

**TOWNSHIP OF PARSIPPANY-TROY HILLS  
TOWNSHIP COUNCIL AGENDA MEETING**

**August 10, 2010**

**Public Invited – Public Participation**

**MEETING CALLED TO ORDER by Council President Grossi at 7:30 p.m.**

**FLAG SALUTE**

<b>Roll Call:</b>	<b>Mr. Cesaro</b>	<b>-</b>	<b>Present</b>
	<b>Mr. dePierro</b>	<b>-</b>	<b>Present</b>
	<b>Mr. Fox</b>	<b>-</b>	<b>Absent</b>
	<b>Mr. Stanton</b>	<b>-</b>	<b>Present</b>
	<b>Ms. Grossi</b>	<b>-</b>	<b>Present</b>

**OTHERS PRESENT:** Mayor Barberio; J. Lim, Business Administrator; J. Inglesino, Esq., Township Attorney; J. Silver, Township Clerk

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of August 17, 2010.

**FORMAL ACTION MAY OR MAY NOT BE TAKEN.**

Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 8, 2009 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger and was forwarded by fax to other local newspapers and local radio stations on December 17, 2009.

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**ORDINANCES**

**Second Reading(s) and Public Hearing(s) – 8/17/2010 ON**

**Amending Chapter 372, Taxicabs and Limousines (2010:19)**

**Establishing Salary Ranges for Patrolman (PBA) for the Years (2010-2013) (2010:20)**

**Establishing Salary Ranges for Police Superior Officers (SOA) for the Years (2010-2013) (2010:21)**

**Establishing Hourly Wage Ranges for Blue Collar Employees (2007-2010) (2010:22)**

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**Status of Adopted Ordinances:**

<b><u>Ordinance Title and Number</u></b>	<b><u>Adopted Date</u></b>	<b><u>Mayoral Action</u></b>	<b><u>Effective Date</u></b>
<b>Refunding Bond Ordinance – Repayment of Tax Appeals (2010:12)</b>	<b>7/20/10</b>	<b>Approved</b>	<b>8/23/10</b>
<b>Bond Ordinance – Capital Improvements (2010:13)</b>	<b>7/20/10</b>	<b>Approved</b>	<b>8/23/10</b>
<b>Bond Ordinance – Water Utility Improvements (2010:14)</b>	<b>7/20/10</b>	<b>Approved</b>	<b>8/23/10</b>
<b>Bond Ordinance – Sewer Utility Improvements (2010:15)</b>	<b>7/20/10</b>	<b>Approved</b>	<b>8/23/10</b>
<b>Bond Ordinance – Golf Course and Recreation Utility Improvements (2010:16)</b>	<b>7/20/10</b>	<b>Approved</b>	<b>8/23/10</b>
<b>Fees (2010:17)</b>	<b>7/20/10</b>	<b>Approved</b>	<b>8/23/10</b>
<b>Amending Traffic Chapter – Ridgewood and Strowbridge Avenues (2010:18)</b>	<b>7/20/10</b>	<b>Approved</b>	<b>8/23/10</b>

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**DISCUSSION/REMINDERS**

**Scheduled Meetings**

**8/17/10 @ 7:30 p.m.**

**Regular Meeting**

**Public Invited – Public Participation**

**9/14/10 @ 7:30 p.m.**

**Agenda Meeting**

**Public Invited – Public Participation**

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**Minutes for Approval:**

**Agenda Meeting of 7/13/10 ON\***

**Closed Session of 7/13/10 (Approval Only, Disclosure Upon Authorization of Township Attorney) ON\***

**Regular Meeting of 7/20/10 (Absent – Grossi) ON\***

**Closed Session of 7/20/10 (Absent – Grossi) (Approval Only, Disclosure Upon Authorization of Township Attorney) ON\***

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**Appointments:**

**Economic Development Advisory Committee**

Member – 2 Year (First) Term (12/31/11)

Member – 2 Year (First) Term (12/31/11)

Member – 2 Year (First) Term (12/31/11)

Member – 3 Year (First) Term (12/31/12)

Member – 3 Year (First) Term (12/31/12)

Member – 3 Year (First) Term (12/31/12)

