

September 11, 2007

MINUTES of a Regular meeting of the Mayor and Board of Council of the Town of Secaucus, County of Hudson, State of New Jersey held on the 11th day of September, 2007 at 7:00 P.M. in the Council Chamber of the Municipal Government Center, Secaucus, N.J.

Present: Mayor Dennis Elwell
Councilmembers: John Bueckner
Richard Kane
Michael Gonnelli
Gary Jeffas
John Shinnick
John Reilly

The following statement was read by Town Clerk Michael Marra:

"Adequate notice for this meeting, as required by the Open Public Meetings Act, has been provided by the filing of the notice of Meetings with the Municipal Clerk, the posting of said notice on the official bulletin board in the Municipal Building, and the delivery of same to the Secaucus Home News on January 4, 2007."

This body wishes to advise you that in accordance with N.J.A.C. 5:23-11.1, et seq. of the Indoor Air Quality Standards and Procedures for Buildings Occupied by Public Employees, smoking anywhere in this public building is prohibited by law.

In the event of a fire or other emergency, please note that there are two exits in the rear of the Council Chamber which may be used."

The first item on the agenda is as follows:

APPROVAL OF MINUTES

The following resolution was read: No. 2007-133

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, that the minutes of the Regular Meeting of April 10, 2007, the Regular Meeting of April 24, 2007, the Regular Meeting of May 8, 2007, the Regular Meeting on May 22, 2007 and the Regular Meeting of June 26, 2007 are hereby approved.

Councilman Kane moved that the foregoing resolution be approved, seconded by Councilman Shinnick.

AYES: Bueckner, Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell
NAYS: None
ABSENT: None Motion carried.

CONSENT AGENDA-RESOLUTIONS

All matters listed under Consent Agenda are considered to be routine by the Mayor and Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

The following resolution was read: No. 2007-134

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

BE IT RESOLVED by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, that Peter J. Zipp, Esq., Special Tax Attorney for the Town of Secaucus, is hereby authorized to execute on behalf of the Town of Secaucus, Stipulations of Settlement resolving the Complaints filed by:

Federated Department Stores/Hartz Mountain for property situated at Block 19 Lots 2.03 & 2.04 for tax years 2005, 2006, 2007 and 2008.

September 11, 2007

Assessment reduced:
Block 19, Lot 2.03

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
2005	\$5,409,000	Withdrawn
2006	\$5,409,000	Withdrawn
2007	\$5,409,000	\$4,000,000

Assessment reduced:
Block 19, Lot 2.04

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
2005	\$30,628,700	Withdrawn
2006	\$30,628,700	Withdrawn
2007	\$30,628,700	\$23,309,160

2008 Assessment on Block 19, Lots 2.03 and 2.04 to be based on a fair market value of \$50,228,360 multiplied by the Town's 2008 "Chapter 123".

Interest on any refund due is waived provided the refund is paid within 90 days of the date of the Judgement pursuant to N.J.S.A. 54:3-27.2.

All in accordance with the discussions held at certain caucus meeting of the Town Council on September 11, 2007.

The following resolution was read: No. 2007-135

**TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION**

BE IT RESOLVED by the Mayor and Council of the Town of Secaucus, County of Hudson, State of New Jersey, that Peter J. Zipp, Esq., Special Tax Attorney for the Town of Secaucus, is hereby authorized to execute on behalf of the Town of Secaucus, Stipulations of Settlement resolving the Complaints filed by:

Haledon Holding Corp./Prime Hospitality for property situated at Block 185.01, Lot 1.04 for tax 2003, 2004, 2005, 2006, 2007 and 2008.

Assessment reduced:

<u>Tax year</u>	<u>Original Assessment</u>	<u>Proposed Assessment</u>
2003	\$14,500,000	Withdrawn
2004	\$14,500,000	Withdrawn
2005	\$14,500,000	\$10,276,500
2006	\$14,500,000	\$ 8,885,800
2007	\$14,500,000	\$ 7,088,100
2008	\$11,000,000	\$11,000,000

Interest on any refund due to waived provided the refund is paid within 90 days of the date of Judgement pursuant to N.J.S.A. 54:3-27.2.

All in accordance with the discussions held at certain caucus meeting of the Town Council on September 11, 2007.

The following resolution was read: No. 2007-136

**TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION**

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus in the

September 11, 2007

County of Hudson, and the State of New Jersey that the annual salary for Jennifer Taylor, Day Care Director (inclusive of After Care Coordinator) be \$54,864.00 effective 9/1/07 and \$59,864.00 effective 1/1/08 and subject to agreement of the Secaucus public Employees Association.

