

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING

JANUARY 12, 2011

A 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). Clerk McIntosh read the Open Public Meetings Act: pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting had been provided to the Central Record, Burlington County Times, Courier Post and 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

Clerk McIntosh called roll. Mayor Gary A. Miller, Deputy Mayor Thomas J. Cranston, Councilman Gregory C. Lackey and Councilman Robert D. Hanold, Sr. answered in attendance. Also present were Manager Julie Horner-Keizer, Deputy Manager/Clerk Mark J. McIntosh, Police Chief Frank Martine and Engineer Jeff McNesby.

PUBLIC COMMENT #1

Mayor Miller opened the meeting for public comment.

Hearing none, Mayor Miller closed public comment.

MINUTES

Mayor Miller motioned for approval/adoption of the December 22, 2010 executive/closed session meeting minutes, seconded by Councilman Lackey.

Vote to approve/adopt

Yeas – Miller, Cranston, Lackey, Hanold

Nays – None

Absent – Fitzpatrick

Minutes approved/adopted

Mayor Miller motioned for approval/adoption of the December 22, 2010 regular meeting minutes, seconded by Councilman Lackey.

Councilman Lackey asked if there had been any follow-up to the discussion regarding the request for a crosswalk along Pocahontas Trail.

Chief Martine stated that Officer Cherby had investigated the complaint and it was determined that a crosswalk wouldn't be appropriate. The Police Department is looking into sending notices to parents and teachers spelling out the issues related to the intersection and the Chief would keep the issue under review and monitor conditions.

Vote to approve/adopt

Yeas – Miller, Cranston, Lackey, Hanold

Nays – None

Absent – Fitzpatrick

Minutes approved/adopted

Note – Councilman Jeff Fitzpatrick arrived.

Mayor Miller motioned for approval/adoption of the January 5, 2011 special meeting minutes, seconded by Councilman Hanold.

Vote to approve/adopt

Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Minutes approved/adopted

APPOINTMENT RESOLUTION

Deputy Mayor Cranston motioned to introduce Resolution Number 24-11, seconded by Mayor Miller.

Mayor and Council expressed their collective support for Sherry Rockhill – Smith being appointed as Tax Collector.

Manager Horner – Keizer stated that when she first came work for the Borough in 2001, Sherry played an integral role in helping her learn the Borough's operations and was very pleased to support this appointment.

Clerk McIntosh expressed similar support.

Mayor Miller asked for public comment.

Joe Aromando of 285 Shingowack Trail asked if there would be any financial savings with the appointment.

Manager Horner – Keizer stated that there would be.

Mayor Miller requested a roll-call vote on the motion.

Vote to adopt Resolution Number 24-11

Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Resolution adopted

Clerk McIntosh administered the Tax Collector Oath of Office to Sherry Rockhill – Smith witnessed by her husband Bruce Smith.

ORDINANCES

Councilman Hanold introduced on second reading with public hearing Ordinance Number 584, seconded by Councilman Lackey.

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 four-hour (4hr) 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 *then 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*. 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.

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

Joe Aromando of 285 Shingowack Trail questioned the new street opening fee and the potential financial exposure of paying for unanticipated costs to the borough and felt the Ordinance may be very burdensome to property owners.

Council stated that the residents of Medford Lakes should not be held accountable for the poor planning of a property owner or an unprepared contractor.

Council further stated that the Borough staff would monitor street openings under the revised Ordinance and make future changes if needed.

After additional discussion Council requested that the Ordinance be amended from a one (1) hour to a four (4) hour standard inspection time and an eighteen (18) month timeline for holding the Deposit and/or Bond.

Councilman Hanold and Lackey agreed to the amendments.

Mayor Miller closed the public hearing.

Mayor Miller requested a roll-call vote on the amendment.

Vote to amend Ordinance Number 584
Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick
Nays – None
Ordinance amended

Mayor Miller requested a roll-call vote on adoption.

Vote to adopt Ordinance Number 584
Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick
Nays – None
Ordinance adopted

APPOINTING RESOLUTION

Mayor Miller introduced Resolution Number 25-11, seconded by Councilman Lackey.

RESOLUTION NUMBER 25-11

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR A MUNICIPAL SOLICITOR

WHEREAS, there exists a need for a Municipal Solicitor; 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 Borough of Medford Lakes has a need to acquire a Municipal Solicitor pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Peter C. Lange, Jr., Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Peter C. Lange, Jr., 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 Peter C. Lange, Jr., 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 Solicitor” is awarded to:

1. Peter C. Lange, Jr., Esq, 150 Himmelein Road, Medford, New Jersey 08055.
2. The agreed to contract attached shall be for the period of 1/1/11 to 12/31/11.
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.

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

VOTE ON ADOPTION

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

Solicitor Lange thanked Council for the appointment and took his place on the dais.

Deputy Mayor Cranston introduced on first reading Ordinance Number 585, seconded by Councilman Fitzpatrick

ORDINANCE NUMBER 585

AN ORDINANCE AMENDING ORDINANCE NUMBER 557, PROVIDING FOR AND DETERMINING THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEES AND OFFICERS OF THE BOROUGH OF MEDFORD LAKES

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

Section 1. The following salaries designated herein are fixed on an annual basis respective to the position listed below. All employees may be paid bi-weekly, monthly or quarterly, as directed by the Borough Manager.

