

REGULAR MEETING OF THE MAYOR AND COUNCIL  
HELD AT THE  
MUNICIPAL COURT /COUNCIL CHAMBERS  
10 LAWLOR DRIVE, OAKLAND, NEW JERSEY  
WEDNESDAY SEPTEMBER 23, 2009

MOVE TO EXECUTIVE SESSION:

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

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

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

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

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

Discussion ensued over litigation with Hill International. No action taken.

CLOSE EXECUTIVE SESSION:

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

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

MEETING CALLED TO ORDER: By Council President Marcalus at 7:47 pm.

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

SALUTE TO THE FLAG:

MOMENT OF SILENCE:

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

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APPOINTMENT TO VOLUNTEER FIRE DEPARTMENT:

On motion of Councilman Di Pentima, seconded by Councilman Burns, the appointment of Brian Fassett to the Oakland Volunteer Fire Department be approved.

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

OPEN TO THE PUBLIC:

On motion of Councilman Burns, seconded by Councilman Visconti, the following portion of the meeting be opened to the public.

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

Mark McGuire, manager 12u travel baseball team, commented that the team will go to the Cooperstown tournament next year. In order to help raise funds, the team will hold a mum sale this weekend and next weekend at the Drug Fair parking lot.

Gene Delvecchio, 101 East Oak St.-F3 and Condo Association Board member, commented that the Condo Association expressed concerns over the sewer increases back in June. He would like a status. Councilman Burns responded that a meeting was held about three weeks ago with himself, Councilwoman Stagg, the Borough Administrator, and CFO to discuss various alternate options. There was concern about seasonal usage. Councilman Burns was supposed to review the data. He commented that he hopes to give a preliminary report at the next meeting. They are trying to make it more equitable for everyone. Mr. Delvecchio commented that some residents of the complex live alone and they are paying the same price as businesses and houses with families. Councilman Burns advised that is the reason they are trying to come up with an alternative. They are trying to come up with a plan based on a flat rate plus usage.

Lou Keel, 101 East Oak Street-F1, had reported a problem Labor Day at the sewer plant. He asked what can be done to prevent this from happening again. Borough Administrator Kunze responded there was a problem with the air handler. It was fixed in a relatively quick amount of time due the fact that it was not a normal workday. The DPW cannot locate any problem with an odor. The plant was tested and there is nothing abnormal. He advised the residents to call the DPW if there is any odor present.

COUNCILMAN PIGNATELLI ENTERED AT 8:05 PM.

Tina Albrecht, 29 Lehigh Way, commented that Heights School is looking to open the back gate and some residents are not happy. They want the Mayor and Council to be involved in how it will affect the streets. There will be a safety issue for kids who walk once winter comes. Ms. Albrecht has suggested alternatives to the Board of Education and she hopes that they listen to her suggestions. Ms. Albrecht advised that the neighbors need to be involved in the issue. Councilwoman Marcalus advised that the Council received a report from the traffic officer on this issue. She has not spoken to the schools yet but she knows the Board of Education has been talking about opening the gate since 1996. Ms. Albrecht commented that signs must be authorized by ordinance before being put up.

CLOSED TO THE PUBLIC:

On motion of Councilman Di Pentima, seconded by Councilman Burns, the meeting be closed to the public.

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

APPROVAL OF MINUTES-SEPTEMBER 9, 2009

On motion of Councilman Di Pentima, seconded by Councilman Burns, the minutes from the Mayor and Council meeting of September 9, 2009 be approved.

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

APPROVAL RAFFLE RL1037

On motion of Councilman Visconti, seconded by Councilman Di Pentima, approval be granted for the Dogwood Hill School PTO to hold a calendar raffle on November 16, 2009; November 23, 2009; November 30, 2009; December 7, 2009; December 14, 2009; December 21, 2009; and January 4, 2010 at Dogwood Hill School.

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

RESOLUTION 09-204 AUTHORIZE LEGAL COUNSEL-LIBRARY LITIGATION

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

WHEREAS, the Borough of Oakland has been sued by Hill International, Inc., for expert architectural review and testimony services allegedly performed in connection with the Borough's library litigation; and

WHEREAS, it is necessary to appoint special counsel for defense of this matter;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that Douglas Ciolek, Esq., is hereby retained by the Borough to represent the interests of the Borough in connection with litigation entitled Hill International, Inc. vs. The Borough of Oakland, et als, docket number L-6879-09; and be it further

RESOLVED, that the special counsel shall be paid at the municipal rate of \$150 per hour, with a maximum payment of \$10,000, unless increased by specific authorization of the Mayor & Council; and be it further

RESOLVED, that the Chief Financial Officer has certified the availability of current funds available for the payment of services to be performed in Account #9-01-20-110-044; and be it further

RESOLVED, that the aforesaid award of contract is one for professional services, for which no public bidding is required or necessary; and be it further

RESOLVED, that the Borough Clerk is authorized and directed to maintain a copy of this Resolution and the contract with special counsel, in her offices, for public inspection.

