

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
TUESDAY FEBRUARY 24, 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:
Negotiations, Personnel
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

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

Discussion ensued over DPW contract negotiations, negotiations with the Oak Crest Condo Association and various personnel matters.

Mayor Szabo entered the meeting at 7:25 pm.

No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Szabo at 8:01 pm.

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

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

OPENED FOR PUBLIC DISCUSSION:

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

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

Fred Dellaiaco, 41 Oneida Avenue, commented that he does not think it was right for the Council to vote on the bid for the tennis court without public input. Mayor Szabo explained that there will be a bond ordinance introduced tonight with a public hearing to be held for adoption. He explained that direction was given to the Administrator as to what option to consider in order to prepare the paperwork for the bond ordinance. Mr. Dellaiaco commented that playing in the sun is part of the game. He spoke about the sun in the eyes of the ball players on Field 9. He asked about the possibility of litigation. Borough Attorney Muhlstock responded that there is a contest between bidders as to the interpretation of one of the bids. It is conceivable that either of the two bidders could bring litigation. Mr. Dellaiaco asked what the savings would be on lighting energy costs in comparison with the cost of the lighting. He asked if the new parking places would be paved and if the cost is included in the bid. He asked about contingency. He asked what is the total cost of the project including interest costs on the notes. Mayor Szabo advised that the Borough Administrator provided this information at the last Council meeting.

Michele Reutty, Library Director, spoke about Bill A3753. She advised that the 1/3 mil was put in place so there would be minimum funding for libraries during any political climate. The Library usage is up. She asked the Council to keep in mind the cuts that need to be made if the funding goes to 1/6 mil.

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, Visconti.

FLOOD COMMISSION REPORT:

Chairman Lew Levy thanked Dot O'Connor, Tony Pappaso and all members of the Flood Commission. Lew presented the Oakland Flood Commission's 2008 Year-End Report:

Positives:

1. The installation of the flood gates at the Pompton Lakes Dam and channel project are completed.
2. The gate operating issues seem to have been worked out. Several events have triggered the gates with the predicted protection to the project area and no negative effects downstream.
3. Per the New Jersey Department of Environmental Protection (NJDEP), there is money to fix the weir at Potash Lake. NJDEP and US Army Corps of Engineers (ACOE) are working out a repair and have already begun preliminary work.
 - A. The probable fix will be the installation of sheet pilings vertically just up-river and just down-river of the weir and then to repair the footing. The final stage will be to replace the damaged bags, fill in the void and do some aesthetics to give it a good appearance.
4. The residents that were placed into the "Severe Repetitive Loss" section of the National Flood Insurance Program (NFIP) as a result of flooding during the executory interval of the project are now showing as mitigated. The Borough should send a notice to those parties stating that anyone who is in the project area having problems with their flood insurance due to NFIP-SRL status, should call the NFIP to ensure they are showing as mitigated and that the NFIP office they are dealing with is aware of it.
5. The Borough has satisfied its initial obligation to the State by performing its first maintenance of the channel.
 - A. This was done using our Department of Public Works crew during down time so there was little or no additional expense to the Borough.
 - B. Anthony Marcucilli and his crew did an excellent job. The NJDEP thought they did a great job as well. Due to the lapse in time it took to get to the work in the channel, the area was very overgrown. This made the job more challenging than it should have been.
 - C. Maintenance will be much easier from this point.
 - D. NJDEP has agreed verbally to help with some expenses in terms of some equipment and the same organic weed killer used by the North Jersey District Water Supply Company.
6. The boat ramp off the West Oakland Ave. entrance to Potash Lake has been redone.
7. The gauge at the railroad bridge is to be repositioned.
8. The Department of Transportation (DOT) has apparently scheduled to clean the area under the I-287 overpass at the Ramapo River. This is actually a good and bad news situation.
9. We have reached an understanding with NJDEP (Charlie Deffendorf) regarding their letter specifying monies owed to the NJDEP for the project. This again is a good and bad news situation. Lew Levy spoke to Mr. Deffendorf and they agreed that the Borough does not:
 - A. Owe the NJDEP any monies for the project. These balances were satisfied by the properties exchanged but not previously accounted for.
 - B. We further and more importantly agree that the Borough does not have the financial resources for additional disbursements.
 - C. Owe the NJDEP the scheduled participation for the North Jersey District Water Supply Commission gate operations and maintenance for the reasons stated above in

