

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY FEBRUARY 11, 2009

MOVE TO EXECUTIVE SESSION:

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, (N.J.S.A. 10:4-12) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
Litigation
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, Visconti.

Councilwoman Stagg entered the meeting at 7:08 pm.

Discussion ensued about potential litigation regarding a bid, library litigation and Heritage Hills negotiations.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Council President Marcalus at 8:03 pm.

ROLL CALL: Council President called the meeting to order and the Clerk called the roll.

Present: Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

Absent: Mayor Szabo. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, 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.

RESOLUTION 09-32 PERMANENT APPOINTMENT-DONALD HARVEY

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

WHEREAS, Police Officer Donald Harvey has completed his required probationary working test period; and

WHEREAS, Officer Harvey has satisfactorily performed the work, duties and obligations of a Police Officer according to his Supervisor and Chief Kasper is recommending that Officer Harvey be permanently appointed as a Police Officer in the Borough of Oakland;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby appoints Officer Donald Harvey to permanent status as a Police Officer in the Oakland Police Department; and

BE IT FURTHER RESOLVED that the Mayor and Council extend to Police Officer Harvey their sincere congratulations and continued best wishes for a successful career as Police Officer in the Borough of Oakland.

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

Police Chief Kasper advised that Officer Harvey is a lifelong resident of Oakland. He served eight years on the Fire Department and First Aid Squad before joining the Oakland Police Department. Officer Harvey spent five months in the academy, three months training alongside another officer and then spent one year on probation. Chief Kasper advised that Officer Harvey is an asset to the Oakland Police Department. Councilwoman Marcalus issued the Oath of Office to Officer Harvey.

RECOGNITION OF POLICE OFFICERS:

Councilman Pignatelli commented that we are fortunate to live in Oakland which is a beautiful community that has a terrific group of volunteers. He is thankful that Oakland has such a dedicated and professional Police Department. He read a press release from the Bergen County Prosecutor's office which advised that Police Officer Ryan O'Keefe and Detective Mark Piercy

apprehended two suspects in the process of burglarizing a home in the Ramapo River Reserve. They were alerted to the scene by a call from a 13-year old resident inside the home. Councilman Pignatelli gave Certificates of Recognition to Officer O'Keefe and Detective Piercy. Chief Kasper commented that the Oakland Police Department does its best to keep our town safe. Councilman Burns commended the officers involved as well as the 13-year old resident for her action.

MAYOR'S REPORT:

Councilwoman Marcalus reported that on Long Hill Road, a resident's dog was killed by a coyote. She advised residents to be aware. Councilwoman Marcalus advised that the Census Bureau will be hiring people to assist with the census.

OPENED FOR PUBLIC DISCUSSION:

On motion of Councilman Burns, 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, Visconti.

Steve Wagoner, 16 Arrowhead and Chairman of the Oakland Recreation Commission, advised that five out of the six tennis courts are unsafe for play. The repairs suggested by the insurance company would cost \$ 50,000. He doesn't want to make the repairs on the courts that are on a substandard base. The tennis court project went out to bid and there were eleven bidders who responded. The bids received were much lower than expected by 100's of thousands of dollars. The Recreation Commission would like to recommend that the Council award Option C. The original estimate for that option was between \$ 750,000 and 850,000. The bid for that option came in at \$ 530,000. If the Council chooses option C, the Recreation complex would gain much needed parking by the Danny D'Elia Building. Mr. Wagoner advised that the Recreation Commission will contribute \$ 30,000 from the Recreation Trust Fund. He advised that there will also be \$ 20,000 in badge fees. This project won't affect the municipal budget until 2013. He commented that the courts are used by over 250 team tennis players, Valley Middle School students, summer camp, and the Indian Hills tennis team. He hopes the Council will go with Option C so the courts will face the correct way.

Enrico Marino, owner of 350 Ramapo Valley Road, asked the Council to delay voting on the lien for Zeytinia until the sewer rates can be reviewed. The new sewer rates unfairly target commercial users. Mr. Marino's tenants cannot sustain the outrageously high sewer bills. The Mom and Pop stores cannot sustain the increase. He doesn't know if the rate of \$ 4.90 per 100 gallons of water is correct. He researched rates in other areas and the rates for Oakland are out of line.

Wayne Brotherton, Mahwah, is a former Oakland resident of 17 years. His late uncle set up a foundation that gives grants. He is willing to entertain a grant for \$ 40,000 to do Option C. However, someone from the town needs to apply for the grant.

Roger Marchese, 44 Manito Avenue, is happy that it is time to make a decision on the courts. Option C is the way to go. The lighting will save money each year. The costs are much less than anticipated.

Bob Fabrizio, 824 Ramapo Valley Road and Chairman of the Public Events Committee, commented that at this point it looks like there will not be a carnival. The carnival was

accidentally booked for the third week of June. The Recreation Commission said that the fields were not available that week in June. The only time the Recreation Commission said they will allow the carnival is at the last weekend of June. The only time the carnival vendor is available is the week of July 20th. He commented that this affects 12 organizations who use the carnival to raise money. The summer camp director has been very cooperative and said the carnival could be held at the end of July. Mr. Fabrizio asked the Mayor and Council to help communicate with the Recreation Commission to try to get this issue resolved.

Mike Gaudagnino, 34 Hopper Street, advised that Recreation baseball has to be done by the end of the school year. That is why the carnival cannot be held the third week of June. The Recreation complex cannot be shut down because of the carnival.

Councilman Di Pentima commented that the Public Events Committee is not asking the Recreation Commission to move baseball. The new date would be the week of July 20th. Mr. Wagoner had suggested that Mr. Fabrizio get a different vendor. The reason that Bob Fabrizio got this vendor for the rides because it is reputable and the rides are safe. The dates must also be coordinated with the vendor for the games as well.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF RAFFLE LICENSE RL1029

On motion of Councilman Burns, seconded by Councilman Visconti, approval be granted for Raffle License #RL1029 for the Oakland Education Foundation to hold a 50/50 raffle on March 28, 2009 at the Knights of Columbus hall, 7 Courthouse Place.

