

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING (7:00pm)

December 21, 2011

A Re-scheduled Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in Oaks Hall at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ 08055 beginning at 7:00pm. Following the pledge of allegiance and a moment of silence (Council and the public observed a moment of silence to honor service men and women defending our country). Manager Horner-Keizer read the Open Public Meetings Act: pursuant to the requirements of the Open Public Meetings Act, adequate notice of this re-scheduled meeting had been provided to the Central Record, Burlington County Times, posted on the official website and official bulletin board of the Borough of Medford Lakes. Those wishing to be notified for changes to scheduled meetings were notified via email or regular mail.

ROLL CALL

Manager Horner-Keizer called roll. Mayor Gregory C. Lackey, Deputy Mayor Thomas J. Cranston, Councilman Gary A. Miller, Councilman Jeffrey Fitzpatrick and Councilman Robert D. Hanold, Sr. answered in attendance. Also present were Manager Horner – Keizer and Solicitor Peter C. Lange, Jr.

EXECUTIVE SESSION (6:00pm)

Councilman Fitzpatrick motioned to enter a Closed/Executive Session seconded by Councilman Miller to discuss Contract and Litigation Matters as described herein.

A RESOLUTION EXCLUDING THE PUBLIC FROM A PUBLIC MEETING

WHEREAS, Section 7.a of Chapter 231, Public Law 1975, otherwise known as the "Open Public Meetings Act" states that except as provided by Section 7.a, all meetings of a public body, such as the Borough Council, shall be open to the public at all times: and,

WHEREAS, Section 7.b provides that the Borough Council may exclude the public only from the portion of a meeting at which Borough Council discusses certain subjects which are listed in the aforementioned Section; and,

WHEREAS, the Borough Council desires to discuss certain subject(s) which are listed in the aforementioned section and desires to exclude the public from the portion of the meeting at which the Borough Council will discuss said subject(s); and,

WHEREAS, Section 8 of Chapter 231, Public Law 1975 states that no public body shall exclude the public from any meeting to discuss any matter described in Section 7.b until the public body shall, at a meeting to which the public shall be admitted, first adopt a resolution making certain statements with respect to the subject(s) to be discussed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, as follows:

1. That the Borough Council hereby declares that the general nature of the subject(s) to be discussed by the Borough Council in closed session as follows:
 - *2012 Professional Services – Contract Matters*

2. That the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at time when the Borough Solicitor advises the Borough Council that the disclosure will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

3. That the Borough Council for the aforementioned reasons hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey			X			
Deputy Mayor Thomas J. Cranston			X			
Councilman Gary A. Miller		X	X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick	X		X			

Councilman Fitzpatrick motioned to adjourn the Closed/Executive Session and reopen the public meeting, seconded by Councilman Miller.

Mayor Lackey restated in public the matters discussed during the closed/executive session

PUBLIC COMMENT

Mayor Lackey opened the meeting to public comment.

Joe Aromando, Shingowak Trail, discussed concerns about the maintenance of Oaks Hall and if the Borough was making the necessary adjustments to the screws in the logs for the building settling.

Manager Horner-Keizer explained that the only screws were on the back porch and they had been adjusted per the manufacturer’s specifications and instructions. She did explain the impression that there were screws in the large beams in front of the building and elsewhere is not accurate and that the manufacturer and contractor had been contacted and there were no such screws for adjustments other than that on the back porch.

Mr. Aromando also inquired which Council members had attended the Rutgers classes for newly elected officials.

MINUTES

Deputy Mayor Cranston motioned for approval/adoption of the November 30, 2011 executive meeting minutes, seconded by Councilman Hanold.

Vote to approve/adopt

Yeas –Lackey, Cranston, Miller, Hanold, Fitzpatrick

Nays – None

Executive Minutes approved/adopted

Councilman Miller motioned for approval/adoption of the November 30, 2011 regular session meeting minutes, seconded by Councilman Hanold.

Mayor Lackey questioned a portion of the minutes to ensure that the changes made during the meeting were reflected in the resolution in question. Mayor Lackey was satisfied that the changes were made in the Resolution as adopted.

