

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY MAY 26, 2010

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Pignatelli, seconded by Councilman Burns, 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:
Negotiations, 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 Burns, Marcalus, Pignatelli, Stagg.

Discussion ensued over Heritage Hills negotiations, Winter Haven litigation and personnel.

CLOSE EXECUTIVE SESSION:

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

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

MEETING CALLED TO ORDER: By Councilman Burns at 7:33 pm.

ROLL CALL: Councilman Burns called the meeting to order and the Clerk called the roll.
Present: Councilmembers Burns, Marcalus, Pignatelli, Stagg. Absent: Mayor Szabo,
Councilmembers Di Pentima, Visconti. Also Present: Lisa M. Duncan, Borough Clerk;
Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney; James
Mangin, Chief Financial Officer; Rebecca Mejia, Borough Engineer.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Councilman Burns announced this meeting is being held in
accordance with the Open Public Meetings Law duly announced and included in the
schedule of regular meetings.

Councilman Burns advised that the Memorial Day Parade will be held on Sunday May 30th at 1
pm.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, this portion
of the meeting be opened for public discussion.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, this portion
of the meeting be closed to public discussion.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

PUBLIC HEARING ON BUDGET:

CFO James Mangin explained that this hearing is on the budget as introduced. The tax collection
rate from last year drove up the reserve for uncollected taxes. We learned about this the day the
budget was introduced. The plan is to amend the budget to address that issue. Mr. Kunze
advised that the budget amendment is being prepared for introduction on June 2nd and the public
hearing to be held on June 9th.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, this portion
of the meeting be opened for public discussion.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

Tim Jensen, 7 Third Street, asked about the shortfall in uncollected taxes. Mr. Mangin explained
that the tax collection rate was not as high last year. The tax collection rate was 99.2 % in 2007,
99.1% in 2008, and 98.6% in 2009. It is still a high rate of collection but we have to compensate

for the difference. In the introduced budget, the reserve for uncollected taxes had to be increased by \$ 210,000. The plan is to amend that amount.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

APPROVAL OF MINUTES: MAY 12, 2010

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of May 12, 2010 be approved.

ROLL CALL: Yeas, Councilmembers Burns, Marcalus, Pignatelli.
Abstain, Councilwoman Stagg.

APPROVAL OF MINUTES: FEBRUARY 24, 2010 EXECUTIVE

On motion of Councilman Pignatelli, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council Executive Session of February 24, 2010 be approved.

ROLL CALL: Yeas, Councilmembers Burns, Marcalus, Pignatelli.
Abstain, Councilwoman Stagg.

APPROVAL OF MINUTES: APRIL 14, 2010 EXECUTIVE

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council Executive Session of April 14, 2010 be approved.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

APPROVE RAFFLE LICENSE RL1053

On motion of Councilwoman Stagg, seconded by Councilwoman Marcalus, approval be granted for Raffle License RL1053 for the Knights of Columbus to hold carnival games on June 24, 25, 26, 2010 at the Recreation Fields.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

WORK SESSION: HOUSING PLAN ELEMENT

Steve Lydon from Burgis Associates was present to give the Council an overview of the Housing Plan. He advised that the Planning Board is asking the Council to endorse the Housing Plan in order to send to COAH for substantive certification. He explained that the prior round obligation was 220 and that number was worked down to 30. The prior round growth share was 138 and that number was worked down to 46. There has been a substantial reduction in the obligation the Borough has to meet in regards to affordable housing. Mr. Lydon advised that the Borough now receives credits for a group home. The Borough has been contacted regarding a special project and the Borough will get 100% credit for that project plus extra credits. He advised that the plan does not rely on RCA's. This plan also does not burden the town with a lot of development. Mr. Lydon advised that RCA's have been eliminated. If the Borough collected money in the fee ordinance, that money can be spent on the downtown.

Councilman Burns commented that the document seems to be boiler plate. Mr. Lydon explained that the document is specific about potential development on Raritan Road, although there is a

sanitary sewer issue, and potential development on the former Gabrellian tract. Councilman Burns asked for confirmation that the Council is not approving specific concepts just the general plan. He is not in favor of rezoning McCoy Road. Mr. Lydon responded that if COAH grants substantive certification, then the Council may have to rezone the property. Councilman Burns asked what the timeline is. Mr. Lydon responded that the Council needs to endorse the Housing Plan and send to COAH by June 8th. Mr. Kunze advised that there will be a special meeting on June 2nd in order to adopt the resolution. Councilwoman Marcalus read a letter from Planning Board Attorney Joseph Russo outlining the changes. She advised that this new plan substantially reduces the Borough's obligation so it is a very good plan.