**NEXT AGENDA**

**Municipal Government Transparency Committee**

Member – 1 Year (First) Term (12/31/10)

Member – 1 Year (First) Term (12/31/10)

Member – 2 Year (First) Term (12/31/11)

Member – 3 Year (First) Term (12/31/12)

Member – 3 Year (First) Term (12/31/12)

**NEXT AGENDA**

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Council President Grossi advised that Council Member Stanton requested that the Council discuss appointing him as a liaison to the Board of Education. Mr. Stanton explained that he feels it would be appropriate to have a Council Member attend Board of Education meetings and report back to the Council what is taking place. Mr. dePierro questioned if this liaison position was solicited by the Board of Education. Mr. Stanton indicated that he initiated this proposal, noting that he won't be speaking on behalf of the Council at Board Meetings; he will simply be reporting to the Council what occurs at the meetings. The Council Members present agreed to permit Mr. Stanton to act in this capacity.

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**MAYOR**

**Ambulance Squads and New Ambulance (8/10)** Mayor Barberio updated the Council on the establishment of the Emergency Response Task Force. He indicated that Dennis Letts will chair this committee, which will include about six other members. Mayor Barberio advised that he has requested that the committee submit its findings by September 15. He will continue to keep the Council informed.

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Regarding the Par-Troy EMS vehicle replacement, Mayor Barberio read excerpts from a memo from Dean Snook, Chief of EMS, to Barbara Ievoli, Director of the Dept. of Human Services, in which Mr. Snook indicated that "... it is now time to replace the primary responsibilities of vehicle 67-1, a 2002 Braun Express." The Mayor noted that this vehicle has 135,000 miles on it and that, included in this mileage, are numerous hours of idle time due to the necessity for the vehicle to remain running to power the climate control when in service. Additionally, the Mayor pointed out that, since this matter was last discussed with the Council, 67-1 needs a new front cooling unit which would cost \$3,200. Mayor Barberio stated that we chose not to replace the cooling unit because, hopefully, we will be replacing the vehicle. Ambulance 67-3, the other back-up vehicle, just had a transmission replaced and now needs a new engine. Mayor Barberio also noted other conditions, such as the appearance of rust spots, which is a direct result of the vehicle sitting outside for the last eight years. Ultimately, the body work will actually cost more than the vehicle is worth in its current state. Mr. Barberio confirmed that the purchase of a new ambulance has nothing to do with another paid crew. He read the following from Mr. Snook's memo to Ms. Ievoli, "While our staff members continue to attempt to take care of the vehicle in the best manner possible there are certain things that cannot be corrected. Situations such as the mold that grew in the vehicle are a result of the aging vehicle being exposed to the elements on a constant basis." Mayor Barberio indicated that, in order to help cost savings and to have a reliable ambulance, specifications have been submitted for a vehicle that would meet the needs of the population as well as offer a proper work area for EMTs providing patient care. In his opinion, now is the time to replace the primary responsibilities of the 2002 ambulance. The Mayor additionally clarified that this third ambulance is in synch with the number of vehicles in the volunteer squads. He reiterated that the Township needs to have reliable vehicles. He will move forward with the purchase of the new ambulance, hopefully with the Council's approval.

Council President Grossi questioned if the volunteers are fully aware of the Township's intentions. Mayor Barberio indicated that the volunteers know that the Township is looking to replace one of its vehicles.

Questions were posed by Mr. dePierro relative to the age of the current vehicles, pointing out that in the eight years we have had paid EMTs, we have already gone through one vehicle, we are now looking to purchase a second vehicle, and the other two vehicles are in disrepair. This is getting very expensive. He commented that he doesn't see this kind of disrepair on the volunteers' ambulances. It was noted, however, that there were no statistics available for review. Ms. Lim advised that Rockaway Neck will be requesting a new ambulance next year. Ms. Lim explained the reasons why the Township needs to replace its ambulances more frequently than the volunteers need to replace their vehicles. First, the paid crew is on five days per week and responds to more calls. Secondly, our vehicles are outside. Mr. dePierro questioned who is responsible for the routine maintenance of these ambulances. Ms. Lim advised that she believes that the Parks and Forestry mechanics take care of the day-to-day maintenance of the ambulances. She will check to confirm. Mr. dePierro urged the Administration to make sure the vehicles are properly maintained. He understands that they are outside and that there are idle times. He commented that there should be "hour meters" on the vehicles to track how many hours the engines are running, noting the relevant issue is the number of hours the engines run, not the mileage. Ms. Lim, at Mr. dePierro's suggestion, is to check to see if meters can be installed on our vehicles. Mayor Barberio pointed out that to continue to repair a vehicle with

