

**BOROUGH OF MEDFORD LAKES, NJ  
REGULAR MEETING  
January 13, 2010**

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 7:30pm. Following the pledge of allegiance and 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 Statement of Conformance with the Open Public Meetings Act: Pursuant to the requirements of the Open Public Meetings Act, adequate notice of this regular meeting has 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 posting 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**

Clerk McIntosh called roll. Mayor Paul G. Weiss, Esq., Councilman Timothy S. Casey and Councilman Gregory C. Lackey answered in attendance. Also present were Interim Manager Julie Horner-Keizer, Deputy Manager/Acting Clerk Mark J. McIntosh and Police Chief Frank Martine.

**MINUTES**

*Mayor Weiss motioned for adoption of the December 22, 2009 meeting minutes, seconded by Councilman Lackey*

*Councilman Lackey asked that the minutes be amended.*

Vote to adopt December 22, 2009 minutes

Ayes: Weiss, Lackey, Casey

Nays: None

Motion carries

*Mayor Weiss motioned for adoption of the January 4, 2010 meeting minutes, seconded by Councilman Casey*

Vote to adopt January 4, 2010 minutes

Ayes: Weiss, Casey, Lackey

Nays: None

Motion carries

**PUBLIC COMMENT**

Bill Cameron, Chippewa Trail: He expressed concern that groundwater had flooded his basement during the recent rain storm and the possible connection of the flooding to the level of the lake. He further stated that in the past there was a contact person that would be called to remove a board from the spillways to alleviate the extra storm water. He asked Council for some assistance in the future to help alleviate the flooding in his home.

*Council stated that the dams appear to be functioning properly as engineered. The Borough has had the dam engineers (Princeton Hydro and Dewberry) at previous meetings to discuss similar concerns from Lower Aetna Lake residents. The engineers stated that the new dams are designed to pass sufficient water for a "100 year" storm and the only time the stop-logs should be removed is for maintenance of the lake or dam. Council cautioned that releasing extra water downstream may result in damage and create liability issues for the Borough. Council stated that the water table has been very high and may be a contributing factor. Council directed the Manager to contact the NJ DEP and get a written position on lowering the lakes in advance of a known storm and see if the Colony can receive a year-round lake lowering permit.*

Joe Aromando, 285 Shingowack Trail: He asked if there would be any discussion of the driveway ordinance and/or any discussion of his recommended changes. He also asked if council or the solicitor could explain the final settlement agreement with WJ Gross, Inc.

*Council stated that further discussion of the driveway ordinance would take place at a future meeting.*

*Solicitor Lange explained that council had approved a settlement agreement with WJ Gross, Inc. for approximately \$42,000. The remaining funds from the contract could be put towards completing any punch list items.*

Bob Eckert, 124 Stokes Road: He stated that he was here to represent the Lion's Club as building chairman regarding a letter they had sent to council.

*Council advised Mr. Eckert that discussion of that correspondence would take place later in the meeting.*

Bob McGowan, 18 Cochise Circle: He asked if the Borough 2010 calendar was being mailed . He also pointed out that a pile of brush needed to be picked up from a tree that the borough took down.

*Clerk McIntosh stated that the calendar was delayed but the Home & School Association had promised to get it to the Borough as soon as possible. Manager Horner-Keizer would also tell the public works department to pick up the brush.*

*Mayor Weiss closed public comment.*

## **REPORTS**

### **MANAGER:**

Manager Horner-Keizer submitted a written report.

### **DEPUTY MANAGER/CLERK:**

Clerk McIntosh submitted a written report and announced that council candidate packets for the municipal election are available at the clerk's office.

### **SOLICITOR:**

Solicitor Lange stated that he is finalizing the employment agreement for the in-house engineer. He reported that he had spoken to Hydroscience about concerns with their proposed agreement. He informed both Hydroscience and Liberty Mutual, the homeowner's insurance company that council was reluctant to finance this cleanup without a provision that assured payment of the sewer fees. He advised the contractor, the insurance company and homeowner that any further discussion must include some form of protection for the Borough to ensure that all fees incurred are paid. Mr. Lange reviewed the KME fire engine contract and found the bond, insurance and contract to be complete and in order. He is in the process of reviewing the voluminous Burlington County Waste Disposal Agreement and will address that agreement at a future date.

