

SPECIAL MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
TUESDAY OCTOBER 21, 2008

MEETING CALLED TO ORDER: By Council President Pignatelli at 7:04 pm.

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

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

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OPENED FOR PUBLIC DISCUSSION:

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

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

Ruth Marchese, 44 Manito Avenue, would like the Council to consider putting the tennis courts in the right direction.

Councilman Burns entered the meeting at 7:07 pm.

Steve Wagoner, 16 Arrowhead and Chairman of Recreation, pointed out that the Borough is saving \$ 100,000 per year by not having a paid Recreation Director. Mr. Wagoner is asking to use \$ 164,000 from the Trust Fund that was supposed to be used on barrier netting for the tennis courts. \$ 164,000 plus the \$ 269,000 grant money leaves a balance of \$ 417,000. Over 15 years, the cost would be less than \$ 3.00 per person for the tennis courts. If the badge fees and team tennis fees were raised, it would raise \$ 270,000 over the next ten years. Mr. Wagoner estimates that at least 10 % of Oakland's population uses the courts. He commented if the courts are moved to face the right direction, it could gain additional parking.

Roger Marchese, 44 Manito Ave., commented there have been several Borough meetings. Everyone agreed the courts had to be replaced with new lights and a new base.

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.

**RESOLUTION 08-179 AWARD BID-LAWLOR DRIVE**

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

WHEREAS, the Borough advertised for improvements to Lawlor Drive with Wright Way being bid as an alternate; and

WHEREAS, bids were opened on October 7, 2008; and

WHEREAS, the Borough Engineer and Borough Administrator have reviewed bids and have recommended acceptance of English Paving's bid with a base bid of \$ 104,607.82 and an alternate bid of \$ 67,698.52; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # C04-55-915-004

NOW, THEREFORE, BE IT RESOLVED that the bid of English Paving in the amount of \$ 172,306.34 be and is hereby accepted; and

BE IT FURTHER RESOLVED that the Borough Attorney is directed to prepare an appropriate contract for the same; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to execute the agreement on behalf of the Borough.

Discussion ensued. Councilwoman Stagg voiced a concern that if the tennis courts were going to be redone, the timing is not right to pave Lawlor Drive. The construction of the new courts will impact Lawlor Drive. Councilman Burns commented that he thought there was an alternate way to get the equipment in. Borough Engineer Tichacek advised that the courts can be accessed from Oak Street. If the courts are going to be repositioned, then there will be parking changes.

**MOTION TO TABLE:**

On motion of Councilwoman Stagg, seconded by Councilman Burns, Resolution 08-179 be tabled.

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

Mayor Szabo entered the meeting at 7:17 pm.

Councilman Visconti questioned how long the bid could be held. Mr. Kunze advised that the bid must be awarded within 60 days. Mr. Tichacek advised there is an asphalt adjustment built in to the bid so there will not be a penalty to the contractor.

**RESOLUTION 08-180 REJECT BIDS-SKYVIEW SAND FILTERS**

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

WHEREAS, the Borough of Oakland received bids respecting repairs to the Skyview/Hibrook sewage treatment plant; and

WHEREAS, the purported low bidder, D.R. Mullen, has taken the position that its bid contained a substantial and material error; and

WHEREAS, the Borough's consulting engineer, Crew Engineers, believes that an error was committed, inasmuch as D.R. Mullen's bid is substantially below both the estimated cost of the project and the amount bid by the second low bidder; and

WHEREAS, the second low bidder's proposal is in excess of the budget established by the Borough for this project; and

WHEREAS the Borough Administrator and the Borough Attorney both recommend, based upon all of the considerations surrounding the bid of D.R. Mullen that for these stated reasons, that all bids should be rejected;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Oakland, does hereby release D.R. Mullen Construction Company from its bid as being based upon material and substantial error therein, and does further reject all other bids, as same are in excess of the amount estimated by the Borough for the cost of this project; and

BE IT FURTHER RESOLVED, that the Borough Administrator be and he is hereby authorized and directed to discuss with the Borough's consulting engineer any minor modifications to the bidding documents, if any, and thereafter to arrange for re-bidding for this project.