- item "B" and that since the Borough was excluded from all aspects of the aforementioned agreement, we should not be held financially accountable.
10. We have been in contact with the Boy Scouts and with the Environmental departments of our local school system to set up a River Clean Up Day for this coming spring/summer. Thanks to Councilman Frank Di Pentima for his quick response and action. The details are to be worked out.
 11. We now have access to real time (20 min. delay) information of the river heights and flow rates through the USGS web site. The OEM has been forwarded this information.

The negatives:

1. The embankment on Roosevelt Boulevard continues to deteriorate. This is the most urgent and pressing issue we have. This is causing imminent danger not only to the properties above it, but to the residents below it. The communities downriver, as well as the river itself, are also at risk. As of the writing of this report, there continue to be small spontaneous rock and earth slides. Large trees continue to fall into the river causing damage to anything in their path when washed down river during high water events but they also cause an imminent flooding hazard when they get stuck in the river impeding natural flow. The danger exists that should enough of the large trees fall into the river and get turned perpendicular to the river, they would cause an unnatural damming of the river. During a storm, the potential flood hazard should be obvious. At some point, it is conceivable that the decay could work its way toward I-287 causing damage to the roadway itself or to the retaining wall along the upriver edge.
2. While the clean-up work of the river under the I-287 bridge is good, the severe deterioration of the embankment of Roosevelt Boulevard just under the bridge will continue to deposit dirt, rock and debris onto the area the DOT intends to work on. This seems like a waste of time, materials and money. We maintain that the DOT construction of I-287 has contributed to the degradation of this area, the silting of Crystal Lake and the Roosevelt Boulevard collapse to mention a few.

In conclusion, the Flood Control Commission is only an advisory body. There is a need for greater involvement by the Governing Body in dealing with State and Federal agencies and this cannot be stressed strongly enough. Specific action that needs to be taken at this time includes:

1. The Borough needs to respond officially to the NJDEP letter mentioned in item #9 above. The DEP is merely asking for a letter stating that the Borough does not owe the DEP monies because we do not agree with, nor were we included, in the negotiations with the NJDWSC for the operation and maintenance of the gates; we cannot participate in those payments; and further, the Borough is financially incapable of participating.
2. Political support regarding the collapse of the embankment on Roosevelt Boulevard is urgently needed. The Flood Control Commission is hereby advising the Mayor and Borough Council of the critical situation occurring with regard to the collapse of the embankment. An engineering evaluation as requested by the Flood Control Commission has yet to be performed. Without such professional evaluation, supporting documentation and political pressure which only the Governing Body can initiate, this situation will continue to deteriorate.
3. The Borough Council must submit a bill to the NJDEP for the Borough's portion of labor and materials used in the cleanup which was performed in October.
4. The Borough Council has a rapidly closing window in which to petition the NJDEP to do a reassessment of the floodway and flood zone within the project area. This is a

quality of life issue that, if done, could increase the property values and subsequently the tax revenues from these properties. The Mahwah portion is already done. The Flood Control Commission does not have the authority to do this.