RESOLUTION 10-107 AMEND CAPITAL BUDGET

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

WHEREAS, the Borough of Oakland desires to amend the 2010 Capital Budget by inserting thereon or correcting the attached items therein as shown in such budget;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Oakland in the County of Bergen, that the 2010 Capital Budget be amended as reflected on the attached schedule.

Mr. Mangin explained that the Council adopted several capital ordinances which indicated the capital plan had been amended but it never actually was amended. This amendment makes the capital budget current. From this point on, when the Council adopts a capital ordinance, the capital plan will be amended. Mr. Kunze explained that the various projects were authorized in previous capital budgets. Councilwoman Stagg commented that the acquisition of properties don't reflect the grant money that the Borough is to receive. Councilman Burns commented these include the capital ordinances from 2008, 2009, and 2010. Mr. Mangin commented that the grants are reflected in the grant fund not in the capital fund. Councilwoman Stagg commented that we replenish the bond money with the grant money.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

RESOLUTION 10-110 AUTHORIZE EXTENSION OF WORK HOURS-KOREAN CHURCH

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

WHEREAS, the Korean Presbyterian Church is in the process of constructing improvements at the property located at 222 Ramapo Valley Road; and

WHEREAS, the Church has requested a variance of the hours of operation for construction and site work on the project; and

WHEREAS, Borough Code Chapter 3-3.8 allows variances for good cause shown.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the request of the Korean Presbyterian Church, for a variance from the provisions of the Borough's Noise Ordinance, is conditionally granted, subject to the following terms and conditions: (a) the hours of operations permitted on Saturday shall be 9:00 a.m. to 5:00 p.m. (b) only on-site construction activities are allowed on Saturday. No deliveries or soil movement within or out of the site shall be permitted. (d) the variance approval granted herein is valid for 97

days, up to and including August 30, 2010. (e) the variance approval granted herein is revocable at the Council's discretion, based on complaints or site observations that would lead the Council to believe that revocation of the variances is in the best interest of the public.

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to maintain a copy of this Resolution for public inspection.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

RESOLUTION 10-111

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

WHEREAS, NJSA40A:4-20 of the Local Budget Law provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget, the governing body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the adoption of the budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that, based on the recommendation of the Chief Financial Officer, that the following emergency temporary appropriations be made and that a certified copy of this resolution be filed with the Director of the Division of Local Government Services:

Current Fund

Account #	Description	New Appropriation
0-01-20-100-011	Admin – Perm Full Time	\$ 82,000
0-01-20-100-013	Admin – Perm Part Time	\$ 8,000
0-01-20-106-022	Gen Services – Postage	\$ 10,000
0-01-20-106-036	Gen Services – Office Supplies	\$ 7,500
0-01-20-110-011	Mayor & Council – Salaries & Wages	\$ 32,000
0-01-20-121-013	Elections – Temp Part Time	\$ 1,200
0-01-20-130-011	Finance – Perm Full Time	\$ 63,000
0-01-20-130-012	Finance – Perm Part Time	\$ 18,250
0-01-20-145-011	Tax Collector – Perm Full Time	\$ 33,500
0-01-20-150-011	Tax Assessment – Perm Full Time	\$ 29,500
0-01-20-150-012	Tax Assessment – Perm Part Time	\$ 21,000
0-01-20-150-023	Tax Assessment – Printing	\$ 1,000
0-01-20-150-029	Tax Assessment – Contracted Services	\$ 6,000
0-01-20-150-104	Tax Assessment – Tax Maps	\$ 5,000
0-01-20-155-027	Legal Services – Legal Retainer	\$ 48,000
0-01-20-155-029	Legal Services – Labor Attorney	\$ 20,000
0-01-21-180-011	Plan Board – Perm Full Time	\$ 12,250
0-01-21-185-012	Board of Adj – Perm Part Time	\$ 6,000
0-01-22-195-011	Const Code – Perm Full Time	\$ 24,250
0-01-20-195-012	Const Code – Perm Part Time	\$ 53,500
0-01-20-195-015	Const Code – Zoning Officer	\$ 14,000
0-01-20-195-016	Const Code – Fire Prevention	\$ 13,500