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

RESOLUTION 09-54 AUTHORIZE DIESEL FUEL CONTRACT

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

WHEREAS, the Borough of Oakland needs to purchase diesel fuel for its vehicles; and

WHEREAS, the Borough of Oakland is a member of the Bergen County Cooperative Pricing System (state ID #11-BeCCP); and

WHEREAS, the Bergen County Cooperative Pricing System has awarded contract #07-116, Diesel Fuel to Rachles/Michele's Oil Co. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Assistant Superintendent of Public Works have recommended that the Borough of Oakland purchase diesel fuel through the Bergen Morris County Cooperative Pricing Council in an amount not to exceed \$50,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 9-01-31-460-001.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes the purchase of Diesel Fuel, in an amount not to exceed \$50,000, through the Bergen County Cooperative Pricing System, contract # 07-116, Diesel Fuel awarded to Rachles / Michele's Oil Co., 116 Kuller Road Clifton, NJ.

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

RESOLUTION 09-55 AUTHORIZE GASOLINE CONTRACT

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

WHEREAS, the Borough of Oakland needs to purchase gasoline for its vehicles; and

WHEREAS, the Borough of Oakland is a member of the Bergen County Cooperative Pricing System (state ID #11-BeCCP); and

WHEREAS, the Bergen County Cooperative Pricing System has awarded contract #07-114, Gasoline, to Allied Oil Co. and said contract was awarded through the open competitive bidding process and in accordance with N.J.S.A. 40a:11 et seq., Local Public Contracts Law; and

WHEREAS, the Borough Administrator and Assistant Superintendent of Public Works have recommended that the Borough of Oakland purchase gasoline through the Bergen County Cooperative Pricing Council in an amount not to exceed \$ 120,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 9-01-31-460-001;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the Mayor and Borough Council hereby authorizes the purchase of Gasoline, in an amount not to exceed \$120,000, through the Bergen County Cooperative Pricing System, contract # 07-114, Gasoline, awarded to Allied Oil Co., 25 Camplain Rd, Hillsborough, NJ .

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

RESOLUTION 09-56 REJECT BID LAWLOR DRIVE

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

WHEREAS, on October 7, 2008, the Borough received bids for the Improvements to Lawlor Drive; and

WHEREAS, also in October, the Council decided to hold off on the improvement to Lawlor Drive until after improvements were made to the Tennis Court complex; and

WHEREAS, it has now been more than 60 days past the bid opening date; and

WHEREAS, the Borough Engineer and Borough Administrator have reviewed the bids and have recommended that the bids be rejected at this time.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby reject the bid for the Improvements to Lawlor Drive.

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

RESOLUTION 09-57 AUTHORIZE COUNTY NATURAL HAZARD MITIGATION PLAN

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

WHEREAS, the Borough of Oakland through its office of Emergency Management, with the assistance from the New Jersey Meadowlands Commission and the Bergen County Office of Emergency Management, has gathered information to prepare the Bergen County Natural Hazard Mitigation Plan; and

WHEREAS, the Bergen County Natural Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, through public hearings held by the Meadowlands Commission, Bergen County citizens were afforded an opportunity to comment and provide input in the plan and the actions in the Plan; and

WHEREAS, the Borough of Oakland has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland adopts the Bergen County Natural Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan and resolves to execute the actions in the Plan.

Councilwoman Marcalus advised that by adopting the Plan, the Borough moves closer to receiving grants from FEMA.

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

RESOLUTION 09-58 AUTHORIZE MUNICIPAL ALLIANCE GRANT

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

BE IT RESOLVED that Mayor John P. Szabo, Jr. and Councilman Christopher Visconti be authorized to sign the Letter of Agreement for the 2009 Municipal Alliance Grant in the amount of \$ 11,017.00.

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

RESOLUTION 09-59 AUTHORIZE AGREEMENT-RISK MANAGER

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

WHEREAS, it is necessary for the Borough of Oakland to engage the services of a Risk Manager for Property Insurance, Liability Insurance and Workers' Compensation for 2009; and

WHEREAS, funds will be available by way of budget to compensate said Risk Manager; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in a newspaper of general circulation within the municipality; and

WHEREAS, N.J.S.A. 19:44A-20.1 et seq., commonly known as the "State Pay to Play" law, took effect on January 1st, 2006; and

WHEREAS, the Borough has fully complied with the "fair and open" process set forth under N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, the Borough's Review Team has determined that the firm of Brown & Brown will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated the firm of Brown & Brown to serve as the Risk Manager for Property Insurance, Liability Insurance and Workers' Compensation for the year 2009; and

WHEREAS, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract, and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body the Borough of Oakland that said Risk Manager be and is hereby appointed for the year 2009 pursuant to a "fair and open" process; and

BE IT FURTHER RESOLVED, that compensation for said Risk Manager for the year 2009 shall be claimed, approved and paid in the manner set forth in N.J.S.A. 40A:5-18 and pursuant to agreement to be entered into between the parties; and

BE IT FURTHER RESOLVED that the compensation to Brown & Brown shall be 6% of the Borough's Joint Insurance Fund Annual Assessment, as per the fund's by-laws, and payment shall be made to Brown & Brown directly by the Bergen County JIF; and

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

BE IT FURTHER RESOLVED, that the Borough Clerk shall cause a notice of the adoption of this resolution be printed in a qualified newspaper within ten (10) days after passage hereof.

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

RESOLUTION 09-62 AUTHORIZE LIEN-ZEYTINIA

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

WHEREAS, Zeytina's Gourmet Market, a tenant at 350 Ramapo Valley Road, has failed to pay water and sewer bills; and

WHEREAS, the balance due to the Borough as of February 3, 2009 is \$31,107.96; and

WHEREAS, the Ordinance governing water and sewer charges allows the Borough to impose a lien against the property, in the nature of real property taxes due and owing;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Borough of Oakland, that the Tax Collector be and is hereby authorized and directed to charge, as additional real property taxes, to the owner of the property located at 350 Ramapo Valley Road, the sum of \$31,107.96, being the balance due on the sewer and water bill chargeable to Zeytina's Gourmet Market, as of February 3, 2009; and be it further

RESOLVED that the Tax Collector shall take whatever actions are necessary and reasonable, in accordance with statutory law, to collect the water and sewer arrears.