Councilman Burns questioned what the error was. Councilwoman Stagg explained that the material at the Skyview treatment plant is designated as ID27 which is landfill material that is contaminated but not toxic. D.R. Mullen did not bid for disposal of the ID27 material and therefore, their bid does not include landfill costs.

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

#### WORK SESSION:

##### 2008 CAPITAL:

Mr. Kunze distributed material to the Council including a 5-year capital plan, 2008 capital requests and debt projections. Mr. Kunze began by speaking about capital requests. There is a request in Administration for funding two replacement vehicles. This is due to the fact that the Police Department will not have old police vehicles to give for a couple of years. The vehicles cost \$ 12,000 and are under State contract. Councilman Burns asked if these are vehicles for the Building Department to use. Mr. Kunze responded they were for the Construction office and for water meter reading.

Mr. Kunze advised that anything under \$ 5,000 has been moved to being fully funded in the budget. The Fire Department had a request for 20 portable radios that have been deleted from the capital budget because they do not have a five-year life. The DPW put in a request for \$ 300,000 for the building in order to handle rescoping of the project and to begin necessary repairs. Mr. Kunze advised there will be additional funding for that project in 2009. Mr. Kunze advised that the total capital requests for 2008 total \$ 1.7 million and the amount of debt

authorized is \$ 1.5 million. It would require \$ 136,365 from the capital improvement fund. There was only \$ 100,000 put in this year's capital improvement fund so the rest would have to come from capital reserve.

Councilman Pignatelli commented that \$ 525,000 is being requested for the tennis courts. Mr. Kunze responded the total project would cost \$ 935,000. The Council had previously authorized \$ 410,000. He advised that the Borough is not financing the full amount but the Council must authorize the full amount.

Councilman Di Pentima commented that when the five-year plan for the BAN was enacted with the State, the Borough agreed that anything that is authorized in Capital in 2007 or 2008 has to be funded by December 31, 2008. The Borough would have to go for short-term notes. He advised that the Borough will have to do a short-term note to fund the NJ Capital purchase. Councilman Di Pentima thinks the interest can come out of the open space trust but he will have to check on that. If the referendum for the open space tax fails and the open space tax discontinues, the Borough will have to pay for the NJ Capital purchase through the general budget. Councilman Di Pentima advised there are many volunteers in town. The Fire Department probably saves the town \$ 1 million. Mayor Szabo commented he had a conversation with the auditor and the auditor didn't say that anything in 2008 had to be funded by December 31<sup>st</sup>. Councilman Di Pentima will check with the auditor. He advised that the Borough could go out for Bond Anticipation Notes. Mr. Kunze commented that the Borough would like more bidders but our bank would fund the notes. Councilwoman Stagg questioned if the open space trust fund would be totally used to fund the interest. Councilman Di Pentima responded that the interest is around \$ 100,000. Borough CFO Mangin commented that the rate the Borough received for the \$ 5 million note this past February was 2.5% . The interest due in February will be \$ 100,009. Our bank would give us a rate now of 4%. Councilman Di Pentima commented that the Borough has already raised the money in the open space trust fund so there would be no tax impact in 2009.

Councilman Burns commented that the \$ 900,000 + for the tennis court project was for the special surface. Everyone was in agreement that we would go with the standard surface. The projected cost for the new courts, base, lights, repositioning and additional parking would be approximately \$ 850,000. Councilman Pignatelli commented that a very important part of this decision should be based on the core samples beneath the courts. If those are not considered before beginning the project, the scope of the project could change halfway through. Mr. Tichacek responded that Boswell has not been authorized yet to do the core samples. Councilman Pignatelli commented that the courts are on the site that once was a dump. He commented there could be hazardous material and there could be an increased price to dump. Councilman Burns commented that money was allocated for the core samples from the money already authorized for the project. The Borough Administrator held off authorizing the samples until there is a decision about the project. Nothing will be done on the project until the core samples are done. The project would not be bid until the end of the year. Mr. Kunze advised that the quote for core samples was \$ 4,500 based on the new position of the courts. That might change if the location is changed.