Vote to approve/adopt

Yeas –Lackey, Cranston, Miller, Hanold, Fitzpatrick

Nays – None

Regular Minutes approved/adopted

ORDINANCES

Mayor Lackey read Ordinance Number 592 by title.

Deputy Mayor Cranston moved Ordinance Number 592 on second reading, seconded by Mayor Lackey.

ORDINANCE NUMBER 592

AN ORDINANCE AMENDING CHAPTER 145, LAND DEVELOPMENT, OF THE CODE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, as follows:

I. PURPOSE: The purpose of this Ordinance is to amend Chapter 145, Land Development, of the Code of the Borough of Medford Lakes in response to amendments to the Pinelands Comprehensive Management Plan related to forestry and wetlands management, effective March 1, 2010 and December 1, 2009, respectively.

II. Article III, Definitions and Usage, §145-12, “Definitions,” is hereby amended by replacing or adding the following definitions:

FORESTRY - The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clear cutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this Chapter, the following activities shall not be defined as forestry:

- (a) Removal of trees located on a parcel of land one (1) acre or less on which a dwelling has been constructed;
- (b) Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- (c) Removal of trees necessitated by the development of the parcel as otherwise authorized by this Chapter;
- (d) Removal of trees necessary for the maintenance of utility or public rights-of-way;
- (e) Removal or planting of trees for the personal use of the parcel owner; and
- (f) Removal of trees for public safety..

IMPERVIOUS SURFACE – The square footage or other area measurement by which all improvements that create impervious surfaces cover a lot as measured in a horizontal plane to the limits of the impervious area(s). These areas include but are not limited to parking spaces, lots, roads, and driveways surfaced or constructed with other materials on a compacted base, buildings and structures, walkways, patios, decks, pools, tennis courts, landscape areas lined with weed-inhibiting impervious materials and any other structure or on-site material or ground condition that does not permit the natural absorption of water shall be included in the computation of Impervious Coverage. In addition, other areas determined by the Planning Board Engineer to be impervious within the meaning of this definition shall also be considered as an “impervious surface”.

Any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1-Small Watershed Hydrology (WINTR-55) Version 1.0, as amended and supplemented, available with user guide and tutorials at http://www.wsi.nrcs.usda.gov/products/W2Q/H&H/Tools_Models/WinTr55.html or at Natural Resources Conservation Service, 220 Davidson Avenue, Somerset, NJ 08873. Such surfaces may have varying degrees of permeability.

WETLANDS MANAGEMENT - The establishment of a characteristic wetland or the removal of exotic species or Phragmites from a wetland in accordance with the standards of N.J.A.C. 7:50-6.10. For purposes of this definition, exotic species are those that are not indigenous to North America.

III. Article VI, General Zoning Provisions, §145-67, “Wetlands,” is hereby amended by replacing subsections D and E, in their entirety, with the following:

- D. Forestry shall be permitted in all wetlands subject to the requirements of N.J.A.C. 7:50-6.41 *et seq.*
- E. Fish and wildlife management and wetlands management in accordance with N.J.A.C. 7:50-6.10.

IV. Article VI, General Zoning Provisions, §145-70, Principal use per lot, is hereby amended to read as follows:

No more than one principal use shall be located on one lot, except for forestry, agriculture, horticulture, fish and wildlife management, wetlands management, and recreational development on agricultural lands.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Public Comment was opened on the Ordinance.

Joe Aromando, Shingowak Trail, asked if the question on impervious coverage had been addressed by the Solicitor.

Manager Horner-Keizer explained that the Pinelands would accept the Borough’s definition of impervious.

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey		X	X			
Deputy Mayor Thomas J. Cranston	X		X			
Councilman Gary A. Miller			X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick			X			

Mayor Lackey read Ordinance Number 593 by title.

Councilman Hanold moved Ordinance Number 593 on first reading, seconded by Mayor Lackey.

