

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
TUESDAY APRIL 7, 2009

MOVE TO EXECUTIVE SESSION:

On motion of Councilwoman Marcalus, seconded by Councilman Di Pentima, 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
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, Di Pentima, Marcalus, Pignatelli.

CLOSE EXECUTIVE SESSION:

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

ROLL CALL: All yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli.

MEETING CALLED TO ORDER: By Council President Marcalus at 7:41 pm.

ROLL CALL: Council President Marcalus called the meeting to order and the Clerk called the roll. Present: Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg. Absent: Mayor Szabo, Councilman Visconti. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Steve Muhlstock, Borough Attorney; Borough Engineer Steven Busanic.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

MAYOR'S REPORT: Councilwoman Marcalus advised that the schools will be closed on April 10th in honor of Good Friday. The schools will be closed from April 13 to April 17th. She advised that the Board of Education is honoring long-time Board member Jim Mulcahy who is retiring. On behalf of the Mayor and Council, Councilwoman Marcalus thanked Mr. Mulcahy for his years of service. Councilwoman Marcalus advised that the K-8 and High School district held hearings on their budgets. The High School budget has a 2.3% tax increase. Oakland's share is 1.99% increase which equates to \$ 37 per year. The Oakland K-8 budget has a 2.2% increase or \$ 126 per year. Both districts were able to come up with budgets below the 4% cap. The budget presentations are on the website. Councilman Di Pentima commented that he thinks the High School did a good job getting information out this year. He thinks they have cut as much as they could at this point. He thinks that what they have budgeted for in capital is prudent. Councilman Pignatelli commented that both Boards realize the severity of the economy. The Boards did their due diligence and have not impacted programs. Councilman Pignatelli does not think people would want the budgets cut to the point where they would lose programs. He encouraged people to vote.

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, Di Pentima, Marcalus, Pignatelli, Stagg.

Roy Bauberger, OEM Coordinator and Supervisor of Flood Control, advised that a meeting was held yesterday with State and Federal agencies. Over the last three years, there have been changes in flood situations and in the degradation of the river bank. The Borough reached out to the DEP, DOT and Army Corps of Engineers. We feel the construction of Route 287 has led to some of these issues. In attendance at yesterday's meeting were Congressman Garrett, representatives from Assemblyman Russo and Congressman Pascrell's office, the Borough Engineer, Army Corps of Engineers, Flood Commission, members of the Council, Borough Administrator, the DEP and DOT. The group toured five sites. Mr. Bauberger advised that the representation of Congress people really opened up the discussion.

Lew Levy, Chairman of Flood Commission, advised that Councilman Pignatelli and Councilman Di Pentima got Assemblyman Russo involved. They got the DEP and the DOT there. The

Army Corps said there may be a study they could do. They are going to fix the grout bag weir. Mr. Levy advised that the Borough needs \$ 10,000 but it can be an in-kind match. He thanked Borough Engineer Steve Busanic for his insight. Boswell's hours can be used toward the \$ 10,000. A letter from the Borough is required to get the study started.

Councilman Di Pentima thanked Lew Levy and Roy Bauberger. It was an enlightening discussion and Mr. Levy and Mr. Bauberger represented the Borough very well. Roy's knowledge drove the discussions. Mr. Bauberger responded that the Borough got positive support and feedback from Congressman Garrett and Assemblyman Russo's office.

Michael Kozak, 24 Cayuga Ave, commented he has a passion for recycling. The Borough needs weekly commingled pickup. If the Council decides not to rebid to allow for the weekly commingled pickup, he hopes they go with a short-term contract. He advised that the Borough needs a recycling center. We need to work on enforcement through the hauler. The landfill costs are \$ 142 per ton. If the residents recycle, the Borough saves money.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: JANUARY 28, 2009

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, the minutes from the Mayor and Council meeting of January 28, 2009 be approved as amended on page 3 and 24.

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

APPROVAL OF MINUTES: FEBRUARY 14, 2009

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, the minutes from the Mayor and Council meeting of February 14, 2009 be approved.