Current Fund

Account #	Description	New Appropriation
0-01-23-220-001	Insurance – Group Medical & Life	\$ 600,000
0-01-25-240-010	Police – Perm Full Time	\$1,350,000
0-01-25-240-014	Police – Overtime	\$ 48,000
0-01-25-240-018	Police – School Guards	\$ 57,000
0-01-25-240-029	Police – Contracted Services	\$ 20,000
0-01-25-252-011	Emerg Mgmt – Perm Part Time	\$ 2,500
0-01-25-253-012	Flood Control – Perm Part Time	\$ 1,850
0-01-25-265-026	Fire – Vehicle Maintenance	\$ 25,000
0-01-25-275-021	Prosecutor – Professional Services	\$ 7,500
0-01-26-290-011	St & Road – Perm Full Time	\$ 175,000
0-01-26-290-026	St & Road – Equipment Maintenance	\$ 25,000
0-01-26-290-028	St & Road – Street Sweeping	\$ 22,000
0-01-26-301-011	Stormwater – Perm Full Time	\$ 20,000
0-01-26-301-026	Stormwater – Maintenance / Repair	\$ 15,000
0-01-26-305-011	Garbage & Tr – Recycling Coord	\$ 30,500
0-01-26-305-078	Garbage & Tr – Garbage Removal Contract	\$ 192,000
0-01-26-310-011	Bldgs & Grounds – Perm Full Time	\$ 71,000
0-01-26-310-024	Bldgs & Grounds – Park & Rec Facility	\$ 22,000
0-01-26-310-026	Bldgs & Grounds – Repairs & Maint	\$ 55,000
0-01-26-315-011	Veh Maint – Perm Full Time	\$ 26,000
0-01-26-315-098	Veh Maint – Tires	\$ 5,000
0-01-27-330-011	Bd of Health – Perm Full Time	\$ 25,000
0-01-27-335-012	Environment Commission – Perm Part Time	\$ 550
0-01-28-370-143	Recreation – Softball	\$ 12,000
0-01-28-370-144	Recreation – Baseball	\$ 25,000
0-01-28-371-011	Senior Cit – Perm Full Time	\$ 18,500
0-01-28-371-123	Senior Cit – Programs	\$ 12,000
0-01-29-390-011	Library – Perm Full Time	\$ 161,000
0-01-29-390-100	Library – General Funds	\$ 47,000
0-01-30-420-003	Public Events – Memorial Day	\$ 2,000
0-01-30-420-004	Public Events – Fourth of July	\$ 7,500
0-01-31-430-001	Electricity	\$ 75,000
0-01-31-435-000	Street Lighting	\$ 50,000
0-01-31-440-001	Telephone	\$ 50,000
0-01-31-446-002	Natural Gas – Fire	\$ 5,000
0-01-36-472-000	Social Security	\$ 210,000
0-01-40-702-012	NJMVS – Temp Part Time	\$ 50,000
0-01-43-490-011	Municipal Court – Perm Full Time	\$ 54,500
0-01-43-490-028	Municipal Court – Professional Services	\$ 1,500
0-01-43-490-033	Municipal Court – Books & Publications	\$ 1,000
0-01-43-495-021	Public Defender – Professional Services	\$ 3,900

Water Fund

Account #	Description	New Appropriation
0-05-55-501-011	Water – Perm Full Time	\$ 197,000
0-05-55-502-025	Water – Maintenance Water System	\$ 50,000
0-05-55-505-000	Water – Electricity	\$ 95,000
0-05-55-506-000	Water – Telephone	\$ 7,500
0-05-55-507-000	Water – Natural Gas	\$ 6,000
0-05-55-541-000	Water – Social Security	\$ 29,000

Sewer Fund

Account #	Description	New Appropriation
0-07-55-501-011	Sewer – Perm Full Time	\$ 32,750
0-07-55-501-025	Sewer – Maintenance Chapel Hill	\$ 17,000
0-07-55-505-001	Sewer – Electricity	\$ 27,000
0-07-55-541-000	Sewer – Social Security	\$ 11,000

Councilman Burns asked if this will take the temporary budget through June. Mr. Mangin advised this will carry the temporary budget a little later than June. Councilman Burns advised that this needs to be done to keep operating until the budget is adopted.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