Mr. Tichacek advised that Boswell was involved with the tennis court project in the 90's. It was not construction but rather refinishing of the courts. Courts 4, 5, and 6 got an acrylic surface and the cracks in courts 1, 2 and 3 were filled. At that time, Boswell recommended a geotechnical analysis and a core analysis and there was not enough funding. In 1978, courts 4, 5 and 6 were constructed with 2" of asphalt over 4" of stone. The proposed current project calls for 5" of asphalt over 4" of stone. That is the standard for a roadway. Boswell would do core samples and testing prior to going out to bid. Councilman Pignatelli questioned if the \$ 850,000 includes

engineering. Mr. Tichacek responded that the cost of \$ 825-850,000 would include total reposition of the courts, new sub-base, acrylic surface, new lighting and engineering. He advised that the request to reposition the courts has always been asked.

Mayor Szabo commented he would propose not to reposition the courts and save \$ 100,000. Mr. Tichacek commented that the cost for that proposal would be \$ 670,000 including engineering and would call for minor addressing of the subsection. Councilman Di Pentima questioned doing the option for \$ 670,000 and removing the lights at this time. That would bring the cost down to \$ 469,000 and the Council already authorized \$ 410,000 last year. That would give all new courts except for the lights. Councilman Di Pentima commented that the Council is going to have to address the lights at the entire Recreation complex in the future. This is another way to compromise to get the courts done and keep costs down. Mayor Szabo questioned why we wouldn't do the lights when doing the construction of the courts. He spoke of economy of scale which is the reason it is being done as a package. Mr. Tichacek responded there are ten poles-two interior and eight exterior. He explained the engineering would have to be done now and the conduit would have to be run. The interior lights would have to be replaced now. So it would not be a full line-item reduction.

Councilwoman Stagg proposed an alternate to the project by positioning the courts 2x2x2. She spoke about repositioning courts 1 & 2 and 4 & 5. The existing fence could be used. Some of the existing surface could be used. Mr. Tichacek advised that materials could not be reutilized. The 3x3 layout gives superior parking. Councilwoman Stagg questioned if her alternate could be done to reuse existing fence. The Borough could save money by keeping the existing lights for now and keeping the fencing. Mr. Tichacek advised that 95% of the courts would have to be redone anyway. The cost of the fencing is a small factor. It would be difficult to tie in the perimeter section to the new section. Councilman Visconti questioned if the cost for additional parking has been included if the courts were repositioned. Mr. Tichacek responded the cost is included in the relocation cost.

Mayor Szabo asked the Council to look at the other capital requests. Councilman Di Pentima asked Mr. Kunze if the request for computer network can be postponed. Mr. Kunze advised that Borough Hall is having daily problems with internet access. The consultants have grave concerns over the wiring. There is also the problem with certain computers and printers going down. Councilman Visconti questioned if this was just for Borough Hall. Mr. Kunze responded this would be one central network for all Borough facilities. Councilman Visconti questioned if there is anything in the budget for archiving. Mr. Kunze responded that the network would include email archiving not scanning of documents. Councilman Burns commented that he still sees small items listed in the capital requests. Mr. Kunze responded that the items would still be left in capital but would be funded through the budget. Councilman Burns commented that the Council had previously discussed improvements to the municipal building. He questioned if this was included in the capital budget. Mr. Kunze advised there is nothing for expansion or renovation of Borough Hall in the five-year plan.

Councilwoman Stagg questioned if the Borough could live without the road improvement program for one year. Mr. Kunze advised that the proposed money would be used for the 2009 program. Councilwoman Stagg commented then the Borough could do without that money for 2009. Councilman Burns asked if the money was for road and sidewalk or just for road. Mr. Kunze responded it was for road and there is nothing in the 2008 capital requests for sidewalk.