ROLL CALL: Yeas, Councilmembers Di Pentima, Marcalus, Pignatelli, Stagg.
Abstain, Councilman Burns.

MOTION TO REMOVE FEBRUARY 24, 2009 MINUTES FROM THE TABLE:

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, the minutes from February 24, 2009 be removed from the table.

MOTION TO TABLE:

Councilman Burns made a motion to table. There was no second so the motion failed.

Mayor Szabo called for a vote to remove the minutes from the table.

ROLL CALL: Yeas, Councilmembers Di Pentima, Marcalus, Pignatelli, Stagg.
Nay, Councilman Burns.

MOTION TO AMEND MINUTES: FEBRUARY 24, 2009

On motion of Councilman Di Pentima, seconded by Councilwoman Marcalus, the minutes from the Mayor and Council meeting of February 24, 2009 be amended.

Discussion ensued. Councilman Di Pentima advised that the issue with these minutes is the emails from Councilman Burns included in the minutes. He asked that the emails from the

bottom of page 16 to the top of page 18 be removed from the minutes. Councilwoman Marcalus agreed to the changes. Councilman Burns disagreed with Councilman Di Pentima. The emails were pertinent to the discussion of the meeting. He questioned why he didn't have a committee assignment. He asked the Mayor to have the emails included in the minutes. The Mayor agreed and there were no objections at the time. One of Councilman Di Pentima's concerns is email addresses so Councilman Burns would agree to redact the email addresses. However, he thinks the emails are pertinent and would like them in the record. Councilman Di Pentima responded that his concern are the statements that Councilman Burns is making in the emails which have no bearing on the minutes of the Borough. They also have nothing to do with the original email to Councilwoman Marcalus. Councilman Burns responded that the Mayor agreed to put them in the minutes. Councilman Di Pentima advised the Council can vote on the minutes without the emails included. Councilwoman Marcalus commented that there was a question on the Council assignments but then Councilman Burns included an email stream. That is what Councilman Di Pentima is objecting to. Councilman Burns asked that they be put in the minutes so they are on record. He thinks it is pertinent. There were many statements included in the past. He has no problem removing the email addresses. Borough Attorney Muhlstock advised that it is bad policy to include emails in the Borough's minutes.

ROLL CALL: Yeas, Councilmembers Di Pentima, Marcalus, Pignatelli.
Nay, Councilman Burns. Abstain, Councilwoman Stagg.

APPROVAL OF MINUTES: FEBRUARY 24, 2009

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, the minutes from the Mayor and Council meeting of February 24, 2009 be approved.

ROLL CALL: Yeas, Councilmembers Di Pentima, Marcalus, Pignatelli.
Nay, Councilman Burns. Abstain, Councilwoman Stagg.

APPROVAL OF MINUTES: MARCH 11, 2009

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, the minutes from the Mayor and Council meeting of March 11, 2009 be approved as amended on pages 9 and 10.

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

APPROVAL OF MINUTES: MARCH 21, 2009 BUDGET

On motion of Councilman Di Pentima, seconded by Councilwoman Stagg, the minutes from the Mayor and Council meeting of March 21, 2009 be approved.

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

APPROVAL OF MINUTES: MARCH 25, 2009

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, the minutes from the Mayor and Council meeting of March 25, 2009 be approved.

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

APPROVAL OF RAFFLE LICENSE RL1032 KNIGHTS OF COLUMBUS

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, approval be granted for Raffle License RL1032 for the Knights of Columbus to hold carnival games on July 23, 24 and 25, 2009 at the Recreation fields.