*Councilman Lackey asked if the Underground Storage Tank Ordinance can be addressed at the next meeting.*

*Manager Horner-Keizer stated that she would need to meet with Solicitor Lange to be brought current on all Ordinances in the draft stage.*

## **CONSENT AGENDA RESOLUTIONS**

*Mayor Weiss asked if any items listed on the consent agenda needed to be removed.*

*Councilman Casey asked that Resolution Number 20-10 be moved to the regular agenda.*

*Councilman Lackey asked that Resolutions Numbered 11-10, 12-10, 17-10, 18-10, 20-10 and 21-10 be moved to the regular agenda for discussion purposes.*

*Mayor Weiss introduced for adoption consent resolutions numbered 8-10, 9-10, 10-10, 13-10, 14-10, 15-10, 16-10, 19-10, 22-10, 23-10, 24-10, 25-10, 26-10 and 27-10.*

**RESOLUTION NUMBER: 8-10**

**RESOLUTION NAMING OFFICIAL DEPOSITORIES FOR THE BOROUGH OF MEDFORD LAKES FOR THE YEAR 2010**

**WHEREAS**, N.J.S.A. 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.

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**RESOLUTION NUMBER 9-10**

**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.

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**RESOLUTION NUMBER 10-10**

**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; 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;

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

1. During the year 2010 Mark J. McIntosh, RMC, Acting Clerk be and is hereby authorized and permitted to establish a Petty Cash Fund in the amount not to exceed \$200.00 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.
  2. Mark J. McIntosh, RMC, Acting 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.
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**RESOLUTION NUMBER 13-10**

**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.

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**RESOLUTION NUMBER 14-10**

**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:

To or from Borough checking or savings accounts to other Borough accounts;

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.

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**RESOLUTION NUMBER 15-10**

**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:

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,

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.

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.

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.

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**RESOLUTION NUMBER 16-10**

**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.

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**RESOLUTION NUMBER 19-10**

**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.

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**RESOLUTION NUMBER 22-10**

**A RESOLUTION APPOINTING CROSSING GUARDS FOR 2010**

**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, 2010	December 31, 2010
Irene Bamford	Crossing Guard	January 1, 2010	December 31, 2010
Janet Dwier	Crossing Guard	January 1, 2010	December 31, 2010
Kevin Dwier	Crossing Guard	January 1, 2010	December 31, 2010
Barbara Kinder	Crossing Guard	January 1, 2010	December 31, 2010
Joseph O'Neill	Crossing Guard	January 1, 2010	December 31, 2010
Lou Potter	Crossing Guard	January 1, 2010	December 31, 2010
Ann Schaeffer	Crossing Guard	January 1, 2010	December 31, 2010
Kenneth Thompson	Crossing Guard	January 1, 2010	December 31, 2010
David Wasson	Crossing Guard	January 1, 2010	December 31, 2010

**RESOLUTION NUMBER 23-10**

**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, 2010, annually, thirty (30) days after such date. For dogs and cats that are acquired after January 31, 2010, the late charge shall be due and payable thirty (30) days after the licensing is required under Section 6B, C and D.

**RESOLUTION NUMBER 24-10**

**RESOLUTION APPOINTING THE ACTING 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 Acting Borough Clerk as ADA Coordinator for the Borough of Medford Lakes for year 2010.

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

**RESOLUTION NUMBER 25-10**

**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 Acting Borough Clerk as the Public Agency Compliance Officer for a one-year term ending December 31, 2010.