5. The Flood Control Commission strongly advises the Governing Body to request from the NJDEP a detailed explanation of contingency plans and a plan of action should the flood gates not operate properly. This is to include who, when and how the NJDWSC would notify the NJDEP of any issues regarding gate operations. (For example: If the system is supposed to initiate at elevation 201.75 and the water level reaches 202.0- would that cause the NJDWSC to contact NJDEP?) What is the plan for the NJDEP to notify the Borough of any anomaly concerning gate operations. If the gates do not operate in accordance with the protocols, will the gates be operated manually and follow the gate operating procedures. It is a relatively short time between when the gates stop operating or operate incorrectly to the point where water could top the gates while closed causing gate operations to terminate, possible damage to the gates, and the flooding of homes in Oakland and Pompton Lakes. The possible flooding and then serious damage to the gates themselves could become a major crisis. The contingency plan must specify to Oakland OEM who will be operating the gates manually, what the steps and backup plan are, a timeframe for implementation of manual operation and how that person can be contacted by OEM to ensure the gates are being opened manually. This will also give OEM the information they need to answer questions from flood-area residents and to react to the situation quickly. While the gates have operated in accordance with protocol so far, the potential for error is ever present. It is prudent and in the best interests for the safety of our community and our neighbors along the river to have in writing what the protocols are should the gates not operate within the parameters as set forth by the NJDEP.

The Flood Control Commission also would recommend the Borough officially request:

1. Schedules and tests of the system or any other methods the NJDEP has to ensure the gates will be operational when needed.
2. Notification in writing 48 hours in advance of any repairs or maintenance which might leave the system at less than optimum operating capacity and for how long.

Mayor Szabo commended Lew Levy and the Flood Commission for being an advocate for the Borough and the residents in the flood areas. Mr. Levy's recommendations will be taken to heart. It is priority this year to implement the Flood Commission's sound recommendations. This report was necessary for the public to hear and was very comprehensive.

APPROVAL OF MINUTES: JANUARY 14, 2009

On motion of Councilman Di Pentima, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of January 14, 2009 be approved as amended on page 7.

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

APPROVE SIGN REQUEST FOR R.B.A.R.I.

On motion of Councilman Burns, seconded by Councilman Visconti, the Council approve the request of the Ramapo Bergen Animal Refuge Inc. to place a sign by Route 202 and the Copper Tree Mall for their sale dates in 2009 as follows:

March 27 th & 28 th	June 12 th & 13 th	September 18 th & 19 th
April 17 th & 18 th	July 17 th & 18 th	October 16 th & 17 th

May 8th & 19th

August 14th & 15th

December 11th & 12th

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

APPOINTMENT TO PUBLIC EVENTS

Mayor Szabo appointed Patricia McCue and Susan McCue of the Public Events Committee for a one-year term to expire December 31, 2009.

RESOLUTION 09-60 APPOINT RISK MANAGER

On motion of Councilman Di Pentima, seconded by Councilman Visconti, 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 Health Insurance 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 The Vozza Agency will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated the firm of The Vozza Agency to serve as the Risk Manager for Health Insurance 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 of 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 not to exceed contract amount shall not exceed \$35,000 without further authorization of the Governing Body and the Chief Financial Officer has certified that funds are available in various Health Insurance Accounts; 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.

Councilman Di Pentima advised that the Risk Manager for Liability, Property and Casualty was already appointed. This is the appointment for Health Benefits.

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

RESOLUTION 09-69 BOND ANTICIPATION NOTE RENEWAL

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

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

WHEREAS, the Borough intends to issue a \$ 6,226,925 bond anticipation note, dated February 11, 2009 and payable February 11, 2010 (the "Note"); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b) (3) of the Code;

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

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

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

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b) (3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a “private activity bond” as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$ 10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2009.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2009.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b) (3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2009 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

Councilman Di Pentima explained that this resolution authorizes the roll over of Bond Anticipation Notes in the amount of \$ 6,226,925 for a one-year term. The Council must adopt this resolution officially so the BAN’s are tax-exempt.