The following resolution was read:

No. 2007-137

RESOLUTION FINDING THAT THE ACTS ALLEGED IN deVries v. Secaucus, DKT. No. HUD-1-3520-04 and CONNELLY V. SECAUCUS, DKT. NO. HUD-L-5201-05 DID NOT CONSTITUTE ACTUAL FRAUD, ACTUAL MALICE, WILLFUL MISCONDUCT OR AN INTENTIONAL WRONG

WHEREAS, the Mayor and Council of the Town of Secaucus have enacted Resolutions Providing Indemnification of the form Resolution 2007-04 attached hereto for at least the past nine consecutive years; and

WHEREAS, such resolution provide for indemnification in accordance with N.J.S.A.59:10-4 for any and all actions taken by Secaucus officials and employees during such time period; and

WHEREAS, N.J.S.A. 59:10-4 provides that:

“Local public entities are hereby empowered to indemnify local public employees consistent with the provisions of this act. A local public entity may indemnify an employee of the local public entity for exemplary or punitive damages resulting from the employees’s civil violation of State and federal law if, in the opinion of the governing body of the local public entity , the acts committed by the employee upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong.” and

WHEREAS, actions entitled deVries v. Secaucus, Docket No. HUD-L- 3520-04 and Gonnelli v. Secaucus, Docket No. HUD-L-5201-05 have been filed naming public official and employees in an individual capacities; and

WHEREAS, said actions seek exemplary or punitive damages as relief; and

WHEREAS, the Mayor and Council of the Town of Secaucus supports and relies upon the analysis of N.J.S.A. 59:10-4 Appellate Division of the Superior Court in Loigman v. Board of Chosen Freeholders of the County of Monmouth, 329 N.J. Super 561 (App. Div. 2000) at pages 565-566:

“The Legislature conferred plenary authority on the local public entity to determine whether indemnification of a punitive damage award is appropriate under the circumstances. The key statutory language is “in the opinion of”. We do not find the language chosen by the Legislature to be accidental, but rather to reflect an acknowledgment that this decision, which implicates the appropriation of funds, should be insulated from examination absent extraordinary circumstances. The Legislature recognized that those who enter public employment should not have to fear that the performance of their duties will expose them to the risk of law suits with the potential of damages that could bankrupt the employee. If a high caliber of employee is to be attracted into the public sector, it is essential this type of protection be made available. What that ultimately means is that the local public entity in appropriating these funds is essentially rendering a legislative policy determination. Courts do not review such determinations because “they constitute purely political decision and an exercise of governmental discretion”; and

WHEREAS, the Mayor and Council of the Town of Secaucus have considered the oral presentations made to it by members of its Fire Department, the detailed written reports presented by Martin Pachman, Esq., its Labor Counsel; the analysis presented by Town Attorney, Frank M. Leanza, Esq. and the conclusions of the Counsel representing the defendants on behalf of the Joint Insurance Fund and Municipal Excess Liability fund in both the deVries v. Secaucus and Gonnelli v. Secaucus matters.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, that after due deliberations and consideration of the facts before it that it has determined, in its opinion, that not actions of Dennis Elwell, Anthony Iacono or Frank Walters constituted actual fraud, actual malice, willful misconduct or an intentional wrong; and

BE IT FURTHER RESOLVED, that is has also been determined that Dennis

September 11, 2007

Elwell, Anthony Iacono and Frank Walters are official and employees of the highest caliber and that they may rely upon the determinations of the Mayor and Council of the Town of Secaucus as to their entitlement to full indemnification against any and all, specifically including punitive, damages that may be assessed against them in deVries V. Secaucus or the Gonnelli v. Secaucus matters pursuant to N.J.S.A.59:10-4.