Councilman Di Pentima explained that the balance of the charges predates any increase in water and sewer charges. There has been a problem collecting the funds in the past. Councilman Pignatelli commented that, from a business standpoint, the Borough needs to protect itself to make sure we don't lose the money owed to us. Mr. Chewcaskie commented that the Council can make a decision in the future on how to resolve the water and sewer charges and then can release the lien. Councilwoman Stagg commented that there is a difference of opinion on the new sewer and water rates. However, this bill dates back to October 2007 so it is not the new rate that made the difference. The Council needs to protect the town in this situation. Councilman Visconti advised that this tenant was in such arrears that it caused a budget gap. The rate increase could have been lower if not for that gap. Councilman Burns commented that it seems unfair to put the lien on the property owners since it is the tenant who has not been paying the charges. However, the property owner should have a deposit in escrow from the tenant. The Borough cannot treat any resident or business owner differently. The Borough has to take action on the property owner. Councilman Di Pentima explained that because the deficit for the customer caused arrears, it caused the utility to be insolvent.

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

RESOLUTION 09-64 AUTHORIZE GRANT AGREEMENT-PINNACLE

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

WHEREAS, the Mayor and Council of the Borough of Oakland wish to enter into a grant agreement with the County of Bergen awarding the Borough a \$ 1,000,000 grant for its acquisition of property identified as Block 3001, Lots 1, 15 and 18 on the tax maps, consisting of approximately 78.38 acres and collectively known as the Pinnacle Property.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby authorizes Mayor John P. Szabo, Jr., and the Borough Clerk to execute said grant agreement.

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

RESOLUTION 09-65 AWARD BID-RECREATION EQUIPMENT

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

WHEREAS, the Borough of Oakland has a need to purchase a variety of recreational supplies and equipment throughout the year for the myriad of recreation programs; and

WHEREAS, the Mayor and Council has determined it to be most cost effective to establish unit prices for equipment and supplies to purchase throughout the calendar year; and

WHEREAS, the Township of Wyckoff is the Lead Agency for Cooperative Pricing System Number 176-WCGCPS-WOLF Group; and

WHEREAS, this competitively bid procurement is the first cooperative pricing system bid for the WOLF Group and as such this procurement establishes unit prices for system members (Franklin Lakes, Oakland and Wyckoff); and

WHEREAS, an advertisement for bid was published in the January 2, 2009 issue of the Ridgewood News; and

WHEREAS, bids were publicly opened and read aloud on January 21, 2009 at 3:00 p.m. as listed on the bid spread sheet that is attached as if set forth at length; and

WHEREAS, following is a list of the companies which were the lowest responsive and responsible bidders for individual unit prices on the items listed:

Bidder #1

All-Nu Trophy

243 Teaneck Road

Ridgefield Park, NJ 07660

Item #'s: 1Adult, 1Youth, 2Adult, 2Youth, 3 Adult, 3 Youth, 5, 6 Adult, 6 Youth, 7 Adult, 7 Youth, 8, 11, 13 Adult, 13 Youth, 14 Adult, 14 Youth, 16 Adult, 16 Youth, 18 Adult, 18 Youth, 19 Adult, 19 Youth, 20 Adult, 20 Youth, 21 Adult, 21 Youth, 22 Adult, 22 Youth, 23, 24 Adult, 25 Adult, 26 Youth, 26 Adult, 27 Adult, 27 Youth, 28 Adult, 28 Youth, 29 Adult, 31 Adult, 31 Youth, 32 Adult, 33 Adult, 34 Adult, 34 Adult XXL, 35 Adult, 35Adult XXL, 36 Adult, 37 Adult, 39 Adult, 39 Youth, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217 Youth, 217 Adult.

Total #'s: 63

Potential Amount: \$84,446.14

Bidder #2

Metuchen Center Inc.

429 Joyce Kilmer Ave.

New Brunswick, NJ 08901

Item #'s : 9, 10, 12, 17 Youth, 17 Adult, 30 Adult, 38 Adult, 40, 43, 45, 47, 49, 50, 51, 52, 61, 62, 76, 78, 80, 82, 83, 84, 85, 89, 92, 94, 97, 99, 102, 103, 105, 106, 111, 113, 115, 125, 130, 133, 135, 136, 140, 142, 143, 144, 146, 147 Adult, 148, 149A, 149B, 150A, 150B, 150C, 155 Adult,

155 Youth, 167, 184, 186, 187, 188, 189, 190 Adult, 190 Youth, 191, 192, 193, 197, 198, 199, 200, 201 Sr, 202 Jr, 203 24", 203 27", 203 30", 204 Jr, 205, 225B, 245

Total #'s: 79

Potential Amount: \$53,737.02

Bidder #3

Efinger Sporting Goods Co.

513 W. Union Ave

Bound Brook, NJ 08885

Item #'s: 41, 42, 68, 69, 70, 71, 72, 74, 75, 79, 90, 96, 98, 100, 101, 104, 116, 118, 120, 122, 124, 128, 134 Youth, 161 Adult, 161 Youth, 162 Adult, 162 Youth, 163, 166A, 166B, 170, 173, 174, 175, 177, 178, 180, 181, 182, 183, 185, 218, 220, 221, 224B, 226A, 226B, 226C, 227, 234.

Total #'s: 50

Potential Amount: \$24,207.35

Bidder #4

R&R Trophy & Sporting Goods

104 Ridge Road

North Arlington, NJ 07031

Item #'s: 58, 59, 73, 77, 132, 165A, 165B, 168, 176, 179, 194, 195, 196, 219.