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

RESOLUTION 09-70 ENDORSE BILL A1718 SNOW AND ICE REMOVAL

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

WHEREAS, the New Jersey Assembly has approved a bill, A-1718, that makes it a criminal violation to fail to remove accumulated ice or snow from a motor vehicle prior to operation; and

WHEREAS, the Mayor and Council believe that this is important legislation, which will prevent motor vehicle accidents, and safeguards the health and welfare of motor vehicle operators, passengers and members of the general public;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, that the Council does hereby endorse Assembly Bill No. A-1718, and urges that the provisions of such legislation be signed into law; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to forward copies of this resolution to all of the Borough’s State legislators.

Councilman Burns wanted to ensure the language in the resolution spoke about the safety to passengers and the general public as well as the motor vehicle operator. Councilman Di Pentima commented he is concerned with the impact of the bill on the Seniors and the disabled. He does not like where the funding is going for the fines imposed.

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

RESOLUTION 09-71 AUTHORIZE CHANGE ORDER-UNDERGROUND TANK

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

WHEREAS, the Borough is in the process of removing underground storage tanks and completing reinstallation at the DPW facility; and

WHEREAS, Aurora Environmental, Inc. has requested three change orders for work outside the scope of the Contract; and

WHEREAS, Boswell Engineering, by its letter of January 29, 2009, has deemed that two of the proposed change orders are acceptable;

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Oakland does hereby authorize the following change orders to the Aurora Environmental, Inc. contract for work being performed at the DPW project:

1. An additional \$1,890, for the installation of a lateral drain from the dispenser aisle and canopy to the storm filler;
2. An additional \$3,300 for additional concrete curbing; and be it further

RESOLVED that the Financial Officer has certified that the original contract price with Aurora was for \$207,715, and that an additional \$42,333 is available in current capital funds, and which would be utilized for the change orders herein authorized.

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

RESOLUTION 09-72 TRANSFERS TO 2008 BUDGET

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

WHEREAS, it has become necessary to expend funds to pay claims incurred in the previous year in excess of the amounts approved in the Fiscal 2008 budget of the Borough of Oakland; and

WHEREAS, there exist certain budget expenditures with funds available in excess of the amounts approved in the Fiscal 2008 budget of the Borough of Oakland; and

WHEREAS, N.J.S.A. 40A:4-59 permits the transfer of appropriation reserves during the first three months of the fiscal year;

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 transfers be made to the Fiscal 2008 Current Fund budget:

Current Fund

Account #	Description	From	To
8-01-26-290-014	Streets & Roads – Overtime	\$ 2,800	
8-01-31-446-001	Natural Gas	\$22,000	
Sub-total		\$24,800	
8-01-20-120-021	Municipal Clerk – Advertising		\$ 1,000
8-01-20-130-029	Finance – ADP Services		\$ 1,500
8-01-27-335-100	Environmental Commission – Misc.		\$ 300
8-01-31-430-001	Electricity		\$22,000
Sub-total			\$24,800

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

RESOLUTION 09-73 AMENDMENT TO TEMPORARY BUDGET

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

WHEREAS, N.J.S.A. 40A:4-20 provides in addition to temporary appropriations for the period prior to the adoption of the budget, the governing body may make emergency temporary appropriations for the period between the beginning of the current fiscal year and the date of the adoption of the budget; and

WHEREAS, on January 14, 2009 the governing body of the Borough of Oakland did pass Resolution 09-22 appropriating temporary funds prior to the adoption of the budget; and

WHEREAS, the total of the following 2009 emergency temporary appropriations does not exceed 26.25% of the total appropriations in the 2008 budget exclusive of any appropriations made for interest and debt redemption charges, capital improvements and public assistance.

NOW, THEREFORE, BE IT RESOLVED, that the following emergency temporary 2009 appropriations be made; said amounts being the new temporary budget allocation; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Chief Financial Officer for his records.