ORDINANCE NUMBER 593

AN AMENDING ORDINANCE NUMBER 554 OF THE BOROUGH OF MEDFORD LAKES ENTITLED “AN ORDINANCE REGULATING THE USE OF DROP-OFF STORAGE CONTAINERS, TRASH DUMPSTERS, CHARITABLE CLOTHING BINS AND ROLL-OFF CONTAINERS WITHIN THE BOROUGH”

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes, in the County Of Burlington, State of New Jersey, as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to amend Ordinance Number 554 of the Borough of Medford Lakes entitled “An Ordinance regulating the use of drop-off storage containers, trash dumpsters, charitable clothing bins and roll-off containers within the borough” as follows:

SECTION 2 AMENDMENT

Section 3, Subsection I, is hereby amended as follows:

Section 3. Regulations TRASH DUMPSTERS AND ROLL-OFF CONTAINERS

I. *No material may be imported into the Borough for disposal in any container permitted at a commercial or private property. All material disposed of in a permitted container must be generated pursuant to the normal and customary use of like property and be incidental to the use of the property that was issued the permit.*

Effective Date. This ordinance shall become effective upon adoption and publication according to law.

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey		X	X			
Deputy Mayor Thomas J. Cranston			X			
Councilman Gary A. Miller			X			
Councilman Robert D. Hanold, Sr.	X		X			
Councilman Jeffrey Fitzpatrick			X			

RESOLUTIONS

RESOLUTION NUMBER 175-11

A RESOLUTION AUTHORIZING RENEWAL OF AN AGREEMENT WITH THE SOUTHERN NEW JERSEY REGIONAL EMPLOYEE BENEFITS FUND

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **Southern New Jersey Regional Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of **the Borough of Medford Lakes**, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Motion was made and seconded to table this Resolution as there was language within the agreement that the Borough Council needed clarified by the Borough Solicitor.

VOTE TO TABLE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey		X	X			
Deputy Mayor Thomas J. Cranston			X			
Councilman Gary A. Miller			X			
Councilman Robert D. Hanold, Sr.	X		X			
Councilman Jeffrey Fitzpatrick			X			

RESOLUTION NUMBER 176-11

A RESOLUTION AUTHORIZING CERTAIN BUDGETARY TRANSFERS FOR THE 2011 BUDGET

WHEREAS, The Governing Body of the Borough of Medford Lakes did adopt a budget for the year 2011 in accordance with the Municipal Budget Law (NJSA 40A-4 et seq) ; and

WHEREAS, it has become necessary to transfer certain funds among the various line items as contained within the aforementioned adopted municipal budget; and

WHEREAS, NJSA 40A:4-58 allows for the transfer of funds among line items of an adopted municipal budget during the last two months of the fiscal year; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, New Jersey, that the Chief Financial Officer of the Borough of Medford Lakes is hereby authorized to make the transfers as listed below among the various line items in the 2011 Municipal Budget:

TRANSFER FROM:

Public Works Salaries and Wages	\$18,750.00
WW Salaries and Wages	4,000.00

TRANSFER TO:

Admin S & W	\$ 1,500.00
Admin O. E.	3,500.00
Construction Code – S & W	1,000.00
Unclassified – Electric	2,500.00
Unclassified – Street Lighting	2,000.00
Unclassified – Gasoline	5,000.00
Planning Board – O.E.	2,000.00
Code Enforcement – S & W	400.00
Fire Official	850.00
WW – Operating Expenses	4,000.00

Mayor Lackey questioned why these transfers did not have to come before Council, and that if money had to be moved it should have triggered the contingency line item to be spent and that would require Council approval.

The Manager explained that not each and every line item has a contingency and that transfer between department line items are normal and allowed throughout the year.

Mayor Lackey stated that it was a policy decision during the budget process that each line item had a contingency.

The Manager explained that it had not been set up like that for the past two years, and further explained that the unclassified items and certain salary and wage items did not have contingencies.

Deputy Mayor Cranston explained that the Council made some decisions for salary that necessitated the transfers.

