

REGULAR MEETING OF THE MAYOR AND COUNCIL
HELD AT THE
MUNICIPAL COURT /COUNCIL CHAMBERS
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY
WEDNESDAY JANUARY 27, 2010

MOVE TO EXECUTIVE SESSION:

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

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

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

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

1. The public shall be excluded from discussion of action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
Negotiations, Litigation, Personnel
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

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

Councilman Visconti entered the meeting at 7:18 pm. Discussion over various personnel matters. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Mayor Szabo at 7:33 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, Stagg, Visconti. Absent: None. Also Present: Lisa M. Duncan, Borough Clerk; Richard Kunze, Borough Administrator; Brian Chewcaskie, Borough Attorney.

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

MEETING ANNOUNCEMENT: Mayor 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.

MAYOR'S REPORT: On January 17th, Ponds Church held a 300th birthday kickoff celebration and people were dressed in colonial garb. Mayor Szabo issued a proclamation which he read into the minutes:

There is a tremendous strength that is growing in the world through sharing together, praying together, suffering together and working together
– Mother Theresa

PROCLAMATION

WHEREAS, in 1710 the families in the Ramapo Valley established the Ponds Reformed Church, a seminal event in the history of the heritage of the Borough of Oakland; and

WHEREAS, the initial Church was a simple log cabin, which in 1740 was replaced with a larger stone Church. Historically, it is reported that George Washington knelt there in prayer and that both the Declaration of Independence and Emancipation Proclamation were read from the Church Pulpit; and

WHEREAS, two other Churches were built, one in 1829 and the second in 1923. The second Church was built at a site closer to the "heart of the town, Ramapo Valley Road, which was then Oakland Avenue; and

WHEREAS, in 1960, a new Ponds Reformed Church was built at this same site. We recognize this new edifice, with its majestic front entrance as a distinguished landmark in the Borough of Oakland; and

WHEREAS, the Church's steeple, tall and proud, is a vantagepoint visible from many of Oakland's surrounding heights. The tolling of the daily church bell is a comforting resonance we often hear during our daily commute and activities.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby congratulate the founders and the present members of the Ponds Reformed Church on their 300th Anniversary. We recognize its long, rich history, and acknowledge the great contribution of its members past and present for their religious, social and cultural contribution to our community; and

BE IT FURTHER RESOLVED, that I, John P. Szabo, Jr., as Mayor of the Borough of Oakland, hereby Proclaim the Year 2010 as the

“YEAR OF THE PONDS REFORMED CHURCH”

and invite all residents to celebrate in this year of the “Church of the Ponds” by recognizing its history and contribution to our community.

Mayor Szabo advised that there will be other events held during the year and he invites the public to join the celebration. Mayor Szabo advised that a link was put on the website that ties in with organizations to help Haiti. Mayor Szabo attended the Green Team meeting. The Green Team is in desperate need of volunteers. The Green Team wants to make Oakland a sustainable community. On February 23rd, a kickoff meeting will be held at the Senior Center. There will be an Eco Fair held on March 23rd at Valley Middle School. The Green Team would like to hold an outdoor Green Fair later in the year. Mayor Szabo advised that Governor Christie signed eight Executive Orders when he began his term. The whole focus of the new administration is to streamline government. The Governor put a moratorium on new rules that would be a financial burden to municipalities. Mayor Szabo commented that Trenton has failed to understand how unfunded mandates affect municipalities. Mayor Szabo advised about proposed Bill S1 sponsored by Senator Lesniak which would abolish COAH. It would transfer affordable housing to the State Planning Commission. It cannot mandate an affordable housing number to the municipality. There are a lot of interesting features to the bill. Mayor Szabo received literature from the group “Go the Distance For Autism” which will pass through Oakland on May 16th with a biking event. Mayor Szabo advised that Rockland electric will be doing tree maintenance beginning on February 8th and it will last approximately one month.

OPENED FOR PUBLIC DISCUSSION:

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

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

Martin Ruback, Academy Circle, spoke of the sewer ordinance and the conflict with the language. Mayor Szabo explained that the Council recognized there were issues with the billing cycles. The CFO is looking into changing the billing cycles. Mr. Chewcaskie responded that various issues were raised about the billing cycles. The CFO indicated he would look at and change billing cycles for residents who had sewers to address the issue. Mr. Ruback advised that he should not be billed for summer usage because it is in violation of the ordinance. His bill is going up 15%. Councilman Di Pentima advised that the Finance Committee discussed this issue last week with the Borough Administrator and CFO. The CFO is committed to correct the issue for residents who fall out of cycle. He will create a new cycle so the residents can be billed from October through March. The CFO will make manual adjustments as needed.

Amy Heisel, co-chair for Relay For Life, and Danna Boshak, American Cancer Society, advised that this is a signature fundraising event for the American Cancer Society. Teams of people will camp at Indian Hills High School and will take turns walking the track. This will be held on June 11th and 12th and will be the first Relay For Life that Indian Hills is hosting. The funds raised by the Relay For Life will go toward research and patient services. There will be a kickoff event on February 23rd at 7:30 pm. Councilman Di Pentima advised he will post this on Channel 77.

CLOSED FOR PUBLIC DISCUSSION:

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

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

APPROVAL OF MINUTES: JANUARY 2, 2010 -CARRIED

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, the minutes from the Mayor and Council meeting of January 2, 2010 be carried.

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

APPOINTMENT FIRE DEPARTMENT

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, Michael Finn be appointed to the Oakland Volunteer Fire Department.