Section 2. The rates of salaries stated herein are the maximum rates and ranges. Employees may be paid up to these ranges at the discretion of the Borough Manager.

Title	Minimum Compensation	Maximum Compensation
-------	-------------------------	-------------------------

Tax Collector	\$5,000	\$25,000
Sewer Collector	\$5,000	\$25,000

Section 3. The Manager, at his/her discretion, can hire replacement employees up to and including the present maximum rates as set forth in this Ordinance.

Section 4. The salary range fixed herein is in addition to the compensation levels for other positions fixed by previous Ordinance. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. The Salary ranges previously adopted under Ordinance 506 continue in full force and affect.

Section 5. This Ordinance shall take effect immediately upon its final adoption and publication according to law, but the rate of compensation provided for herein shall become effective as of January 1, 2011.

Manager Horner – Keizer provided an overview of the Ordinance.

Mayor Miller requested a roll-call vote on introduction.

Vote to introduce Ordinance Number 585
 Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick
 Nays – None
 Ordinance introduced

CONSENT AGENDA RESOLUTIONS

Mayor Miller asked Council if they had any Resolutions to be removed from the Consent Agenda

Councilman Lackey requested that Resolutions numbered 12-11, 18-11 and 20-11 be removed to allow for discussion. Council collectively agreed to the request by verbal affirmation.

Deputy Mayor Cranston voted for introduction and adoption of Consent Agenda Resolutions numbered 7-11, 8-11, 9-11, 10-11, 11-11, 13-11, 14-11, 15-11, 16-11, 17-11, 19-11, 21-11, 22-11 and 23-11 seconded by Mayor Miller.

RESOLUTION NUMBER 7-11

RESOLUTION APPOINTING THE BOROUGH CLERK AS AMERICANS WITH DISABILITIES COORDINATOR

WHEREAS, every municipality is required to designate an ADA Coordinator; and

WHEREAS, the ADA Coordinator’s role is to ensure compliance with the Americans with Disabilities Act.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey hereby appoints the Borough Clerk as ADA Coordinator for the Borough of Medford Lakes for year 2011.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon adoption according to law.

RESOLUTION NUMBER 8-11

**A RESOLUTION ADOPTING RULES AND REGULATIONS
REGARDING IMPLEMENTATION OF LICENSING FEES**

WHEREAS, Ordinance No. 478, as amended, at Section 9, provides that rules and regulations may be imposed by Resolution, implementing licensing fees;

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that the following fees shall be in effect until further notice:

DOGS:

\$8.20 Spayed and Neutered

\$11.20, if not spayed and neutered.

\$10.00 Late Charge (to be assessed 30 days after due date)

CATS:

\$8.20 Spayed and Neutered

\$11.20, if not spayed and neutered.

\$10.00 Late Charge (to be assessed 30 days after due date)

The late charge shall be due and payable for dogs and cats that are owned prior to January 31, 2011, annually, thirty (30) days after such date. For dogs and cats that are acquired after January 31, 2011, the late charge shall be due and payable thirty (30) days after the licensing is required under Section 6B, C and D.

RESOLUTION NUMBER 9-11

**A RESOLUTION AUTHORIZING THE ASSESSOR TO EXECUTE
STIPULATIONS OF SETTLEMENT AND FILE ASSESSOR APPEALS.**

WHEREAS, Statutory provision is made for the review and correction of errors prior to certification of an assessment list; and

WHEREAS, provision is also allowed for the discovery and correction of errors after establishment of the Tax Rate; and

WHEREAS, changes in property ownership at times necessitates adjustment to the Veteran and/or Senior Citizens deductions allowed on the assessment list; and

WHEREAS, responsibility for maintenance and correction of the assessment list rests with the local Assessor subject to Laws and Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Medford Lakes Council, County of Burlington, State of New Jersey, that the Assessor, fulfilling the duties and requirements of his office, be authorized to file with the Burlington County Board of Taxation such Appeals as may be necessary to maintain accuracy and equality in the assessment list of the Borough of Medford Lakes.

BE IT FURTHER RESOLVED, that the Assessor is hereby authorized to execute stipulations of settlement on behalf of the Municipality.

BE IT FURTHER RESOLVED, that a certified copy of this resolution accompany any Appeal filed by the Assessor with the Burlington County Board of Taxation.

RESOLUTION NUMBER 10-11

A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO CANCEL 2010 AND 2011 PROPERTY TAX AND SEWER FEES OF DELINQUENT AMOUNTS LESS THAN \$10.00

WHEREAS, N.J.S.A. 40A:5-17 allows for the cancellation of property tax overpayments or delinquent amounts in the amounts of less than \$10.00; and

WHEREAS, the governing body of the Borough of Medford Lakes may authorize the Tax Collector to process, without further action on their part, any cancellation of property tax overpayments or delinquencies of less than \$10.00.

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, hereby authorizes the Tax Collector to cancel said tax amounts as deemed necessary.

BE IT FURTHER RESOLVED, that a certified copy of the Resolution be forwarded to the Tax Collector, the Chief Financial Officer and the Municipal Auditor.