Mayor Lackey stated that the Council should take this up during the budget process for 2012.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey				X		
Deputy Mayor Thomas J. Cranston	X		X			
Councilman Gary A. Miller		X	X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick			X			

RESOLUTION NUMBER 177-11

A RESOLUTION AUTHORIZING A REFUND FOR AN OVERPAYMENT OF A CONSTRUCTION PERMIT

WHEREAS, the property owner of 185 Tabernacle Road, Block #10015, Lot #5 submitted a Construction Permit Application for a project with an estimated cost of \$14,500 ; and

WHEREAS, the application was reviewed, processed, approved and permit #11-0237 was issued in the amount of \$538; and

WHEREAS, after payment and pickup of permit #11-0237 the applicant adjusted the total estimated cost to be \$14,250 after realizing that a fire sub code inspection was not required; and

WHEREAS, the applicant is due a refund of the fire protection fee and the NJ Department of Community Affairs Training Fee.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, New Jersey, that the Chief Financial Officer of the Borough of Medford Lakes is hereby authorized to make the following refund to Coughlin, Brennan, 185 Tabernacle Road, Medford Lakes, NJ 08055:

- | | |
|-------------------------------|---------|
| 1. Building – Fire Protection | \$15.00 |
| 2. DCA Training Fee | \$1.00 |
| <hr/> | |
| Total | \$16.00 |

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey			X			
Deputy Mayor Thomas J. Cranston	X		X			
Councilman Gary A. Miller		X	X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick			X			

RESOLUTION NUMBER 178-11

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEAMSTERS LOCAL UNION NO. 676 REPRESENTING EMPLOYEES OF THE WASTEWATER DEPARTMENT

VOTE TO TABLE FOR FURTHER REVIEW

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey	X		X			
Deputy Mayor Thomas J. Cranston			X			
Councilman Gary A. Miller			X			
Councilman Robert D. Hanold, Sr.		X	X			
Councilman Jeffrey Fitzpatrick			X			

RESOLUTION NUMBER 179-11

A RESOLUTION APPROVING CHANGE ORDER NUMBER 1 FOR A CONTRACT KNOWN AS 2010 ROAD IMPROVEMENT PROGRAM, INCREASING THE CONTRACT SUM FROM \$135,940.50 TO \$143,115.04, AN INCREASE OF \$7,174.54

WHEREAS, the Borough has entered into to a certain contract with GERALD A. BARRETT, LLC; and

WHEREAS, said contract has resulted in the award of a contract in the original amount of \$135,940.50; and

WHEREAS, the Project Engineer, Christopher J. Noll, P.E., C.M.E. of Environmental Resolutions, Inc. recommends approval of Change Order Number 1 pursuant to the terms of said contract based on field quantity adjustments and changes due to field conditions; and

WHEREAS, Change Order Number 1 dated December 15, 2011 amends the contract with GERALD A. BARRETT, LLC from \$135,940.50 to \$143,115.04, a increase in the contract of \$7,174.54; and

WHEREAS, the Chief Financial Officer has certified the request.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that Change Order Number 1 is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor, Chief Financial Officer and Borough Clerk are hereby directed and authorized to execute any and all necessary documents required to effectuate said Change Order.

Manager Horner-Keizer explained the change order and the widening of the street to accommodate two passing vehicles.

VOTE TO ADOPT

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey		X	X			
Deputy Mayor Thomas J. Cranston			X			
Councilman Gary A. Miller			X			
Councilman Robert D. Hanold, Sr.	X		X			
Councilman Jeffrey Fitzpatrick			X			

RESOLUTION NUMBER 180-11

A RESOLUTION ESTABLISHING A SCHEDULE OF REGULAR MEETINGS FOR THE YEAR 2012

WHEREAS, the Open Public Meeting Law effective January 19, 1976 provides for the compilation and dissemination of a schedule of regular meetings for public bodies.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that the following be and hereby is a compilation of Regular meetings to be held by this Council during the 2012 year.

BE IT FURTHER RESOLVED In compliance with the Open Public Meetings Law PL 1975 C. 23,1, the Borough Council of the Borough of Medford Lakes disseminates the following **Annual Notice** of the schedule of meetings to be held during the calendar year 2012. All meetings (unless noticed) will commence at **7:00 PM** prevailing time, in Oaks Hall, at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ 08055 on the following dates:

<u>1st Meeting</u>	<u>2nd Meeting</u>
January 11, 2012	January 25, 2012
February 08, 2012	February 22, 2012
March 14, 2012	March 28, 2012
April 11, 2012	April 25, 2012
May 09, 2012	May 23, 2012
June 13, 2012	June 27, 2012
July 1, 2012	July 18, 2012
August 15, 2012	NONE
September 12, 2012	September 26, 2012
October 10, 2012	October 24, 2012
November 14, 2012	November 28, 201
December 19, 2012	NONE

Official action may be taken at these meetings.