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

**RESOLUTION 09-206 AUTHORIZE ADDITIONAL FEE-BANKRUPTCY COUNSEL**

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

WHEREAS, the Borough of Oakland retained Gary Norgaard as Special Counsel in connection with the bankruptcy proceedings involving Vintage Contracting vs. The Borough of Oakland; and

WHEREAS, the Borough had imposed a maximum fee to the Special Counsel in the amount of \$6,500.00; and

WHEREAS, it appears that additional services will be necessary in order to complete the legal work.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the Borough hereby increases the “not to exceed” original fee of \$6,500.00 by the amount of \$2,000.00, such that the total amount authorized and “not to exceed” for the work performed by Gary Norgaard is now \$8,500.00; and

BE IT FURTHER RESOLVED that the additional monies appropriated for this purpose are available in current funds and that the Chief Financial Officer has certified the existence of current funds for the payment for the services to be rendered; and

BE IT FURTHER RESOLVED that the provisions of the prior resolution retaining Gary Norgaard are hereby ratified and confirmed, except to the extent of the increase of the “not to exceed” amount set forth above.

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

**RESOLUTION 09-207 AUTHORIZE L & C-LIBRARY LITIGATION**

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

WHEREAS, the Borough of Oakland required the services of an architect for the renovation and rehabilitation of the Public Library in connection with the ongoing litigation respecting the Library project; and

WHEREAS, the Borough retained the services of L+C Design Consultants, PA; and

WHEREAS, additional architectural services are required; and

WHEREAS, the Borough desires to continue the services of L+C Design Consultants, PA, pursuant to the architect's July 31, 2009 proposal.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the firm of L+C Design Consultants, PA, 333 Meadowland Parkway, Secaucus, New Jersey is hereby retained to continue to provide architectural services and litigation support in connection with the renovation and rehabilitation to the Oakland Public Library and additional services relative to the ongoing litigation; and

BE IT FURTHER RESOLVED that L+C Design shall be compensated at its municipal rates, which are set forth in its proposal dated July 31, 2009, but in a total amount not to exceed \$10,000.00; and

BE IT FURTHER RESOLVED that the Mayor shall execute a contract with L+C Design incorporating the foregoing; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified the existence of current funds for the payment for the services to be rendered; and

BE IT FURTHER RESOLVED that the award of this contract is one for professional services, for which no public bidding is necessary; and

BE IT FURTHER RESOLVED that the Borough Clerk shall maintain a copy of this Resolution and a copy of the contract with L+C Design, in her offices, for public inspection.

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

#### RESOLUTION 09-209 ACCEPT SETTLEMENT

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

WHEREAS, Kathryn Schnell has resigned from service with the Borough of Oakland and has executed a Settlement Agreement and Release; and

WHEREAS, the Mayor and Council have reviewed the terms and conditions of the Settlement Agreement and Release and determined those terms to be in the best interests of the Borough of Oakland.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby accept the resignation and hereby ratify and approve the Settlement Agreement and Release between the Borough of Oakland and Kathryn Schnell.

BE IT FURTHER RESOLVED that Labor Counsel is hereby authorized to sign the Settlement Agreement and Release on behalf of the Borough.

Councilman Di Pentima advised that the settlement is not monetary.

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

**RESOLUTION 09-210 HIRE RECREATION COMMISSION SECRETARY**

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

BE IT RESOLVED that Sue Eisenmann is hereby appointed as Secretary to the Recreation Commission at a salary of \$ 1200.00 per year pro-rated effective May 1, 2009.

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

**RESOLUTION 09-211 CHANGE ORDER –LAWLOR DRIVE**

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

WHEREAS, on August 12, 2009, the Borough awarded a contract to D & L Paving Contractors, Inc., in the amount of \$ 107,651.10 for the 2009 CDBG-R project to pave Lawlor Drive; and

WHEREAS, the Borough received a CDBG-R grant in the amount of \$143,000; and

WHEREAS, the Borough desires to undertake additional work within the project limits that was not originally contemplated when the project was bid; and

WHEREAS, this work consists of the installation of +/- 900 feet of concrete curbing for a cost of \$ 16,200; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Account # 9-01-41-728-000;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oakland hereby approve the Change Order and the contract with D & L Paving Contractors, Inc., is hereby amended from 107,651.10 to \$ 123,851.10.