Total #'s: 14

Potential Amount: \$10,382.12

Bidder #5

Anaconda Sports

1221 Ulster Ave

Kingston, NY 12401

Item #'s: 4 Adult, 4 Youth, 15 Adult, 15 Youth, 44, 46, 48, 60, 123, 126, 127, 149C, 158Adult, 158 Inter, 158 Youth.

Total #'s: 15

Potential Amount: \$9,838.30

Bidder #6

Sport Supply Group, Inc.

Passons Sports

BSN-US Games

League Direct

125 Passaic Avenue

Hasbrouck Heights, NJ 07604

Item #'s: 53, 54, 55, 56, 57, 63, 64, 65, 66, 67, 81, 86, 87, 88, 93, 95, 114, 129, 131, 134Adult, 137, 138, 139, 141A, 141B, 141C, 145, 151, 152 Large, 152 Medium, 152 Small, 153 Large, 153 Medium, 153 Small, 160 Adult, 160 Youth, 164A, 164B, 164C, 169, 171, 172, 222A, 222B, 222C, 222D, 228 Youth, 228 Adult, 229, 246.

Total #'s: 50

Potential Amount: \$17,178.49

Bidder #7

S & S Worldwide

75 Mill St.

Colchester, CT 06415

Item #'s: 0 (S&S failed to submit bid bond or business registration certificate, bid not accepted)

Total #'s:
Potential Amount: \$0

Bidder #8
Riddell All American
669 Sugar Lane
Elyria, OH 44035
Item #'s: 91, 108, 110, 112, 117, 119, 121, 154Adult, 154 Youth, 156, 157.
Total #'s: 11
Potential Amount: \$3,509.60

Bidder #9
Flaghouse
601 Flaghouse Drive
Hasbrouck Heights, NJ 07604
Item #'s: 107, 109, 201 Jr, 202 Sr, 204 Sr, 206, 223, 224A, 225A.
Total #'s: 9
Potential Amount: \$

Bidder #10
Michael's Sporting Goods
839 Franklin Lakes Road
Franklin Lakes, NJ 07417
Item #'s: 159 Adult, 159 Youth
Total #'s: 2
Potential Amount: \$400.80

Bidder #11
Medco
500 Fillmore Avenue
Tonawanda, NY 14150
Item #'s: 230, 231, 232, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244.
Total #'s: 13
Potential Amount: \$489.40

WHEREAS, the aforementioned awards are made on the basis of the low bid net unit price. On Bid Items #40, 41, 44, 47, 52, 53, 54, 55, 135, 150A/B/C, 165A/B, 166A/B, the apparent low bidder is not recommended for an award because items as per the bid specification instructions were not bid, and no samples of substitute items were provided as required in the bid instructions. Bid Item #168 is recommended for a substitute item in that the product sample provided was considered an approved equal or substitute as per the specification instructions. Bid item #154 Adult was bid at the same price by two bidders. The bid is recommended to the bidder who bid the lowest price on the related Adult sizes for reasons of Recreation Department operational efficiencies and so that the teams' uniforms match exactly. Bid items #3 Adult and #6 Adult were bid \$.02 lower by another bidder on the related youth sizes. Because the price on the youth sizes were significantly lower by the low bidder, the award for #3 and #6 Adult were awarded to the low bidder on the youth sizes for reasons of Recreation Department operational efficiencies and so that the teams' uniforms match exactly. Bid Items #30 Adult, 133, 173, 227 were bid at the same price by two bidders. The bids were awarded to the bidders who are located the greatest geographical distance away from the Recreation Department. Bid Item #233 was not awarded in that no vendors bid on this item.

WHEREAS, the Chief Financial Officer has certified that funds are available in Account# 9-01-28-370-020 (Recreation-Other Expenses); and

WHEREAS, items 1A through I of Section 1 of the bid specification are referenced and applicable to this award authorization for the Township of Wyckoff as lead agency and the Borough of Franklin Lakes and Oakland as participating members of this Cooperative Pricing System Procurement; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that they do hereby award eleven (11) contracts to the vendors for the individual bid unit items that they bid the lowest responsive and responsible individual bid unit prices.

BE IT FURTHER RESOLVED that the Recreation Commission shall purchase the estimated recreation items only at the awarded unit prices and only those items required for the 2009 program and in accordance with the Borough's purchasing procedures. The Recreation Commission Chairman shall meet periodically throughout the year with the Recreation Directors of Franklin Lakes and Wyckoff to order common items at the same time to ensure the bulk discount pricing is obtained.

BE IT FURTHER RESOLVED that the Municipal Clerk shall mail a certified copy of this resolution to the Franklin Lakes and Wyckoff Municipal Administrators.

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

RESOLUTION 09-66 AUTHORIZE COLLOCATION AGREEMENT

Borough Attorney Chewcaskie explained that the Borough had a lease agreement with Sprint Spectrum which was assigned to TowerCo. In accordance with the original agreement, the Borough must be paid 50% of any collocation fees. This resolution is an authorization to permit a collocation and to collect the fees.

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

WHEREAS, a lease agreement was entered into with Sprint Spectrum, L.P. on September 24, 2002 for the construction of a wireless telecommunications facility at the Thornton Road Water Tank Site; and

WHEREAS, TowerCo Assets, LLC is the successor-in-interest to Sprint Spectrum, L.P. with respect to this lease; and

WHEREAS, Paragraph 3 of the lease agreement provides for the collocation on the wireless telecommunications facility; and

WHEREAS, pursuant to the terms of the lease agreement, fifty (50%) percent of any rent received by TowerCo Assets, LLC for such collocation is to be paid to the Borough; and

WHEREAS, TowerCo Assets, LLC has negotiated an agreement with Metro PCS; and

WHEREAS, such agreement provides for the payment of \$ 2,500.00 per month to TowerCo Assets, LLC with a 3 percent annual increase; and

WHEREAS, TowerCo Assets, LLC has requested that the Borough approve the agreement with Metro PCS for collocation on the Thornton Road Water Tank wireless telecommunications facility.