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135,000 miles is not cost effective. Ms. Lim confirmed that we have one ambulance that is about two years old, which is the primary vehicle. The other ambulances, 67-3 and 67-1, are the two back-up ambulances; neither is very reliable.

Mr. Cesaro wanted to make sure that the Township discussed the purchase of this ambulance with the volunteer squads. Ms. Lim advised that this wasn't discussed with the squads. Mr. Cesaro noted his support of the purchase of the new ambulance, but commented that he would feel more comfortable if the squads were involved in the process.

Both Mayor Barberio and Ms. Lim confirmed that this new ambulance is not an additional ambulance, but a replacement vehicle.

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**ADMINISTRATION**

**BID(S)**

**Taken:**

- 6/24/10**      **Lease of Public Property (Antennae on Township Water Storage Facilities)**  
Ms. Lim reviewed the lease agreement.    **ON\***
- 8/3/10**      **Reconstruction of Manito Avenue, Morton Place and Ute Avenue**    **ON\***
- 8/4/10**      **Reconstruction of Curbs and Sidewalks at Various Locations – 2010**    **ON\***

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**To Be Taken:**

- 8/24/10 @ 11:00 a.m.**      **Lease of Public Property (Antennae and Building on Township Owned Property)**    In response to Mr. dePierro's inquiry regarding the location of the tower, Ms. Lim advised that this location is the Lackawanna Tower, which is the current Sprint location. She noted the contract terms.

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**QUOTATION(S)/PROPOSAL(S)/QUALIFICATION(S)**

**Received:**

- 5/28/09**      **Proposals for the Redesign, Permitting, Construction, Operation and Maintenance Services for Sludge Incinerators and Design, Permitting, Construction, Operation and Maintenance Services for a New Sludge Cake Receiving Facility at the Wastewater Treatment Facility**    **NEXT AGENDA**
- 3/25/10**      **Risk Management Consultant/Liability Insurance Broker of Record Services**    **NEXT AGENDA**

**Requested:**

None

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**Resolution(s):**

**Adoption of Morris County Multi-Jurisdictional All Hazards Pre-Disaster Mitigation Plan (8/10) ON\***

**Placing Liens on Particular Properties for Failure to Abate Housing Violations – (1) 32 Lake Shore Drive, Block 554, Lot 23; (2) 3 Oneida Avenue, Block 514, Lot 7; (3) 49 Mohawk Avenue, Block 525, Lot 3; and (4) 126 Elmwood Drive, Block 309, Lot 18 (8/10) ON\***

**Emergency Resolution for EJ Electric (8/10) NEXT AGENDA**

**Professional Services Agreements for General Engineering Services – Keller & Kirkpatrick, Inc. and Dewberry-Goodkind, Inc. (8/10)** Ms. Lim indicated that the agreement with Keller & Kirkpatrick is being tabled at this time, but may be added to the agenda of the August 17, 2010 meeting. **Dewberry-Goodkind, Inc. Agreement - ON\***

**Amending the Terms of the Professional Services Agreement with John P. Inglesino, Esq. of the Firm Inglesino, Pearlman, Wyciskala & Taylor, LLC as Township Attorney for the Remainder of the Year 2010 (Added to 8/10/10 Agenda)** Ms. Lim explained that the rate for the bond counsel needs to be revised. She indicated that when the Township contracted with Mr. Pearlman as Bond Counsel, his rate was \$220 an hour, which is consistent with what other bond counsels charge on an hourly basis. This amount was not included when the contract with the new firm was approved. Mr. Inglesino explained that, usually, bond counsel charges a percentage of the bond. The Township's prior bond counsel at the DeCoittis Firm had raised the percentage; the Township's Chief Financial Officer preferred an increased hourly rate as opposed to a traditional percentage fee. This revision continues the same practice that was first initiated with the DeCoittis Firm and then with Mr. Pearlman, when he was on his own.

