Midland Park High School Performing Arts Parents to hold an on-premise 50/50 on October 11, 2015 at Indian Hills High School.

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

**PROCLAMATION: NATIONAL SICKLE CELL AWARENESS MONTH**

Mayor Schwager read the following proclamation:

WHEREAS, Sickle Cell Disease is the most common genetic disorder in the United States; and

WHEREAS, an estimated 100,000 people live with Sickle Cell Disease in the United States. Up to 80% are African-American but many different races are affected. Millions are affected globally; and

WHEREAS, Sickle Cell Disease occurs among about 1 out of every 500 African-American births; and

WHEREAS, Sickle Cell Disease is a group of inherited red blood cell disorders that is present at birth. To have the disease, both sets of parents must pass down sickle cell genes. There is a 25% chance if both parents carry the Sickle Cell Trait. People who have SCT inherit one sickle cell gene from one parent and one normal gene from the other parent. People with SCT usually do not have any signs of the disease and live a normal life, but they can pass the trait on to their children; and

WHEREAS, Sickle Cell Trait occurs among about 1 in 12 African-Americans; and

WHEREAS, Sickle Cell Disease is diagnosed with a simple blood test. It most often is found at birth during routine newborn screening tests at the hospital. Because children with SCD are at an increased risk of infection and other health problems, early diagnosis and treatment are important; and

WHEREAS, Sickle Cell Disease is chronic but treatable although there is no single best treatment for all people with SCD. Treatment options are different for each person depending on the symptoms which can range from mild to severe; and

WHEREAS, there is no universal cure for Sickle Cell Disease and the average life expectancy is now in the mid-forties years of age;

NOW, THEREFORE, I, Linda H. Schwager, Mayor of the Borough of Oakland do hereby proclaim September 2015 SICKLE CELL AWARENESS MONTH in Oakland in order to help raise awareness of Sickle Cell Disease and its victims.

**RESOLUTION 15-198 AUTHORIZE DEFERRED COMPENSATION PLAN**

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

WHEREAS, in order to attract and retain qualified employees there exists a need to adopt and implement a DEFERRED COMPENSATION PLAN for the employees of the Borough of Oakland (hereinafter referred to as "Employer"), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended ("Code"); and

WHEREAS, in 2015 the Employer adopted a DEFERRED COMPENSATION PLAN provided by AXA-Equitable and assigned the plan identifier (66-PD- Equitable-053107) Borough of Oakland by the Division of Local Government Services; and is hereby adopted and signed by the employer

WHEREAS, the offering of additional investments from another contractor will provide additional retirement investment options to participating employees; and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement an additional employee deferred compensation plan and Service Agreement

WHEREAS, the Employer solicited written proposals from two or more contractors including AXA Equitable and Great West (Empower) for the administration of the investments of funds under a DEFERRED COMPENSATION PLAN including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5.37;

WHEREAS, the following contractors submitted written proposals:  
AXA Equitable Life Insurance Company (hereinafter referred to as "AXA Equitable) and Great West (Empower) and

WHEREAS, the Borough of Oakland reviewed the proposals and met with representatives of the responding contractors of deferred compensation services; and

WHEREAS, it was deemed that AXA Equitable has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Oakland that the Chief Financial Officer is hereby authorized to execute the Service Agreement (bearing the identifier: 66-SA-053107 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby designated as Local Plan Administrator for the administration of the DEFERRED COMPENSATION PLAN.

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.

BE IT FURTHER RESOLVED that the Borough of Oakland is adopting a deferred compensation plan substantially similar to one in which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provision added by reason of The Small Business Job Protection Act 1996 (United State Public Law no.104-188), the Tax Payer Relief Act 2001 (United States public law no.105-34) and the Economic Growth and Tax Relief Reconciliation Act 2001 (United States public law no.107-16) , and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue code section 457. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not to be considered precedent.

BE IT FURTHER RESOLVED that a certified copy of this resolution and all necessary required documents shall be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

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

#### RESOLUTION 15-212 UPDATE CASH MANAGEMENT PLAN

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

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

#### RESOLUTION 15-213 AWARD CONTRACT-PHONE SYSTEM

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

WHEREAS, for reasons of operability and economy, the Borough is in need of a new integrated phone system; and

WHEREAS, after assessing the needs of the organization and various systems offered by potential vendors, the administration finds that the Avaya system offered by Nu-Tel Communications offers the greatest amount of cost reduction and backup capability; and

WHEREAS, pursuant to NJSA 40A:11-12a and NJAC 5:34-7.29 the Borough may purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, state contracts are awarded pursuant to a 'fair and open' process and are exempt from the Borough's political contribution disclosure requirements in accordance with Chapter 2-25.6; and

WHEREAS, Nu-Tel Communications of NJ has State Contract #80802 for supplying Avaya telephone systems under the State's Telecommunications Equipment and Services (T1316) contract; and

WHEREAS, Nu-Tel's services include hardware, software, configuration, installation, training and support as detailed in their proposal dated August 31, 2015 and attached hereto; and

WHEREAS, the monthly cost to lease the new system is \$4,291.43 and the total 60 month lease price is \$257,485.80; and

WHEREAS, the Chief Finance Officer has certified that for the remainder of 2015 funds are available in account 5-01-31-440-001 and that future lease payments are certified pending future budget adoptions.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey that a 60 month lease contract for a new Avaya IP phone system is hereby awarded to Nu-Tel Communications of New Jersey, with offices at 12 Daniel Road, Fairfield NJ for a total lease price of \$257,485.80.

BE IT FURTHER RESOLVED, that the Borough Administrator is hereby authorized to sign the lease agreements for the Borough of Oakland.