The Borough Council discussed the meeting schedule for 2012.

Joe Armando, Shingowack Trail, inquired if Councilman Miller was declaring his candidacy for another term for Borough Council.

Councilman Miller explained that he was not declaring his candidacy for Borough Council.

VOTE TO ADOPT

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey			X			
Deputy Mayor Thomas J. Cranston	X		X			
Councilman Gary A. Miller		X	X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick			X			

RESOLUTION NUMBER 181-11

A RESOLUTION APPOINTING A BOROUGH PROSECUTOR FOR 2012

WHEREAS, the Borough of Medford Lakes has a need to acquire a Prosecutor; and

WHEREAS, the Borough of Medford Lakes has solicited proposals for professional services through a Fair and Open Process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the anticipated term of this contract is twelve (12) months; and

WHEREAS, Mark Tarantino, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Mark Tarantino, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of Medford Lakes in the previous one year, and that the contract will prohibit Mark Tarantino, Esq. from making any reportable contributions through the term of the contract; and

WHEREAS, the certification of the availability of funds requirements per N.J.A.C. 5:30-5.4 has been met; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the BOROUGH OF MEDFORD LAKES that a professional services contract for "Borough Prosecutor" is awarded to:

1. Mark Tarantino, Esq. 37 Grant Street, Mt. Holly, New Jersey 08060.
2. The agreed to contract attached shall be for the period of 1/1/12 to 12/31/12.
3. The Clerk shall publish once in the Official Newspaper a legal notice stating the nature, duration, type of service and amount of contract.
4. The Business Disclosure Entity Certification and the Determination of value be placed on file with this resolution.
- 5.

BE IT FURTHER RESOLVED that any Attorney practicing as a Municipal Prosecutor in the County is authorized to substitute prosecute in the event of a prosecutors scheduling problem. The substitution provision of this resolution shall not be deemed to authorize additional payment or to increase the prosecutor position line item.

VOTE TO ADOPT

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey			X			
Deputy Mayor Thomas J. Cranston			X			
Councilman Gary A. Miller			X			
Councilman Robert D. Hanold, Sr.		X	X			
Councilman Jeffrey Fitzpatrick	X		X			

RESOLUTION NUMBER 182-11

A RESOLUTION APPOINTING A PUBLIC DEFENDER FOR 2012

WHEREAS, the Borough of Medford Lakes has a need to acquire a Public Defender pursuant to the provisions of N.J.S.A. 40A: 11-2(6); and

WHEREAS, the Borough of Medford Lakes has solicited proposals for professional services through a Fair and Open Process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, the anticipated term of this contract is for three months ending March 31, 2012; and

WHEREAS, the certification of the availability of funds requirements per N.J.A.C. 5:30-5.4 has been met; and

WHEREAS, James Fattorini, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that James Fattorini, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of Medford Lakes in the previous one year, and that the contract will prohibit James Fattorini, Esq. from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the BOROUGH OF MEDFORD LAKES that a professional services contract for “Borough Public Defender” is awarded to:

1. James Fattorini, Esq. 1219 N. Church Street, Moorestown, NJ 08057-1173 New Jersey
2. The agreed to contract attached shall be for the period of 1/1/12 to 12/31/12.
3. The Clerk shall publish once in the Official Newspaper a legal notice stating the nature, duration, type of service and amount of contract.
4. The Business Disclosure Entity Certification and the Determination of value be placed on file with this resolution.