RESOLUTION 10-112 AUTHORIZE PURCHASE OF TURNOUT GEAR

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

WHEREAS, the Fire Department is in need of purchasing fifteen sets of turnout gear as well as seven helmets; and

WHEREAS, the purchase of this protective equipment is part of the Borough’s annual equipment replacement program; and

WHEREAS, Safe-T Company, 1360 Route 23 North, Unit #3, Butler, NJ 07405, has State Contract #76359 for the purchase of this equipment; and

WHEREAS, the total cost of the equipment is \$ 28,238.43; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account# C-04-56-617-202;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby authorize the purchase of the turnout gear and helmets from Safe-T Company, 1360 Route 23 North, Unit #3, Butler, NJ 07405, in the amount of \$ 28,238.43.

Councilman Burns commented that this purchase was budgeted for. Mr. Kunze advised that a resolution is required because it is over the bid threshold. Councilman Burns advised that the Fire Chief obtained additional quotations and found that the state contract price was the best price.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

RESOLUTION 10-113 AUTHORIZE RENEWAL OF HEALTH INSURANCE

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

WHEREAS, the Borough provides medical, prescription, and vision benefits through a partially self-funded plan administered through Insurance Design Administrators (IDA), a UHY Advisors Company located in Oakland, NJ; and

WHEREAS, the Insurance Committee, in consultation with the Benefits Consultant, recommends to the Mayor and Council, the re-insurance proposal provided by Zurich Insurance Company be adopted, as such specific proposal is determined to be most competitive against the alternate proposals solicited and evaluated by the Benefits Consultant and the Insurance Committee at this time; and

WHEREAS, the Insurance Committee will continue its work, in consultation with the Benefits Consultant to review various cost driving factors identified through this process and potential remediation measures to be taken going forward, as further information becomes available and analysis conducted; and

WHEREAS, the proposed renewal maintains the existing level of benefit in accordance with the contractual requirements promulgated by the various collective bargaining unit agreements within the Borough.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, Bergen County that the IDA renewal proposal offering a \$60,000 specific deductible or self insured retention "SIR" stop loss except for one individual with a 150,000 specific SIR, and a cumulative \$80,000 aggregating specific SIR applied in addition to the individual specific SIR's. The Specific reimbursement limit is \$2,000,000 lifetime per person (less specific SIR) for medical claims, (24/12 Contract). The Aggregate coverage would contain a minimum attachment point of 90% of initial enrollment annualized and a maximum claims liability plus fixed cost and life insurance based on the current enrollment multiplied by the quoted attachment point factors of \$3,012,455 through Zurich Re-Insurance Company (the re-insurer) for the period 6/1/09 to 6/1/10 is hereby accepted. Aggregate claims eligible for reimbursement include Medical, Rx, and vision with a limit of 1,000,000 per the policy year. The Borough Administrator and Benefits Consultant are hereby authorized and directed to implement the same; and

NOW, THEREFORE BE IT RESOLVED, the contract award for these services is directly to a duly licensed and admitted Insurance Company within the State of NJ and therefore, such award is exempt from the requirements set forth by P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51) N.J.S.A.19:44A-20.5 et seq.

BE IT FURTHER RESOLVED, the Borough Administrator and Borough Benefits Consultant are hereby directed to take the appropriate steps necessary for full implementation without interruption to those eligible employees, dependents and retirees; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to IDA, Third Party Administrators to the Program, and The Vozza Agency Inc, 77 Market Street, PO box 220, Park Ridge, NJ Benefits Consultant to the Borough.

Mr. Kunze advised that the health insurance program runs from June 1st through May 31st. The Borough is self-insured and hires IDA as a third party administrator of the plan. There is a payment for network access. The Borough also pays for a reinsurance contract. It protects the Borough if the claim amount goes above a certain level. IDA cut their proposed increase from \$ 2 to \$ 1.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

RESOLUTION 10-114 AWARD BID-ROAD RESURFACING PROGRAM

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

WHEREAS, the Borough of Oakland participates in a cooperative pricing system with municipalities in Northwest Bergen County; and

WHEREAS, the Borough wishes to use this system for its 2010 Road Resurfacing Program; and

WHEREAS, the Borough of Ramsey (the lead agency) has complied with the Local Public Contracts law and publicly opened and read the bids as indicated on the attached bid summary sheet; and

WHEREAS, the Borough of Ramsey awarded a contract to the lowest responsive and responsible bidder from sixteen (16) bidders on April 19, 2010 to Schifano Construction, 1 Smalley Ave., Middlesex, NJ 08846; and

WHEREAS, the participating municipalities are required to pass a resolution to participate and execute individual contracts; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C-04-56-617-502; and

WHEREAS, the Lead Agency is responsible for Affirmative Action requirements, prevailing wage requirements, bonding requirements and compliance with the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that they do hereby authorize a contract to the lowest responsive and responsible bidder, Schifano Construction, 1 Smalley Ave., Middlesex, NJ 08846 at the unit prices specified in the bid for a total not to exceed contract amount up to \$ 250,000.