Councilwoman Stagg gave background on the backup for Well 8. She advised that the State is not going to allow the Borough to drill a new well because of the Highlands. She commented

that the water table is getting lower. Well 8 on the north end of town is the most valuable. The Water and Sewer Committee is proposing to drill a new Well 8 right next to the existing well. It would not run at the same time but could be used as a backup. With the water table starting to drop, this could become a health concern.

Mayor Szabo commented that the Borough has gotten grants for road improvements. Councilman Burns commented that the Council usually budgets \$ 250,000 per year for road projects. Mr. Kunze commented that he was speaking with the Engineer about coming up with a more extensive road program. He commented that the amount may seem like a lot of money but he has seen what happens when towns defer road work. Councilman Burns does rate the roads each year. Councilman Di Pentima commented that the backup for Well 8 comes out of the water budget so we don't have to cut the road program for that.

Councilman Pignatelli commented on the request for \$ 300,000 for the DPW building. He advised that he has taken a tour of the DPW building and the conditions are abominable. He questioned how the \$ 300,000 would be used. Mr. Kunze responded that he wants to rescope the project. The original project was over-ambitious. The project can be rescoped to meet the needs of the Department and done with less money. The \$ 300,000 is meant to provide some money for repairs right away. He gave the example that there is a stormwater requirement to have a wash station. Assistant DPW Superintendent Anthony Marcucilli advised that the Borough is required to have a water reclaim station in order to wash vehicles. This must be up and running by April 2009. He advised that the DPW can bring small trucks to a car wash. However, the large dump trucks cannot go to a car wash.

Councilwoman Stagg commented that a lot of time was spent going over the needs of the DPW for the future. There were some second floor additions but the footprint is the same. The DPW building would not pass an OSHA exam. The Council cannot keep putting this project off and must move forward. She commented that architect Grace Lynch does not spend money recklessly. Councilwoman Stagg does not want to keep studying this building to death. She wants to get it done right. Councilman Di Pentima agreed that the Council has to do something because the DPW employees deserve to have their working condition improved and they need to have a wash station. However, the Council needs to discuss the overall capital budget. Councilman Visconti commented that the wash station is a DEP mandate. The \$ 300,000 allocation would give money for a wash station and some remedies to the building.

Assistant DPW Superintendent Anthony Marcucilli advised he called vendors regarding the wash station. He advised that the DPW needs to reevaluate needs to see what type of unit is needed. The estimate for the wash station is between \$ 70 and 90,000. Councilman Visconti advised that the Borough needs a facility study. The Borough needs to put money away for building repairs just like money is put away for the road program. Councilman Visconti asked if the DPW could do any of the work at the tennis courts such as the demolition. Mr. Marcucilli responded it would not be a tremendous savings for the DPW to do the work.

Councilwoman Marcalus asked if there is a way that departments can find ways to fund things. Police Chief Kasper advised there are funds available and the Police Department is always looking for ways to fund items. He advised that the Department got a donation of a computer server cabinet which would have cost \$ 3,000. Chief Kasper is looking into the military surplus program which is for the use of law enforcement. Councilwoman Marcalus commented that it would benefit the Departments to put in their budgets what could have been there if they didn't receive donations or funding from outside sources. Chief Kasper responded that he maintains a list and the Police Department has received \$ 20,000 worth of donated equipment. Mr. Kunze

commented that a lot of times the Police and Fire Departments secure donations. Anything that is grant related and capital is included in the spreadsheets.

Mayor Szabo asked what is a dispatch chair that costs \$ 1300. Chief Kasper responded it is a heavy duty chair because it is used 24 hours, 7 days per week. The last time a chair was purchased for the dispatchers was seven years ago. Mayor Szabo asked if this would be funded through the budget. Mr. Kunze responded it would be kept in capital even though it is being fully funded.