Current Fund

	Other Expenses
Finance – Professional Services	\$4,000
Tax Collector – Professional Services	\$2,500
Emergency Mgmt – 911 System	\$12,500
Snow Removal – Materials	\$60,000
Fleet Maintenance – Police Vehicles	\$2,000
Gasoline	\$120,000
Diesel Fuel	\$50,000
Total	\$251,000

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

RESOLUTION 09-74 AWARD CONTRACT-ROCK SALT

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

WHEREAS, the Borough of Oakland needs to purchase rock salt; 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 #08-69, Rock Salt, to International Salt Co., LLC 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 rock salt through the Bergen County Cooperative Pricing Council in an amount not to exceed \$70,000; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for these purchases, said funds to be encumbered from account number 9-01-26-290-058.

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 Rock Salt, in an amount not to exceed \$70,000 through the Bergen County Cooperative Pricing System, contract # 08-69, Rock Salt, awarded to International Salt Co., LLC

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

INTRODUCTION: ORDINANCE NO. 09-BOND-588

The Clerk was directed to take from table Ordinance No. 09-Bond-588 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Bond-588 entitled: "A BOND ORDINANCE TO AMEND SECTIONS 1, 2, 3 AND 6 OF THE BOND ORDINANCE (ORD. NO. 07-561) ENTITLED: "AN ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF OAKLAND AND APPROPRIATING \$ 1,175,000 THEREFOR (INCLUDING \$125,000 EXPECTED TO BE RECEIVED FROM THE COUNTY OPEN SPACE FUND) AND PROVIDING FOR THE ISSUANCE OF \$ 997,500 IN BONDS OR NOTES OF THE BOROUGH OF OAKLAND TO FINANCE THE SAME" ADOPTED NOVEMBER 7, 2007"

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

BE IT RESOLVED that an Ordinance entitled, "A Bond Ordinance To Amend Sections 1, 2, 3 And 6 Of The Bond Ordinance (Ord. No. 07-561) Entitled: "An Ordinance Of The Borough Of Oakland, In The County Of Bergen, New Jersey, Providing For Various Capital Improvements And Other Related Expenses In And For The Borough Of Oakland And Appropriating \$ 1,175,000 Therefor (Including \$125,000 Expected To Be Received From The County Open Space Fund) And Providing For The Issuance Of \$ 997,500 In Bonds Or Notes Of The Borough Of Oakland To Finance The Same" Adopted November 7, 2007", be introduced;

That said Ordinance be considered for final adoption at a meeting on March 11, 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 March 1, 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.

Councilman Burns explained that three items make up this ordinance-the tennis courts, various building improvements, and the underground gas tank. Councilman Di Pentima responded that this ordinance just impacts the change in the tennis court portion. Councilman Di Pentima does not think there is enough Council members to introduce the ordinance. Mr. Kunze advised that it needs to be a simple majority according to the bond counsel. Councilman Di Pentima would like a formal opinion from the bond counsel before adoption.

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

Councilman Visconti asked that all the information that Mr. Dellaiacono requested be available.

RESOLUTION 09-68 INTRODUCTION OF BOND ORDINANCE

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

BE IT RESOLVED that the ordinance entitled:

"BOND ORDINANCE TO AMEND SECTIONS 1, 2, 3 AND 6 OF THE BOND ORDINANCE (ORD. NO. 07-561) ENTITLED: 'AN ORDINANCE OF THE BOROUGH OF OAKLAND, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF OAKLAND AND APPROPRIATING \$1,175,000 THEREFOR (INCLUDING \$125,000 EXPECTED TO BE RECEIVED FROM THE BERGEN COUNTY OPEN SPACE FUND) AND PROVIDING FOR THE ISSUANCE OF \$997,500 IN BONDS OR NOTES OF THE BOROUGH OF OAKLAND TO FINANCE THE SAME,' ADOPTED NOVEMBER 7, 2007."

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 11th day of March, 2009, at 8:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first

reading and of the time and place when and where said ordinance will be further considered for final passage.