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

#### RESOLUTION 15-214 AUTHORIZE DPW PROMOTION

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland, upon the endorsement of Department of Public Works Superintendent, Anthony Marcucilli, hereby approve the following promotional recommendation and salary increase effective September 10, 2015:

John Morrisroe from Laborer to Public Works Repairer, \$35,606.00 as per contract.

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

#### RESOLUTION 15-215 AUTHORIZE DPW PROMOTION

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland, upon the endorsement of Department of Public Works Superintendent, Anthony Marcucilli, hereby approve the following promotional recommendation and salary increase effective September 10, 2015:

Andrew DeNero from Laborer to Public Works Repairer, \$35,606.00 as per contract.

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

**RESOLUTION 15-216 AUTHORIZE MASTER PLAN UPDATE**

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

WHEREAS, the Borough of Oakland is in need of a Periodic Master Plan Reexamination Report; and

WHEREAS, Burgis Associates, Inc. has submitted a proposal dated August 20, 2015, in the amount not to exceed \$24,500, to do The Master Plan Reexamination Report; and

WHEREAS, Burgis Associates has complied with the Borough of Oakland's Pay-to-Play requirements; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account 5-01-21-180-107; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland hereby authorized Burgis Associates, Inc. to do a Periodic Master Plan Reexamination Report in an amount not to exceed \$24,500 as specified in their proposal dated August 20, 2015; and

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

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

**RESOLUTION 15-217 DEED OF EASEMENT-74 ROOSEVELT BLVD.**

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

WHEREAS, the Borough of Oakland is the owner of property designated as Block 1605, Lot 7 and more commonly known as 74 Roosevelt Boulevard, Borough of Oakland, New Jersey; and

WHEREAS, the Mayor and Council of the Borough of Oakland believe it is in the best interest of its citizens to retain and preserve open space within the Borough; and

WHEREAS, the Borough of Oakland has received a grant from the 2013 Bergen County Open Space Trust Fund; and

WHEREAS, the Borough of Oakland is required to convey to the County of Bergen a conservation easement as a condition of the award of the grant to acquire the aforementioned property; and

WHEREAS, the Borough Attorney has approved the form of Deed of Easement as presented.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough hereby accepts the Deed of Conservation Easement as submitted by the County of Bergen; and

BE IT FURTHER RESOLVED, that the Mayor be and he is hereby authorized and directed to execute the Deed of Conservation Easement, a copy of which is annexed hereto and made a part hereof.

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

#### WORK SESSION:

##### ACCESS FOR ALL:

Mayor Schwager asked if the Council would like to hold off discussing until Councilman Visconti is in attendance since he asked for this item to be put on the agenda. The consensus was to hold this item until the next meeting. Mayor Schwager asked everyone to get comments back to Mr. Chewcaskie.

#### BOSWELL-CONTRACT AMENDMENT FOR GENERATOR PROJECT:

Borough Engineer Rebecca Mejia advised this is the contract to install a generator at Borough Hall. There are some design issues and the new sub-contractor needs to meet with the Construction Official to resolve these issues. Since this will require additional work, the contract needs to be amended.

#### COUNCIL REPORTS:

Councilman Talamini: Opening day for the schools went great. Back to School night for Valley Middle School will be held September 16<sup>th</sup> and the elementary schools will be held September 17<sup>th</sup>. There are healthier lunch choices in the schools now. Parent University will be held on September 21<sup>st</sup> at 6:45 and the topic is social media. The next Public Events Committee meeting will be held September 14<sup>th</sup> at 7:30 pm at the Senior Center.

Councilman Kulmala: The OCC will resume meetings on September 16<sup>th</sup> at 7:00 pm at Borough Hall. He advised that the Police Chief sent a letter to the Ramapo Indian Hills Superintendent of Schools regarding the parking situation at Indian Hills. Mayor Schwager advised that she spoke to Superintendent MacKay and she feels her hands are tied and the decision will rest with the Mayor and Council.

Mayor Schwager advised that the Flood Commission will not meet on September 14<sup>th</sup> because of Rosh Hashanah.

Councilman Pignatelli: He attended the Park Committee meeting last night. They discussed the locking of the gate down at Great Oak Park because they don't want to see vandalism. They have to look at security. They spoke about obtaining a Letter of Interpretation for the park so further improvements can be made next year. The American Legion sponsored Indian Hills and Ramapo Juniors to attend Boys State. The students were picked based on leadership, scholarship and character. At Boys State, the students experience how government functions.

Councilman Jensen: The Planning Board will meet on September 10<sup>th</sup> at 7 pm at the Senior Center. Sign ups are happening for Recreation Roller Hockey. Wrestling sign ups will only be done by mail. The Lacrosse program is being run by Franklin Lakes and there will be no registrations after October 26<sup>th</sup>. Councilman Jensen advised that there is an apparent problem at the Park with cigarette butts. He advised there is no smoking and that people should be



responsible. Mayor Schwager advised that smoking could be dangerous at the park with the lack of rain.

**OPENED FOR PUBLIC DISCUSSION:**

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

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

Mike Pritchard, 23 Calumet Avenue, gave some facts about the Constitution and Bill of Rights.

**CLOSED FOR PUBLIC DISCUSSION:**

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

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

**BILLS TO BE PAID:**

On motion of Councilman Jensen, 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 Jensen, Kulmala, Pignatelli, Talamini.

**MEETING ADJOURNED:**

On motion of Councilman Pignatelli, seconded by Councilman Jensen, the meeting be adjourned at 8:09 pm.

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

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Lisa M. Duncan, Borough Clerk  
September 30, 2015

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Mayor Linda H. Schwager

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Date Approved