

BOROUGH OF MEDFORD LAKES, NEW JERSEY

EXECUTIVE/CLOSED SESSION MEETING

DECEMBER 22, 2010

An Executive/Closed Session 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 5:30 pm. Notice of this Closed/Executive Session was published in the Burlington County Times (12/19) and posted on the official bulletin board. Those wishing to be notified of changes to scheduled meetings were notified via email or regular email.

ROLL CALL

Deputy Clerk Horner-Keizer called roll. Councilman Jeffrey Fitzpatrick, Councilman Gregory Lackey and Councilman Robert D. Hanold, Sr. answered in attendance. Deputy Mayor Thomas J. Cranston and Councilman Mayor Gary Miller arrived after roll call. Julie L. Horner-Keizer, Borough Manager/Deputy Clerk was also in attendance.

Councilman Lackey introduced the following Resolution, seconded by Councilman Hanold.

RESOLUTION NUMBER 190-10

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:
 - Interview of Borough Solicitor Candidates
 - Gross Litigation (not discussed)
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.

Councilman Lackey requested a roll call vote.

Vote to approve/adopt resolution 190-10

Yeas – Lackey, Hanold, Fitzpatrick

Nays – None

Absent – Cranston, Miller

Resolution approved/adopted

Mayor Miller motioned to exit the Executive/Closed Session Meeting and resume the Regular Meeting, Seconded by Deputy Mayor Cranston – All in favor.

WORKSHOP MEETING

DECEMBER 22, 2010

A Workshop 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 7:30pm. Following the pledge of allegiance (led by Timothy Estacio) and a moment of silence (Council and the public observed a moment of silence to honor service men and women defending our country). Deputy Clerk Horner-Keizer read the Open Public Meetings Act: pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting had been provided by advertisement of the annual notice of meetings in the central record (1/7), Burlington County Times (1/7), Courier Post (1/6) and posted on the 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

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

PUBLIC COMMENT #1

Mayor Miller opened the meeting for public comment.

Joseph Armando of 285 Shingowak Trail inquired if the Administration Committee had considered his suggestion on changing the sewer rent due dates.

Mayor Miller explained that the Administration Committee had taken the idea into consideration but based on staff recommendations it was the Administration Committee's recommendation to Council to keep the dates as they are.

Manager Horner-Keizer explained that there were issues with a December due date based on the potential for a loss of revenue with the ending of the fiscal year and the potential for a significant number of delinquencies. She also explained that many residents prefer to pay the taxes and the sewer at the same time.

Mr. Aromando and the Council discussed other options including semi annual billing, and modifying the due dates to the month before the current due date.

Bob McGowan, Cochise Circle inquired if the Borough was ready for the predicted snow storm and if precautions for snow hazards had been taken. He also asked that Cochise Circle be plowed in both directions thus equally distributing the snow on both sides of the roadway. Mr. McGowan also reminded Council to keep the sign ordinance as it pertains to political signs on their agenda.

Timothy Estacio, 86 Pochohontas Trail explained to Council that he is having difficulty crossing Pochahontas Trail in order to get to the bike path. He explained that the traffic to and from the school prevents him and others from crossing. He requested that a crosswalk be considered, and that trees be trimmed around existing signs. He also inquired about the potential to reduce the speed limit.

Mayor Miller explained that the Council takes safety issues seriously and that the Public Safety Committee would discuss this with the Chief Martine.

MINUTES

Mayor Miller motioned for approval/adoption of the December 8, 2010 executive/closed session meeting minutes, seconded by Councilman Lackey.

Vote to approve/adopt

Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Minutes approved/adopted

Mayor Miller motioned for approval/adoption of the December 8, 2010 regular meeting minutes, seconded by Councilman Lackey.

Vote to approve/adopt

Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Minutes approved/adopted

ORDINANCES

Councilman Fitzpatrick introduced on second reading with public hearing Ordinance Number 583, seconded by Councilman Hanold.