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**Ordinance(s):**

**Amend Section 4-58, Public Records – Fees (8/10) INTRODUCTION – ON**

**White Collar Salary Ordinance (8/10) NEXT AGENDA**

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**Discussion:**

**Sale of Property Not Needed for Public Use to Contiguous Property Owner – Block 101, Lot 5 (8/10)** Ms. Lim explained that the property is located on Fox Hill Road in Rainbow Lakes. The lot is surrounded on two sides by another property. There is an individual who is interested in purchasing Lot 4, but would also like to purchase Lot 5 from the Township so that it "squares out" the property. Lot 5, per Ms. Lim, was on a list of properties not being used by the Township that the Tax Assessor had brought to the Administration's attention for potential sale.

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The current estimate is about \$15,000, including the cost of drafting the ordinance, the expense of the appraisal and any other fees associated with the sale of the property. To the north of the property are railroad tracks. As a result, the Township would have to offer the property, via a private sale, to all adjoining property owners, but she cannot imagine that the Railroad would have any interest in purchasing the lot. A minimum bid will be established. Prior to proceeding, she asked if the Council is agreeable to selling the property. In response to Council inquiries, Ms. Lim advised that the lot is not buildable; it is an undersized lot. Ms. Lim advised that the Township could put restrictions on the sale in terms of the buyer not being able to subdivide, etc. Consensus of the Council was to authorize the Administration to move forward. Ms. Lim noted that the interested buyer plans on adding this property to his backyard.

**Morris County Improvement Authority Request for Waiver of Construction Fees for Solar Panels on School Facilities (8/10)** Ms. Lim reviewed the request. She noted that Ed Corcoran, Construction Official, opposes the waiver, stating in his August 6, 2010 memo, that the Building Department has already waived approximately \$80,000 in fees to date and that there is a fair amount of work involved in terms of plan review and inspections for this project. Ms. Lim addressed questions posed by Mr. dePierro including whether there is a benefit to the Township by waiving these fees. Ms. Lim advised that there is no return to the Township. Council President Grossi noted that solar panels are being given to four schools for free; the benefit doesn't come directly to the municipal government, but it should reduce energy costs at the schools, which in turn will benefit taxpayers. Ms. Lim explained that the schools are basically leasing their roof space for the solar panels and, in exchange, the schools will be purchasing electricity from the owner of the panels at a reduced cost. The Improvement Authority, per Ms. Lim, aggregated a number of government facilities and bid out the lease to a private company or companies. The solar panels are owned by the private company (or companies), not by the Improvement Authority. The private company (or companies), in turn, will sell the electricity generated back to the facilities at a reduced rate. If the permit fees are not waived, the cost will be passed on to the schools by way of an increased rate. Ms. Lim noted that the Sewer Utility was charged construction fees. Mayor Barberio recommended that the fees not be waived as the municipality is incurring costs; he doesn't consider this to be a "shared service." Council President Grossi felt the placement of solar panels on the schools is a good idea for a number of reasons including the energy savings cost for the School District as well as an environmentally sound approach to generating energy, but she does understand the concern regarding the fees. There being no motion to waive the fees, the request was denied.

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**Closed Session - Contract Negotiations and Litigation (8/10)** Ms. Lim advised that a closed session is not needed this evening, but a closed session may be required at the August 17, 2010 Regular Meeting.

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**ENGINEERING**

**Update/Recommendation(s):**

*Italicized comments below are excerpts from an August 4, 2010 memo from Mr. Lizza, Municipal Engineer, to Ms. Lim:*

**Status of Road Resurfacing – Puddingstone Area (8/07)** No change in status. **NEXT AGENDA**

**Revisions to Escrow Requirement in Connection with Residential Sidewalk/Driveway Repairs (10/07)** No change in status. **NEXT AGENDA**

**Troy Brook through the Hills of Troy (11/08)** No change in status. **NEXT AGENDA**

**711 Park Road – Fairview Estates (11/08)** *The residents are in agreement that a new drainage swale to be constructed along several properties will help alleviate the drainage issues. The contractor is willing to construct the swale. Work has started and a new inlet was installed on James Street. The swale will discharge into the new inlet.* **NEXT AGENDA**