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

RESOLUTION 09-99: AUTHORIZE BURGIS-HIGHLANDS INITIAL ASSESSMENT

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

WHEREAS, the Borough has received a grant from the New Jersey Highlands Council for a Highlands Initial Assessment; and

WHEREAS, the goal of the grant funded project is to assess the requirements of the Highlands Regional Master Plan and the steps the Borough must take to achieve compliance; and

WHEREAS, Burgis Associates, Inc. has submitted a proposal to perform a comparative analysis of Borough data and Highlands Regional Master Plan data and to review Borough planning program changes needed for basic plan conformance; and

WHEREAS, the Borough wishes to award a contract to Burgis Associates, Inc. at a cost not to exceed \$ 15,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account# 9-01-41-716-000; and

WHEREAS the aforesaid award of contract is an exemption to public bidding laws and one for professional services, for which no public bidding is required.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby awards a contract to Burgis Associates, Inc. to provide services for Highlands Initial Assessment in an amount not to exceed \$ 15,000.00.

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

RESOLUTION 09-100 AUTHORIZE BURGIS-PLAN CONFORMANCE

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

WHEREAS, the Borough has received a grant from the New Jersey Highlands Council for Basic Plan conformance with the Highlands Regional Master Plan; and

WHEREAS, the goal of the grant funded project is to conform the Borough's Master Plan to the Highlands Regional Master Plan; and

WHEREAS, Burgis Associates, Inc. has submitted a proposal to address the requirements for petition to the New Jersey Highlands Council for Basic Plan Conformance with the Highlands Regional Master Plan through Plan Conformance modules as follows ; and

Module 1: Current Municipal Conditions and Build out Analysis	\$ 15,000
Module 2: Land Use and Resource Capability Analysis Module	\$ 10,000

Module 3: Housing Element & Fair Share Plan Module	\$ 7,500
Module 4: Highlands Environmental Resource Inventory Module	\$ 2,000
Module 5: Highlands Master Plan Element Module	\$ 2,500
Module 6: Highlands Regulation Module	\$ 5,000
Module 7: Municipal Self-Assessment, Implementation Plan & Petition	\$ 8,000

WHEREAS, the Borough wishes to award a contract to Burgis Associates, Inc. at a cost not to exceed \$ 50,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account# 9-01-41-715-000; and

WHEREAS the aforesaid award of contract is an exemption to public bidding laws and one for professional services, for which no public bidding is required.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby awards a contract to Burgis Associates, Inc. to provide services for Plan Conformance to the Highlands Regional Master Plan in an amount not to exceed \$ 50,000.00, and in accordance with the amounts for each module as shown above.

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

RESOLUTION 09-101 CANCEL TAXES & ISSUE REFUND BLOCK 1501, LOT 58

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

WHEREAS, on March 31, 2009, the Tax Assessor granted a full property tax exemption as a permanently disabled veteran to Benjamin R. Cascio, as the owner of Block 1501, Lot 58; and

WHEREAS, the tax exemption is retroactive for the tax year 2009, and because of the foregoing, taxes for the year 2009 should be cancelled and a refund be issued in the amount of \$3,327.94 for taxes paid to date;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the 2009 property taxes be cancelled and a refund in the amount of \$ 3,327.94 be issued to Benjamin R. Cascio.

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

RESOLUTION 09-102 LICENSE OF BOROUGH PROPERTY

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

WHEREAS, the Borough of Oakland is the owner of certain lands and premises within the Borough of Oakland; and

WHEREAS, the Mayor and Council of the Borough of Oakland have determined that certain properties that have been acquired are not necessary for public use; and

WHEREAS, the Borough of Oakland desires to make available for license certain properties to adjacent property owners; and

WHEREAS, the Mayor and Council wish to establish a policy for the licensing of such properties.