INTRODUCTION: ORDINANCE NO. 09-CODE-589

Mr. Kunze explained that the Borough Attorney adjusted our ordinance to meet the State requirements. Mr. Muhlstock advised that the State regulations directed themselves to private property clothing bins. Oakland does not allow clothing bins on private property. However, the State requires a permit, insurance requirements, etc. That is the reason the Borough is amending its ordinance.

The Clerk was directed to take from table Ordinance No.09-Code-589 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-Code-589 entitled: "AN ORDINANCE REPEALING ORDINANCE NO. 03-CODE-451 ENTITLED "AN ORDINANCE REGULATING RECYCLING BINS" AND REPLACING SAME, BY ORDINANCE ENTITLED "AN ORDINANCE REGULATING CLOTHING BINS"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Repealing Ordinance No. 03-Code-451 Entitled "An Ordinance Regulating Recycling Bins" And Replacing Same, By Ordinance Entitled "An Ordinance Regulating Clothing Bins", be introduced;

That said Ordinance be considered for final adoption at a meeting on March 11, 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 March 1, 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, Visconti.

INTRODUCTION: ORDINANCE NO. 09-CODE-590

The Clerk was directed to take from table Ordinance No. 09-CODE-590 and read by title for its first reading.

The Clerk then read by title Ordinance No. 09-CODE-590 entitled: "AN ORDINANCE AMENDING AND SUPPLEMENTING BOROUGH OF OAKLAND CODE 12-7 ENTITLED "RECYCLING"

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

BE IT RESOLVED that an Ordinance entitled, An Ordinance Amending And Supplementing Borough Of Oakland Code 12-7 Entitled "Recycling", be introduced;

That said Ordinance be considered for final adoption at a meeting on March 11, 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 March 1, 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, Visconti.

Mayor Szabo advised that our recycling program has expanded significantly.

FINAL PUBLIC HEARING: ORDINANCE NO. 09-CODE-587

The final public hearing for Ordinance 09-Code-587 is carried to the meeting of March 11, 2009.

WORK SESSION

REQUEST FOR SIGN-LAKELAND MARINE CORPS

Mr. Kunze advised that a request was received from the Lakeland Marine Corps to put a sign at the entrance to Oakland by the Rotary sign on Long Hill Road. Councilman Pignatelli questioned if it is a worthy cause to support. Councilman Burns advised that he received a call from John Schaus about the organization. It is a worthy cause but the Borough could have all the other organizations requesting to put up signs as well. It could become overwhelming. Councilman Burns does not have a problem displaying a sign for a fundraiser but this is a permanent request.

Councilman Pignatelli commented that if their sign would fit on the sign board on Long Hill Road that it would be ok. Mr. Kunze advised that the Construction Official went out and took pictures to give an idea of the scale of the sign. Councilman Di Pentima is ok with putting the sign on the larger sign by Long Hill Road and Breakneck Road. Mayor Szabo commented he would like to accommodate their request to the community board by Long Hill Road.

REQUEST TO PURCHASE PROPERTY

This discussion will be deferred to the March 11th meeting. Mr. Muhlstock advised he must send a letter to the people requesting to purchase about the statutory requirement of an auction.

NORTHWEST SHARED SERVICES BID

Mr. Kunze advised that the Northwest Bergen Shared Services group took bids last week for energy savings. No one bid and the group does not know the reason why. The group is sending a survey to the firms who requested an RFP to see why they didn't respond. There is a possibility that this will be put out to bid again.

A3753 LIBRARY FUNDING

Councilman Burns commented he read the letter from the League of Municipalities. The legislation would adjust the funding for libraries from 1/3 mil to 1/6 mil. Councilman Burns commented that for many years the Mayor and Council appropriated more than the required amount for the Library. The requirement from the State is that the municipality is mandated to give the required amount. However, the municipality could give more than that required amount. Councilman Burns can sympathize with municipalities that may be adversely affected by the mandated amount. He feels the Council should support the legislation.