RESOLUTION NUMBER 11-11

**RESOLUTION NAMING OFFICIAL DEPOSITORIES
FOR THE BOROUGH OF MEDFORD LAKES
FOR THE YEAR 2011**

WHEREAS, NJSA 40A: 5-14 mandates that the Governing Body of a Municipal Corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the State and organized under laws of the United States;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that, any financial institution or bank that is licensed to do business in the State of New Jersey and is covered by the GOVERNMENT UNIT DEPOSIT PROTECTION ACT, and the New Jersey Cash Management Fund, be and are, hereby designated as official depositories for Borough funds. Prior to the deposit of any Municipal funds in the above mentioned depositories said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered.

RESOLUTION NUMBER 13-11

AUTHORIZATION OF NEWSPAPERS FOR THE PUBLICATION OF LEGAL NOTICES

WHEREAS, it is required to designate newspapers for publication of Legal Notices;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that **The Central Record**, Medford, NJ published weekly, **The Burlington County Times**, Willingboro, NJ, published daily and the **Courier-Post**, Cherry Hill, NJ, published daily, be authorized as official newspapers for the publication of Legal Notices of the Borough: it being the intent of this resolution with respect to any Legal Notice that such may be published in either newspaper.

RESOLUTION NUMBER 14-11

**RESOLUTION APPOINTING A PUBLIC AGENCY COMPLIANCE OFFICER
AFFIRMATIVE ACTION**

WHEREAS, N.J.A.C. 17:27-1.1 provides that no public work contracts can be awarded nor any monies paid until the prospective contractor has agreed to contract performance which complies with an approved affirmative action program; and

WHEREAS, N.J.A.C. 17:27-3.5 provides that each public agency shall annually designate an officer or employee to serve as its public agency compliance officer;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey hereby appoints the Borough Clerk as the Public Agency Compliance Officer for a one-year term ending December 31, 2011.

RESOLUTION NUMBER 15-11

**A RESOLUTION CREATING A CHANGE FUND FOR THE POLICE
DEPARTMENT TO PROCESS REQUESTS FOR REPORTS**

Whereas, certain funds are collected by the Police Department for copies of police reports, accident reports, etc; and

Whereas, the Police Department needs a change fund on hand to make change when needed.

Now, Therefore Be It Resolved, by the Mayor and Council of the Borough of Medford Lakes that a change fund in the amount of \$50.00 is authorized to be used by the Borough Police Department.

RESOLUTION NUMBER 16-11

**A RESOLUTION ESTABLISHING A GRACE PERIOD FOR PAYMENT OF TAXES AND SETTING THE
RATE OF INTEREST ON DELINQUENT TAXES FOR THE YEAR 2011**

WHEREAS, the Borough of Medford Lakes has determined that it is desirable for taxpayer to be permitted a grace period for the payment of taxes; and

WHEREAS, R.S. 54:4-67 provides that the Governing Body may establish a grace period and fix the rate of interest to be charged; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that no interest shall be charged on taxes which are paid within ten (10) days of the date on which they become due, but interest shall be paid from the date due on all taxes which are paid more than ten (10) days after they become due; and

BE IT FURTHER RESOLVED, that the rate of interest on delinquent taxes and delinquent assessments shall be eight percent (8%) per annum for the year 2011 except when the total delinquency exceeds \$1,500.00, the

interest rate shall be eighteen percent (18%) per annum on the portion in excess of \$1,500.00 and shall remain at eighteen percent (18%) (even if the amount is below \$1,500.00) until the account becomes current; and

BE IT FURTHER RESOLVED, that an additional penalty of six percent (6%) of the amount of the delinquency in excess of \$10,000.000 including taxes, assessments and sewer charges be charged to a taxpayer who fails to pay the delinquency prior to the end of the fiscal year.

RESOLUTION NUMBER 17-11

A RESOLUTION ESTABLISHING A GRACE PERIOD FOR PAYMENT OF SEWER SERVICES AND SETTING THE RATE OF INTEREST ON DELINQUENT SEWER SERVICES FOR THE YEAR 2011

WHEREAS, the Borough of Medford Lakes has determined that it is desirable for taxpayer to be permitted a grace period for the payment of sewer services; and

WHEREAS, N.J.S.A. 40:14A-21 provides that the Governing Body may establish a grace period and fix the rate of interest to be charged; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that no interest shall be charged on sewer services which are paid within ten (10) days of the date on which they become due, but interest shall be paid from the date due on all sewer services which are paid more than ten (10) days after they become due; and

BE IT FURTHER RESOLVED, that the rate of interest on delinquent sewer services shall be eighteen percent (18%) per annum for the year 2011; and

BE IT FURTHER RESOLVED, that an additional penalty of six percent (6%) of the amount of the delinquency in excess of \$10,000.000 including taxes, assessments and sewer charges be charged to a taxpayer who fails to pay the delinquency prior to the end of the fiscal year.