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

1. The sublease/collocation agreement to be entered into between TowerCo Assets, LLC and Metro, PCS is hereby approved, subject to the receipt of the sum of \$ 1,250.00 per month for such collocation pursuant to the lease agreement assigned to TowerCo Assets, LLC.
2. The additional rent to be received as a result of the collocation agreement is to be paid by TowerCo Assets, LLC with its monthly lease payments, subject to adjustment of 3 percent per year when effective.

BE IT FURTHER RESOLVED this approval is subject to the review and approval by the Borough Attorney of the executed Collocation Agreement between TowerCo Assets, LLC and Metro PCS.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to TowerCo Assets, LLC.

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

INTRODUCTION: ORDINANCE NO. 09-CODE-587

The Clerk was directed to take from table Ordinance No. 09-Code-587 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-587 entitled: "AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK"

Councilman Di Pentima explained that the Council adopts this ordinance every year to manage the budget. He explained that under the cap law, the municipality can only increase expenses 2.5%. If the Council adopts the ordinance, the cap can increase by an additional 1%. He explained there are times when additional funds are needed. If the additional 1% is not used, it goes into a cap bank where it stays for two years.

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank", be introduced;

That said Ordinance be considered for final adoption at a meeting on February 25, 2009 at the Municipal Court/Council Chambers, 10 Lawlor Drive, Oakland, New Jersey at 8:00 P.M.

That said Ordinance be published in full in The Record on or before February 15, 2009 together with notice of this introduction and of the time and place for further consideration for final passage, and that the Clerk post a copy of said Ordinance in the Municipal Building and make copies available to the public.

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

WORK SESSION:

TENNIS COURTS:

Mr. Kunze advised that bids were taken on January 30th for the tennis courts project. The project was bid with three alternates. Alternate A was to repair the tennis courts and prep for lighting to be done at a future date. Alternate B was to repair the courts and install new lighting. Alternate C was to reposition the courts and install new lighting. The Borough received eleven bids. The pricing was very competitive and almost all bids came in below the Engineer's original estimate. The low bidder was English Paving. Their bids were \$ 378,548 for Alternate A; \$ 478,572 for Alternate B and \$ 527,489 for Alternate C. The cost of the bids with soft costs added-costs for Engineering and soil borings- were \$ 485,000 for Alternate A; \$ 590,000 for Alternate B and \$ 641,000 for Alternate C. The Borough currently has \$ 125,000 in grants from the County. The Borough has also submitted a request for additional funding of \$ 144,000 which was just approved by the Board of Freeholders. That gives the Borough a maximum grant amount of \$ 269,000. It is a 50/50 matching grant. If we go with Alternate A, the Borough would only be able to use \$ 242,000 of the grant money. If we go with Alternate B, the Borough would be using the entire \$ 269,000 of grant money and would be using \$ 321,000 of our own money. If we go with Alternate C, the Borough would use the entire \$ 269,000 of grant money and would be using \$ 372,000 of our own money. Mr. Kunze advised that the Council does need to introduce a supplemental bond ordinance for this project. If the Council does wish to embark on the project in April, the Council will need to give Mr. Kunze direction tonight in order to prepare a bond ordinance to introduce on Saturday at the special meeting that has already been scheduled.

Councilwoman Marcalus questioned what it would cost the homeowners. Mr. Kunze advised he had done an analysis in the fall based on the Engineer's estimates. He did not do another analysis with the new figures. It varied from between \$ 10 to \$ 20 based on the estimates. Mr. Chewcaskie advised that there have been several protests from the first and second low bidders. The primary issue is with the bid for Alternate C. He advised the Council to make a decision on which alternate they wish to proceed with since there is a potential for litigation. There is a contest between the two low bidders as to who complied with the specifications. Mr. Chewcaskie advised he received a letter that challenges Alternate A & B also. He received another letter today questioning a bid bond. The Council should be aware that there may be litigation arising from the award.

Councilman Di Pentima advised that the Council should make a decision irrespective of the contributions that may come forward. He has asked the CFO for an accounting on the Recreation trust fund and he is not sure there is \$ 30,000 left in the trust fund. In terms of badge fees, Councilman Di Pentima is not sure where Mr. Wagoner came up with the \$ 20,000 fee because the last two years, the badge fees were \$ 10,000. Councilman Di Pentima is not sure that anyone can quantify property values related to the tennis courts. It is an impact on the

budget. It will have an impact in 2009. The Borough had to raise short term financing on the money spent on the project last year. All the Councilmembers agree that something has to be done. Councilman Di Pentima's concern is the price tag and where we are with the economy. He recommended choosing Alternate A. It will prep for the lights which will be done at a later time. He finds it difficult to consider Alternate C. Repositioning wasn't an issue when the courts were redone years ago and he doesn't see the need to reposition now. Councilman Di Pentima is concerned with the budget this year and in subsequent years. Alternate A gets new courts to play on. The Council must balance the wants of the project with the needs and the needs have to be based on the mass not the few. He gave some suggestions on fundraising. He advised that there is money in the capital improvement fund. We can use \$ 100,000 in cash if the Council wants to offset the financing. Councilman Di Pentima advised the neighboring communities are having drastic problems with their budgets and he does not want Oakland to be in that situation.

Councilman Burns commented that the Borough got tremendous bids. The cost to do the six courts at William Paterson College five years ago cost more than Alternate C does now. The additional parking spaces is a small part of the project. The fact that the project was not done correctly the first time should not influence the Council's decision this time. If the Council chooses Alternate A, we would lose \$ 26,500 in County grant money. If we do the project without the lights and then go out to bid at a later time to do the lights, it will end up costing more than the difference between Alternate A and Alternate B. The difference between Alternate A & B is \$ 100,000 and the difference between Alternate B & C is \$ 51,000. If the Borough gets 15 year funding, that \$ 51,000 would be spread over 15 years.