Chief Financial Officer Mangin advised that we are going to be canceling old ordinances and that does go to the capital improvement fund. There are a number of water capital ordinances that we will be canceling the balances for. That additional money will go to debt service reserve. Councilwoman Marcalus asked if we could get additional debt funding from canceling these debts. Mr. Mangin responded that the reserve to pay debt service will be used to smooth spikes. Councilwoman Marcalus commented that we have debt service that will end soon which will put money back. Mr. Kunze commented that when the Borough goes out for bonds or notes, there is a maturity schedule. It shows what debt service looks like years from now and how to structure going out for bonds.

Councilman Di Pentima explained there are two pieces to capital. There is the capital improvement fund which is like a cash savings account. The Borough can pay for items directly out of the fund. The water capital is in great shape. There is \$ 790,000 on hand and there will be \$ 665,000 in the reserve fund which can be used to pay off debt. For the well project, we can pay cash and not have to bond that project. We could pay half so that we don't deplete cash on hand. For general capital, if we go with the cancellations recommended by the Administrator and CFO, there will be \$ 329,000 cash on hand and \$ 163,000 in reserves. There is not as much leeway as with water but there are options. Once the Council decides what projects we can do and as the budget is crafted, the Finance Committee can propose what can be done with these funds to help offset the tax impact.

Councilman Visconti questioned renovation of the police hallway. Chief Kasper responded that there have been no renovations in the Police Building since the building was constructed 30 years ago. The renovations are going to be done in-house to keep costs down. The walls are going to be resurfaced. Councilman Visconti questioned how the Chief came up with the estimate. Mr. Marcucilli responded that the estimate was the cost of a contractor. Chief Kasper responded if the work was done in-house, that amount could fund the entire project. If a contractor would do the work, that would only fund a section.

Fire Chief Sondervan advised that the Borough saves about \$ 5 million with a volunteer Fire Department. He advised that the Fire Department applies for grants every year. However, they don't receive a lot of the grants that are applied for. The Fire Department is still in the running for an \$ 80,000 grant to replace the exhaust system. He advised that the radio room was recently renovated with money from donations. The kitchen was also renovated with donation money. Councilwoman Marcalus questioned what the security and epoxy floor entailed. Chief Sondervan responded that it is hard to get keys back when someone leaves the Department. With the new security system, the keys can be wiped out. The epoxy floors are cracking and the Fire Department is going to put another level of concrete so the floors will last another 20 to 30 years.

Emergency Management Coordinator Roy Bauberger commented that he has applied for small grants and has received a grant for NIMS training and has received the hazmat trailers from the

County. Councilman Burns commented that the siren replacement is listed because we are going to cancel the original authorization. It is not an additional authorization.

Mayor Szabo asked for the bottom line numbers if all the capital projects are authorized. Mr. Kunze responded that there would be two ordinances. One would be a bond ordinance to authorize \$1.5 million and one would be a capital purchase ordinance to authorize purchases out of cap. We put \$ 100,000 in the capital improvement fund so the balance would come from capital reserve. The amount of actual cash needed will be \$ 136,000.

Mr. Mangin advised there are two vehicles for debt service-short-term and long-term. Mr. Kunze advised if all the capital projects were approved, it would take the debt from \$ 1,740,619 to \$ 1,843,814 which is a change of \$ 85,564. That is a difference of \$ 85,564 which translates to \$ 16.23. Councilman Di Pentima commented that the \$ 85,564 is interest only. He believes the Breakneck Road purchase can be paid through the open space trust fund. Mr. Mangin advised that the interest that is due on the Breakneck Road purchase in February 2009 is over \$ 100,000. He also believes that can be paid from the trust fund.