The following resolution was read:

No. 2007-138

RESOLUTION AUTHORIZING PAYMENTS TO FORMER TOWN ADMINISTRATOR

WHEREAS, for over ten years, Anthony Iacono served the Town of Secaucus as its Municipal Administrator, possessing the broad powers delegated to such office by both state statute and the Town Code which provides that "The Municipal Administrator shall administer the business affairs of the Town of Secaucus and shall have such administrative powers and perform such duties than those required by law to be exercised by the governing body itself, or by another officer, board of body"; and

WHEREAS, such a broad delegation of power over such a long period of time has created an institutional knowledge in the person of Anthony Iacono that, notwithstanding his close and personal working relationship with the Mayor, Chief Financial Officer and Town Attorney that is irreplaceable; and

WHEREAS, the Chief Financial Officer and Town Attorney have expressed their professional opinions that it is in the best interests of the Town of Secaucus, as it would be in the best interest of any organization losing its Chief Operating Officer, that Anthony Iacono be available during at least a three month transition period for consultation regarding the myriad of issues, and the background thereof, that must be addressed by the Town on a daily basis; and

WHEREAS, Anthony Iacono has expressed his continuing willingness to be available to the Chief Financial Officer/Acting Town Administrator and Town Attorney for a three month period both electronically and by way of limited telephone calls during normal workday and extended telephone and in person communication thereafter.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Secaucus shall compensate its former Municipal Administrator, Anthony Iacono, as an independent contractor for a period of three months at the rate of \$1,600.00 per month for availability to the Chief Financial Office/Acting Town Administrator, new Town Administrator (if applicable) and the Town Attorney on a constant basis via computer. (Mr. Iacono to retain the Town computer for such period and for such purposes) and PDA; for limited telephone inquiries during the normal workday; and for extended telephone and in person communication thereafter.

BE IT FURTHER RESOLVED, that in consideration of such payments, Mr. Iacono shall make himself available to both the Joint Insurance Fund and the Municipal Excess Liability Fund, and their respective attorneys, as necessary, to defend the Town in any pending or future lawsuit, in which is factual or institutional knowledge is required.

The following resolution was read:

No. 2007-139

RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEAL REGARDING LOT 6 IN BLOCK 98 AS SET FORTH ON THE OFFICIAL TAX MAPS OF THE TOWN OF SECAUCUS OWNED BY MACK INVESTING COMPANY

WHEREAS, Mack Investing Company, the owner of property located at 501 Windsor Drive, otherwise designated as Lot 6 in Block 98 on the official tax maps of the Town of Secaucus, has taken an appeal to the Tax Court of the State of New Jersey from the assessed value of said property for tax years 2006 and 2007; and

WHEREAS, the taxpayer has agreed to withdraw its appeal filed from the assessed value of said property for tax year 2006; and

WHEREAS, the parties have agreed to a reduction in the property's assessment from a total of \$1,600,000 to a total of \$1,434,000 for tax year 2007; and

September 11, 2007

WHEREAS, the property owner has further agreed to waive statutory pre-judgement interest on the tax refund; and

WHEREAS, the Tax Assessor has agreed to the reduction in value on the property for the 2007 tax year in accordance with the settlement; and

WHEREAS, the settlement results in an approximately aggregate total tax refund for tax year 2007 in the amount of \$4,704.44 (based on the 2006 tax rate); and

WHEREAS, the Town Council of the Town of Secaucus has determined that it is in the best interest of the Town to adjust the assessment on the aforesaid property for the tax year 2007 in accordance with the settlement.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Secaucus in the County of Hudson and State of New Jersey, as follows:

1. The tax assessment on the property located at 501 Windsor Drive and otherwise designated as Lot 6 in Block 98 on the official tax maps of the Town of Secaucus shall be reduced from a total of \$1,600,000 to a total of \$1,434,000 for tax year 2007.
2. The Town Tax Collector is hereby authorized to issue a check to the property owner upon receipt of the Tax Court Judgement representing the tax refund attributable to the reduction in the assessment for the 2007 tax year.
3. This resolution shall take effect immediately or as otherwise provided by law.

The following resolution was read:

No. 2007-140

RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEAL REGARDING LOT 1
IN BLOCK 25 AS SET FORTH ON THE OFFICIAL TAX MAPS OF THE TOWN OF
SECAUCUS OWNED BY SAL PAT REALTY COMPANY, LLC

WHEREAS, Sal Pat Realty, LLC, the owner of property located at 348 New County Road, otherwise designated as Lot 1 in Block 25 on the official tax maps of the Town of Secaucus, has taken an appeal to the Tax Court of the State of New Jersey from the assessed value of said property for tax years 2006 and 2007; and

WHEREAS, the taxpayer has agreed to withdraw its appeal filed from the assessed value of said property for tax year 2006; and

WHEREAS, the parties have agreed to a reduction in the property's assessment from a total of \$2,336,400 to a total of \$2,100,000 for tax year 2007; and

WHEREAS, the property owner has further agreed to waive statutory pre-judgement interest on the tax refund; and