**RESOLUTION NUMBER 26-10**

**A RESOLUTION AUTHORIZING THE SECOND-HALF REFUND OF A PLUMBING AND STREET OPENING PERMIT FOR 178 CHICKAHOMINY TRAIL ALSO KNOWN AS BLOCK #30044, LOT #1672, IN THE AMOUNT OF \$750.00**

**WHEREAS**, on certain occasions a maintenance bond is required between a contractor and the Borough of Medford Lakes; and

**WHEREAS**, once the requirement causing the need for the bond is met by the contractor there is due the second-half installment to the permit applicant; and

**WHEREAS**, on January 8, 2010 the Acting Public Works Manager authorized the refund of the second-half of the bond that is no longer required to be kept.

**THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the following applicant receives a second-half/final refund of their maintenance bond:

<u>Applicant</u>	<u>Amount of refund</u>	<u>Project Address</u>
Ms. Mandy Ryan 178 Chickahominy Trail Medford Lakes, NJ 08055	\$750.00	178 Chickahominy Trail

**RESOLUTION NUMBER 27-10**

**A RESOLUTION AUTHORIZING THE SECOND-HALF REFUND OF A PLUMBING AND STREET OPENING PERMIT FOR 135 NANTUCKET TRAIL ALSO KNOWN AS BLOCK #30111, LOT #4008, IN THE AMOUNT OF \$750.00**

**WHEREAS**, on certain occasions a maintenance bond is required between a contractor and the Borough of Medford Lakes; and

**WHEREAS**, once the requirement causing the need for the bond is met by the contractor there is due the second-half installment to the permit applicant; and

**WHEREAS**, on January 8, 2010 the Acting Public Works Manager authorized the refund of the second-half of the bond that is no longer required to be kept.

**THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the following applicant receives a second-half/final refund of their maintenance bond:

<u>Applicant</u>	<u>Amount of refund</u>	<u>Project Address</u>
Mr. Steve Hecklen 135 Nantucket Trail Medford Lakes, NJ 08055	\$750.00	135 Nantucket Trail

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*Mayor Weiss introduced Resolution Number 11-10, seconded by Councilman Casey*

**RESOLUTION NUMBER 11-10**

**A RESOLUTION ESTABLISHING A GRACE PERIOD FOR PAYMENT OF SEWER SERVICES AND SETTING THE RATE OF INTEREST ON DELINQUENT SEWER SERVICES FOR THE YEAR 2010**

**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**, NJSA 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 2010; 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.

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*Councilman Lackey asked how the interest rate is set.*

*Manager Horner-Keizer stated that Council can set the rate as desired but it is normally set by what the State Division of Taxation recommends.*

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*Mayor Weiss introduced Resolution Number 12-10, seconded by Councilman Casey*

**RESOLUTION NUMBER 12-10**

**A RESOLUTION ESTABLISHING A GRACE PERIOD FOR PAYMENT OF TAXES AND SETTING THE RATE OF INTEREST ON DELINQUENT TAXES FOR THE YEAR 2010**

**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 2010 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.

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*Mayor Weiss introduces Resolution Number 17-10, seconded by Councilman Lackey*

**RESOLUTION NUMBER 17-10**

**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 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**, Raymond & Coleman, LLP will complete and submit 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 Attached shall be active for the period of January 1, 2010 until December 31, 2010; 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 1/1/10 to 12/31/10.
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.

*Councilman Lackey expressed his concern that no evaluations or discussion were held by the governing body regarding the performance of these professionals in the last year. He further expressed that there may be other firms that could provide the same level of service at a more economical rate.*

*Manager Horner-Keizer stated that it was her understanding that the prior manager had not received a request from council to proceed with the request for proposal (RFP) process but if it was council's desire in the future an RFP process could be set up.*

*Mayor Weiss and Councilman Casey discussed the historical aspects of appointing the yearly professional contracts.*

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*Mayor Weiss introduced Resolution Number 18-10, seconded by Councilman Casey*

**RESOLUTION NUMBER 18-10**

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR MUNICIPAL AUDITOR SERVICES**

**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 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 will complete and submit 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

**WHEREAS**, the Local Public Contracts Law (NJSA 40A: 11-1 et seq) requires that the resolution authorizing awarding of contracts for Professional Services without competitive bids must be publicly advertised;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, New Jersey that **Robert Stewart of Inverso & Stewart**, be and is, hereby appointed as the Municipal Auditor for the Borough of Medford Lakes for the calendar year 2010.