ORDINANCE NUMBER 583

AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF NEW JERSEY SETTING A SCHEDULE OF FEES FOR THE UNIFORM CONSTRUCTION CODE AND REPEALING ALL OTHERS

The following schedule of fees is hereby established with respect to Uniform Construction Fees for Plumbing and Electrical Sub code:

ELECTRICAL SUBCODE FEES:

1. For one (1) to fifty (50) electrical receptacles, fixtures or devices including but not limited to lighting fixtures, receptacles, wall switches, fluorescent fixtures, convenience receptacles, dimmers, sensors, alarm devices, smoke and heat detectors, communication outlets, light standards (8 feet or less in height including luminaries), exit signs, emergency lights, electric signs, or similar fixtures and devices rated 20 amperes or less and motors or equipment rated less than one (1) horsepower (hp) or one (1) kilowatt (kw). The fee shall be \$54.00.
2. For each 25 or less additional receptacles, fixtures, or devices rated less than 20 amperes, and motors or equipment rated less than one (1) hp or one kw. The fee shall be \$15.00.
3. For each motor or electrical device rated greater than one (1) hp or one (1) kw and less than or equal to ten (10) hp or ten (10) kw; and for transformers and generators rated one (1) kw or one (1) kva to ten (10) kw or ten (10) kva; for each replacement of wiring involving one branch circuit or part thereof; for each storable pool or hydro massage tub; for each under-water lighting fixture; for household electric cooking equipment rated up to 16 kw; for each fire, security or burglar alarm control unit; for each receptacle rated from 30 to 50 amperes; for each light standard greater than eight (8) feet in height including luminaries; and for each communications closet; the fee shall be \$45.00.
4. For each motor or electrical device rated from greater than 10 hp or 10 kw to fifty (50) hp or fifty (50) kw; for each service equipment, panel board, switch board, switch gear, motor control center, or disconnecting means rated 225 amperes or less; for each transformer or generator rated from greater than 10 kw or 10kva to 45 kw or 45 kva; for each electric sign rated from greater than 20 amperes to 225 amperes including associated disconnecting means; for each receptacle rated greater than 50 amperes; and for each utility load management device, the fee shall be \$65.00.
5. For each motor or electrical device rated from greater than fifty (50) hp or fifty (50) kw to one hundred (100) hp or one hundred (100) kw; for each service equipment, panel board, switch board, switch gear, motor control center or disconnecting means rated greater than 225 amperes to 1,000 amperes; and for each transformer or generator rated greater than 45 kw or 45 kva to 112.5 kw or 112.5 kva; the fee shall be \$116.00.
6. For each motor or electrical device rated greater than one hundred (100) hp or one hundred (100) kw; for each service equipment, panel board, switch board, switch gear, motor control center or disconnecting means rated greater than 1,000 amperes; and for each transformer or generator rated greater than 112.5 kw or 112.5 kva; the fee shall be \$576.00.

The minimum fee for permits not listed shall be \$69.00.

PLUMBING SUBCODE FEES:

7. The Plumbing Sub code Fee shall be \$15.00 per fixture and appliance connected to the plumbing, oil, or gas piping system except for special devices. Examples shall include but not limited to: plumbing fixture, device, stack, sink, urinal, water closet, bathtub, shower stall, laundry tub, floor drain, condensate line, drinking fountain, dishwasher, garbage disposal, clothes washer, clothes dryer, heater, range, oven or water heater.

8. The fee shall be \$75.00 per special device for the following: grease traps, oil separators, utility service connections, water cooled air conditioning units, refrigeration units, backflow preventers (with test ports), steam boilers, hot water boiler, active solar systems, sewer pump, interceptors, sump pump and booster pump.
9. LPG Installation: The fee for the installation of tank and piping system containing liquefied petroleum gas (LPG) in quantities of 2,000 gallons or less aggregate water capacity shall be a flat fee of \$75.00.
10. Backflow and Cross connection annual testing the fee will be \$75.00 per device.
11. The minimum fee for permits not listed shall be \$69.00.

This Ordinance shall take effect immediately upon its final adoption and publication according to law.

Mayor Miller opened the meeting for a public hearing on the proposed Ordinance.

Pete Rogers, brought to Council's attention a potential issue with counterfeit electrical parts that are being sold in the United States.

Mayor Miller stated that the Borough Manager would inquire with the Electrical Subcode Official as to any issues that Medford Lakes has experienced with this potential problem.

Mayor Miller requested a roll-call vote on adoption.

Vote to adopt Ordinance Number 583
Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick
Nays – None
Ordinance adopted

Councilman Lackey introduced on first reading Ordinance Number 584, seconded by Councilman Hanold.

ORDINANCE NUMBER 584

AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AMENDING THE STREET OPENING ORDINANCE – CHAPTER 206 OF THE CODE OF THE BOROUGH OF MEDFORD LAKES.