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

APPOINTMENTS TO BOARDS AND COMMISSIONS:

APPOINTMENTS TO PLANNING BOARD:

Mayor Szabo reappointed John Morris to a four-year term and appointed Eric Kulmala to a four-year term. Those terms will expire on December 31, 2013. Mayor Szabo advised there are openings for Alternate 1 and 2 positions on the Planning Board.

APPOINTMENTS TO BOARD OF ADJUSTMENT:

Mayor Szabo nominated Frederick Schneeweiss and Richard Lepre for reappointment to four-year terms on the Board of Adjustment. The terms will expire on December 31, 2013.

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, the Council consented to the nomination of Frederick Schneeweiss and Richard Lepre for reappointment to four-year terms on the Board of Adjustment.

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

APPOINTMENTS TO BOARD OF HEALTH:

Mayor Szabo nominated Ronald Beattie and Michael Talucci to reappointment to three-year terms on the Board of Health. The terms will expire on December 31, 2012.

On motion of Councilman Pignatelli, seconded by Councilwoman Marcalus, the Council consented to the nomination of Ronald Beattie and Michael Talucci for three-year appointments to the Board of Health.

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

APPOINTMENTS TO COMMUNICATIONS COMMISSION:

Mayor Szabo nominated Fred Birks to reappointment to a three-year term on the Communications Commission. The term will expire December 31, 2012.

On motion of Councilman Burns, seconded by Councilwoman Stagg, the Council consented to the nomination of Fred Birks for three-year appointment to the Communications Commission.

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

APPOINTMENTS TO EMERGENCY MANAGEMENT COUNCIL

Mayor Szabo appointed the following members to the Emergency Management Council for a one-year term.

Deputy Coordinator	Thomas Pianettini
Deputy Coordinator	Ed Proskey
Emergency Operations Coordinator	Robert DeBoer Sr.
Police Liaison	Chief Ed Kasper
Police Liaison	Sgt. Robert DeBoer
Fire Liaison	Chief Robert Knapp
Fire Liaison	Asst. Chief Curtis LeRoy
Fire Liaison	Asst. Chief Patrick Kellett
Fire Department	Curt Leroy
First Aid Liaison	Captain Paul DeLorenzo
First Aid Liaison	Lt. Jeff Marcheso
Mayor	Mayor John P. Szabo, Jr.
Council liaison	Councilman Pat Pignatelli
Council liaison	Councilwoman Karen Marcalus
Borough Administrator	Richard Kunze
Shelter Coordinator	Sally Anne Pilcer
Shelter Assistant	Victoria Kaye
OFD Auxiliary	Lois Smid
Construction Code Official	Dan Hagberg
DPW Superintendent	Anthony Marcucilli
DPW Foreman	Ray Fuller
DPW Equipment Operator	Jason Duncan
DPW Mechanic	Ed Bremer
Local Board of Education	Principal Glenn Clark
Local Board of Education	Robert Jacod
Local Board of Education	Joe Tumminia
Regional Board of Education	Principal Al Evangelista
Technology Resources	Erin Bauberger
Animal Rescue Coordinator	Tony Smid
Drill Coordination	Ed Tryon
Sara 3 Representative	Doug Brown
Local Resources	Dave Potash
Shelter and Special Needs	Don Broek
Technology Resources	Jane Madden
Board of Health	Ron Beattie
River Cleanup Coordinator	John Madden
River Cleanup Coordinator	Tim Ryan
Oakland Communications Liaison	Fred Birks

APPOINTMENTS TO LIBRARY BOARD:

Mayor Szabo appointed Teresa Kilday to a one-year appointment as Mayor’s Alternate and he reappointed Marilyn Vallone to a five-year term to expire on December 31, 2014.

APPOINTMENTS TO FLOOD COMMISSION:

Mayor Szabo nominated Anthony Papasso, Anthony Smid and James Michael DeLaRosa to reappointment for a three-year term to the Flood Commission. The terms will expire on December 31, 2012.

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, the Council consented to the reappointment of Anthony Papasso, Anthony Smid and James Michael DeLaRosa for three-year terms on the Flood Commission.

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

APPOINTMENTS TO ENVIRONMENTAL COMMISSION:

Mayor Szabo nominated Michael Lynch, Michael Kozak, and Mark Ostapczuk for reappointment to three-year terms on the Environmental Commission. Their terms would expire December 31, 2012. Mayor Szabo also nominated Alfred LoPilato for reappointment as Alternate 2 for a two-year term to expire on December 31, 2011.

On motion of Councilwoman Stagg, seconded by Councilman Pignatelli, the Council consented to the reappointment of Michael Lynch, Michael Kozak, Mark Ostapczuk and Alfred LoPilato to the Environmental Commission.

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

APPOINTMENTS TO SHADE TREE COMMISSION:

Mayor Szabo reappointed Margaret Delmour, Kim Bouma and Harry Wayne Harrison to three-year terms on the Shade Tree Commission. The terms will expire on December 31, 2012.