Councilman Di Pentima agreed with Library Director, Michele Reutty. He thinks that a 50% cut would be too drastic. He advised that this issue was discussed with the new WOLF shared services group. Wyckoff drafted a resolution to support the resolution. Councilman Di Pentima thinks it is important to acknowledge that the legislature dropped the ball because it did not apply the cap waiver for Library funding. He would be in favor of supporting the legislation with the wording from Wyckoff's resolution. The good news is that property values are growing in Oakland. The bad news is that funding for the Library has not gone down. Councilman Di Pentima would like to recognize that funding should not exceed the cap.

Councilman Visconti commented that the problem with the legislation is that they are cutting funding in half. In the past, Oakland has funded the Library above what is required. He is concerned because nothing says future Mayor and Councils will fund the library. He could live with supporting the legislation as long as the Council agrees not to give the Library less than we give now.

Councilman Pignatelli commented that the big problem with the budget is the cap levy. He agrees with the wording from Wyckoff's resolution. Councilwoman Marcalus commented this is terrible legislation but She understands why they did it. She agreed with Councilman Visconti that this Council would not hurt the Library but what would stop other Mayor and Councils from cutting funding. Councilman Di Pentima commented that the League of Municipalities is urging Mayors to support this legislation. He commented that public input would prevent future Mayor and Councils from cutting money from the Library.

Councilman Burns commented that even when the Library doesn't require all the money that is mandated, the money must go to them anyway. When the Borough went through a revaluation a few years ago, we could have been hurt if we hadn't been contributing more than the minimum to the Library anyway. Councilman Visconti commented that 1/3 mil works in Oakland. Councilman Burns responded that this legislation affects the entire State.

Mayor Szabo commented that A3753 tries to restore balance. However, the legislation should limit the surplus the Library can keep or provide a waiver if they exceed cap. Mayor Szabo thinks it is good to tie the funding to property values but he thinks that a 50% cut is drastic. Libraries are a tremendous value. Councilman Di Pentima commented if there was another alternative to the 1/6 mil, he would consider it. However, he likes the wording from the Wyckoff resolution if we can add something about cap. Mr. Kunze advised maybe we should draft our own resolution and focus on cap relief. Mayor Szabo suggested having something drafted for the next work session. Councilman Di Pentima will add wording to the Wyckoff resolution and email.

PROFESSIONAL SERVICE AGREEMENTS-ASSESSMENT

Mr. Kunze advised there are three Professional Service agreements needed for Assessment. There is an agreement for added assessment work in an amount not to exceed \$ 7,800. There is an agreement for Civil Solutions for tax map and GIS updates. The funding for the tax maps comes from the Tax Assessor's budget. The third agreement is for Value Research for tax appeal assistance. There would need to be a not to exceed amount based on historical usage. That funding would come from the legal budget. Councilman Burns asked how these prices compare to last year's prices. He asked if the Tax Assessor requested proposals from anyone else. Mr. Kunze responded that the Tax Assessor just asked for proposals from the firms used in the past. The resolutions authorizing the agreements will be listed on the March 11, 2009 agenda.

KNIGHTS OF COLUMBUS REQUEST TO WAIVE PERMIT FEES:

Mayor Szabo explained the Knights of Columbus are undergoing a small building project. They made a request to waive the municipal fees. The Borough cannot waive State fees. Councilman Burns commented that he is in favor since the Council has waived the fee for other non-profit organizations. The consensus was to waive the fees. This will be memorialized with a resolution on March 11th.

2009 COUNCIL COMMITTEE ASSIGNMENTS

Councilman Burns commented that according to the bylaws, everyone is supposed to chair a committee. He does not have an assignment. He did not say he would not take Administration and would like to know why he wasn't given that assignment. Mayor Szabo responded that it is a matter of discretion of the Council President. Mayor Szabo offered Councilman Burns the Land Use chair. Councilwoman Marcalus responded that Councilman Burns did not want Land Use. Councilman Burns commented that according to the bylaws, he should be offered an assignment. He asked for the emails between him and Councilwoman Marcalus to be included in the minutes.