ARTICLE I Excavations and Openings (§ 206-1 — § 206-13)

§ 206-1 Purpose.

The purpose of this article is to establish regulations and fees for the opening of municipal streets within the Borough of Medford Lakes, hereinafter called the "Borough."

§ 206-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONNECTION

The installation of conduits of any type to bring utilities of any kind into a property from a public street *or from a property into a public street.*

EMERGENCY STREET OPENING PERMIT

Permits opening of Borough streets during non-business hours and without a twenty-four (24) hour notice.

IMPROVED STREET, CLASS A

Any street surfaced with a pavement such as asphalt, concrete, bituminous concrete or similar hard-surfaced pavement.

IMPROVED STREET, CLASS B

Any street surfaced with stone or slag uniformly deposited in layers where the stone or slag has been compacted by the use of a power roller or bound together by the application of bituminous binder or tack or asphalt binder.

IMPROVED STREET, CLASS C

Any street surfaced with a light coat of stone or oil or any macadam street without other treatment and any gravel or cinder street with oil treatment.

INSPECTOR

Any person duly authorized by the Borough Council to inspect street openings.

PERSON

Includes corporations, companies, associations, societies, firms and partnership as well as individuals.

STREET

Any road, trail, highway, public way, parking area or any right-of-way accepted or maintained by the Borough as a public street, as well as any state, county, or other municipal street over which the Borough has acquired jurisdiction by agreement.

UNIMPROVED STREET

Any cinder, dirt or gravel street without oil treatment and all other streets under the jurisdiction of the Borough.

§ 206-3 Permit required; emergencies.

A. No person shall make any excavation in or break up or displace the surface of any Borough street or public place within the Borough, without first obtaining a written permit from the *Borough Clerk or designee* as hereinafter provided. Such permit shall be valid for *thirty (30)* calendar days from the date of its issuance, unless an extension of time is requested in writing and is approved by such official.

B. A tunnel or excavation may be commenced without a permit where an emergency has arisen which makes it necessary to start work immediately, *provided that the Chief of Police or designee is notified for the purpose of public safety to include, but not limited to, traffic control* and the application for permit is made simultaneously with the commencement of the work or as soon thereafter as is practical. The permit, when issued, shall be retroactive to the date on which the work was begun.

§ 206-4 Application for permit.

- A. The application for a permit shall be made to the *Borough Clerk or designee per Section 206-4 (B)*.
- B. The application shall contain the following information:
- (1) The name and address of the applicant.
 - (2) The name of the street where the opening is to be made and the street number, if any, of the abutting property.
 - (3) A Borough Tax Map block and lot number of the property for the benefit of which the opening is being made.
 - (4) Nature of the surface in which the opening is to be made.
 - (5) Character and purpose of the work proposed.
 - (6) Time when the work is to be commenced and completed.
 - (7) Plans showing the exact location and dimensions of all openings.
 - (8) The name and addresses of the person, company, or contractor who will do the actual work.
- C. A nonrefundable permit fee in accordance with the Borough's Fees Schedule shall accompany each application.
- [Amended 11-29-1982 by Ord. No. 427; 4-14-2010 by Ord. No. 576]

§ 206-5 Issuance, contents and filing of permit.

- A. Each application must be filed by the applicant and the fees shall be paid prior to the permit being issued.
- B. A permit shall be issued under the authority of the *Borough Clerk or designee* and in accordance with the provisions of this section and any procedures which the *Superintendent of Public Works or designee and the Chief of Police or designee* may establish to carry out the terms and intent of this article.
- C. The original of each permit shall remain on file with the *Borough Clerk or designee*, and one copy each shall be filed with the Chief of Police or designee and with the *Department of Public Works*.

§ 206-6 Deposits.

- A. Each applicant shall post a deposit by cash or certified check according to the following schedule:
- (1) Opening an improved street, Class A: \$1,500
 - (2) Opening an improved street, Class B: \$1,000.
 - (3) Opening an improved street, Class C: \$500.
 - (4) Opening an unimproved street: \$200.
- B. No deposit shall be charged for a tunneling operation, which does not involve injury to the surface of the street.
- C. All fees and deposits shall be payable to Borough and deposited with the Borough Clerk or designee or his agent before issuance of the permit.
- D. *Additional Costs and Deposits.*

(1) When a street opening project requires an excessive amount of staff time and/or resources, additional costs shall be imposed. All costs incurred by the Borough for staff time after the initial one hour inspection period and all other direct costs and expenses incurred by the Borough shall be paid by the applicant. The applicant will be charged an amount equal to the actual costs incurred by the Borough for additional staff time and/or material and/or equipment utilized in the inspection and monitoring of the excavation. (2) Where a trench excavation or other opening greater than fifty (50) square feet in the street is required, the Public Works Superintendent or designee may require an additional deposit in accordance with section 206-6 which shall be proportioned to the increased size of the excavation.