Councilwoman Marcalus commented that the bid includes \$ 4,000 to replace poles and \$ 10,000 to replace nets. She advised that the poles and the nets were a gift to the Borough from resident Larry Levine. She asked if those could be saved. Borough Engineer Steven Busanic advised he thinks those can be saved. The amount can be a deduction from the contract when the Borough enters into a contract. Councilwoman Marcalus agreed with Councilman Burns that this is an opportunity of a lifetime for the town. She thinks that even in this environment, it would be penny wise and pound foolish not to take advantage of these prices.

Councilwoman Stagg commented that it would be foolish not to go with Alternate C for an extra \$ 50,000. Councilman Visconti commented that the biggest concern is looking at the budget over the next few years. He doesn't necessarily agree with Councilman Di Pentima on the impact. One of Councilman Visconti's pet peeves is that shortcuts were taken years ago on projects that now have to be fixed. The Council has an opportunity to do a project correctly. If you look at the grant amount and the amount already appropriated, there is not that much additional funding need. He commented that there are a lot of facilities in town that do not have a lot of usage but the Borough maintains those facilities. It is important to maintain facilities for the growth of the community. He commented that sometimes a short-term decision does not help in the long-term.

Councilman Pignatelli commented that a half million dollars is a lot of money. Alternate C is an additional \$ 166,000 from Alternate A. The Council all agree that something has to be done to make the courts safe. Alternate A is doing the project right. To spend \$ 166,000 to avoid the sun for a few hours is a lot of money. The Council has to balance wants with needs. The need is to provide safe courts. The wants are to reposition the courts and gain parking spaces. Councilman Pignatelli is concerned with the national economy and the local economy. People are hurting in this economy. He feels that the lights should not be done now but should be looked at with the lights for the entire Recreation facility. Councilman Pignatelli feels for the

people who are out of work and facing foreclosures. He would rather use the money to stabilize taxes.

Councilman Burns commented that it is unfair to compare Alternate A with Alternate C. He takes the responsibility to the taxpayers seriously. The Borough is here to provide services to residents. The Council should be comparing Alternate B with Alternate C unless we are never going to do the lights. He advised that the Borough has probably spent in excess of \$ 200,000 in repair costs over the past ten years. Councilman Visconti commented that you must compare apples to apples. In Alternate A, there is \$ 115,000 of work that the Borough would not be committing to at this time. That work will definitely cost more if done at a later time. He asked how much has been authorized for this project. Mr. Kunze responded that there is an authorization of \$410,000 in place. In order to have the full authorization, the Council needs to do an ordinance for an additional \$ 230,000.

Councilman Di Pentima commented that the Councilmembers have to make the decision that they feel comfortable with. This does have an impact on the budget. He is looking at all the capital projects that are coming up including a fire truck purchase.

Councilwoman Marcalus commented that it seems that four out of six Councilmembers would go with Alternate C. Mr. Chewcaskie would like to have a vote on the Alternate chosen because if there is going to be litigation, he would rather know about it sooner. Also the amendment to the bond ordinance will require four affirmative votes for adoption.

MOTION TO APPROVE ALTERNATE C:

On motion of Councilman Burns, seconded by Councilwoman Stagg, the Council chooses to award Alternate C for the tennis court project bid.

ROLL CALL: Yeas, Councilmembers Burns, Marcalus, Stagg, Visconti.
Nays, Councilmembers Di Pentima, Pignatelli.

SUPPORT LEGISLATION FOR SNOW AND ICE REMOVAL:

Councilman Burns advised that he read an article in The Record regarding pending legislation requiring removal of snow and ice from vehicles. He suggested that the Mayor and Council pass a resolution to support the legislation.

MOTION:

On motion of Councilman Burns, seconded by Councilwoman Marcalus, the Council submit a resolution in support of pending legislation for snow and ice removal.

Discussion ensued. Councilman Di Pentima has questions on how the legislation will impact the elderly and disabled. Councilwoman Stagg commented that the legislation says nothing about getting the snow and ice off in a certain amount of time. Councilman Di Pentima advised that the funding from the fines go towards the purchase of equipment to help commercial drivers with snow removal. It is an unfair tax. He cannot support the legislation until he gets clarification on those questions. Councilman Pignatelli commented that he does not like the wording of the legislation. To make a reasonable effort does not mean to remove all the snow and ice. Councilwoman Marcalus commented that a reasonable effort means if a person is elderly, they wouldn't be issued a ticket if they couldn't remove all the snow. Councilman Burns commented that he doesn't care how elderly a driver is, it is a hazard to have snow and ice on your car. There are telescoping brushes that could be used to clean off the car. It is an extremely hazardous condition.

ROLL CALL: Yeas, Councilmembers Burns, Marcalus, Pignatelli, Visconti.
Nays, Councilmembers Di Pentima, Stagg.

MEETING CALENDAR:

Councilwoman Marcalus advised that there has been a request by Councilman Di Pentima to change the February 25th meeting due to Ash Wednesday. There has also been a request to change the meeting of April 8th because of Passover. Councilman Di Pentima commented he would like to observe Ash Wednesday so he proposes the meeting be moved to February 24th. Councilman Burns commented that when the issue first came up about April 8th because of Passover, he suggested having the meetings on the 15th and 29th because there are five weeks in April. The reason that the Council generally doesn't have meetings on Jewish holidays in deference to the Jewish residents because they may not be able to go out on a holiday. Councilman Burns commented that he is a Catholic and he has attended meetings on Ash Wednesday. It is not an obligation to attend mass and he is not in favor of changing that date.

MOTION:

On motion of Councilman Di Pentima, seconded by Councilwoman Marcalus, the Council meeting scheduled for February 25, 2009 be changed to February 24, 2009.

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

Councilman Burns suggested April 15 and April 29th for the meeting dates in April. Councilwoman Stagg questioned when the school break was. She advised it might not be good to change the meeting to the week when schools were closed because people may be away on vacation. She would rather move the meeting to April 7th.

MOTION:

On motion of Councilman Di Pentima, seconded by Councilwoman Stagg, the Council meeting scheduled for April 8, 2009 be changed to April 7, 2009.