RESOLUTION NUMBER 19-11

A RESOLUTION FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT TAXES AND MISCELLANEOUS CHARGES

WHEREAS, N.J.S.A. 54:4-57 permits the governing body of each municipality to fix the rate of interest to be charged for non-payment of taxes on assessments subject to any abatement or discount for the late payment of taxes as provided by law; and

WHEREAS, N.J.S.A. 54:4-57 has been amended to permit the fixing of said rate of 8% per annum on the first \$1,500.00 of the delinquency, and 18% per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% to be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year.

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

1. A charge of \$25.00 will be collected for the issuance of a Certificate of Redemption.

BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Tax Collector and CMFO/Treasurer for their records.

RESOLUTION NUMBER 21-11

**A RESOLUTION AUTHORIZING THE ISSUANCE OF
DUPLICATE TAX SALE CERTIFICATE PURSUANT TO CHAPTER 99 OF
THE PUBLIC LAWS OF 1997 AND SETTING A FEE**

WHEREAS, the Tax Collector of this municipality has previously issued a tax sale certificate covering a premises commonly known and referred to with a block and lot number as set out in the municipal tax map; and

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$100.00 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED, that a copy of this resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "DUPLICATE" as required by law.

RESOLUTION NUMBER 22-11

**A RESOLUTION AUTHORIZING THE RE-ESTABLISHMENT OF A
PETTY CASH FUND**

WHEREAS, N.J.S.A.40A: 5-21 authorizes the establishment of a Petty Cash Fund for the Clerk's Office of the Borough of Medford Lakes to be used by such office or department to pay claims for small miscellaneous expenses; and

WHEREAS, said Petty Cash Fund was established by Resolution dated June 8, 1972 by the Borough Council of the Borough of Medford Lakes; and

WHEREAS, it is the desire of the Borough Council that said fund be continued under direction of the Clerk; and

WHEREAS, by order of the Administrative Office of the Courts of the State of New Jersey, Rule 7:7-8 (e) the Medford Lakes Borough Court is required to pay subpoenaed witnesses a \$2.00 fee when called to testify on behalf of the State or on behalf of indigent defendants.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey, that:

1. During the year 2011 Mark J. McIntosh, RMC, Borough Clerk be and is hereby authorized and permitted to establish a Petty Cash Fund in the amount not to exceed \$220.00 pursuant to the provisions of N.J.S.A 40A: 5-21. Said Petty Cash Fund will

be used by such office or department to pay claims for small miscellaneous expenses and witness fees as determined by the Medford Lakes Borough Court.

2. Mark J. McIntosh, RMC, Borough Clerk, having custody of the Fund be bonded in an amount not less than \$1,000.00 and will maintain said Fund in accordance with the laws and regulations governing its operation.
-

RESOLUTION NUMBER 23-11

A RESOLUTION ESTABLISHING A FEE FOR MAILING OF TAX NOTICES IN LIEU OF ANY TWO PUBLICATIONS

WHEREAS, N.J.S.A. 54:5-26 states that a notice of Tax Sale be published in a newspaper circulated within the municipality once in each of the four preceding calendar weeks prior to the week of the sale; and

WHEREAS, N.J.S.A. 54:5-26 allows in lieu of any two publications notice to the property owner, person or entity entitled by direct or certified mail is allowed; and

WHEREAS, the cost for such notice shall be added to the cost of the sale in addition to those provided in R.S. 54:5-38.

THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey hereby authorizes the Tax Collector to charge a \$25.00 fee for each set of notices mailed for a particular property pursuant to N.J.S.A. 54:5-26.

VOTE TO ADOPT CONSENT AGENDA RESOLUTIONS

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

RESOLUTIONS

Councilman Lackey introduced Resolution Number 12-11, seconded by Councilman Hanold.

RESOLUTION NUMBER 12-11

AUTHORIZING INVESTMENT OF IDLE FUNDS AND FUND TRANSFERS

WHEREAS, it is desirable that idle funds of the Borough of Medford Lakes be invested in legal investment vehicles at all times; and

WHEREAS, it is occasionally necessary to transfer funds for the purpose of meeting current Borough expenses or for the purpose of effecting investments;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that it does hereby authorize the Chief Financial Officer to request bids and to place orders for the investment of idle funds solely in legally authorized investment vehicles such as investments to the investing institution; and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Medford Lakes that it does authorize the Chief Financial Officer to transfer funds by wire solely for the following purposes and subject to all pertinent regulations:

1. To or from Borough checking or savings accounts to other Borough accounts;
2. To or from Borough checking or savings accounts to other Borough accounts specified by banks or the State of New Jersey Cash Management Funds solely for the purpose of investing for the account of the Borough of Medford Lakes, New Jersey.

Council expressed concern with the CFO doing the transfers without review and approval by Council for each transfer.

Manager Horner – Keizer stated that she could review this Resolution with the CFO if Council desired to table it.

Councilman Lackey motioned to table Resolution Number 12-11, seconded by Councilman Hanold

Vote to table Resolution Number 12-11
Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick
Nays – None
Resolution tabled

Councilman Lackey introduced Resolution Number 18-11, seconded by Councilman Hanold.