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

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1. The Borough will hereby permit requests to license various properties within the Borough of Oakland currently owned by the Borough of Oakland by adjacent property owners.
2. A written request is to be made to license such property to the Borough Clerk which request will be reviewed by the Borough Administrator, Superintendent of the Department of Public Works and Borough Engineer and a report delivered to the Mayor and Council in order to appropriately evaluate the request to license the property.
3. The Mayor and Council, in its sole discretion, shall determine whether to license the property to the adjoining property owner.
4. The license shall be for a period of a calendar year and shall be in the amount of One Dollar (\$1.00).
5. The licensee shall be required to enter into a written license agreement which will require the execution of a Hold Harmless Agreement, an appropriate Certificate of Insurance, and in accordance with the Rules and Regulations for such licensed property, attached hereto.
6. The licensee shall comply with all rules and regulations as follows:
 - The maintenance of the property which will include appropriate landscaping, snow removal;
 - Maintaining the property in a clean fashion and free of all debris;
 - No permanent structures;
 - No parking of vehicles, recreational vehicles or boats;
 - No fencing shall be placed on the property;
 - No paving of the property;
 - The property owner shall be current on taxes and have no outstanding violations for property maintenance, zoning or health;
 - Any additional regulations that the Mayor and Council may impose on a case by case basis, at its discretion.

Mr. Muhlstock advised that the Borough is setting forth policy for adjacent property owners to utilize property owned by the Borough. Councilwoman Stagg commented that she had originally asked that parking of vehicles be allowed because that is not permanent. Councilman Di Pentima responded that there was further discussion on that. The Council felt they didn't want anything parked there in case of a flood event. Councilman Burns commented that there had also been discussion that if the vehicle was a wreck, it could be leaking oil. Mr. Kunze advised that this resolution could be readopted annually at the reorganization meeting.

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

RESOLUTION 09-104 AUTHORIZE COPS GRANT APPLICATION

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

WHEREAS, through the American Recovery and Reinvestment Act, the Federal Government is making funds available to local governments through the COPS program for the purpose of hiring and retaining police officers; and

WHEREAS, the Borough currently has one police officer vacancy that it would like to fill provided funding is available;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby authorizes Police Chief Edward Kasper to file an application for funding through the COPS program.

Councilman Pignatelli advised that the Borough is down one police officer due to resignation. This grant is an opportunity for the Borough to get about \$ 150,000 over three years. Councilwoman Stagg commented that the Borough would have to start paying after three years. Councilman Pignatelli responded that the Borough would have to keep the officer for a fourth year. Councilman Burns commented that the Borough is filling a vacancy. This probably would have been done anyway but now the Federal Government is paying for it.

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

RESOLUTION 09-105 SUPPORT JIF BYLAW AMENDMENT

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

WHEREAS, the Borough of Oakland is a member of the Bergen Joint Insurance Fund, hereinafter the "FUND"; and

WHEREAS, recently there was a proposal to change the FUND's bylaws; and

WHEREAS, after a public hearing conducted on March 23, 2009, the Executive Committee of the FUND distributed the proposed bylaw amendment to the membership for their consideration; and

WHEREAS, these revised bylaws must be ratified by at least three fourths of the member towns before they can become effective.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Oakland that the revised bylaws are hereby approved.

Councilman Di Pentima commented that this is what the Mayor spoke about the last few meetings. Part of what the WOLF cooperative is trying to do is find savings. The Bergen JIF bylaws have a clause that the risk manager gets a fee of 6%. The Borough is asking JIF to amend the bylaws so the risk manager's fee can be negotiated for a savings. Three-quarters of the JIF members must pass a resolution of support in order for the bylaws to be amended. Councilman Burns commented that this is related to the fee for the risk manager not the JIF payment. Councilman Di Pentima responded that the Borough pays JIF and JIF pays the risk manager. Mr. Kunze advised that JIF does not want to track different rates. The Borough would pay the JIF and they would send the Borough back money for the risk manager.