WHEREAS, the Tax Assessor has agreed to the reduction in value on the property for the 2007 tax year in accordance with the settlement; and

WHEREAS, the settlement results in an approximately aggregate total tax refund for tax year 2007 in the amount of \$6,699.58 (based on the 2006 tax rate); and

WHEREAS, the Town Council of the Town of Secaucus has determined that it is in the best interest of the Town to adjust the assessment on the aforesaid property for the tax year 2007 in accordance with the settlement.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Secaucus in the County of Hudson and State of New Jersey, as follows:

1. The tax assessment on the property located at 348 New County Road and otherwise designated as Lot 1 in Block 25 on the official tax maps of the Town of Secaucus shall be reduced from a total of \$2,336,400 to a total of \$2,100,000 for tax year 2007.
2. The Town Tax Collector is hereby authorized to issue a check to the

September 11, 2007

property owner upon receipt of the Tax Court Judgement representing the tax refund attributable to the reduction in the assessment for the 2007 tax year.

3. This resolution shall take effect immediately or as otherwise provided by law.

The following resolution was read:

No. 2007-141

**RESOLUTION AUTHORIZING THE SETTLEMENT OF THE TAX APPEAL REGARDING LOT 1
IN BLOCK 11 AS SET FORTH ON THE OFFICIAL TAX MAPS OF THE TOWN OF
SECAUCUS JERSEY CITY MUNICIPAL UTILITIES AUTHORITY**

WHEREAS, Jersey City Municipal Utilities Authority, the owner of property located at County Avenue and New County Road, otherwise designated as Lot 1 in Block 11 on the official tax maps of the Town of Secaucus, has taken an appeal to the Tax Court of the State of New Jersey from the assessed value of said property for tax years 2006 and 2007; and

WHEREAS, the parties have agreed to a reduction in the property's assessment from a total of \$2,067,500 to a total of \$736,000 for tax year 2006 and from a total of \$2,067,500 to a total of \$736,000 for tax year 2007; and

WHEREAS, the property owner has further agreed to waive statutory pre-judgement interest on the tax refund; and

WHEREAS, the Tax Assessor has agreed to the reduction in value on the property for the 2006 and 2007 tax years in accordance with the settlement; and

WHEREAS, the settlement results in an approximately aggregate total tax refund for tax year 2006 in the amount of \$37,709.20 and an approximate aggregate total tax refund for the tax year 2007 in the amount of \$37,709.20 (based on the 2006 tax rate); and

WHEREAS, the Town Council of the Town of Secaucus has determined that it is in the best interest of the Town to adjust the assessment on the aforesaid property for the tax years 2006 and 2007 in accordance with the settlement.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Secaucus in the County of Hudson and State of New Jersey, as follows:

1. The tax assessment on the property located at County Avenue and New County Road and otherwise designated as Lot 1 in Block 11 on the official tax maps of the Town of Secaucus shall be reduced from a total of \$2,067,500 to a total of \$736,000 for tax year 2006 and from a total of \$2,067,500 to a total of \$736,000 for tax year 2007.

2. The Town Tax Collector is hereby authorized to issue a check to the property owner upon receipt of the Tax Court Judgement representing the tax refund attributable to the reduction in the assessment for the 2006 and 2007 tax year.

3. This resolution shall take effect immediately or as otherwise provided by law.

The following resolution was read:

No. 2007-142

**TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION**

WHEREAS, the Town of Secaucus, County of Hudson, State of New Jersey entered into a contract with PMK Group the year of 2007 in the amount of \$37,700.00 for Town Engineer, General Engineering Services;

WHEREAS, the contract was amended for the following Engineering service; NJDOT Transportation Trust Fund - Fiscal Year 2007 Hops Lane Improvements.

September 11, 2007

WHEREAS, the contract was increased by \$19,000.00 for Construction Observation, Contract Administration and Bituminous Concrete Coring Testing and Analysis and Post Construction Submittals (Task 2).

WHEREAS, the contract needs to be increased for Design Document Development/ Public Bidding & NJDOT Submittals (Task 1) in the amount of \$24,050.00.

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to approve additional funds of \$24,050.00 for said contract.

Financial Officers
Certification attached.