RESOLUTION NUMBER 18-11

RESOLUTION AUTHORIZING SIGNATURES ON BOROUGH ACCOUNTS

WHEREAS, it is the desire of the Borough Council of the Borough of Medford Lakes to designate certain Borough Officials as signatories for Borough Bank Accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, New Jersey that the following Borough Officials are hereby authorized to sign checks or withdrawal slips:

- A. The following bank accounts of the Borough of Medford Lakes shall require two (2) signatures as followings: First Signature shall be that of the Mayor. In the absence of the Mayor, a Borough Councilperson shall sign. Second signature shall be that of the Chief Financial Officer. In the absence of the Chief Financial Officer, the Acting Municipal Clerk shall sign. In the absence of the Chief Financial Officer and the Acting Municipal Clerk, the Borough Manager shall sign.

Accounts: Current Fund, General Capital Fund, Waste Water, Waste Water Capital, Police Body Armor, Environmental, Street Opening, Planning and Zoning, Animal Control, Municipal Alliance, Flood Relief, Public Defender, Unemployment, Special Law Enforcement,

- B. The Payroll account of the Borough of Medford Lakes shall require the signature of the Chief Financial Officer. In the absence of the Chief Financial Officer, the Mayor, Acting Municipal Clerk or Borough Manager shall sign.
- C. The Municipal Court Account and Municipal Court Bail Account of the Borough of Medford Lakes shall require the signature of the Court Administrator. In the absence of the Court Administrator, the Deputy Court Administrator or Municipal Court Judge shall sign.
- D. Any Bank Account not listed in this resolution shall require the signatures as listed in A above, unless a Resolution of the Governing Body is adopted.

Councilman Lackey requested that the Resolution be amended to require two (2) signatures for the payroll account as follows:

The Payroll account of the Borough of Medford Lakes shall require the signature of the Chief Financial Officer and either the Mayor, Borough Clerk or Borough Manager. In the absence of the Chief Financial Officer, the Mayor, Acting Municipal Clerk or Borough Manager shall sign with one additional signature of these listed herein.

Councilman Hanold agreed to the amendment.

Hearing no further Council or public comment he requested a roll call vote.

Vote to approve/adopt resolution 18-11 as amended.
 Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick
 Nays – None
 Resolution approved/adopted

Councilman Lackey introduced Resolution Number 20-11, seconded by Mayor Miller.

RESOLUTION NUMBER 20-11

A RESOLUTION AUTHORIZING THE TAX COLLECTOR TO REFUND OR TO APPLY CREDITS FOR TAXES

WHEREAS, there are taxpayers of the Borough of Medford Lakes who are due to receive refunds without interest for duplicate tax payments; and

WHEREAS, there are taxpayers of the Borough of Medford Lakes who are due to receive refunds with five percent (5%) interest resulting from judgments by the Burlington County Board of Taxation pursuant to N.J.S.A. 54:3-27.2.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the Borough of Medford Lakes Tax Collector be and hereby is authorized with the concurrence of the Chief Financial Officer to make such refunds or to apply such credits at their discretion.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tax Collector and CFO for their records.

Councilman Lackey asked for the following amendment:

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the Borough of Medford Lakes Tax Collector be and hereby is authorized with the written concurrence of the Chief Financial Officer to make such refunds or to apply such credits at their discretion.

Mayor Miller agreed to the amendment.

Vote to approve/adopt resolution 20-11 as amended
Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick
Nays – None
Resolution approved/adopted

RESOLUTION

Mayor Miller motioned for introduction and Council/public comment of Resolutions Numbered 6-11, 26-11, 27-11, 28-11, 29-11, 30-11, 31-11, 32-11, 33-11, 34-11, 35-11, 36-11, 37-11 and 38-11, seconded by Councilman Lackey.

RESOLUTION NUMBER 06-11

A RESOLUTION RECOGNIZING AMY KORNAFEL FOR HER LEADERSHIP AS THE 2010 PRESIDENT OF THE MEDFORD LAKES COLONY AND FOR HER SERVICE TO THE COMMUNITY

WHEREAS, Amy Kornafel has served on the Board of Directors of the Colony of Medford Lakes and has served as President during the year 2010; and

WHEREAS, Amy Kornafel has unselfishly donated her leadership skills to oversee the yearly operation of this prominent community service organization; and

WHEREAS, Amy Kornafel has demonstrated by her service to the community her affection and affinity for Medford Lakes.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Medford Lakes hereby recognizes Amy Kornafel for her leadership and devotion to the community.

R E S O L U T I O N NUMBER 26-11

A RESOLUTION TO TERMINATE PARTICIPATION UNDER THE STATE HEALTH BENEFITS PROGRAM AND SCHOOL EMPLOYEES' HEALTH BENEFITS PROGRAM (INCLUDING PRESCRIPTION DRUG PLAN AND/OR DENTAL PLAN COVERAGE).

BE IT RESOLVED:

1. The Borough of Medford Lakes in the County of Burlington, State of New Jersey hereby resolves to terminate its participation in the program (Medical Plan Benefits Program) thereby canceling coverage provided by the State Health Benefits Program and/or School Employees' Health Benefits Program (N.J.S.A. 52:14-17.25 et seq.) for all of its active and retired employees.
2. We shall notify all active employees of the date of their termination of coverage under the program.
3. We understand that the Division of Pensions and Benefits will notify retired employees of the cancellation of their coverage.