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

RESOLUTION 09-106 AMEND TEMPORARY BUDGET

On motion of Councilman Di Pentima, 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	Appropriation
9-01-20-110-011	Mayor & Council – Salaries & Wages	\$18,000
9-01-20-130-011	Finance – Perm Full Time	\$61,000
9-01-21-180-011	Planning Bd. – Perm Full Time	\$10,000
9-01-21-185-012	Bd of Adj – Perm Part Time	\$5,000
9-01-25-240-010	Police – Perm Full Time	\$1,400,000
9-01-25-252-011	Emergency Management - Perm Full Time	\$2,000
9-01-27-330-011	Bd of Health – Perm Full Time	\$21,000
9-01-43-495-011	Public Defender – Perm Full Time	\$3,500
9-01-36-472-000	Social Security	\$200,000

Water Operating Fund

Account #	Description	Appropriation
9-05-55-501-011	Water – Perm Full Time	\$200,000
9-05-55-541-000	Water – Social Security	\$20,000

Sewer Operating Fund

Account #	Description	Appropriation
9-07-55-501-011	Sewer – Perm Full Time	\$32,000
9-07-55-505-001	Sewer – Electricity	\$10,000
9-07-55-542-000	Sewer – Social Security	\$10,000

Councilman Di Pentima advised that this resolution is being done because the budget has not been adopted yet. The original temporary budget was only for 26% so we need to do this temporary emergency authorization to keep operating. These figures will be included in the final budget.

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

WORK SESSION:**GARBAGE & RECYCLING BID:**

Mr. Kunze advised that this is a follow up on the last meeting's discussion. Mr. Kunze sought clarification over the structure of the bid and how the contract can be structured. There are two decisions the Council must make-what level of collection to provide and what is the term of the contract. The bulk of the savings is between years 1, 2 and 3. Councilwoman Marcalus asked Mr. Kunze to address Mr. Kozak's request to change to once a week commingled pickup. Mr. Kunze responded that the Borough doesn't have the authority to change the scope of what was bid. The once per week commingled option was not bid so the Borough would have to rebid. The current hauler is on month-to-month for April. The hauler could do that for May as well but not thereafter. Therefore, the Borough could not rebid because there is a 60-day window. If we went out to bid next week, it would be June or July before the bid could be awarded. Councilwoman Marcalus reiterated that if the Borough were to rebid, it would be June before the contract is awarded. Mr. Kunze responded that was provided there were no challenges or legal issues. Councilwoman Marcalus commented that it would eat up any savings if the Borough had to go month-to-month with the vendor. Councilman Burns commented that the vendor is willing to go month-to-month through May and it is a problem after that. He doesn't want to be in a position that the vendor could walk away if the Borough rebids. Councilman Burns commented that even though there is push to recycle, he feels it is important that there is an education process for the public. Therefore, he is leaning toward the hybrid option of 2x per week for six months and 1x per week for six months. He would like more input from residents. Mr. Kunze advised that there is talk about a public education campaign to educate the public about changes to the recycling program.

Councilwoman Marcalus commented there is more of an issue going to 1x per week pickup year round. Most surrounding towns do the hybrid option. That is the middle ground toward going green. Therefore she is leaning toward the hybrid option. Councilman Pignatelli commented that the Borough has to do better educating people. He would like to ease into this by doing the hybrid option. After a couple of years, there will be historical statistics. Councilman Di Pentima commented that he is in favor of the hybrid option. Councilwoman Stagg commented she is in favor of once per week. Councilman Burns commented that even though there is a savings to the contracts, he cannot emphasize the savings the Borough would realize on tipping fees. The more the residents recycle, the lower the tipping fees would be.

Councilwoman Stagg commented that at the last meeting, the consensus with the Mayor voting was for 1x per week pickup. Councilwoman Marcalus advised that she decided to go with the hybrid option since the surrounding towns have that option.

RECREATION ORDINANCE 09-CODE-591

This ordinance was previously introduced. Councilman Burns had a problem with the wording in the original ordinance but the wording has been revised. He approves of the new wording. The ordinance will be scheduled for adoption on April 22nd.