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

**RESOLUTION 09-212 AUTHORIZE PLACEMENT OF SCOREBOARD**

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

WHEREAS, the Borough of Oakland has been requested by the Recreation Commission to approve the placement of a scoreboard at the recreation facility; and

WHEREAS, the cost of the scoreboard is being funded by advertising revenue, the Sports Association and donations of materials arranged by the Oakland Father's Club; and

WHEREAS, the exact location and rendering showing dimensions is attached to this resolution as Schedule "A"; and

WHEREAS, the Borough, by virtue of its ownership of the recreation facility, must approve any improvement or addition to its real property; and

WHEREAS, the Council is of the opinion that the scoreboard provides a benefit to the citizens of the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oakland, that the Council does hereby authorize the installation of the electronic scoreboard to be placed at the Borough's recreation facility in accordance with the schematic drawing showing the location and dimensions of the scoreboard and subject to the securing of all necessary approvals from the Construction Office; and

BE IT FURTHER RESOLVED that the funding for the obtainment and installation of the scoreboard is being provided by advertising revenue, the Sports Association and donation of materials by the Oakland Father's Club; and

BE IT FURTHER RESOLVED that subsequent to the placement and installation of the scoreboard, the scoreboard shall be considered Borough property, with the operation and use of the scoreboard delegated to the Recreation Commission.

Discussion ensued. Councilman Di Pentima questioned if we should do this resolution before discussion on the advertising agreements. Mr. Muhlstock advised the Council can move this resolution subject to approval of the placement sketch. Mr. Kunze advised that the advertisers will have a five-year agreement and pay \$ 500 per year for their sign. Councilman Burns questioned the five-year agreement. Mr. Muhlstock advised that the Council will determine the term length during discussion in work session. Councilman Burns questioned the \$ 500 per year for five years. Mr. Wagoner responded that the sign is only 18" x 54". People wanted to pay less but Mr. Wagoner got them to guaranty \$ 500 per year for \$ 2,500. Councilman Di Pentima commented that the Borough may have to look at this policy if the Recreation Commission does another scoreboard.

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

#### RESOLUTION 09-213 APPOINTMENT OF CROSSING GUARDS

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

WHEREAS, the Police Chief has requested the appointment of a substitute crossing guard and two (2) substitute crossing guards and all necessary background checks have been completed;

BE IT RESOLVED, that the Mayor and Council hereby appoints Debra Hill as permanent crossing guard at a salary of \$ 15.74 per hour effective September 23, 2009; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby appoints Robert DeBoer, Sr., and Charles Vecchio as substitute crossing guards at a salary of \$ 14.02 per hour effective September 23, 2009.

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

**RESOLUTION 09-214 AUTHORIZE CDBG GRANT APPLICATION**

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 Bergen County Development grant of \$ 317,000 has been proposed by the Borough Administrator and Borough Engineer for paving of various streets in the municipality of Oakland; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of Oakland; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Oakland hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

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

**WORK SESSION:**

**ADVERTISING POLICY AND AGREEMENTS:**

Councilwoman Marcalus questioned how the Council will know if the size of the signs is correct in the agreement. Councilman Di Pentima responded that the policy would define the size. Councilwoman Marcalus questioned if the Recreation Commission would make a recommendation on the sign size. Councilman Di Pentima responded that they would. Councilman Burns commented that the advertising was originally intended to pay for scoreboards. Councilman Burns is only in favor of advertising on scoreboards but not in favor of signs on fences, etc. He would not be in favor of general advertising. Councilman Visconti commented that someone will have to come to the Mayor and Council each time they want to advertise so it gives the Council the ability to have control. Councilman Di Pentima commented that he agreed that this needs to be reviewed on a case-by-case basis. Councilman Burns would like to limit the advertising to scoreboards. This policy would allow advertising in general. Councilman Visconti commented that the way it was written, the Council would have the right to refuse an advertiser at any time. Councilman Burns does not think the Council can turn someone down if they meet the requirements. Mr. Muhlstock advised that the Council will approve the location for advertisers and the Council can turn someone down.

Recreation Commissioner Steve Wagoner advised that the Recreation Commission is not looking to advertise on fences. The advertising is just for scoreboard funding so the Recreation Commission can put scoreboards on all fields. Councilman Burns thinks that the policy can be oriented toward scoreboard advertising. Councilman Di Pentima questioned if Section 3 should say Borough newsletter or Borough newspaper. Also, Section 7 should say a minimum of one year and Council can extend the term at its discretion.