4. We understand that all COBRA participants will be notified by the Division of Pensions and Benefits and advised to contact our office concerning a possible alternative health, prescription drug, and dental insurance plan.
 5. We understand that this resolution shall take effect the first of the month following a 60-day period beginning with the receipt of the resolution by the State Health Benefits Commission or School Employees' Health Benefits Commission.
-

RESOLUTION NUMBER 27-11

A RESOLUTION APPOINTING CROSSING GUARDS FOR 2011

WHEREAS, it is the desire of the Borough to utilize Crossing Guards to assist in the safe movement of our children and other residents as they cross identified Borough crosswalks during School hours; and

WHEREAS, the New Jersey State Statute governing Crossing Guards requires that they be appointed each year; and

WHEREAS, it is the desire of the Borough Council to appoint qualified individuals to fill the position of Crossing Guard; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the BOROUGH OF MEDFORD LAKES that the following appointment(s) be made as Crossing Guards:

<u>Appointee</u>	<u>Class Designation</u>	<u>Commencement of Term</u>	<u>Expiration of Term</u>
Diane Albrecht	Crossing Guard	January 1, 2011	December 31, 2011
Irene Bamford	Crossing Guard	January 1, 2011	December 31, 2011
Janet Dwier	Crossing Guard	January 1, 2011	December 31, 2011
Kevin Dwier	Crossing Guard	January 1, 2011	December 31, 2011
Barbara Kinder	Crossing Guard	January 1, 2011	December 31, 2011
Joseph O'Neill	Crossing Guard	January 1, 2011	December 31, 2011
Lou Potter	Crossing Guard	January 1, 2011	December 31, 2011
Ann Schaeffer	Crossing Guard	January 1, 2011	December 31, 2011
Kenneth Thompson	Crossing Guard	January 1, 2011	December 31, 2011
David Wasson	Crossing Guard	January 1, 2011	December 31, 2011
Janelle Dwier	Crossing Guard	January 1, 2011	December 31, 2011
William Hendrickson	Crossing Guard	January 1, 2011	December 31, 2011
David Mayo	Crossing Guard	January 1, 2011	December 31, 2011

RESOLUTION NUMBER 28-11

A RESOLUTION APPOINTING BOROUGH PROSECUTOR

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 three (3) 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 1/1/11 to 3/31/11.
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.

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.

RESOLUTION NUMBER 29-10

A RESOLUTION APPOINTING ALTERNATE BOROUGH PROSECUTOR

WHEREAS, the Borough of Medford Lakes has a need to acquire an Alternate 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 from January 1, 2011 through December 31, 2011; and

WHEREAS, Donna Lee Vitale of Jasinski P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that Donna Lee Vitale of Jasinski P.C. 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 Donna Lee Vitale and the firm Jasinski P.C 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 "Alternate Borough Prosecutor" is awarded to:

1. Donna Lee Vitale, of Jasinski P.C. 8025 Black horse Pike, West Atlantic City, New Jersey 08232.
2. The agreed to contract attached shall be for the period of 1/1/11 to 12/21/11.
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.

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.

RESOLUTION NUMBER 30-11

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR AUDITOR

WHEREAS, the Borough of Medford Lakes has a need to acquire a Municipal Auditor pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Inverso & Stewart has completed and submitted a Business Entity Disclosure Certification which certifies that Inverso & Stewart 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 Inverso & Stewart 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

WHEREAS, there exists in the Borough of Medford Lakes a need for a Municipal Auditor to perform Auditing services for the Borough in connection with the preparation of the annual audit and financial statements; and

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

1. Robert Stewart of Inverso & Stewart, 100 Country Farms Road, Marlton, New Jersey 08053.
 2. The agreed to contract attached shall be for the period of 1/1/11 to 12/31/11.
 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.
-

RESOLUTION NUMBER 31-11

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR BOND COUNSEL

WHEREAS, the Borough of Medford Lakes has a need to acquire Bond Counsel pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 Financial Officer has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Raymond & Coleman, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Raymond & Coleman, LLP 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 Raymond & Coleman, LLP 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

WHEREAS, the Borough of Medford Lakes is empowered under N.J.S.A. 40A: 11-2(6) to retain and engage Bond Counsel; and

WHEREAS, the Contract shall be active for the period of January 1, 2011 until December 31, 2011; and

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

1. Mr. Thomas Coleman, III, of Raymond & Coleman, LLP, 325 New Albany Road, Moorestown, NJ 08057.
 2. The agreed to contract attached shall be for the period of 1/1/11 to 12/31/11.
 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.
-

RESOLUTION NUMBER 32-11

APPOINTMENT OF DEPUTY MUNICIPAL CLERK

WHEREAS, there exists a need for a Deputy Municipal Clerk in order to serve in the absence of the Municipal Clerk.