**Edgefield Drive No Parking Zone (Upper) (6/09)** No change in status. **NEXT AGENDA**

**Canterbury Estates Vacation of Lots 26 and 77 in Block 98 (5/09)** No change in status. **NEXT AGENDA**

**New Road Flood Mitigation (5/10)** No change in status. **NEXT AGENDA**

**Dhaduk, Pipalia, Savalia and RNJ Properties, LLC Conservation Easement Revisions – Block 757, Lots 53.01, 53.02, 53.03 and 53.04 (8/10)** *A subdivision application presented to the Planning Board required the establishment of a conservation easement along the northerly property line of the referenced lots. The Planning Board has approved the subdivision and corresponding conservation easement which will be granted to the Township. This office has reviewed the metes and bounds description of the easement and has no objections. A Council resolution is required for the acceptance of the easement* **RESOLUTION - ON\***

**Major Soil Moving Permit – K & K Developers, Block 98, Lots 22 and 23 (8/10)** *K & K Developers is requesting a one year extension of their Major Soil Moving permit until August 18, 2011. The Planning Board recently recommended granting the extension. This office has no objection to the one year extension and recommends the Township Council extend the major soil moving permit by resolution.* **RESOLUTION - ON\***

**NJDOT Grant Application for Road and Drainage Improvements on Park Road (Second Phase) from De Hart Road to Route 53 (8/10)** Ms. Lim reviewed the application for Local Aid. Last year the Township received \$250,000; this year we will apply for \$375,000 to complete the project. **RESOLUTION - ON\***

**CHIEF FINANCIAL OFFICER**

**Resolution(s):**

No Agenda Items.

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**ATTORNEY**

**Discussion:**

**Request of R. Garofalo, Esq., Representing Powder Mill Heights, Regarding Refuse Collection (11/09) NEXT AGENDA**

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**TOWNSHIP OFFICES / COMMITTEES**

**Planning Board – Memo of July 27, 2010 Recommending an Extension of One (1) Year for the Major Soil Moving Permit for K & K Developers, Block 98, Lots 22 and 23, Fox Run (8/10) (See Engineering Section of Agenda.)**

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**COMMUNICATIONS**

**Correspondence:**

None

**Resolution(s):**

None

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**APPLICATION(S):**

**License(s):**

**Liquor License Renewals for the 7/1/10 – 6/30/11 Licensing Year**

A motion was made by Council President Grossi, seconded by Mr. Cesaro, to adopt the following resolution:

**WHEREAS**, an application for a renewal for the licensing term, July 1, 2010 through June 30, 2011, has been filed by the following Retail Liquor Licensee, and

**WHEREAS**, the application form is complete in all respects and the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations,

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**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following Retail Liquor License be renewed for the licensing term, July 1, 2010 through June 30, 2011:

**1429-33-028-001      Reimer Inc., trading as The Inn Crowd, for premises located at 285 Route 46, Parsippany, NJ**

**Roll Call:**

**Mr. Cesaro    -    Yes**  
**Mr. dePierro -    Yes**  
**Mr. Fox        -    Absent**  
**Mr. Stanton   -    Yes**  
**Ms. Grossi    -    Yes**

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**\*Consent Agenda Items**

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**PUBLIC HEARING**

**Council President Grossi opened the meeting to the public to speak on any topic (with a five-minute time limit per speaker).**

**Art Hendrickson, 65 Leamoor Drive**, with respect to the purchase of a new ambulance, felt that Mr. dePierro's suggestion of including a "running time meter" in the specifications is a good suggestion. He questioned who prepares and who reviews the specifications. Ms. Lim advised that the head of the paid crew and Ms. Ievoli prepared the specifications, which are being reviewed by the Purchasing Director. Mr. Hendrickson further questioned if it would be helpful for the volunteers to also review the specifications because they have a lot of experience with the purchase of ambulances. Mr. Hendrickson suggested that both the engine heating and the powering of the heating and air-conditioning unit could be done via 110 or 220 volt power run out from the building at probably less cost than involved in the fuel and deterioration of the engine running on idle for long periods of time. Ms. Lim advised that the ambulances tend not to be parked at the Senior Center because it is not centrally located within the Township. Lastly, regarding the discussion about waiving the construction fees in connection with the installation of the solar panels, Mr. Hendrickson expressed his view that any rate increase as a result of the payment of these fees be charged to all users, not just the school district.