The following resolution was read: No. 2007-143

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Town of Secaucus, County of Hudson, State of New Jersey entered into a contract with PMK Group the year of 2007 in the amount of \$37,700.00 for Town Engineer, General Engineering Services:

WHEREAS, there is a need to amend the contract for the following Engineering service: Penhorn Roadway Improvements

Geotechnical Investigation and Report	\$6,100.00
Preliminary Design Plans	\$28,400.00
Detailed Cost Estimate	\$3,500.00
Final Design Documents	\$23,800.00
Public Bidding (if Required)	\$1,800.00
Construction Observation & Contract Admin.	\$51,700.00

WHEREAS, the contract needs to be increased by \$115,300.00.

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to approve additional funds of \$115,300.00 for said contract.

Financial officers
Certification attached.

The following resolution was read: No. 2007-144

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

WHEREAS, the Town of Secaucus, County of Hudson, State of New Jersey entered into a contract with PMK Group the year of 2007 in the amount of \$37,700.00 for Town Engineer, General Engineering Services:

WHEREAS, there is a need to amend the contract for the following Engineering service: Sinalco Roadway Improvements

Preliminary Design Plans	\$17,400.00
Detailed Cost Estimate	\$4,300.00
Final Design Documents	\$11,300.00
Public Bidding (if Required)	\$2,800.00
Construction Observation & Contract Admin.	\$11,400.00

WHEREAS, the contract needs to be increased by \$47,200.00.

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus to approve additional funds of \$47,200.00 for said contract.

Financial officers
Certification attached.

The following resolution was read: No. 2007-145

TOWN OF SECAUCUS, COUNTY OF HUDSON
RESOLUTION

September 11, 2007

BE IT RESOLVED, by the Mayor and Council of the Town of Secaucus, County of Hudson, that Chief Municipal Finance Officer, Margaret barkala, is hereby appointed as Acting Municipal Administrator for the Town of Secaucus, until such time as a permanent Municipal Administrator is hired.

Councilman Shinnick moved to approve the resolution on the Consent Agenda, seconded by Councilman Reilly.

AYES: Bueckner, Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell
NAYS: None
ABSTAIN: Gonnelli on 2007-137, Jeffas on 2007-137
ABSENT: None Motion carried.

BINGO/RAFFLE APPLICATIONS

Councilman Kane moved that the following applications for Raffle License be approved, seconded by Councilman Gonnelli.

R-1027 Elms Tenant Association On Premise Draw Raffle
R-1028 Huber Street School PTA Instant Raffle
R-1029 Secaucus HS Patriot Booster Club Off Premise 50/50

AYES: Bueckner, Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell
NAYS: None
ABSENT: None Motion carried.

COMMITTEE REPORTS

Councilman Reilly reported on the speeding situation in Town and what is being done to enforce the law. He reported that there were 87 speeding tickets issued during June, July and August.

Councilman Kane reported that the State initiated the law of children wearing bike helmets. He said that he has noticed a rash of kids riding without helmets and he was told of an incident of which a child was hurt. He asked that the campaign be reinstate.

Mayor Elwell stated that the Town has an ordinance and he would ask for more advertising on the Local Access channel. He asked Councilman Reilly to work with the Police Chief in creating some advertisements.

Councilman Jeffas noted that in the past, the Town would award children with helmets with a gift certificate. He asked that this be started again.

Councilman Reilly noted that the Police Chief still does participate in that campaign.

UNFINISHED BUSINESS

Councilman Gonnelli reported that he received many calls regarding one way streets and asked for a committee with representative of one Council member from each ward.

Councilman Gonnelli noted that after the last High School football game he received calls from residents on Stonewall Lane and Millridge Road regarding excessive speeding and he asked Councilman Reilly to speak with the Police Chief.

Councilman Reilly suggested getting the school officers involved and have them inform the crowd and students about the speeding problem.

Councilman Gonnelli asked if the Mayor could speak to the Road Department about lining Acorn Road for parking.

Mayor Elwell said that they were there yesterday working on the sewer lines.

Councilman Gonnelli asked for an update on the Recreation Center.

Mayor Elwell said that the Town received approval from the DEP to remove the dirt by the contractor, to a site on North Bergen that has been approved from the DEP. Then it will be screened and sent to Overpeck

September 11, 2007

Park and the solids will go to the Hudson County Improvement Authority. He reported that the DEP has given approval to move ahead.

Councilman Gonnelli asked if that included the detention basin.

Mayor Elwell said yes and stated that he met with Gerry Perricone, Town Engineer.

Councilman Gonnelli asked for copies of any correspondence from the DEP.

Mayor Elwell agreed.

Councilman Bueckner asked about road cones at Dunkin Donuts and the status.

Mayor Elwell said that he would get an answer to him. He said the Town is in the process of waiting for new ones.