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

MEETING TIMES:

Councilwoman Marcalus advised that the Council had previously discussed having Executive Session at 7:00 pm and starting the regular meeting at 7:30 pm. The Oakland Communications Commission discussed this and they agreed to the 7:30 pm start time. Councilwoman Marcalus knows that Councilman Burns is concerned about having a split Executive Session. However, if we know in advance that the Executive Session will go more than 30 minutes, we will have enough notice to advertise Executive Session to start at 6:30 pm.

MOTION:

On motion of Councilman Di Pentima, seconded by Councilwoman Marcalus, the Council meetings to begin at 7:30 pm instead of 8:00 pm.

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

Councilman Di Pentima suggested that the new schedule become effective with the March 11th meeting to allow enough time to advertise.

CLOTHING BIN ORDINANCE:

Councilwoman Marcalus explained that the Legislature recently passed a law regulating clothing bins and it appears our code will need to be updated so as to be in accordance with the State's law. Mr. Chewcaskie advised that the Council adopted an ordinance in 2003 to regulate clothing bins and their location. State legislation now requires a permit to be issued for clothing bins. He suggested making the Borough ordinance consistent with the legislation.

MOTION:

On motion of Councilman Burns, seconded by Councilman Visconti, the Borough Attorney be directed to prepare an ordinance for introduction on February 24th.

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

Councilman Burns commented that the money collected from the clothing bins goes to the Municipal Alliance Trust Fund. He asked if that is an authorized fund. Councilman Di Pentima responded it is an authorized fund. The CFO is going to do a complete reconciliation of all trust accounts.

RAMAPO RIVER RESERVE SIDEWALK:

Mr. Kunze advised that Ramapo River Reserve requested the Borough to install sidewalks and street lights on Ramapo River Trace and Overlook Ridge. He advised that the Borough Attorney is not aware of any obligation the Borough has to install additional amenities beyond what was installed as part of the development. Mr. Kunze advised that the pedestrian safety records have been checked and there have not been any traffic accidents involving pedestrians on those two roads. Mr. Kunze advised that the Borough Engineer's cost estimate for the project would be \$ 178,000.

Councilman Di Pentima commented that this is an interesting request. The vast majority of Oakland doesn't have sidewalks. The Council has to consider the bigger plan. Councilman Visconti questioned if Ramapo River Reserve complied with Engineering requirements. Mr. Chewcaskie responded that the Reserve underwent tremendous scrutiny. The question is were sidewalks required at that time. RSIS was not in effect at the time. If the sidewalks were a Borough standard, it was waived. Mr. Chewcaskie does not know if the street light standard was in effect or was waived. Councilman Burns commented that many of the streets there have sidewalks and lights that were put in by the developer. He does not see that it is the Borough's responsibility to enhance their development. They should go to the Homeowner's Association to do the work. Mr. Chewcaskie advised that the Borough took over responsibility of the streets as a result of the Kelly bill. This is like any request on how to deal with Borough resources. Councilman Burns questioned what the Kelly bill responsibilities are. Mr. Chewcaskie responded that the Borough reimburses what it pays for street lighting in the rest of the community.

Councilwoman Marcalus commented that Mr. Chewcaskie does not believe it is the Borough's responsibility to install sidewalks. Councilman Visconti commented that maybe we can send a letter to the Association to state that the Council will consider the request as part of the whole Borough sidewalk program that the Council discussed in goal setting sessions.

UNDERGROUND STORAGE TANK CHANGE ORDER:

Mr. Kunze advised that there were two change orders acceptable to Boswell that were outside the scope of the original contract. The total change order is over \$ 5,000. There appears to be enough funds to cover the change order. Borough Engineer Steven Busanic advised that the fuel

tank system is ready for operation. There needs to be coordination with the computer key card system and there is a meeting set for this Friday. The change order was to connect the roof canopy to the storm sewer to avoid icing problems on the fuel pad and to remove and install curbing. Mr. Busanic advised there was a change order submitted that he found unacceptable. That was a change to relocate the tank monitoring system to the supervisor's office.

Councilman Visconti questioned how the change orders came about. Mr. Busanic responded that the new curbing had to match the elevation of the old curbing. Councilman Pignatelli asked if the curbing was a matter of safety. Mr. Busanic responded it was because most of the curbing was deteriorating. Councilwoman Marcalus questioned if the Council should be getting the change orders before they are actually done. Mr. Busanic advised that, as the new Borough Engineer, he will be presenting items like this to the Council before the work is done. Mr. Kunze advised that a resolution is needed. Mr. Chewcaskie confirmed that a resolution approving change orders 1 and 3 will need to be done at the next meeting. Mr. Kunze advised the resolution will be on the agenda for the February 24th meeting.

RECYCLING ORDINANCE AMENDMENTS:

Mr. Kunze advised that the Borough's recycling ordinance must conform to the County's recycling ordinance. There have been changes to the County plan to try to increase recycling. The Borough's code will go beyond the requirements of the County plan in one area since the County only requires type 1 and 2 plastics to be recycled. With the recommended changes, the Borough would be requiring residents to recycle plastics numbered 1 through 7. Mr. Kunze advised that some of the changes the Borough can opt to do and some the Borough must do. The County has put a deadline of the end of March to adopt this ordinance.

Councilwoman Marcalus commented that a tremendous amount of work went into this. She thanked Mr. Kunze, Assistant Superintendent Anthony Marcucilli and Recycling Coordinator Eugene MacMahon. Councilman Burns commented that he knows the Borough has a facility for recycling batteries. He questioned if the Borough will make a facility for low energy lights. Mr. Kunze responded there is a concern over mercury. He suggested that the County probably has hazardous waste disposal dates. Councilman Burns commented that those dates are not well advertised and should be advertised in the newsletter.

This ordinance will be listed for introduction on February 24th.

EDEN OAKLAND DETENTION BASIN:

Mr. Chewcaskie advised that the office building of that property is being sold so the Council may not have an opportunity to act. He asked if there was any interest on the part of the Council. Councilman Burns asked that this item be carried to the next meeting so the Mayor could participate in the discussion.