APPOINTMENTS TO MUNICIPAL ALLIANCE:

Mayor Szabo made the following one-year appointments to Municipal Alliance:

Mayor	John P. Szabo, Jr.
Elementary Schools	Glenn Clark
Chairman	Jack Tauber
Police/D.A.R.E.	Edward Kasper
Police/D.A.R.E.	Detective Mark Piercy
Clergy-Ponds Reformed Church	Nathan Busker
Ponds Church After School	Arlene Sorce
At Large	Margaret Schad
Indian Hills	Joe Collins, Asst. Principal Tom Kersting
Valley Middle School	Joan Megin
Manito School PTO	Jennifer Smith
IHHS PTSO	Lorraine Knox
Secretary	Judy Nies
Heights PTO	Trish Gannon
Alternate Heights PTO	Stacy Gannon

Alternate Heights PTO	Jamie S. Willis
Alternate Heights PTO	Kris Panzenhager

APPOINTMENTS TO PUBLIC EVENTS:

Mayor Szabo made the following one-year appointments to the Public Events Committee:

Marjorie Angermueller	Peg Sumner	Frank Di Pentima
Jean Edwards	Andrea McGrath	Jack Ackerman
Carmine Della Bruna	Irene May	Linda Giordano
Angelo Chiusano	Peter & Sheila Oprysko	Diane Lopez
Bob & Marie Fabrizio	Gerri Schrier	Jane Rutherford

APPOINTMENTS TO SUSTAINABLE OAKLAND COMMITTEE:

Mayor Szabo made the following one-year appointments to the Sustainable Oakland Committee:

John P. Szabo, Jr.	Elizabeth Stagg	Pat Pignatelli
Richard Kunze	Anthony Marcucilli	Michael Kozak
Erich Kamm	Judith Vihonski	Elaine Rowin
Jack Tauber	Peter Marcalus	Reverend Nathan Busker

APPOINTMENTS OF PROFESSIONALS:

Mayor Szabo advised that a review committee was established to review the RFQ's received. Councilman Visconti advised that the Borough advertised for RFQ's for professional services. A matrix of comparative costs was put together and all are within a few dollars of each other. Mayor Szabo advised that all professionals are being retained at the same rates as last year. There have been no increases in hourly rates. Not to exceed limits to the contracts have been imposed. Councilman Burns asked if the Council could receive a report. Mayor Szabo asked Mr. Kunze to distribute the cost matrix to the Council. Mayor Szabo commented that he didn't sense a dissatisfaction with the professionals over the past year. Councilman Burns commented that he recalled Mr. Chewcaskie's rate went up last year. Mr. Kunze advised that the retainer amount was adjusted for the fact that Mr. Chewcaskie was no longer on payroll. The hourly rate did not increase. Mr. Chewcaskie advised that he has been on salary since he started until mid 2008. The retainer is \$ 4,000 per month and the hourly rate has not changed. Councilman Burns commented that he never understood why the Borough had to increase the amount paid because Mr. Chewcaskie was no longer eligible for pension. Mr. Chewcaskie advised that he was paid a salary when he was Attorney in 1988 and the two Borough Attorneys after that were paid a salary as well. The Attorney was always paid a salary until 2008.

Councilman Di Pentima advised that three people submitted RFQ's for Borough Attorney and Mr. Chewcaskie's rate was the lowest. One firm had an hourly rate of \$ 165. Councilman Di Pentima advised that no changes are being made to the professional staff and he advised he has been happy with bond counsel and the auditor. Councilman Burns commented that the Council did not receive any reports from the Planner. Mayor Szabo responded that the Planner is working on the Highlands Council modules under the grant and is working on COAH. The Planner has been answering to the Planning Board on these issues. Mr. Kunze advised that the Planner's not to exceed amount is small. Most of their work is tied to projects where the Borough receives grants. There is a reduction of \$ 5,000 in the not to exceed amount in the Borough Attorney's contract. The not to exceed amount for the Labor Attorney's contract has been increased from \$30,000 to \$40,000. The not to exceed amount of \$ 16,000 for the Water and Sewer Engineer covers the \$ 3,000 authorized annually for the Consumer Confidence Report. The resolution for the Risk Manager for Health Benefits includes detail on the compensation structure. Vozza Agency is paid through administrative bills from IDA. The Borough's other Risk Manager, Brown and Brown, is paid through the JIF. Councilman Burns asked if the Council could get a

report from the Labor Attorney each month. Mr. Kunze responded they could get a report on certain items that are not confidential personnel matters.

APPROVE SIGN –RELAY FOR LIFE

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, approval be granted for the American Cancer Society to post a sign promoting the Relay For Life at Bush Plaza.

Although the American Cancer Society asked for approval for multiple years, the consensus of the Council was to give approval one year at a time. Councilwoman Stagg asked if the sign fits in the space allotted. Mr. Kunze responded he will make sure the Police are ok with the sign.

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

RAFFLE LICENSE RL1042

On motion of Councilwoman Stagg, seconded by Councilman Visconti, approval be granted for Raffle License RL1042 for the Jr. Woman's Club of Wayne to hold an on-premise 50/50 on February 27, 2010 from 7 pm to 11 pm at Portobello Restaurant.

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

RAFFLE LICENSE RL1043

On motion of Councilwoman Stagg, seconded by Councilman Visconti, approval be granted for Raffle License RL1043 for the Jr. Woman's Club of Wayne to hold an on –premise raffle for merchandise on February 27, 2010 at Portobello Restaurant.

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

RAFFLE LICENSE RL1044

On motion of Councilwoman Stagg, seconded by Councilman Visconti, approval be granted for Raffle License RL1044 for Heights School PTO to hold an off-premise raffle for merchandise on March 1, 2010 at Indian Hills High School.

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

RESOLUTION 10-29 AUTHORIZE AGREEMENT WALDWICK WELL BABY CLINIC

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

WHEREAS, N.J.S.A. 40A:8A-1, known as the "Interlocal Services Act", authorizes agreements between local units for any services which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Borough of Oakland and Waldwick and their respective Boards of Health have determined that it is in their best interests to enter into an Interlocal Service Agreement for providing certain services to infants and pre-school children that reside in Oakland through the Waldwick Well-Baby Clinic as mandated by the Public Health Council of the State of New Jersey; and

WHEREAS, in consideration of the services to be performed herein, Oakland shall be assessed a one-time administrative fee of \$ 125.00, payable upon execution of the contract, and a \$ 35.00 per child fee for examinations to be billed directly to the medical provider, and a \$ 15.00 per child fee for immunizations only; and

WHEREAS, the Chief Financial Officer has determined that funds are available in Account # 0-01-27-339-150;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Borough Clerk are hereby authorized to execute the agreement for Interlocal Services with the Borough of Waldwick for services with the Waldwick Well-Baby Clinic effective until December 31, 2010.