(2) If the Public Works Superintendent or designee determines that an excavation for which a permit has been issued is of greater dimension than those stated in the permit, he shall notify the applicant who may be required to pay an additional deposit for continuing any further work in connection with the excavation.

(3) Where the excavation is to be made in a heavily traveled street, or where, for any other good reason, *in the sole discretion of the Borough*, the Borough stations *authorized personnel* near the excavation to control traffic, the applicant shall also be charged an amount equal to the actual expense of stationing the *authorized personnel* at the excavation.

(4) Any amounts charged to the applicant as additional costs hereunder shall be deducted from any deposit posted by the applicant pursuant to this section prior to the return of any deposit.

§ 206-7 Bond in lieu of deposit.

Any person may file an application with the governing body requesting permission to file a bond in lieu of cash or certified check. Such bond shall be twice the amount of the specified deposit. The bond shall be issued by a bonding or surety company authorized to do business in the State of New Jersey. The bond shall be conditioned upon the restoration of the surface and foundation of any street for which an opening permit is granted in a manner set forth in this article and acceptable to the *Borough Clerk or designee*. Such bond may be accepted to cover any number of separate applications by the same applicant and shall remain in force for a period not less than ~~six~~ twelve months, *but not more than eighteen months*. Upon approval of such bond by the Borough Attorney, as to form, sufficiency and execution, the *Borough Clerk or designee* is authorized to issue permits for the work so approved without a payment of the deposit set forth in § 206-6.

§ 206-8 Insurance.

No permit shall be issued until the applicant has furnished the *Borough Clerk or designee* with satisfactory proof that he is insured against injury to persons and damage to property caused by any act or omission of the applicant, his agents, employees or subcontractors, done in the course of the work to be performed under the permit. The insurance shall cover all hazards likely to arise in connection with the work, including but not limited to collapse and explosion, and shall also insure against liability arising from completed operations. The minimum limits of the policy of insurance shall be \$300,000 for injuries to one person, \$1,000,000 for injuries to more than one person in the same incident, and an aggregate of \$100,000 for property damage for a single incident.

§ 206-9 Rules and regulations.

Except as herein modified, the methods of construction utilized in work performed under the provision of this article shall conform to and comply with the *most recent update to the Standard Specifications* of the New Jersey Department of Transportation.

A. Every applicant shall keep each opening properly guarded and shall place sufficient lights around each opening to give adequate warning during the hours of darkness. All work done under any permit shall be done in a manner as

to cause a minimum of interference with travel along the street affected. Work shall be done in a manner to preserve the flow of surface water and to cause a minimum of ponding. No street shall be closed unless specific permission therefore has been granted by the *Chief of Police or designee*. The *Chief of Police or designee* shall be informed of all street openings at least *twenty-four (24)* hours in advance.

B. Each applicant shall, as a condition of issuance of any permit save, hold and keep harmless and indemnify the Borough of Medford Lakes, its officers, agents, servants and employees, from and against any loss, damage, claim, demand or expense arising out of any suit or claim for damage or injury alleged to have been sustained as a result of any work done under such permit.

C. Upon application being made therefore, the *Public Works Superintendent or designee* may extend the time during which any permit shall be valid for such period as he shall deem advisable. In the event that the work required to be done by an applicant shall not be completed within the time stated on any permit or any extension thereof, then the Department of Public Works may complete the work required to be done by the applicant and restore the surface of the street affected. The applicant shall, upon demand, pay to the Borough the cost of completing such work as the applicant is required to do under the ordinance and such amount may be deducted from the deposit held by the Borough Clerk or designee or if not sufficient to cover the cost of the work, the difference may be recovered by the Borough in a court of competent jurisdiction in an action against the applicant or his surety.

D. No work for which a permit is issued hereunder shall be conducted in such a manner as to interfere with any utility connection to any building, unless specific permission to interfere with such main or line is obtained in advance from the utility involved or in the case of sewer lines from the Superintendent of Public Works or designee. No excavation which may result in any damage to or any destruction of any trees or shrubbery of any Medford Lakes property shall be made unless specific permission therefore is granted by the *Enforcement Officer or designee* prior to the work being done.