JIF FEES FOR RISK MANAGER:

Councilman Di Pentima commented that the new shared services group, WOLF, discussed the automatic 6% fee the risk manager receives from the Joint Insurance Fund. The municipalities have no right to negotiate as per the JIF Bylaws. Wyckoff brought forth a resolution to petition the JIF to look at their bylaws and allow municipalities to negotiate the fees with their risk managers. Wyckoff asked for Oakland's support on this issue. Mr. Kunze advised that the next meeting of the JIF is on February 19th so maybe the Council needs to vote on this issue tonight. Councilman Burns commented if the sample resolution from Wyckoff had different wording, he might consider. Councilman Di Pentima made some suggestions on the wording.

RESOLUTION 09-67 ENDORSE REQUEST TO JIF TO AMEND BYLAWS

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

WHEREAS, The Township of Wyckoff has requested the Executive Board of the Bergen County Municipal Joint Insurance Fund (JIF) place on its February 19, 2009 agenda, a By-Law change for consideration by all thirty-eight (38) member municipalities; and

WHEREAS, the current JIF By-laws require member municipalities to pay a guaranteed six percent (6) commission to their Municipal Risk Manager; and

WHEREAS, the Borough of Oakland as well as the other thirty-seven (37) member municipalities should have the opportunity to obtain a competitive price for this service which in these tough economic times, is expected to be less than six percent (6%); and

WHEREAS, the existing By-Law provision was created in 1985 when the JIF was formed to gain acceptance of the municipal self-insurance concept and twenty-four (24) years later there is no justification to tie the hands of the member municipalities of the JIF from seeking competitive bids for this service in order to reduce the tax obligations to our residents.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Oakland that we endorse the request of the Township of Wyckoff and request the Bergen County Municipal Joint Fund Executive Board act to provide its thirty-eight (38) member municipalities the opportunity to amend the aforementioned By-law provision to provide for payment to the Municipal Risk Manager of "the amount of six percent (6%) of the commission or such other lesser fee as the municipality may be able to negotiate with its Risk Manager."

BE IT FURTHER RESOLVED that the Chairman of the Northwest Bergen County Mayor's Association provide a copy of this resolution to David Grubb, Executive Director of PERMA and the Mayors and Governing bodies of the thirteen (13) Northwest Bergen County municipalities.

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

NEW BUSINESS:

Councilman Burns commented he would like to pursue the issue of Council Committee assignments.

Councilwoman Stagg left the meeting at 10:53 pm.

COUNCIL REPORTS:

Councilman Pignatelli: He advised that the Environmental Commission came to the Board of Health meeting to ask for ways to increase recycling and composting. The Environmental Commission is working on a campaign to increase recycling. Recycling helps lower the garbage disposal costs.

Councilman Di Pentima: Councilman Di Pentima spoke about Scout Sunday which he recently attended. The Light of Christ award winners, Pack 49, were: Harrison Chen, James Hans, Justin Miner, Theodore Matsios, Joseph Nakonechny, Matthew Ranagan and Joseph Valenti. The Parvuli Dei award winners, Pack 49, were: Derek Barney, Michael Di Pentima, Walter Johnsen,

Edward Lockowitz and Kyle Sears. Councilman Di Pentima read the following memo from the Chief Financial Officer into the record:

MEMO

TO: Mayor and Members of the Borough Council
FROM: Jim Mangin – CFO
DATE: February 5, 2009
RE: Bond Anticipation Note Sale

On February 5, 2009 we conducted a Bond Anticipation Note sale for the first renewal of our combined issues of \$6,226,925. These notes fund Ordinances 08-597 for \$5,045,000 and Ordinances 07-561 and 07-558 for \$1,226,925.

The winning bid was awarded to Sovereign Securities with a Net Interest Cost of \$98,198.61 or 1.577 %. Other bids were accepted by:

	Net Interest Cost (\$)	Net Interest Cost (%)
TD Bank Securities	\$141,973.89	2.280 %
Jannery Montgomery Scott	\$184,751.75	2.967 %

By way of comparison, last year's bid was awarded to Commerce Capital Markets with a Net Interest Cost of \$137,614.83.

This report is issued in accordance with the Borough of Oakland Cash Management Plan adopted January 28, 2009 and should be read into the minutes of the next Borough Council meeting.

Councilman Burns: The Shade Tree Commission received a Green Communities grant for \$ 3,000 for a forestry plan. The Commission is in the process of getting a forester to do the work. The Shade Tree Commission is responsible to look for hazardous trees. Some residents don't take this seriously and could end up in court if they refuse to remove a hazardous tree. The Shade Tree Commission is looking at April 28th to hold the Arbor Day celebration.

Councilwoman Marcalus: She attended Scout Sunday at St. Alban's Church. The Planning Board will meet tomorrow at 7:30 pm at the Senior Center. The Knights of Columbus will be on the agenda as well as three Certificate of Occupancy hearings. Councilwoman Marcalus congratulated Valley Middle School students for their results at a future city competition. The Regional High School Board is accepting applications for a new Superintendent. Councilwoman Marcalus advised that each school board has a seat open this year. There is a FLOW area concert at Ramapo High School on February 12th. The Indian Hills mock trial team took 1st place in competition and is competing in New Brunswick at the State finals. Councilwoman Marcalus advised there will be a free lecture on portion control at the Senior Center on March 5th at 1 pm.

Councilman Visconti: He asked about the grant for the Van Allen House. Mr. Kunze responded the Borough will receive \$ 10,000 toward a Preservation plan to go along with the \$ 30,000 already received from the County. Councilman Visconti advised that the Starbucks is now open. The Library will be holding several programs. You can contact the Library at 201-337-3742 for information. The Library is organizing a book club.

Councilman Burns asked for an explanation of BAN's. Councilman Di Pentima explained that BAN's are short-term financing or notes that are done before the Borough goes out for permanent financing.

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.

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

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Di Pentima, the meeting be adjourned at 11:05 pm.

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

Lisa M. Duncan, Borough Clerk
March 11, 2009

Mayor John P. Szabo, Jr.

Date Approved