VOTE TO ADOPT

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey	X		X			
Deputy Mayor Thomas J. Cranston			X			
Councilman Gary A. Miller			X			
Councilman Robert D. Hanold, Sr.		X	X			
Councilman Jeffrey Fitzpatrick			X			

RESOLUTION NUMBER 183-11

A RESOLUTION AUTHORIZING A REFUND FOR A CANCELLED FIRE INSPECTION AND EXTRANEIOUS FLOW INSPECTION FOR 24 MANHASSET TRAIL

WHEREAS, the property owner of 24 Manhasset Trail, Block #30059, Lot #2559 submitted a Fire Inspection application and an Extraneous Flow Inspection application; and

WHEREAS, the sale of the property was cancelled; and

WHEREAS, the property owner paid \$50.00 for the Fire Inspection and \$25.00 for the Extraneous Flow Inspection; and

WHEREAS, the Fire Official and the Wastewater Department Inspector were notified and the inspections were cancelled prior to scheduling; and

WHEREAS, the applicant has requested a refund of the fire inspection and the extraneous flow inspection.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, New Jersey, that the Chief Financial Officer of the Borough of Medford Lakes is hereby authorized to make the following refund to William H. Patrowicz, 24 Manhasset Trail, Medford Lakes, NJ 08055:

1. Fire Inspection	\$50.00
2. Extraneous Flow Inspection	\$25.00
Total	\$75.00

VOTE TO ADOPT

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey			X			
Deputy Mayor Thomas J. Cranston		X	X			

Councilman Gary A. Miller			X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick	X		X			

REPORTS

Manager Horner – Keizer explained that the Borough has experienced a reduction in the percentage charged for workmans comp that is applied to the overall insurance for the Borough. The Manager also reported that final construction on Ballinger Walkway is scheduled to begin in the next few days.

The Manager and the Borough Council discussed two requests for discharge of treated groundwater from two sites within the Borough that had underground tank removals.

The Borough Council discussed the issue, including the cost to the Borough for disposal and gave consideration to increasing the fee. The Council discussed the safety of disposing of the treated ground water within the system and inquired about the recommendation from the Wastewater Operator.

Councilman Hanold shared the recommendations of the Wastewater Department including metering requirements, access to pump, sampling and liability issues.

Mr. Bohn, 132 Hiawatha explained that he is one of the property owners that is requesting this service. He explained that the Meridian Environmental had told him and his attorney that this was already approved and that they would be starting prior to Christmas.

Solicitor Lange explained the approval process and further explained that the letter requesting this was only received by the Borough on December 2nd.

The Council instructed the Borough Solicitor to work with the Borough Manager to quickly process the contract with both firms in order to facilitate the clean up.

Motion was made and carried to authorize the Borough Manager and Borough Solicitor to craft the contract and set the price per gallon on behalf of the Borough Council. Formal approval of the contract will be on the Agenda at the next Council meeting.

Councilman Hanold reported that the DPW crews were in zone 4 for leaf pick up and that the crews were moving along well.

NEW BUSINESS

Council will take up Board Appointments at the first meeting in January.

COMMUNICATIONS

None at this time.

BILL LIST

Deputy Mayor Cranston motioned for approval of the bill list as amended to include 4RO Service in the amount of \$4,200.00 for sewer repair to Huron Trail, seconded by Councilman Fitzpatrick.

Councilman Hanold expressed his displeasure at the amount of money that is spent on tires and repairs on the garbage truck due to the conditions at the dump. Councilman Hanold would like the Borough Manager to contact the County to discuss the matter. Borough Council agreed and directed the Manager to contact the County.

Mayor Lackey called for a roll call vote

VOTE TO APPROVE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey			X			
Deputy Mayor Thomas J. Cranston			X			
Councilman Gary A. Miller	X		X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick		X	X			

PUBLIC COMMENT #2

Mayor Lackey opened the meeting for public comment.

Rudy Levak, Onondago Trail, commented on the great job that the DPW crew did with leaves this season.

Joe Aromando, Shingowack Trail wanted to reiterate that the water that would be discharged into the system in regard to the UST clean up is not wastewater it is treated ground water. He also asked that the Wastewater labor contract be placed on the website. He also clarified his request to be re-appointed to the Planning Board. He would prefer to be considered for the Class III position, his second choice would be Alternate I and his third choice Alternate II.

Mr. Aromando also commented on the attendance at Planning Board meetings by members.

Hearing no further comment, Mayor Lackey closed public comment.

Councilman Miller motioned to adjourn the meeting, seconded by Councilman Fitzpatrick.

Vote to Adjourn

Yeas – Lackey, Cranston, Miller, Hanold, Fitzpatrick

Nays – None

Meeting Adjourned