E. All excavations shall be restored at the expense of the *applicant* making the opening, to the satisfaction of the *Public Works Superintendent or designee*, or other duly authorized designee, in compliance with the following requirements:

(1) The excavation shall interfere as little as possible with travel along the street or road, and no greater part of any street or road shall be opened at any one time other than as the *Public Works Superintendent or designee*, or other duly authorized designee shall allow in order to prevent such interference with travel.

(2) *The connection to the Borough's sewer collection system shall be performed by the applicant under the supervision and direction of the Wastewater Department's Licensed Operator.* The backfilling of trenches shall be performed by the applicant under the supervision and direction of the *Public Works Superintendent or designee*, or other duly authorized designee. Inspection for each street opening application shall be done in accordance with the directions of the *Public Works Superintendent or designee*. The applicant shall notify the Public Works Superintendent or designee *twenty-four (24)* hours before a street opening is ready for backfill, and the inspector shall have the right to, and it shall be his duty to, inspect said street opening, and be present to continuously inspect the backfill and street surface restoration procedure. No backfill material, base material or surface material shall be placed in the opening until *twenty-four (24)* hours after the aforesaid notice has been given. Less than *twenty-four (24)* hours may be given in case of emergency *street* openings.

(3) Neither such inspection nor anything else contained in this article shall relieve the applicant from the duty to remedy any defect in such restoration of the opening as may then or thereafter appear, or from any other liability for such defects.

(4) All fill material shall be installed *according to the most recent update to the Standards Specifications of the New Jersey Department of Transportation.* (5 A temporary patch shall be constructed by the applicant consisting of

a sand and asphalt patch mixture two inches thick and thoroughly tamped and rolled. The temporary patch shall be constructed within 24 hours after tamping of the backfill. When filled, the opening shall be flush with the existing contour of the road. Within a period of not less than four months or more than six months, the applicant shall replace the temporary patch with permanent pavement.

(5) The temporary pavement shall be removed and additional soil aggregate placed *according to the most recent update to the Standards Specifications of the New Jersey Department of Transportation.*-(7) The *Borough Clerk or designee*, or his duly authorized designee, shall not allow the issuance of a permit unless he is satisfied that the applicant has the ability to adequately undertake and perform the work provided for herein, and has demonstrated that adequate precautions have been taken to protect the interests of the Borough, and has provided proof that the applicant maintains liability insurance.

F. If tunneling operations are required; the tunnel shall be backfilled with rammed concrete composed of one part cement to *ten* parts sand.

§ 206-10 Permit conditions and regulations.

A. Transferability. A permit shall apply to only the person to whom it is issued and shall not be transferable.

B. Commencement of work. Work under a permit shall commence within seven days from the date of issuance. If work is not commenced within that time, the permit shall automatically terminate unless extended in writing by the *Public Works Superintendent or designee*.

C. Possession of permit. A copy of the permit, together with a copy of the plan endorsed with the approval of the *Chief of Police or designee*, shall be kept in possession of the person actually in charge of performing the work and exhibited on demand to the *Public Works Superintendent or designee*, any police officer to the Borough, or any municipal official.

D. The *Borough Clerk or designee* may revoke a permit for:

- (1) Violation of any provision of this article or any other applicable rules, regulations, laws or ordinances.
- (2) Violation of any condition of the permit.
- (3) Carrying on work under the permit in a manner which endangers life or property, or which creates any condition which is unhealthy, unsanitary or declared by any provision of this article to constitute a nuisance.

§ 206-11 Inspections and release of deposit.

The *Public Works Superintendent* or other duly authorized designee shall periodically inspect all street openings and the repair and resurfacing thereof for the purpose of determining compliance with the conditions imposed on the issuance of the permit and the specifications. The Borough may, upon the recommendation of the inspector:

A. Order a temporary stop to any street opening.

B. Order that the applicant perform or correct work in accordance with the directions of the Borough.

C. Order a stop to any work and revoke the permit, in which event, the Borough shall complete or cause to be completed the work and declare the applicant's cash deposit forfeited or notify the applicant's surety of an intent to file a claim on the bond.