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.

The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. This resolution shall take place immediately.

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*Mayor Weiss introduced Resolution Number 20-10, seconded by Councilman Lackey*

**RESOLUTION NUMBER 20-10**

**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 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**, Conner Strong Companies, Inc. will complete and submit 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

**WHEREAS**, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical.

**NOW THEREFORE**, be it resolved that the governing body of Medford Lakes Borough does hereby appoint Michael D. Smith of Conner Strong Companies, Inc. as its Risk Management Consultant in accordance with 40A: 11-5 and;

**BE IF FURTHER RESOLVED** that the governing body is hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to NJSA 40A: 11-5 (1), (a), (I) and that the Business Disclosure Entity Certification and the Determination of value be placed on file with this resolution.

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*Mayor Weiss noted for the record that Councilman Casey was recusing himself from any discussion or action on this resolution.*

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*Mayor Weiss introduced Resolution Number 21-10, seconded by Councilman Casey*

**RESOLUTION NUMBER 21-10**

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR A MUNICIPAL SOLICITOR**

**WHEREAS**, there exists a need for a Municipal Attorney; and

**WHEREAS**, the Borough of Medford Lakes has a need to acquire a Municipal Attorney 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. will complete and submit 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

**WHEREAS**, the Local Public Contract Law (NJS 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with **Peter C. Lange, Jr., Esq.**
2. This contract is awarded without competitive bidding as a Professional Service in accordance with 40A:11-1 of the Local Public Contracts Law because, **Peter C. Lange, Jr., Esq.** is a person authorized by law to practice a recognized profession in the State of New Jersey, to wit, the profession of Attorney. These professional services are necessary and are required by this municipality.
3. A notice of this action shall be printed in The Central Record.
4. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
5. This resolution shall take place immediately.

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*Mayor Weiss introduced Resolution Number 28-10, seconded by Councilman Casey*

**RESOLUTION NUMBER 28-10**

**STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Borough of Medford Lakes desires to further the public interest by obtaining funding in the amount of \$224,000.00 from the State to fund the following project(s): passive recreational park at 32 Stokes Road, Medford Lakes, NJ at a cost of \$224,000.00; and

**NOW, THEREFORE**, the governing body/board resolves that Mayor Paul Weiss or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and act as the authorized correspondent of the above named applicant; and

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

**NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE** Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey:

1. That the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Passive Recreational Park at 32 Stokes Road, Medford Lakes.
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$0(no match is required);
3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

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*Mayor Weiss stated that the goal of applying for this grant is to receive Green Acres funding if council chooses to acquire 32 Stokes Road, AKA the Easi property. Mayor Weiss would like to see this property be acquired with grant funding.*

*Manager Keizer stated that this resolution does not commit the Borough to accepting the grant. There are many steps that would be required prior to acceptance of this grant. There is no borough commitment unless we charge against the grant. She stated that she is also researching open space funding through Burlington County to augment the Green Acres funding.*

*Councilman Lackey is concerned with the wording of the resolution because it enables the Mayor to enter this agreement without coming back to council.*

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*Mayor Weiss introduced Resolution Number 29-10, seconded by Councilman Casey*

#### **RESOLUTION NUMBER 29-10**

##### **A RESOLUTION AUTHORIZING THE REFUND OF A CONSTRUCTION PERMIT FEE**

**WHEREAS**, the Construction Official has issued a construction permit for 233 Shingowack Trail; and

**WHEREAS**, upon closer review of the work being completed it has been determined that a construction permit was not required for the work; and

**WHEREAS**, the Construction Official has submitted a written letter to that fact.

**THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that a refund in the amount of \$95.00 be given to David and Kathryn DeSantis, 233 Shingowack Trail, Medford, Lakes, NJ 08055.