Councilwoman Marcalus asked if the Council approves the agreement. Mr. Kunze responded that it is a generic agreement. Each time the Council approves an agreement, it will reflect the specific information of that request.

Mr. Muhlstock advised that the Borough should have something in writing with the four advertisers. He asked Steve Wagoner to look at the agreement and give the names, amounts and sizes of the signs. Mr. Muhlstock will prepare an ordinance regarding the policy.

#### NEW BUSINESS:

Councilman Di Pentima explained that the utility billings are inconsistent. There have been a lot of estimated bills for the minimum amount. So far, the Borough has replaced 150 water meters this year. In updating the system, the finance office found accounts that were delinquent. 147 delinquent notices, including shut-off notices, were mailed this week. He asked the residents to please pay their bills. He commended CFO Jim Mangin and the Water account clerk Nancy Lightbody for their hard work. Mr. Kunze advised there are 4,000 accounts which is a lot to go through. Councilman Di Pentima thanked the DPW for their work as well. Councilman Burns commented that when a resident gets an estimated bill, that is because the DPW cannot access the meter. The meter reader leaves a card which should be filled out and sent in. Residents are not responding. Some of the accounts will be getting an actual bill which is very large so a payment plan may have to be worked out.

#### COUNCIL REPORTS:

Councilman Visconti: He advised that the Library will hold a book sale on October 3<sup>rd</sup> and volunteers are needed to help with the sale. Councilman Visconti advised that he spent part of the day at Shop Rite today bagging for hunger.

Councilwoman Marcalus: No report.

Councilman Burns: He hopes residents will support the travel team's mum fundraiser.

Councilman Di Pentima: The OCC is planning on budgeting in 2010 for website upgrades. The Public Events Halloween parade will be held on October 31<sup>st</sup> at 1:00 pm. The Fathers Club will hold its annual pancake breakfast on Saturday September 26<sup>th</sup> from 8 am to 11 am. All kids in uniform will get in free and the cost for everyone else is \$ 3.00. There will be a benefit concert on October 3<sup>rd</sup> to benefit Jack Elwood, a resident with ALS. The Mayor and Council will hold a special hearing on October 7<sup>th</sup> to discuss the potential purchase of the Heritage Hills property. He urged the public to attend.

Councilman Pignatelli: The Fire Department Ladies Auxiliary will hold a pasta dinner on October 3<sup>rd</sup> at the Senior Center from 5 pm to 7:30 pm. The Fire Department held a great 100<sup>th</sup> Anniversary parade. The Board of Health held a meeting and went over the details of the POD. There will be two sites-at Heights School and Valley Middle School. The Board of Health discussed the H1N1 flu vaccine which will be given by Valley Nursing Services when the vaccine is available.

Councilman Di Pentima advised that the Mothers and Fathers clubs have opened the Rec stand on football nights. They are looking for volunteers to help man the stand.

**BILLS TO BE PAID:**

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

(see following pages)

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

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

**MOVE TO EXECUTIVE SESSION:**

On motion of Councilman Di Pentima, seconded by Councilman Pignatelli, 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:  
Personnel, Litigation
3. The Mayor and Council shall release and disclose to the general public the discussion and actions taken on the subject matter of the above mentioned closed session once the Mayor and Council has arrived at a final decision on the specified subject matter.

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

Discussion ensued over the Court Administrator, tax appeal settlement and litigation with Hill International. No action taken.

**CLOSE EXECUTIVE SESSION:**

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

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

**RECONVENE REGULAR MEETING:**

On motion of Councilman Di Pentima, seconded by Councilman Visconti, the regular business meeting be reconvened.

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

**RESOLUTION 09-208 TAX APPEAL SETTLEMENT:**

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

WHEREAS, Exxon Mobil Corporation, owner of property as Block 4504, Lots 36 and 37, located at 4 Courthouse Plaza and Cedar Courthouse Plaza, respectively, and consisting of a gas station and vacant residential lot, has appealed the 2008 and 2009 assessments of \$781,200 and \$252,300 respectively; 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 2008 and 2009 total assessment of \$1,035,500 will be reduced to a total of \$933,500; 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, Visconti.

**MEETING ADJOURNED:**

On motion of Councilman Visconti, seconded by Councilman Di Pentima, the meeting be adjourned at 9:36 pm.

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

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Lisa M. Duncan, Borough Clerk  
October 14, 2009

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Mayor John P. Szabo, Jr.

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Date Approved