D. Correct any work after notification to the applicant of the neglect or refusal of the applicant to make such corrections as indicated and, upon doing so, declare that the applicant's cash deposit is forfeited or notify the applicant's surety of an intent to file a claim on the bond.

E. Take any other action deemed reasonable under the circumstances.

F. When the work of the applicant has been completed, the Public Works Superintendent or designee shall inspect the same within *thirty (30)* days from the date he has been advised by the applicant that the work has been performed. If the work meets with the standards contained in this article, the Public Works Superintendent or designee shall advise the Borough Clerk or designee that the deposit, less \$500 and any amounts charged to the applicant as additional costs pursuant to section 206-6 may be forthwith released to said applicant. Five Hundred Dollars (\$500) shall be retained by the Borough for *eighteen months* to ensure that the work was properly done, and to ensure that the Borough is not required to repair said work. The applicant may substitute a bond for twice the retained amount required hereunder. All amounts owed by the applicant as additional costs shall be paid from the deposit to the Borough.

§ 206-12 Power to make additional rules and regulations.

The *Public Works Superintendent or designee* may make any rules and regulations which he considers necessary for the administration, and enforcement of this article, but no regulation shall be inconsistent with, alter or amend any provision of this article, or impose any requirement which is in addition to those expressly or by implication imposed by this article. No regulations shall become effective unless they shall be approved by the resolution of the Borough Council. Copies of all current regulations shall be furnished each applicant at the time the permit is issued.

§ 206-13 Violations and penalties.

Any person that violates any provision of this article or any rule, regulation or standard promulgated hereunder shall, upon conviction, be liable to one or more of the following: a fine not exceeding \$1,250 or imprisonment not exceeding *ninety (90)* days, or a period of community service not exceeding *ninety (90)* days, in the discretion of the court.

This Ordinance shall take effect immediately upon its final adoption and publication according to law.

Manager Horner – Keizer provided an overview of the Ordinance.

Mayor Miller requested a roll-call vote on introduction.

Vote to introduce Ordinance Number 584

Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Ordinance introduced

RESOLUTIONS

Councilman Hanold introduced Resolution Number 191-10, seconded by Councilman Fitzpatrick.

RESOLUTION NUMBER 191-10

RESOLUTION AMENDING A PROFESSIONAL SERVICES CONTRACT FOR LEGAL SERVICES

WHEREAS, the Borough of Medford Lakes has a need to acquire Legal Services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Council had previously authorized under Resolution Number 86-10 expenditures NTE \$20,000 in connection with litigation related to the Wastewater Teamsters Collective Bargaining Agreement; and

WHEREAS, it is necessary to increase the authorization for litigation in the amount of \$1,225.00 for a total contract NTE \$21,225.00:

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey hereby amends the amounts authorized for these litigation items.

This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by the law.

A copy of this resolution shall be published as required by law.

Mayor Miller asked for Council comment, hearing none he asked for public comment, hearing none he requested a roll call vote.

Vote to approve/adopt resolution 191-10

Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Resolution approved/adopted

Councilman Hanold introduced Resolution Number 192-10, seconded by Councilman Lackey.

RESOLUTION NUMBER 192-10

A RESOLUTION AUTHORIZING THE PURCHASE OF A VACUUM LEAF MACHINE

WHEREAS, the Medford Lakes Public Works Department is in need of replacing a VACUUM LEAF MACHINE; and

WHEREAS, the cost to purchase this equipment exceeds \$17,500; and

WHEREAS, the Superintendent of Public Works has identified the requirements for this equipment and solicited quotes; and

WHEREAS, the following quotes were received:

- The ODB Company - \$18,990.00
- CMI Equipment Sales, Inc. - \$22,850.00
- Extreme Vac - \$28,560.00

WHEREAS, the award of this contract is contingent upon a certificate of availability of funds from the Borough Finance Officer.

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the Borough is hereby authorized to enter into a contract with ODB Co.,

5118 Glen Alden Drive, Richmond, VA 23231 in the amount of \$18,990.00 for the purchase of a Vacuum Leaf Machine.

Mayor Miller asked for Council comment, hearing none he asked for public comment, hearing none he requested a roll call vote.

Vote to approve/adopt resolution 192-10
Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick
Nays – None
Resolution approved/adopted

Councilman Fitzpatrick introduced Resolution Number 193-10, seconded by Councilman Hanold.