RECREATION FEES:

Mr. Kunze advised that the Recreation Commission provided the recommended fees late Friday afternoon and he did not have time to do an analysis. Councilman Burns commented that the new recommendations are for tennis, including a court reservation fee, football and summer camp. There will also be a Recreation improvement fee of \$ 5.00 added per program. Councilwoman Marcalus questioned if the ordinance has to be amended. Councilman Burns advised that the Council would amend the ordinance and adopt the fees. Councilwoman

Marcalus questioned why there are no longer family fees for tennis. Councilman Di Pentima responded their fees and scale are consistent with Wyckoff and Franklin Lakes. Councilman Di Pentima advised that the \$ 5.00 capital fee would apply to sports programs. Recreation would maintain a schedule and provide an accounting. Mr. Kunze commented that the CFO felt one check would work for the registration fee and the capital fee. The money could then be transferred into the trust account. The CFO felt it could be accurately tracked and is easier for residents to only write one check. Councilman Di Pentima advised that football has the largest deficit. He would recommend the fee be \$ 125 instead of \$ 120. There is a \$ 10,000 deficit so the other sports have to subsidize football.

Mr. Muhlstock asked for clarification that the capital improvement fee does not apply to camp. He also asked for clarification that the Rec Commission did not intend to have a family membership for tennis. Councilman Burns advised that the Council needs to introduce an ordinance at the next meeting because camp sign-ups are occurring now. Mr. Muhlstock advised the fees can be made retroactive for 2009.

RECREATION CONCESSION:

Councilman Burns advised that the Recreation Commission has talked about the difficulty in getting volunteers to man the concession stand. They would like the Borough to lease the concession out and get a flat fee for the concession. The Recreation Commission would also like the Mayor and Council to make a determination to have advertising. Councilman Burns is personally not in favor of advertising. Councilman Di Pentima advised that the Council should discuss advertising at some point. Regarding the concession, the Mayor and Council would have to lease the concession but could dedicate the money to Recreation operations. The Administrator and Attorney can work on the specs if the Council decides to bid it out.

Mr. Muhlstock advised that the concession is going to have to be bid. However, he doubts the Borough will be able to get any third party to run the concession where the third party will pay the Borough. That is not a profit-making situation. He could put together a small spec sheet to bid out. If the specs were to say that the bidder should pay the Borough a fee of \$ 5,000, Mr. Muhlstock does not think the Borough would get any bidders. The only reason the stand made \$ 5,000 to \$ 7,000 last year is because there were no labor costs. A third party operating the stand will not do it for free. Councilman Pignatelli commented that parents could serve in lieu of paying a fee. Mr. Muhlstock responded that the Rec Commission cannot get parents to sign up. Councilman Di Pentima commented that the Recreation stand is traditionally not open all the time and a third-party could open it more hours. Mr. Muhlstock gave some examples of bids done by different towns. He said the question is whether the Rec Commission is providing the service for the convenience of the residents or whether they are trying to make money.

Councilman Di Pentima advised that he was approached by a resident in the vending business who is willing to put machines at the Rec Field and give a percentage to the Borough. He commented that if the Recreation concession was bid out, the ice cream vendors may have to be limited. Councilwoman Marcalus asked how long it would take to put a bid out to see if we get any response. Mr. Muhlstock advised he could put together a minimal spec sheet. Mr. Kunze asked if he should bring this back for discussion once the spec sheet is done or should he send it out. Councilman Burns responded there are time constraints. Mr. Muhlstock questioned if the Borough is going to ask for money or is it just to run the concession for the convenience of the residents. Councilman Burns responded he thinks that the Rec Commission wants money for it. He will contact Chairman Steve Wagoner to see what he is looking for.

Mr. Kunze advised he will schedule advertising on the next work session for discussion.

SHARED SERVICES BID:

Mr. Kunze advised that the Northwest Bergen Shared Services group took bids for a Road program. Once Ramsey awards the master contract, we can award our own contract using those unit prices. Councilman Di Pentima asked if this price is more or less than what the Borough spent last year. He commented that we need to measure against what was paid in the past to see if it was beneficial. Mr. Kunze will get the information. Councilman Burns commented that we might have to change the roads depending on the pricing. Mr. Kunze commented that the thought is if the bid is done through the cooperative, you get a volume discount. Councilman Di Pentima commented that he just wants to know if it is more effective to bid through a cooperative or bid on our own.