Councilwoman Stagg asked if this is in the best interests of the parents. Councilman Pignatelli commented that the Borough used to hold a clinic which cost \$ 100 per hour each month. Using the Waldwick clinic has been advantageous and cost effective for the Borough.

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

RESOLUTION 10-30 AUTHORIZE AGREEMENT VALLEY HOSPITAL CONTRACTS

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

WHEREAS, the Mayor and Council of the Borough of Oakland wishes to contract with Valley Hospital for the 2010 Communicable Disease Management Program, 2010 Community Wellness Program and 2010 Bloodborne Pathogen Compliance Program; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland approves the agreement with Valley Hospital effective January 1, 2010 through December 31, 2010 for a fee not to exceed:

Communicable Disease Management	\$ 4,583.04
Community Wellness Program	\$ 4,083.48
Bloodborne Pathogen Program	\$ 450 plus \$ 225 per series vaccination

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in Account #0-01-27-330-140-\$ 4,583.04- for the Communicable Disease Management Program; Account #0-01-27-330-150 - \$4,083.48- for the Community Wellness Program and Account #0-01-27-33-135 -\$ 450 plus \$ 225 per vaccination series- for the Bloodborne Pathogen Program; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the agreement.

Councilwoman Stagg asked for an explanation of these programs. Councilman Pignatelli responded that the Communicable Disease Management Program handles the report that must be filled out for the State. The Community Wellness Program is for the flu and blood pressure clinics. The Bloodborne Pathogen program is for anyone exposed to blood. Councilman Burns asked if these programs are mandated by the State. Councilman Pignatelli responded they were.

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

RESOLUTION 10-31 AUTHORIZE BERGEN COUNTY PUBLIC HEALTH SERVICES CONTRACT

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

WHEREAS, there exists a need for the Borough of Oakland Health Department to provide state mandated public health services of a technical and professional nature; and

WHEREAS, the Bergen County Department of Health Services can provide duly qualified personnel to carry out these public health services; and

WHEREAS, the Bergen County Department of Health Services has agreed to provide public health services through a contract agreement with the Borough of Oakland Department of Health for the calendar year 2010; and

WHEREAS, the maximum amount of the 2010 contract is \$ 123,304.44 and funds will be available for this purpose; and

WHEREAS, it has been certified that this meets the statutes and regulations concerning the award of said contract:

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

1. John P. Szabo, Jr is hereby authorized and directed to execute an agreement with the Bergen County Department of Health Services to perform public health services of a professional nature for the period January 1, 2010 through December 31, 2010 at a cost not to exceed \$123,304.44
2. This contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(2);and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified, in accordance with N.J.A.C. 5:30 14.5 that sufficient legally appropriated funds will be available for this purpose in Account# 0-01-27-330-160 subject to appropriation of funds in the 2010 adopted budget.

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

RESOLUTION 10-32 AUTHORIZE SOLID WASTE DISPOSAL CONTRACT

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

WHEREAS, the current Oakland solid waste disposal contract expires on May 31, 2010; and

WHEREAS, the Township of Wyckoff, as the lead agency for the Wyckoff, Oakland, Franklin Lakes Cooperative Purchase Group Number 176-WCGPJ, was authorized to competitively procure solid waste disposal services for the Township of Wyckoff, Borough of Oakland and Borough of Franklin Lakes; and

WHEREAS, five bids were received on December 9, 2009 and, after review of the bid proposals, it was determined that Interstate Waste Services was the lowest responsive and responsible bidder; and

WHEREAS, the Township of Wyckoff, as lead agency for the Wyckoff, Oakland, Franklin Lakes Cooperative Purchase Group, awarded a contract to Interstate Waste Services, 500 North Franklin Turnpike, Ramsey, New Jersey, for solid waste disposal services at the following prices inclusive of all taxes including the \$ 3.00 per ton State of New Jersey Recycling Tax:

2010	\$ 68.35 per ton
2011	\$ 68.35 per ton
2012	\$ 69.45 per ton

WHEREAS, the Borough Council believes that participation in this joint bid is in the best interests of the Borough as the per ton prices are at least 15% less than the rate currently paid by the Borough; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 0-01-26-305-082;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that they do hereby award the contract for solid waste disposal services to Interstate Waste Services at the prices specified in the bid award and noted above, for a period commencing June 1, 2010 and ending December 31, 2012; and

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

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

RESOLUTION 10-33 SUPPORT PARIS GRANT

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

WHEREAS, the State of New Jersey has launched its pioneering Public Archives and Records Infrastructure Support (PARIS) grant program to meet the strategic records management, preservation, and storage needs of county and municipal governments; and

WHEREAS, a top priority of the PARIS grants program is to achieve efficiencies of cost and operation through shared services and to create a service structure for municipalities that do not have the resources to create one for themselves; and

WHEREAS, in the 2010-11 grant cycle, priority funding will be given to county projects shared services projects with its constituent municipalities; and

WHEREAS, the Borough of Oakland desires to collaborate with the County of Bergen in the performance of PARIS Grant Shared Services; and

WHEREAS, the Borough of Oakland is acknowledging that their eligible funding of \$ 40,000.00 will be leveraged with the County of Bergen; and

WHEREAS, the Borough of Oakland is acknowledging that the County of Bergen would be both the lead agency and applicant for such a proposal; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland that the Borough of Oakland does support and commit to cooperation and participation in the PARIS grant for the purposes set forth above, and to execute and deliver all documents required incident thereto.