Councilman Bueckner requested that if the cones need to be removed in the future, that they not be taken down until the new ones are in house. He said all were removed in error.

Councilman Bueckner reported that he has received two calls this week regarding coated sidewalks. He said people are having problems with the peeling.

Mayor Elwell said that in some of those areas, replacements will be done.

Councilman Bueckner asked for a time frame.

Mayor Elwell said Spring of 2008. He said that he will ask for estimates to be done.

Councilman Jeffas stated that he too had complaints in the Lincoln Avenue area.

Mayor Elwell said that he has looked there a few times and seems to be a different problem.

Councilman Gonnelli asked if there are performance bonds.

Mayor Elwell said that they have expired.

Councilman Bueckner noted that at the last council meeting, and the tight budget and work that was done to keep it as a \$.50 increase, and the fact that Councilman Jeffas had questioned some invoices from Royal Printing for the graduation program in the Day Care Center. He noted that the Day Care Center is running \$50,000 in the red and feels that something needs to be done to get that down. He said that he did some investigating in to the cost of the yearbooks and cost being \$4,100. He explained what he thought the reason for the cost and felt that it was excessive and referred to the budget and the need to bring costs down.

Chief Financial Officer, Margaret Barkala explained that he had asked her previously to find out the amount of year books printed, and she reported that the amount was 100.

Councilman Bueckner asked for an explanation of the breakdown of who receives the yearbook.

Mrs. Barkala gave the breakdown.

Mayor Elwell recommended further discussion in the coming month.

Councilman Bueckner continued asking if the books were necessary at a pre-school level and compared the cost in the school system as well as another nursery school. He noted that there were other costs involved.

Councilman Kane expressed his opinion and stated that he thought it was well done.

Councilman Bueckner continued to discuss the cost.

September 11, 2007

Mayor Elwell said that it will be reviewed.

Discussion ensued regarding costs, budget and cuts as well as the finance committee.

NEW BUSINESS

September 1, 2007

Dear Mayor Elwell and Town Council,

Huber Street PTA will be having their annual "Family Fun Day" on Saturday September 29, 2007. We are asking the town to provide us with the grill, popcorn machine, helium tank, ice, 4 tents, and a crossing guard from 11:30am until 4:30pm. Thanking you in advance for your continuing support.

Sincerely,

Fred Ponti

Councilman Gonnelli moved to approve the foregoing request, seconded by Councilman Kane.

Councilman Gonnelli asked about developers agreement with Fraternity Meadows and noted that the Mayor made a statement indicating that the Town will be taking the roads over. He asked if that is part of the overall agreement, which was not signed by the developer. He address Town Attorney, Frank Leanza.

Mr. Leanza stated that he received his signed copy today and explained the necessity of going before the Planning Board and explained the road structure. He explained that the Town will be responsible for the roadways.

Councilman Gonnelli asked what is the milage of the roads?

Mr. Leanza stated that he did not know off hand, but believed it was close to a mile.

Councilman Gonnelli stated that he thought it would be done in phases.

Mayor Elwell stated that road will be built in the beginning and inspected and approved by PMK Group.

Councilman Gonnelli asked if the Town would then take over and would it require additional personnel.

Mayor Elwell said it probably would not and explained that it was added to the original agreement with Fraternity Meadows, over the \$4,000,000, \$1,000,000 was added when the Town was asked to take over the roads. He said that the snow plowing and lighting would have to be provided.

Councilman Gonnelli asked about the \$4 million and the \$1 million, and was that up front money.

Mayor Elwell stated that the Town received \$700,000.

Mrs. Barkala explained that the Town received \$250,000 and the balance recently when the contract was executed.

Councilman Gonnelli asked how the remainder will be paid?

Mayor Elwell said that it will be equated to a dollar figure per unit.

Councilman Gonnelli stated that some of that money is dedicated to the Recreation Center.

Mayor Elwell agreed.

September 11, 2007

AYES: Bueckner, Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell
NAYS: None
ABSENT: None Motion carried.

REMARKS OF CITIZENS

Joseph Kellenberger
Doug De Pice
Sam Maffei
Jorge Sosa

Councilman Shinnick moved to adjourn the meeting at 7:45 PM, seconded by Councilman Bueckner.

AYES: Bueckner, Kane, Gonnelli, Jeffas, Shinnick, Reilly, Elwell
NAYS: None
ABSENT: None Motion carried.

Michael Marra, Town Clerk