Mr. Mangin advised that the way short-term notes work, principal is not paid for the first two years. After the third year, you must start paying principal. He suggested the Borough could do short-term notes for two years and then go out for long-term financing. If we do a note in 2009, we would have to start paying principal in 2011 or go out for bonds. There are a number of worthy projects to do but the Borough does have the \$ 300,000 BAN repayment to do and the economy is not great for long or short-term financing. However, whatever the Council decides to do, we will make it work. Councilwoman Stagg asked how the current market affects the Borough. Mr. Mangin responded that a number of municipalities cannot get short-term financing. Municipal notes are safe but there is no cash out there. Mr. Mangin knows the Borough won't get a great rate. However, he spoke to TD Bank and they assured us they would purchase the note. The current rate is 4% as compared to the 2.5% the Borough paid in February 2008.

Councilwoman Stagg commented that every year, the Borough will try to get a better interest rate. Councilman Di Pentima commented because the Borough would be foregoing bonding, we would only be paying interest and are deferring the payment to the future. The impact is smaller now but will pick up in later years when we must start paying principal. Mr. Mangin advised that included in the debt schedule is a Green Acres loan that gets paid off in 2011 so there is a drop off.

Councilwoman Stagg brought up the tennis courts. Councilman Burns commented the proposal is \$ 850,000. The Borough originally got a grant for \$ 125,000 with a match of \$ 125,000 to do three courts. Recreation Chairman Steve Wagoner advised that six courts needed to be done and the lighting was inadequate. Councilman Burns asked how much was spent on the courts in 1999. Borough Engineer Tichacek responded that it cost \$ 145,000 to resurface three courts. Councilman Burns commented that the committee said that all six courts needed to be done and brought up that the courts were facing in the wrong direction. Repositioning courts will avoid sun in the tennis players' eyes as well as the lights from other fields. The grants that the Borough received total \$ 269,000. The difference between the cost of the courts and the grants is \$ 580,000. Recreation was going to kick in \$ 160,000 from trust and the Borough already appropriated \$ 410,000. Councilman Burns advised that Council that this project should be done correctly. The courts need a good base, proper substrata and lights. There is nothing in the proposal that is not essential to fixing the problem correctly. He advised that the big gorilla for the Borough was the NJ Capital property which the Borough had to purchase because the

property was inversely condemned. It cost the taxpayers \$ 3 million because a variance was not granted. Mayor Szabo advised that the money to pay the NJ Capital property will come out of the open space trust fund as long as the public approves the trust fund again. Councilman Burns commented that the taxpayers are going to have to pay the \$ 3 million. Mayor Szabo commented that the public approved the referendum for open space. Councilwoman Stagg commented that Mr. Tichacek said the parking cost \$100,000. Councilman Burns responded the cost of repositioning was \$ 100,000 and that included parking. Councilwoman Stagg would like the Council to consider her alternate plan. She is in favor of redoing the tennis courts but would like the price to come down.

Councilman Di Pentima advised that if the capital projects are authorized now but no money is spent until 2009, the Borough won't have to get short-term notes until 2009. That lessens the blow. He did caution the Council on deferring payments but there will be years where the debt rolls off big so that principal can be paid. Councilman Di Pentima commented if we spend cash on projects now, it will deplete operating cash. Mr. Mangin commented that if we authorize capital in 2008, we wouldn't be able to spend until the beginning of December. We won't go out for notes until January. Councilman Burns commented that the Borough plans to go out in December for bids for the tennis courts. The bids won't be received until January.

Mayor Szabo commented so the tax impact is nothing because it gets deferred until 2010. Councilwoman Marcalus commented that Mr. Wagoner came up with a calculation of \$ 3 per household as a cost for the project. Mr. Kunze commented that the schedules had variable costs depending on the scenario. Councilman Di Pentima commented to be fair, the cost per house would have to be calculated on a per project basis. He advised there are still things that have to be looked at with the courts.