Mr. Kunze advised that this year's road program includes Cree Court, Pool Hollow, Yale Way, Upper Hiawatha Blvd, Lenape Lane, Valley View and repairs to Roosevelt Blvd. Boswell McClave did an original price estimate. When the bid prices came in favorably, we moved another road over to the definite list. Councilman Burns commented that repairs for Roosevelt should get reimbursed from FEMA. Councilman Burns asked if the Borough would be spending over \$250,000 before we get reimbursed. Mr. Kunze advised that we can amend the contract later. The worst case scenario would be that the Borough could use the funds that come in for a later project.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

RESOLUTION 10-115 HIRE SEASONAL DPW LABORERS

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

BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorize the hiring of the following seasonal laborers for the Department of Public Works:

NAME	EFFECTIVE HIRE DATE	SALARY
Ryan Henry	May 26, 2010	\$ 10.00/hour
Kevin Tirserio	May 26, 2010	\$ 10.50/hour

Councilman Pignatelli asked if we are permitted to offer these positions only to Oakland residents. Mr. Kunze responded the positions are open to everyone but it is mostly Oakland residents that apply. Councilwoman Stagg advised these two gentlemen worked last summer for the DPW.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

RESOLUTION 10-116 DESIGNATE BAN'S AS QUALIFIED TAX EXEMPT OBLIGATIONS

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, 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"), intends to issue \$2,772,000 of Notes consisting of \$2,490,000 General Bond Anticipation Notes and \$282,000 Sewer Utility Bond Anticipation Notes, both issues dated May 27, 2010 and payable February 11, 2011 (collectively, the "Notes"); and

WHEREAS, the Borough desires to designate the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");

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 Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 2. It is hereby determined and stated that (1) the Notes are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$30 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2010.

SECTION 3. It is further determined and stated that the Borough has, as of the date hereof, issued the following tax-exempt obligations (other than the Notes) during the calendar year 2010, viz:

<u>Amount</u>	<u>Dated B Due</u>
\$7,452,620 BANs	2/11/10 B 2/11/11

SECTION 4. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2010 dated as of the date of delivery of the Notes.

SECTION 6. This resolution shall take effect immediately upon its adoption.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

FINAL PUBLIC HEARING: ORDINANCE NO.10-CODE-624

The Clerk was directed to take from the table Ordinance No.10-Code-624 and read by title for its final hearing.

The Clerk then read by title an Ordinance entitled "AN ORDINANCE SUPPLEMENTING THE BOROUGH OF OAKLAND CODE, CHAPTER 12, SECTION 5.1 ENTITLED "REMOVAL OF IMPEDIMENTS-OWNER OF ABUTTING PROPERTY TO CLEAR SNOW AND ICE" AND CHAPTER 12, SECTION 5.4 ENTITLED "VIOLATIONS AND PENALTIES"

OPENED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

No comments made.

CLOSED FOR PUBLIC DISCUSSION:

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

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Supplementing The Borough Of Oakland Code, Chapter 12, Section 5.1 Entitled "Removal Of Impediments-Owner Of Abutting Property To Clear Snow And Ice" And Chapter 12, Section 5.4 Entitled "Violations And Penalties", 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.

Councilman Burns commented that at the last meeting, the Mayor said that common sense would be used for distance behind the fire hydrant.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

WORK SESSION:

CREW PROPOSAL FOR GIS MAPPING

Councilman Burns commented that the least expensive part of the proposal meets the DEP requirements. Councilwoman Stagg advised that the Borough does not have the water system on GIS. In order to do what the DEP requires, Crew has to go through every map and piece together the entire water system. It does not make sense to do that and not do the extra work of locating fire hydrants, etc. The more expensive version gives the Borough maps to use in the future and will be a valuable tool for the Borough. She highly recommends that the Council go with the more expensive option.