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

1. Julie L. Horner – Keizer is hereby appointed Deputy Clerk for the Borough of Medford Lakes, for the term commencing January 1, 2011 and ending December 31, 2011.
 2. The salary for this position shall be set forth by the Municipal Salary ordinance.
-

RESOLUTION NUMBER 33-11

APPOINTMENT OF A PUBLIC DEFENDER AND SUBSTITUTE PUBLIC DEFENDER

WHEREAS, the Borough of Medford Lakes has a need to acquire a Public Defender and Substitute 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 one year ending December 31, 2011; and

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

WHEREAS, Emmons, Richards & Pak, LLC, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Emmons, Richards & Pak, LLC 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 Emmons, Richards & Pak, LLC, 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. Emmons, Richards & Pak, LLC, Esq., 141 High Street, Mt. Holly, New Jersey 08060.
 2. The agreed to contract attached shall be for the period of 1/1/11 to 12/31/11.
 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.
-

RESOLUTION NUMBER 34-11

A RESOLUTION AWARDING CONTRACTS FOR PROFESSIONAL SERVICES FOR A SPECIAL PROJECTS ENGINEER

WHEREAS, the Borough of Medford Lakes has a need to acquire Special Project Engineers pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 Financial Officer has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the anticipated terms of these contracts are one (1) year; and

WHEREAS, the following firms have completed and submitted a Business Entity Disclosure Certification which certifies that they have 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 Environmental Resolutions, Inc. 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

WHEREAS, there exists in the Borough of Medford Lakes a need for Special Project Engineers to perform engineering services for the Borough in connection with Roadway, Wastewater, Dams and Drainage issues.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that the following are hereby awarded contracts for Special Projects Engineer:

1. Dante Guzzi of the firm, Dante Guzzi Engineering Associates, L.L.C. 418 Stokes Road, Medford, New Jersey 08055.
2. Mid Atlantic Engineering Partners, 789 Farnsworth Avenue, Bordentown, New Jersey 08050.
3. John Mallon of the firm, Ernst, Ernst & Lissenden, 52 Hyers Street, Toms River, New Jersey 08754.
4. Christopher Noll of the firm, Environmental Resolutions, 525 Fellowship Road, Mt. Laurel, New Jersey 08054
5. Wayne Simpson of the firm, Alaimo Associates, 300 High Street, Mt. Holly, New Jersey 08060.
6. Stephen Schreiber of the firm, T&M Associates, 11 Tindall Road, Middletown, New Jersey 07748.

The agreed to contract attached shall be for the period of 1/1/11 to 12/31/11.

The Clerk shall publish once in the Official Newspaper a legal notice stating the nature, duration, type of and amount of contract.

The Business Disclosure Entity Certification and the Determination of value be placed on file with this resolution.

RESOLUTION NUMBER 35-11

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT FOR EMERGENCY MEDICAL SERVICES WITH MEDFORD TOWNSHIP

WHEREAS, the Township of Medford employs a paid staff of Emergency Medical Technicians, Monday through Friday, from 6:00am to 6:00pm; and

WHEREAS, the BOROUGH OF MEDFORD LAKES is in need of augmenting its daytime volunteer emergency medical services; and

WHEREAS, the Township of Medford is agreeable to providing the service of Emergency Medical Services, Monday through Friday, 6:00am to 6:00pm; and

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq. permits local units of this State to enter into a contract with any other local unit for such services; and

WHEREAS, the Township of Medford agrees to provide emergency medical services to the BOROUGH OF MEDFORD LAKES on the terms and conditions in this agreement.

NOW, BE IT RESOLVED that the BOROUGH OF MEDFORD LAKES authorizes the Mayor and the Clerk to enter into an interlocal service agreement for Emergency Medical Services with Medford Township.

1. This agreement shall be in effect for twenty-four (24) months effective February 1, 2011 and ending January 31, 2013.
 2. Medford Township Emergency Medical Services shall be dispatched with the Medford Lakes Emergency Squad, Monday through Friday, 6:00am to 6:00pm for all emergency medical service (911) dispatches.
-

RESOLUTION NUMBER 36-11

**A RESOLUTION MEMORIALIZING APPOINTMENTS
TO MEMBERSHIP ON THE PLANNING BOARD**

WHEREAS, the Planning Board had three members seeking reappointment; and

WHEREAS, the Mayor is charged with making these appointments.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the BOROUGH OF MEDFORD LAKES that the following appointments by the Mayor be memorialized:

<u>Appointee</u>	<u>Class Designation</u>	<u>Commencement of Term</u>	<u>Expiration of Term</u>
Paul Adison	Class Four (4)	January 1, 2011	December 31, 2014
Joseph Dinoto	Class Four (4)	January 1, 2011	December 31, 2014
David Crane	Class Two (2)	January 1, 2011	December 31, 2011

RESOLUTION NUMBER 37-11

**A RESOLUTION APPOINTING A RISK MANAGEMENT CONSULTANT
CAMDEN COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Borough of Medford Lakes has a need to acquire a Risk Management Consultant pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 one (1) year; and

WHEREAS, Conner Strong Companies, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Conner Strong Companies, Inc. 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 Conner Strong Companies, Inc. 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

WHEREAS, the Governing Body of Medford Lakes Borough has resolved to join Camden County Municipal Joint Insurance Fund, a self insurance pooling fund, following a detailed analysis; and

WHEREAS, the Bylaws of said Fund permit each municipality to appoint a RISK MANGEMENT CONSULTANT to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Bylaws indicate a fee not to exceed six percent (6%) of the Municipal Assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the Governing Body; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the BOROUGH OF MEDFORD LAKES that a professional services contract for Risk Management Consultant in accordance with 40A: 11-5 is awarded to Conner Strong Companies, Inc.