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

RESOLUTION 10-34 AUTHORIZE TAX REFUND

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

WHEREAS, a Tax Court Judgment was filed on December 18, 2009, in the matter of Exxon Mobil Corporation v. Oakland Borough, Docket No 000211-2009, reducing the assessment of Block 4504, Lot 37, Cedar Courthouse Plaza to \$152,300.00; and

WHEREAS, a refund of the 2009 property taxes is now due to Exxon Mobil Corporation c/o McKirdy and Riskin, P.A. in the amount of \$ 2,052.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, upon the advice of the Chief Financial Officer and the Tax Collector, do hereby authorize a check to Exxon Mobil Corporation, in care of McKirdy and Riskin, P.A. in the amount of \$2,052.00.

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

RESOLUTION 10-35 AUTHORIZE AGREEMENT-BOROUGH ATTORNEY

On motion of Councilwoman Stagg, 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 **Borough Attorney** for 2010; and

WHEREAS, funds will be available by way of budget to compensate said Borough Attorney; 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 Brian M. Chewcaskie of the firm of Gittleman, Muhlstock & Chewcaskie, LLP will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Brian M. Chewcaskie and the firm of Gittleman, Muhlstock & Chewcaskie to serve as the Borough Attorney for the year 2010; 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 Borough Attorney be and is hereby appointed for the year 2010 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Borough Attorney for the year 2010 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 exclusive of work funded through applicants’ escrow and Borough Capital Accounts, shall not exceed \$ 95,000 without further authorization of the Governing Body and the Chief Financial Officer has certified that \$ 48,000 is available in Account # 0-01-20-155-027 (retainer) and \$ 47,000 is available in Account #0-01-20-155-028 (general legal services); 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: All yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-36 AUTHORIZE AGREEMENT-BOROUGH ENGINEER

On motion of Councilwoman Stagg, 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 **Borough Engineer** for 2010; and

WHEREAS, funds will be available by way of budget to compensate said Borough Engineer; 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 Stephen Boswell of the firm of Boswell McClave Engineering will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Stephen Boswell and the firm of Boswell McClave Engineering to serve as the Borough Engineer for the year 2010; 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,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body the Borough of Oakland that said Borough Engineer be and is hereby appointed for the year 2010 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Borough Engineer for the year 2010 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 \$ 8,000 without further authorization of the Governing Body and the Chief Financial Officer has certified that the funds are available in Account # 0-01-20-165-100; 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: All yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-37 AUTHORIZE AGREEMENT-BOROUGH AUDITOR

On motion of Councilwoman Stagg, 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 **Borough Auditor** for 2010; and

WHEREAS, funds will be available by way of budget to compensate said Borough Auditor; 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 Frank DiMaria of the firm of DiMaria and DiMaria will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Frank DiMaria and the firm of DiMaria and DiMaria to serve as Borough Auditor for the year 2010; 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,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body the Borough of Oakland that said Borough Auditor be and is hereby appointed for the year 2010 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Borough Auditor for the year 2010 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, excluding work charged to the Borough’s various Capital accounts set forth in their contract, shall not exceed \$37,000 without further authorization of the Governing Body and the Chief Financial Officer has certified that funds are available in Account # 0-01-20-135-028; 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: All yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-38 AUTHORIZE AGREEMENT-BOROUGH PLANNER

On motion of Councilwoman Stagg, 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 **Borough Planner** for 2010; and

WHEREAS, funds will be available by way of budget to compensate said Borough Planner; 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 Joseph Burgis of the firm of Burgis Associates will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Joseph Burgis and the firm of Burgis Associates to serve as Borough Planner for the year 2010; 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,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body the Borough of Oakland that said Borough Planner be and is hereby appointed for the year 2010 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Borough Planner for the year 2010 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 \$ 6,000 without further authorization of the Governing Body and the Chief Financial Officer has certified that the funds are available in Account# 0-01-20-110-044 ; 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: All yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-39 AUTHORIZE AGREEMENT-LABOR ATTORNEY

On motion of Councilwoman Stagg, 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 **Labor Attorney** for 2010; and

WHEREAS, funds will be available by way of budget to compensate said Labor Attorney; 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 Matthew J. Giacobbe of the firm of Scarinci & Hollenbeck will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Matthew J. Giacobbe and the firm of Scarinci & Hollenbeck to serve as the Borough’s Labor Attorney for the year 2010; 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,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body the Borough of Oakland that said Labor Attorney be and is hereby appointed for the year 2010 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Labor Attorney for the year 2010 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 \$ 40,000 without further authorization of the Governing Body and the Chief Financial Officer has certified that funds are available in Account # 0-01-20-155-029; 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: All yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-40 AUTHORIZE AGREEMENT-BOND COUNSEL

On motion of Councilwoman Stagg, 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 **Bond Counsel** for 2010; and

WHEREAS, funds will be available by way of budget to compensate said Bond Counsel; 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 Steven Rogut of the firm of Rogut McCarthy will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Steven Rogut and the firm of Rogut McCarthy to serve as the Borough’s Bond Counsel for the year 2010; 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,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body the Borough of Oakland that said Bond Counsel be and is hereby appointed for the year 2010 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Bond Counsel for the year 2010 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 CFO will certify to the availability of funds, said funds to be encumbered from various capital accounts pursuant to Section 20 of the Local Bond Law, prior to any payment; 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: All yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-41 AUTHORIZE AGREEMENT-WATER AND SEWER ENGINEER