RESOLUTION NUMBER 193-10

A RESOLUTION ACCEPTING DONATION OF EQUIPMENT TO THE BOROUGH OF MEDFORD LAKES POLICE DEPARTMENT

WHEREAS, the Medford Lakes Police Department is in need of replacing three (3) laptops for police vehicles which provide officers the ability to receive detailed dispatch information and connect with law enforcement interfaces; and

WHEREAS, through the generosity of donations to the Medford Lakes Police Officers Association by the Medford Lakes Canoe Carnival Committee and Mr. Carabasi, DC the purchase of this equipment was made possible; and

WHEREAS, the Medford Lakes Police Officers Association would like to officially donate three (3) HP Mini PC's to the Borough of Medford Lakes Police Department.

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

1. The **BOROUGH OF MEDFORD LAKES** hereby accepts the donation of three (3) HP Mini PC's to the Medford Lakes Police Department.
2. The **BOROUGH OF MEDFORD LAKES** wishes to extend its sincere thanks for the generosity of the Medford Lakes Canoe Carnival Committee and Mr. Carabasi, DC.

Mayor Miller asked for Council comment, hearing none he asked for public comment, hearing none he requested a roll call vote.

Mayor Miller requested the Borough Manager to send thank you letters to both donors.

Vote to approve/adopt resolution 193-10
Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick
Nays – None
Resolution approved/adopted

Councilman Hanold introduced Resolution Number 194-10, seconded by Councilman Lackey.

RESOLUTION NUMBER 194-10

**A RESOLUTION AUTHORIZING STATE CONTRACT PURCHASES
OF A BRUSH CHIPPER AND A DUMP TRUCK WITH PLOW AND SANDER**

WHEREAS, the Medford Lakes Public Works Department is in need of replacing a brush chipper and a dump truck with plow and sander from its fleet; and

WHEREAS, the Superintendent of Public Works has identified the requirements for this vehicle and equipment and hereby recommends the purchases identified as State Contract #A69872 in the amount of \$31,008.10 and #A73962 in the amount of \$52,451; and

WHEREAS, the award of these contracts are contingent upon a certificate of availability of funds from the Borough Finance Officer.

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

1. The **BOROUGH OF MEDFORD LAKES** is hereby authorized to enter into a contract with **DFFLM LLC, 215 ROUTE 202 & 31, FLEMINGTON, NJ 08822** for the purchase of one (1) 2011 Ford F450 Dump Truck with snow plow package and sander, as identified under State Contract #A73962 and contingent upon certification of funds in the amount of \$52,451.00.
2. The **BOROUGH OF MEDFORD LAKES** is hereby authorized to enter into a contract with **CHERRY VALLEY TRACTOR SALES, 35 ROUTE 70 WEST, MARLTON, NJ 08053** for the purchase of one (1) Bandit Model 250XP Chipper, as identified under State Contract #A69872 and contingent upon certification of funds in the amount of 31,008.10.

Mayor Miller asked for Council comment, hearing none he asked for public comment.

Joe Armando, 285 Shingowak Trail inquired as to the necessity for the equipment purchase.

Manager Horner-Keizer explained the necessity for the equipment.

Mayor Miller requested a roll call vote.

Vote to approve/adopt resolution 194-10

Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Resolution approved/adopted

Councilman Hanold introduced Resolution Number 195-10, seconded by Councilman Lackey.

RESOLUTION NUMBER 195-10

**A RESOLUTION APPROVING CHANGE ORDER NUMBER 2 FOR CONTRACT 2010-1 KNOWN AS
BALLINGER PEDESTRIAN SAFETY IMPROVEMENTS, INCREASING THE CONTRACT SUM \$512.00
TO \$96,268.00**

WHEREAS, the Borough has entered into to a certain contract with CURB CON, INC. for the construction of the Ballinger Pedestrian Safety Improvement project; and

WHEREAS, said contract has resulted in the contracting of project# C-0360-0079-000 in the original amount of \$84,775.00; and

WHEREAS, the Borough of Medford Lakes has previously approved Change Order Number 1 in the amount of \$10,981.00 increasing the contract to \$95,756.00; and

WHEREAS, the Senior Project Manager with the Richard A. Alaimo Association of Engineers recommends approval of Change Order Number 2 pursuant to the terms of said contract based on field quantity adjustments and changes due to field conditions; and

WHEREAS, Change Order Number 2 dated December 21, 2010 amends the contract with CURB CON, INC. from \$95,756.00 to \$96,268.00, an increase in the contract of \$512.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

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 2 is hereby approved.