Councilman Visconti commented that if the Council authorizes capital, it does not mean that we have to spend the money. The authorization can be cancelled. He asked if sun shades could be put up in lieu of repositioning courts. Councilwoman Stagg responded they could not and that tennis courts should not face east/west. Mayor Szabo commented that the only option would be to enclose and that would be impractical. Councilwoman Stagg suggested moving forward with the bond assuming it would cost the Borough only \$ 580,000. However, we must get soil borings before approving the project. She is not against moving forward with the authorization and commented that maybe the Engineer's estimate is off. Mr. Tichacek advised that the Council can take off \$ 180-185,000 from the maximum amount because we are not going with the monolithic surface. That lowers the authorization. He advised there is conservatism built in the estimate as well as a 10% contingency. He would assume that the bid would come in at or below the estimate. Councilman Di Pentima asked if Boswell has been involved in previous tennis court projects and asked what their cost was. Mr. Tichacek responded that he could not compare one project to another because there are different sub-surfaces and the orientation of courts might be different. Councilman Burns commented that Wyckoff redid eight courts. They did not have sub-surface problems and their cost was between \$ 600,000 and 700,000 with the DPW doing a lot of the work. Mr. Kunze responded that one of the key factors for Wyckoff was the use of the DPW to do a lot of the work and they also did not have sub-surface problems. The time frame was also not the same because they had more time to complete the project. The estimated value of labor for the Wyckoff project was \$ 200,000.

Councilman Di Pentima commented that the six courts at William Paterson cost \$ 600,000 and that Indian Hills spent \$ 200,000 to resurface six courts. He knows something has to be done with the tennis courts but the figure is too high. If the courts cost \$850,000 less the \$ 269,000 in grants, there is still a balance of \$580,000. The \$ 410,000 already authorized included the grant

for \$ 125,000. Councilman Burns commented that the taxpayer is going to pay everything but the \$269,000 in grants.

Councilwoman Stagg would like the Council to go back to the proposal she made. The lighting can be put off and the Borough can go to the County next year for another grant for lighting. She would go ahead with the authorization but she can't say she would approve the expenditure in the future if the Borough can save money on the project.

Mayor Szabo commented that he would like to move forward so the project can be bid. There are still options available but the Council cannot afford to move ahead. This is an opportunity to fix an ongoing problem. We need to preserve the infrastructure because it maintains property values. Councilman Di Pentima commented that there is enough money under the 2007 authorization to go out to bid for the project. The Council can do an ordinance in early 2009 for the balance of the project once the project costs are understood. Mayor Szabo commented that the Borough cannot go out to bid without certifying funds are available. Mr. Mangin advised that the Council cannot authorize the contract unless the funds are available.

Mr. Kunze commented that part of the dilemma is that the engineering costs depend upon if the courts are repositioned or not. Mr. Tichacek responded there would be new engineering if the courts were repositioned. If the courts are left as is and the bid specs were modified, the engineering would cost less.

Councilman Visconti proposed that the Council moved forward with the amount proposed less the monolithic surface. Councilman Pignatelli commented that does not mean the Council would authorize doing that work. Mayor Szabo commented it will let us go out to bid. Mayor Szabo commented there is no spending until 2009 so there will be no tax impact for this year. Councilwoman Stagg commented that whatever administration is in office next year will determine the scope of the project. Councilman Visconti commented this is a plan for what the Borough is going to finance but the Council will still approve the individual projects. Mayor Szabo commented that the bid can also include alternates.

Councilman Di Pentima commented that Finance will move forward with a bond ordinance for next meeting if possible. Councilwoman Stagg commented that she doesn't see any sense in moving forward on Lawlor Drive until the tennis courts are done. Mr. Tichacek advised that a pre-construction meeting was scheduled for Thursday that will be cancelled. He advised that with the cost ratio factor for asphalt being in the bid, there is no liability to wait until spring.

MEETING ADJOURNED:

On motion of Councilman Pignatelli, seconded by Councilman Di Pentima, the meeting be adjourned at 9:47 pm.

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

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Lisa M. Duncan, Borough Clerk  
November 12, 2008

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Mayor John P. Szabo, Jr.

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Date Approved