Councilman Di Pentima commented that Councilman Burns is correct that the bylaws state each Councilmember should chair a committee. However, Councilman Burns has turned down a Chairman position in the past. He shouldn't be rewarded for turning down the Chairman position. Councilman Di Pentima advised he is not stepping down from Administration. Councilwoman Marcalus explained that she thought in one of Councilman Burns' emails, he stated he was willing not to have an assignment so she took him at his word. Mayor Szabo advised that Councilman Burns has a right to make the emails part of the minutes. Councilman Burns submitted emails for the minutes.

COUNCIL REPORTS:

Councilman Pignatelli: The OEM met this evening to discuss providing a POD for medication. The County is asking for help to set up PODs. Once the plans are formulated, the OEM will send it to the Mayor and Council and then to the County and State for approval. Councilman Pignatelli asked OEM coordinator Roy Bauberger to ask the County to hold a tabletop exercise for the POD.

Councilman Di Pentima: He advised the budget is in process. He thanked Borough Administrator Kunze and CFO Mangin for all their work on the budget. The OCC is always looking for new members. The OCC is working on a new edition of "Exit 58". Mayor Szabo advised that he will be interviewing someone from Recycling, Shade Tree Commission and the Environmental Commission. This is an informational program leading up to the March 24th program being put on by the Environmental Commission. Councilman Di Pentima advised that the OCC needs volunteers so it can put more events on air. The Public Events Committee will be holding the Easter Egg Hunt on Saturday April 4th at 11 am. The record is 4,000 eggs picked up in 29 seconds.

Councilman Burns: The Shade Tree Commission is receiving a donation of an American Elm tree with a diameter of 3.5 to 4". They asked if the tree could be put somewhere on the Raymond property. Councilman Burns would like to get an answer for them before Arbor Day which is April 24th. The Recreation Commission held a meeting last night. They were concerned about the paperwork for the joint bid and were concerned about the quality of the products. Mr. Kunze advised there needs to be communication between the Recreation departments of the three towns. The Rec Commission will have to abide by the bid this year. If they don't like the equipment,

they can suggest something different for next year. Councilman Burns advised that the women's bathroom at the Rec field was vandalized and will cost \$ 400 to repair. The Rec Commission is discussing putting cameras on the outside of the bathrooms to have a record in case of vandalism. It is a shame that there has to be an expenditure in order to save the property. Councilman Pignatelli questioned if the restrooms can be shut down in the winter. Councilman Burns responded that there are automatic locks on the restrooms. The restrooms will be locked at 10:00 pm. Councilman Burns advised that Roy White will be speaking at the Valley Middle School. Baseball and Softball are accepting late sign ups. Councilman Burns advised that the Rec Commission and Public Events Committee agreed upon dates for the carnival. Councilman Di Pentima confirmed that the carnival will be held on July 23rd, 24th and 25th. Councilman Burns received an email from P.S.E. &G. which advised that the residential gas bill will decrease by 7% beginning in March.

Councilman Visconti: He advised that residents can recycle any plastic that has a number. The Bergen County Utilities Authority has household hazardous waste recycling on various dates. The computer and tire recycling will be held on April 26th at the Bergen County Service building in Paramus. The Chamber of Commerce had a presentation this evening by Councilwoman Stagg on going green. The Upper Saddle River Bank is opening this week. The Library programs are listed on the website.

Councilwoman Marcalus: There will be a lecture on March 5th at the Senior Center regarding portion control. The Census Bureau is hiring people to assist with the census.

BILLS TO BE PAID:

On motion of Councilman Di Pentima, seconded by Councilman Visconti, 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 Visconti, seconded by Councilman Di Pentima, the meeting be adjourned at 10:45 pm.

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

Lisa M. Duncan, Borough Clerk
April 7, 2009

Mayor John P. Szabo, Jr.

Date Approved