Councilman Burns commented that the amount needed to meet DEP requirements is \$ 5,500. The amount needed to do the additional work is \$ 10,000. That would bring the total amount to \$ 15,500. Mr. Kunze advised that the DEP requirements will be GIS. The expanded work will be done in AutoCadd. Councilman Burns commented that the Council will have to decide whether to do the minimum amount or all the work. The consensus of the Council was to authorize all the work to be done. A resolution will be listed on the next agenda.

SNOW PLOWING AGREEMENT-BERGEN COUNTY

Mr. Kunze advised that the County has asked the Borough to renew the snow plowing agreement. The Borough is reimbursed at the rate of \$ 90 per hour. DPW Superintendent Marcucilli said that the agreement is the same as last year. The \$ 90 rate is close to our own rate. Mr. Marcucilli advised that the contract is acceptable to renew. Councilman Burns asked if the Governing Body can commit to a two-year contract. Mr. Chewcaskie advised that the Borough can commit to an agreement with another Government agency. A resolution will be listed on the next agenda.

GRANT APPLICATION-BULLETPROOF VESTS

Councilman Pignatelli advised that the Police Department will apply for funding for five bulletproof vests. Councilman Burns asked if this is a matching grant. Mr. Kunze responded that the grant never supplies the full amount of vests that the Borough needs but he does not believe a match is required. A resolution to authorize the application will be listed on the next agenda.

BOSWELL PROPOSAL-ROAD PROGRAM

Mr. Kunze advised that the Council awarded a contract for the construction portion of the road program. This would be for construction administration and inspection. The scope of work is the same as last year and the proposal is the same as last year. Councilwoman Stagg asked if the Borough had the schedule of hourly rates. She asked for a time estimate for the project. Borough Engineer Rebecca Mejia advised that she does not have a time estimate yet. Councilman Burns advised that the contract amount will be a not to exceed amount. A resolution will be listed on the next agenda.

COUNTY REVERSE 911 AGREEMENT

Mr. Kunze advised that the Borough uses the County's reverse 911 system. The County just did a new two-year contract with their vendor. The Borough needs to enter into a new agreement with the County. Mr. Kunze advised that the per-call fee has been removed. This essentially becomes a free service. Councilman Pignatelli asked if they indicated the amount of time that the Borough can use the system. Mr. Kunze responded he is not aware of any time limits.

Councilman Burns asked why they eliminated the per call charge. Mr. Kunze responded that he is not sure but that OEM Coordinator Roy Bauberger confirmed with the County that there is no cost involved. A resolution will be listed on the next agenda.

NEW BUSINESS:

Councilwoman Stagg wished resident Ralph Sandor a happy 100th birthday. Councilwoman Stagg asked that the Council think about merging the library system due to the economy. She would like to put it on a future worksession.

Councilman Burns advised that the Council received a fax from Assemblyman Schroeder regarding Kyleigh's law. Assemblyman Schroeder sent a resolution for municipalities to pass asking the legislature to appeal the law. The Municipal Alliance will discuss the issue and Councilman Burns would like the Mayor and Council to discuss this as well. There seems to be a lot of opposition to this law.

Councilman Burns would like a report on where we stand with the stream house. Mr. Kunze advised that he has to get an updated proposal from the vendor and get the vendor under contract. He will work on that after the budget is adopted.

COUNCIL REPORTS:

Councilwoman Marcalus: She advised that the Valley Middle School student government meeting will be held on June 9th at 6:30 pm. On June 16th, the Valley Middle School students will tour the town government. On June 16th, the Seniors are invited to see a play at Heights School.

Councilwoman Stagg: No report.

Councilman Pignatelli: He advised that Breakneck Road and Long Hill Road will be paved on May 26, 27 and 28th. Breakneck Road will be closed from 8 pm to 6 am.

Councilman Burns: He advised that the Shade Tree Commission meets next week. The Municipal Alliance meets next week. A program was held yesterday at the Senior Center about interaction of drugs and food. The program had a lot of good information.

BILLS TO BE PAID:

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, 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 Burns, Marcalus, Pignatelli, Stagg.

MEETING ADJOURNED:

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, the meeting be adjourned at 8:43 pm.

ROLL CALL: All yeas, Councilmembers Burns, Marcalus, Pignatelli, Stagg.

Lisa M. Duncan, Borough Clerk
June 23, 2010

Mayor John P. Szabo, Jr.

Date Approved