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

Mayor Miller asked for Council comment, hearing none he asked for public comment.

Mayor Miller requested a roll call vote.

Vote to approve/adopt resolution 195-10

Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Resolution approved/adopted

Deputy Mayor Cranston introduced Resolution Number 196-10, seconded by Councilman Miller.

RESOLUTION NUMBER 196-10

A RESOLUTION AUTHORIZING CERTAIN BUDGETARY TRANSFERS FOR THE 2010 BUDGET

WHEREAS, The Governing Body of the Borough of Medford Lakes did adopt a budget for the year 2010 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 2010 Municipal Budget:

TRANSFER FROM:

Public Works Salaries and Wages	\$ 5,350.00
WW Salaries and Wages	3,100.00

TRANSFER TO:

Legal – Litigation – O.E.	1,250.00
Planning Board O.E.	2,000.00
Engineering O.E.	2,100.00
WW PERS Pension contributions	3,100.00

Mayor Miller asked for Council comment, hearing none he asked for public comment, hearing none he requested a roll call vote.

Vote to approve/adopt resolution 196-10
Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick
Nays – None
Resolution approved/adopted

Deputy Mayor Cranston introduced Resolution Number 196-10, seconded by Councilman Miller.

RESOLUTION NUMBER 197-10

A RESOLUTION TO CANCEL UNEXPENDED BALANCES OF GENERAL AND SEWER CAPITAL IMPROVEMENT AUTHORIZATIONS

WHEREAS, there are certain unexpended balances of duly authorized capital projects that have been completed and there remains unexpended balances.

WHEREAS, the Chief Financial Officer is recommended that said balances be cancelled as noted.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Medford Lakes, that the unexpended balances of the following improvements authorizations be cancelled:

Ordinance	Purpose	Cancelled to or against	Amount
501	Improvements to Treatment Plant	Capital Surplus	\$142,642.57
548	Electric for Utility Water Project	Capital Surplus	12,000.00
515	Acq. Of Sewer Collection Line Equip.	Deferred Chg – Unfunded	3,267.00
	Res for Flood Recovery	Surplus	151,419.01
563	Acq. Of Trash Truck	Deferred Chg, - Unfunded	1,738.00
569	Purch of Fire Truck	Deferred Chg - Unfunded	6,550.00

Mayor Miller asked for Council comment, hearing none he asked for public comment, hearing none he requested a roll call vote.

Vote to approve/adopt resolution 197-10
Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick
Nays – None
Resolution approved/adopted

REPORTS

Manager Horner-Keizer submitted a written report, no questions from Council.

Deputy Manager/ Clerk McIntosh's written report was submitted. Manager Horner-Keizer highlighted the sale of the dump truck for \$6,025 under sale of municipal assets. She also informed Council that the reserve for the fire truck was not met.

Solicitor Lange wished everyone a happy and healthy holiday season.

The Fire Department submitted a written report.

The Municipal Court submitted a written report.

The Police Department submitted a written report electronically.

OLD BUSINESS

Borough Engineer, Jeff McNesby updated the Council on the Ballinger Lake Walkway project. The spillway will be able to accommodate pavers, approval for this plan will need to be permitted by the NJDEP. The Borough will work in conjunction with Princeton Hydro to engineer this portion of the project. The materials and installation of such will be covered by the NJDOT grant. As a temporary measure appropriate material will be utilized to cover the walkway.

NEW BUSINESS

Council discussed the meeting schedule for 2011. The Council decided to maintain the Wednesday night scheduling on the 2nd and 4th Wednesdays.

BILL LIST

Mayor Miller motioned for approval of the bill list including additions provided by the Deputy Borough Clerk, seconded by Councilman Lackey.

Vote to approve bills
Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick
Nays – None
Bills approved

PUBLIC COMMENT #2

Mayor Miller opened the meeting for public comment.

Joe Aromando of 285 Shingowack Trail requested that a fee schedule be placed on the website that has each fee charged in the Borough.

Manager Horner-Keizer explained that there is a fee section in the Ordinances but a spread sheet could be made and posted.

Pete Rogers of 156 Apache Trail updated Council on the San Bruno, CA gas pipeline blast. He explained that the welds on the seamless pipe appeared to burst.

Mayor Miller closed public comment.

Deputy Mayor Cranston motioned to adjourn the meeting, seconded by Councilman Lackey.

Vote to Adjourn

Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Meeting Adjourned