CDBG GRANT:

Mr. Kunze advised there is a supplemental program called CDBG-R for recovery. This is part of the stimulus funds. Bergen County has allocated \$ 2.8 million for distribution to the towns. The time frame is very aggressive. The application is due next week. It is very competitive. The County is looking to see towns past performance in completing projects and are looking toward green projects. Mr. Kunze sat with Borough Engineer Steven Busanic and Assistant DPW Superintendent Anthony Marcucilli to look at projects. They are recommending applying for a Road program that meets CDBG requirements. Mr. Kunze thinks that project has the best chance of success to get money. Mr. Busanic advised the roads that would be considered are Lawlor Drive, McGinnis Way, Oak Street and Aspen. The estimate for the project is \$ 460,000. Councilman Pignatelli asked if we could continue the sidewalk program. Mr. Kunze responded that most of the sidewalks that need to be done are not in the eligible area. The geographic area is bound by West Oakland Avenue and Ramapo Valley Road but within that geographic area there is additional criteria. Mr. Kunze advised that the Borough already planned to pave Lawlor Drive using old capital money. The Borough had previously asked for funding for Aspen Way but didn't receive it. There is a legitimate need for the work. Councilman Pignatelli asked if we are asking for too much. He asked if we should request funds for the roof at the Senior Center. Mr. Kunze advised that the roof at the Senior Center will cost \$ 30,000. If the Borough receives the money from the grant, we can adjust the scope of work to include the Senior Center roof. Councilwoman Stagg is not in favor of spending \$ 60-70,000 in soft costs if we don't have to. Councilman Burns commented that the soft costs should be reduced because the Borough has done some work already.

RESOLUTION 09-107 AUTHORIZE GRANT APPLICATION

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

WHEREAS, a Bergen County Community Development grant of \$ 460,000 has been proposed by the Borough Engineer for Road Improvements in the Borough of Oakland, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of Oakland, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Oakland hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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

PURCHASE AIR PACKS-FIRE DEPARTMENT

Mr. Kunze advised that from the time of the original request of the Fire Department to purchase the air packs, there has been a price increase. They are now going to purchase eight instead of 10. The purchase is over the bid threshold and requires a resolution. A resolution will be put on the next agenda.

COUNCIL REPORTS:

Councilman Pignatelli: No report

Councilman Di Pentima: He thanked the Public Events for their work on the Easter Egg Hunt. The kids had a great time. He thanked Joe Ferrarella and the DPW for their work. The next meeting of the Public Events Committee will be held on Monday April 13th at 7:00 pm. The Communications Commission sent a letter to Verizon to get the necessary review of our facility to get the signal out to Verizon customers. The OCC will meet on April 15th. They are looking for members for their subcommittees.

Councilman Burns: There is one day left for summer camp registration. Football signups will be held on Saturday April 11th and Wednesday April 15th. The Shade Tree Commission will hold its Arbor Day Celebration at the Rec Field on April 24th at 4:00 pm. The Shade Tree Commission is ordering a group of trees to be planted. They are looking at two properties for the tree farm. The Borough was recertified as Tree City USA. The Shade Tree Commission is working on the Community Forestry program.

Councilwoman Stagg: No report.

Councilwoman Marcalus: The Planning Board will meet on April 9th at 7:00 pm at the Senior Center. Burgis Associates will hold a public hearing on the Highlands Plan Conformance. Councilwoman Marcalus will speak at the Japanese School. The Senior Center will be closed on April 10th in honor of Good Friday.

BILLS TO BE PAID:

On motion of Councilman Di Pentima, 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 Burns, Di Pentima, Marcalus, Pignatelli, Stagg.

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Di Pentima, the meeting be adjourned at 9:53 pm.

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

Lisa M. Duncan, Borough Clerk
May 13, 2009

Mayor John P. Szabo, Jr.

Date Approved