**Richard Rosenthal, 3 Cambridge Road**, complimented Mr. Stanton for volunteering to serve as a liaison to the Board of Education. Additionally, he noted that he just had some construction done on his home and the Building Inspectors did a lot of work and made a lot of trips. They are to be complimented. The fees charged in connection with the installation of the solar panels are a way of factoring in the cost. He felt that a fixed rate for a certain number of years would be beneficial.

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**Robert Simpson, 30 Hilsinger Road**, once again addressed the need for a Quiet Zone. He provided a copy of a news article entitled, “Montclair Seeks to Implement 24-Hour Quiet Zone After Train Whistle Ban Expires.” He asked what the Township of Parsippany is doing for its residents. Mayor Barberio indicated that the Municipal Engineer is convinced that the establishment of the Quiet Zone will cost \$700,000. However, the individual from the FRA (Federal Railroad Administration) will be invited to review the matter; Mr. Simpson will be invited as well. Mr. Simpson reminded the Council that the \$700,000 recommendation for quad gates came from some advisory committee. It is a recommendation only.

**Roy Messmer, 10 Drumlin Drive**, addressed his concern about the water usage at the Tivoli Gardens Apartment Complex. It is not about making money, water is precious.

He asked the Administration and Council consider that apartments are allotted the 10,000 units before the additional charge, just like homeowners. He felt this is just “another little bit of a goldmine for these landlords.” Why should apartments get that special rate up to 10,000?

Additionally, in connection with occupancy, the School Superintendent advised that he received a letter from the Board’s Attorney in October 2006 stating that the School Board was in compliance with State and Township regulations. Mr. Messmer advised that he asked for a copy of this letter pursuant to OPRA (Open Public Records Act). The Board denied the request due to “attorney-client privilege.”

On August 4, 2010, “there was road construction at Parsippany and 202, Tivoli Gardens, Cambridge Condos and Vail and Beverwyck” all in the same day with eight police cars sitting at these sites. He doesn’t understand why four job constructions were approved at the same time.

**Annelise Catanzaro, 67 Midvale Avenue**, complimented the Township Clerk for reducing fees for copies of public records. She questioned if documents could be scanned. The Township Clerk advised that documents can be faxed or scanned and sent via email at no charge. Additionally, in connection with the installation of the solar panels, she questioned the cost to be passed on to the School District as a result of not waiving the \$10,000 in permit fees. It was suggested that Ms. Catanzaro approach the Board of Education for details about the cost of the project.

**Joseph Raich, 8 Wolf Place**, expressed his concern about the improvement being done at Vail and Beverwyck Roads. He noticed the installation of a camera on top of the new traffic signal, but thought the Township was not participating in the Red Light Camera Program. It was explained that the camera being installed is a sensor – once the camera senses a vehicle, the lighting pattern changes. Mr. Raich wanted to make sure “Big Brother” is not watching us. Mr. Cesaro reiterated that Parsippany is not part of the Red Light Camera Program.

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**Seeing no one else come forward to speak, Council President Grossi closed the public portion of the meeting.**

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Mayor Barberio took this opportunity to commend Roy Messmer for participating in the Rockaway River Clean-Up.

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**MOTION TO ADJOURN: Mr. Cesaro**

**SECONDED BY: Mr. Stanton**

<b>Roll Call:</b>	<b>Mr. Cesaro</b>	<b>-</b>	<b>Yes</b>
	<b>Mr. dePierro</b>	<b>-</b>	<b>Yes</b>
	<b>Mr. Fox</b>	<b>-</b>	<b>Absent</b>
	<b>Mr. Stanton</b>	<b>-</b>	<b>Yes</b>
	<b>Ms. Grossi</b>	<b>-</b>	<b>Yes</b>

**MEETING ADJOURNED: 8:40 p.m.**

**Minutes Approved September 21, 2010**