On motion of Councilwoman Stagg, 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 **Water & Sewer Engineer** for 2010; and

WHEREAS, funds will be available by way of budget to compensate said Water & Sewer Engineer; 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 Michael Kaneletz of the firm Crew Engineers, Inc. will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Michael Kaneletz and the firm of Crew Engineers, Inc. to serve as the Water & Sewer Engineer for the year 2010; 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,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body the Borough of Oakland that said Water & Sewer Engineer be and is hereby appointed for the year 2010 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Water & Sewer Engineer for the year 2010 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 contract amount shall not exceed \$ 16,000 without further authorization of the Governing Body and the Chief Financial Officer has certified that funds are available in Account # 0-05-55-502-028 -\$14,000 and Account # 0-07-55-501-029-\$ 2,000; 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: All yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-42 AUTHORIZE AGREEMENT-BOROUGH PROSECUTOR

On motion of Councilwoman Stagg, 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 **Borough Prosecutor** for 2010; and

WHEREAS, funds will be available by way of budget to compensate said Borough Prosecutor; 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 Thomas Buonocore will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Thomas Buonocore to serve as the Borough’s Borough Prosecutor for the year 2010; 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,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body the Borough of Oakland that said Borough Prosecutor be and is hereby appointed for the year 2010 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED that the not to exceed contract amount shall not exceed \$ 20,850 without further authorization of the Governing Body and the Chief Financial Officer has certified that the funds are available in Account #0-01-25-275-021 ; 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: All yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-43 AUTHORIZE AGREEMENT-PUBLIC DEFENDER

On motion of Councilwoman Stagg, 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 **Public Defender** for 2010; and

WHEREAS, funds will be available by way of budget to compensate said Public Defender; 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 Robert Fortunato will be the most advantageous to the Borough, all relevant factors considered; and

WHEREAS, Mayor Szabo has nominated Robert Fortunato to serve as the Borough’s Public Defender for the year 2010; 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,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body the Borough of Oakland that said Public Defender be and is hereby appointed for the year 2010 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED that the not to exceed contract amount shall not exceed \$ 8,700 without further authorization of the Governing Body and the Chief Financial Officer has certified that the funds are available in Account # 0-01-43-495-021; 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: All yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-44 AUTHORIZE AGREEMENT-RISK MANAGER-LIABILITY

On motion of Councilwoman Stagg, 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 Property Insurance, Liability Insurance and Workers' Compensation for 2010; 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 2010; 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 2010 pursuant to a "fair and open" process; and

BE IT FURTHER RESOLVED, that compensation for said Risk Manager for the year 2010 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: All yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-45 AUTHORIZE AGREEMENT-RISK MANAGER-HEALTH BENEFITS
On motion of Councilwoman Stagg, 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 2010; 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 2010; 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 2010 pursuant to a “fair and open” process; and

BE IT FURTHER RESOLVED, that compensation for said Risk Manager for the year 2010 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 based on the current design of the Borough’s Health Benefits program, compensation shall be as follows:

- Medical Management Fee of \$ 1 per covered person per month, based on enrollment
- Rx Management Fee \$ 4.72 per covered person per month, based on enrollment
- 7.5% commission on the Reinsurance and Life Premium
- Commissions on the dental premiums of 10% of the first \$ 5,000, 4% on the next
- \$ 95,000 and 3% on amounts over \$ 100,000.

BE IT FURTHER RESOLVED that compensation shall be paid via the Borough’s third party administrator, IDA, and that the Chief Financial Officer has certified that sufficient funds are available in the Borough’s Health Account # T-22-56-286-005 ; 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: All yeas, Councilmembers Burns, Di Pentima, Marcalus, Pignatelli, Stagg, Visconti.

RESOLUTION 10-46 TAX APPEAL SETTLEMEN BLOCK 3501, LOT 57

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

WHEREAS, Jerome Gippetti & Phyllis Gippetti, the owners of property known as Block 3501, Lot 57, located at 100 Nielsen Avenue, consisting of a single family house, have appealed the 2009 assessment of \$641,300 under Docket Number 014308-2009; and

WHEREAS, the Borough Appraiser and Tax Appeal Attorney have recommended a settlement of the litigation, which is in the best interest of the Municipality;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oakland, that the Tax Appeal Attorney be and is hereby authorized and directed to execute any and all documents necessary in order to effectuate a settlement wherein the 2009 total assessment of \$641,300 will be reduced to a total of \$595,200;

BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon waiver of payment of interest on any refund.

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

RESOLUTION 10-47 TAX APPEAL SETTLEMENT-BLOCK 804, LOT 19

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

WHEREAS, Rafael Vecchio & Karen Desousa, the owners of property known as Block 804, Lot 19, located at 24 Hunters Run, consisting of a single family house, have appealed the 2009 assessment of \$674,500 under Docket Number 017315-2009; and

WHEREAS, the Borough Appraiser and Tax Appeal Attorney have recommended a settlement of the litigation, which is in the best interests of the Municipality;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the Tax Appeal Attorney be and is hereby authorized and directed to execute any and all documents necessary in order to effectuate a settlement wherein the 2009 total assessment of \$674,500 will be reduced to a total of \$615,000;

AND BE IT FURTHER RESOLVED that the aforesaid settlement is predicated upon waiver of payment of interest on any refund.