1. The agreed to contract attached shall be for the period of 1/1/11 to 12/31/11.
2. The Clerk shall publish once in the Official Newspaper a legal notice stating the nature, duration, type of service and amount of contract.
3. The Business Disclosure Entity Certification and the Determination of value be placed on file with this resolution.

RESOLUTION NUMBER 38-11

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR SPECIAL LITIGATION COUNSEL

WHEREAS, the Borough of Medford Lakes has a need to acquire Special Litigation Counsel pursuant to the provisions of N.J.S.A. 19:44A-20.5; 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 Financial Officer has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Raymond & Coleman, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Raymond & Coleman, LLP 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 Raymond & Coleman, LLP 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

WHEREAS, the Borough of Medford Lakes is empowered under N.J.S.A. 40A: 11-2(6) to retain and engage Special Litigation Counsel; and

WHEREAS, the Contract shall be active for the period of January 1, 2011 until December 31, 2011; and

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

1. Mr. Thomas Coleman, III, of Raymond & Coleman, LLP, 325 New Albany Road, Moorestown, NJ 08057.
2. The agreed to contract attached shall be for the period of 1/1/11 to 12/31/11.
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.

Council and the Manager discussed Resolution Number 26-11 regarding the anticipated 22% increase this year, the Health Savings Account program, the 75-day notice to the State and the April 1, 2011 anticipated start date.

Joe Aromando of 285 Shingowack Trail asked for the names of the individuals being appointed to the various professional services.

Mayor Miller read the names of the individuals and/or firms awarded the professional service contracts.

Hearing no further Council or Public comment, Mayor Miller requested a roll call vote.

VOTE ON RESOLUTION NUMBERS 6-11, 26-11, 27-11, 28-11, 29-11, 30-11, 31-11, 32-11, 33-11, 34-11, 35-11, 36-11, 37-11 and 38-11 FOR ADOPTION

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

ADDITIONAL RESOLUTION

Councilman Hanold introduced Resolution Number 39-11, seconded by Councilman Lackey

RESOLUTION 39-11

AWARDING A BID FOR THE LICENSED OPERATOR IN CHARGE – BOROUGH OF MEDFORD LAKES WASTEWATER TREATMENT PLANT

WHEREAS, the Borough of Medford Lakes pursuant to the NJ State Public Contract Law received the following bids for the Licensed Operator in Charge – Borough of Medford Lakes Wastewater Treatment Plant on Tuesday, January 11, 2011; and

pH₂O Services L.L.C.

\$50.00 per hour; and

WHEREAS, pH₂O Services L.L.C. was the lowest responsible/responsive bidder received by the Borough, with a bid in the amount of \$50.00 per hour; and

WHEREAS, the CFO certifies that funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes that pH₂O Services L.L.C., 519 North Elmwood Road, Marlton, New Jersey 08053-5503 be and hereby is awarded a contract for Licensed Operator in Charge – Borough of Medford Lakes Wastewater Treatment Plant in accordance with the specifications in the bid.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute the contract as proposed and included in the Borough’s bid package and any other related document with pH₂O Services L.L.C. in order to complete said Contract.

Hearing no Council or Public comment, Mayor Miller requested a roll call vote.

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

REPORTS

Manager Horner-Keizer submitted a written report and commented on the recent snowstorm, progress of the videotaping of the sewer collection system lines and that a new Police Department link had been created on the Borough’s website.

Deputy Manager/ Clerk McIntosh submitted a written report, no questions from Council.

Solicitor Lange again thanked Council for his appointment and is looking forward to working with them and the Borough staff in 2011.

NEW BUSINESS

Mayor Miller congratulated the Police Department on the successful investigation and arrest regarding a peeping-tom.

Councilman Lackey commented on the recent story in the news regarding Evesham’s decision to keep trash collection in-house and not proceeding with the proposed multi-municipality Shared Service Agreement. He further commented on the NJ State Fertilizer law recently adopted and asked if there was any benefit to the Borough in participating in the Burlington County “tree-cycling” program.

Engineer McNesby stated he would research the County’s program and report back.

Manager Horner – Keizer asked for dates to schedule budget workshops.

Council agreed to Budget Workshops on Friday, February 11th and 18th, 2011 starting at 9:00am.

Clerk McIntosh stated that both would be advertised as required.

PUBLIC COMMENT #2

Mayor Miller opened the meeting for public comment.

Richard Thurber of 198 Chippewa Trail asked what progress had been made on the Beach Drive Dam water ponding issue.

Councilman Lackey stated that this was not the first time this issue had been brought before Council.

Mayor Miller directed Engineer McNesby to investigate and report back.

Joe Aromando of 285 Shingowack Trail asked if the Borough was still researching shared services for the Wastewater Treatment Plant.

Mayor Miller stated that he is participating in a shared service forum with the Mayor's of neighboring municipalities and would report back to the public at a later date.

Hearing no further comment, Mayor Miller closed public comment.

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

Vote to Adjourn

Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Meeting Adjourned