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

RESOLUTION 10-49 TRANSFERS TO 2009 BUDGET

On motion of Councilman Di Pentima, seconded by Councilman Burns, 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 2009 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 2009 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 2009 Current Fund budget:

Current Fund

Account #	Description	From	To
9-01-20-120-011	Municipal Clerk – Salaries	\$ 4,600	
9-01-36-472-000	Social Security	\$25,000	
9-01-43-490-011	Municipal Court – Full Time	<u>\$ 2,250</u>	
Sub-total		\$31,850	
9-01-43-490-028	Municipal Court – Professional Services		\$ 2,250
9-01-31-435-000	Street Lighting		\$ 500
9-01-31-440-001	Telephone		\$ 23,000
9-01-31-446-001	Natural Gas		<u>\$ 6,100</u>
Sub-total			\$31,850

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

**WORK SESSION:
2009 CAPITAL**

Councilman Di Pentima commented that we need to know for sure if this is the capital plan the Council wants to do. If this is the plan, an ordinance can be introduced after the Annual Debt Statement is filed with the State. Mayor Szabo commented that even if the amount is authorized, the Council can still defer to spend the money. Councilman Di Pentima advised that Mr. Kunze did a great job putting together a summary. He explained that we are trying to fund small items through the capital improvement fund. The majority of items for the 2009 capital requests are one-time items such as the brining system, wash station, fire truck. That is good in terms of long-term management. Councilman Di Pentima needs to get a sense from the council on the list of items. Councilman Pignatelli responded that many items are safety issues. Mayor Szabo responded that he would like to sit down with Mr. Kunze, Councilman Pignatelli and the Fire Chief to go over the fire truck specifications. Mayor Szabo feels that the list for 2009 capital is

fine other than the fire truck. Councilwoman Marcalus agreed. Councilman Di Pentima responded that the bond counsel will craft the ordinances. He advised that just because the ordinance is put in place does not mean we have to spend the money.

NETWORK PROJECT:

Mr. Kunze advised that there is a dire need to upgrade technology in Borough Hall and other Borough facilities. We are ten years out of date. Last year, the Council authorized \$100,000 for a network project. This would be the first phase. The company would assess the current environment and meet with departments to assess their needs. The report is to be used in subsequent phases to design the network and for hardware and software specifications. The cost of the Phase 1 assessment would be \$ 9,000. The Center for Information Age Technology is affiliated with NJIT. They are fully aware of public issues. This would be an objective report because CIAT is not affiliated with any hardware or software vendors.

Councilman Di Pentima advised that there have been network issues for a couple of days at Borough Hall. The Communications Commission is recommending an upgrade to the Website but the upgrade cannot be made with the technology the Borough currently has. Councilman Di Pentima is surprised the Borough is so far behind and he feels this is a worthwhile and timely endeavor.

Councilwoman Marcalus asked why there is no need to bid this project. Mr. Kunze responded that this is a consulting service being performed by a firm that is affiliated with a State entity. They are on the State contract list. Councilwoman Stagg questioned if this involves a software and hardware upgrade. Mr. Kunze responded that it would eventually involve upgrades. Phase 1 is a report only. The Borough will eventually purchase various software and hardware. Councilman Di Pentima responded that we want to come up with standard equipment that everyone needs to have. Mr. Kunze advised that the network will allow the use of software Borough wide. Councilwoman Stagg responded that she is 100% in favor of this project. She would like to look into the Council having laptops for Borough business.

CHANGES TO SHADE TREE ORDINANCE:

Councilman Burns advised that the Shade Tree Commission would like minor changes to the Tree Ordinance. For instance, they want to change the definition of a landmark tree. There are changes to the fee schedule. The Shade Tree Commission wanted a section added regarding a large subdivision or site plan. It would say that the cost would be \$ 1860 per acre and would be the equivalent fee for 93 trees. The Shade Tree Commission wanted a section added that if there is a hazardous tree that endangers public safety, the timeframe to remove the tree would be reduced from 90 days to 30 days.

Councilman Di Pentima commented that Section 8, item one talks about out buildings. He questioned if this includes a detached garage. He advised that the Council should be cautious about how much they dictate what people can do. Mr. Chewcaskie advised that there is an inconsistency. The resident may have flexibility in the placement of a shed. Councilwoman Stagg commented that people don't have a choice where to put a utility line and should not have to replace a tree because of a utility line.

Councilman Burns commented that he could get additional details from the Shade Tree commission. Councilwoman Stagg does not agree with 93 trees per acre. She suggested just putting in a flat fee with no tree number. Mayor Szabo commented that a problem is that large subdivision or site plan is not defined. It could be an acre or it could be two acres. Councilwoman Stagg responded that property may not have 93 trees, it may only have five. Mr.

Chewcaskie responded that the Commission is talking about a major site plan or subdivision. Councilman Burns responded he will get more information.

ANTI-IDLING RESOLUTION:

Mayor Szabo advised that the Borough will get points through Sustainable Jersey for passing an anti-idling resolution. Valley School drafted a resolution for the Mayor and Council to consider. Councilman Pignatelli asked if this is only at the schools. Mayor Szabo responded it would be Borough-wide. Councilman Pignatelli asked if the enforcing official would be the Police. Mayor Szabo responded that the Police would enforce this. Mayor Szabo advised that the resolution will accompany educational materials being distributed by Valley Middle School. Councilman Burns commented that he is not sure where the information about the number of cars and school buses and their idling time came from. Mayor Szabo responded that the children did a survey. Councilman Burns commented that he thought the schools would talk to the bus drivers about idling. He spoke about the controversy of greenhouse climate change. Mayor Szabo commented that he will work on this resolution and bring it back to work session. Councilwoman Marcalus commented that on Channel 77 and 45, the YES Club has been discussing the anti-idling campaign.

NEW BUSINESS:

Councilman Pignatelli received a call from Emergency Management Coordinator Roy Bauberger. There is a grant available and the State advised that the new siren system would qualify. The grant would allow the Borough to apply for 75% of the cost of the emergency notification system. The application is due in two weeks. The Council would have to authorize Roy to apply for the grant. Councilman Pignatelli recommends that the Council authorize the application and he commended Roy. This could save the Borough a substantial amount of money that we were going to spend anyway.

MOTION TO AUTHORIZE GRANT APPLICATION:

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the Council hereby authorizes the grant submittal to the State of New Jersey for the Emergency Notification System.

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

Councilman Pignatelli gave the Council additional information regarding the septic maintenance ordinance. The State has issued a memo verifying that municipalities are only required to have a plan not an ordinance. The DEP recognized the burden on municipalities to have an ordinance in place. He will provide a copy of the memo to Mr. Kunze and advised that the Borough will have to come up with a plan.

Mayor Szabo advised that there is an appointment of a Police Officer that needs to be done tonight.

APPOINTMENT OF POLICE OFFICER:

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the Council hereby appoints Stephen Broek as Police Officer for the Borough of Oakland effective January 29, 2010.

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

COUNCIL REPORTS:

Councilman Pignatelli: He advised about the NJ Governor Jefferson Award for volunteerism. There are 12 categories. He wants the information distributed to departments in case they want to

nominate someone. The deadline for nomination is February 15th. There are many people in the community that are deserving of this award. Councilman Pignatelli advised that there is a new law as of April 15th, motorists must stop for pedestrians in crosswalks or a summons for \$250 will be issued.

Councilman Di Pentima: He advised that the Public Events Committee is planning the 2010 events. The next event will be the Easter Egg Hunt. The committee is looking for volunteers. The OCC met last week and Peter Foley is the chairman. The OCC Can use more help on individual committees. The Senior Club will meet tomorrow at 12 noon. The Finance Committee had a meeting last Friday night. The biggest concern is revenue because of the State of NJ fiscal situation. The Finance Committee anticipates that the Governor will cut back State aid to municipalities. There will be a BAN sale upcoming in February.

Councilman Burns: He advised that the Shade Tree Commission is planning a spring tree planting project. Residents interested in having trees planted in the right-of-way should call Shade Tree. The Shade Tree Commission needs new members and they need someone who is able to do inspections during the day. The next meeting of the Shade Tree Commission will be February 1st. Recreation held their reorganization meeting on January 18th and their regular meeting on January 25th. There was a requisition submitted for internet signups. Municipal Alliance will hold its next meeting on February 1st.

Councilwoman Stagg: She advised that the Environmental Commission met last Tuesday and the Water and Sewer Committee met last Wednesday.

Councilman Visconti: He advised that Library Director Michelle Reutty resigned. The search will begin for a new Director.

Councilwoman Marcalus: She advised that the Planning Board met on January 21st. They will meet again in three weeks. She advised that residents can view the Valley Middle School winter concern on the school website. The Indian Hills Varsity Cheerleading squad won the American national cheerleading competition.

BILLS TO BE PAID:

On motion of Councilman Di Pentima, seconded by Councilwoman Stagg, the following bills be submitted for payment:

(see following pages)

BE IT RESOLVED that the foregoing bills be paid and charged to their respective accounts when the funds are available.

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

MOVE TO EXECUTIVE SESSION:

On motion of Councilman Pignatelli, 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, 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, Stagg, Visconti.

Discussion ensued over negotiations for the Heritage Hills property and the litigation with Hill International.

CLOSE EXECUTIVE SESSION:

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

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

RECONVENE REGULAR MEETING:

On motion of Councilman Pignatelli, seconded by Councilwoman Stagg, the regular business meeting be reconvened.

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

RESOLUTION 10-48 HILL VS. OAKLAND SETTLEMENT

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

WHEREAS, the Borough of Oakland has been defending litigation entitled Hill International, Inc. v. Borough of Oakland et. al. filed in the Superior Court of New Jersey under docket number BER-L-6879-09; and

WHEREAS, during discovery of this case, the Attorney on behalf of the Borough of Oakland has recommended settlement upon the following terms and conditions (a total payment of \$55,000 to Plaintiff, with \$40,000 to be paid by the Borough and the remainder by the remaining co-defendants; and the Plaintiff will copy and return to the Borough all work product documentation prepared on behalf of the Borough of Oakland arising out of a matter called Vintage Construction Co. v. Borough of Oakland, BER-L-8473-05); and

WHEREAS, the Mayor and Council of the Borough believes that the following settlement is in the best interests of the Borough,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland that the Borough Attorney be and he is hereby authorized and directed to execute any and all documents necessary to effectuate settlement of the matter entitled Hill International, Inc. v. Borough of Oakland, filed in the Superior Court of New Jersey, Bergen County, Law Division, under Docket No. BER-L-6879-09, upon the following terms and conditions:

1. Settlement payment on behalf of the Borough of Oakland shall be in the amount of \$40,000; and
2. After Plaintiff has been paid in full, it will agree to forward complete copies of all reports and work product that it prepared on behalf of the Borough of Oakland arising out of a related matter called Vintage Construction Co. v. Borough of Oakland, BER-L-8473-05.
3. After payment in full, Plaintiff will execute a stipulation of dismissal with prejudice against the Borough of Oakland.

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

MEETING ADJOURNED:

On motion of Councilwoman Stagg, seconded by Councilman Di Pentima, the meeting be adjourned at 10:43 pm.

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

Lisa M. Duncan, Borough Clerk
February 24, 2010

Mayor John P. Szabo, Jr.

Date Approved