#### **NEW BUSINESS**

*Mayor Weiss reviewed the items listed in New Business*

*Councilman Lackey stated that he and the manager will be interviewing one of the engineering firms that answered the borough's Wastewater Engineering RFP on Wednesday, January 20<sup>th</sup> at 7:30am.*

*Mayor Weiss reappointed Allen Barnes, David Crane and David Wasson to the Planning Board under their previous classifications.*

*Mayor Weiss appointed Joe Aromando to fill a vacancy on the Planning Board in the classification of Alternate II.*

*Mayor Weiss reappointed Mike Dzwill to the Historic Preservation Commission in the classification of Alternate I.*

*The Clerk will prepare formal appointment notices for the Mayor to complete and will provide council with memorializing resolutions at the next meeting.*

**PUBLIC COMMENT**

Joe Aromando, 285 Shingowack Trail: He thanked the Mayor for appointing him to the Planning Board. He also supports councils desire to seek RFP's for future professional contracts. He stated his opposition to continue with the Green Acres funding in light of all the problems that he sees facing the borough.

Dave Wasson, 97 Wabun Trail: He thanked the Mayor for reappointment to the Planning Board and he also stated his support for pursuing the Green Acres Grant.

**CONSENT AGENDA RESOLUTIONS VOTE**

*Mayor Weiss called for the vote to adopt consent resolutions numbered 8-10, 9-10, 10-10, 13-10, 14-10, 15-10, 16-10, 19-10, 22-10, 23-10, 24-10, 25-10, 26-10 and 27-10.*

**VOTE TO ADOPT CONSENT RESOLUTIONS**

Ayes: Weiss, Casey, Lackey

Nays: None

Resolutions Adopted

**RESOLUTIONS VOTE**

*Mayor Weiss called for the vote to adopt Resolution Number 11-10*

**VOTE TO ADOPT RESOLUTION 11-10**

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution Adopted

*Mayor Weiss called for the vote to adopt Resolution Number 12-10*

**VOTE TO ADOPT RESOLUTION 12-10**

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution Adopted

*Mayor Weiss called for the vote to adopt Resolution Number 17-10*

**VOTE TO ADOPT RESOLUTION 17-10**

Ayes: Weiss, Lackey, Casey

Nays: None

Resolution Adopted

*Mayor Weiss called for the vote to adopt Resolution Number 18-10*

VOTE TO ADOPT RESOLUTION 18-10

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution Adopted

*Mayor Weiss called for the vote to adopt Resolution Number 20-10*

VOTE TO ADOPT RESOLUTION 20-10

Ayes: Weiss, Lackey

Nays: None

Abstain: Casey

Resolution Adopted

*Mayor Weiss called for the vote to adopt Resolution Number 21-10*

VOTE TO ADOPT RESOLUTION 21-10

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution Adopted

*Mayor Weiss called for the vote to adopt Resolution Number 28-10*

VOTE TO ADOPT RESOLUTION 28-10

Ayes: Weiss, Casey

Nays: Lackey

Resolution Adopted

*Mayor Weiss called for the vote to adopt Resolution Number 29-10*

VOTE TO ADOPT RESOLUTION 29-10

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution Adopted

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**CORRESPONDENCE**

*Council discussed with Bob Eckert, building chairman a letter received from the Medford Lakes Lions Club regarding a possible 30-year land lease agreement allowing the Lions Club to construct a building on municipal property located at the corner of Stokes Road and Lenape Trail. Council noted for the record that both Councilman Lackey and Councilman Casey are members of the Medford Lakes Lions Club and would need to proceed under the, "Doctrine of Necessity" to allow further discussion. Council is in general support of the project and would like to bring the manager up to speed on where the project stands so that she may identify the next steps.*

*Mayor Weiss stated that he had received notice that the borough had been denied the bikeway grant and also received a notice from the League of Municipalities regarding legislation that would allow non-partisan elections be moved from May to November.*

**BILL LIST**

*Mayor Weiss introduced the bill list for adoption, seconded by Councilman Casey*

*Council discussed the Lippincott & Jacobs bill and the manager stated that it was for soil borings completed to support the sidewalk project along Ballinger Lake.*

*Council asked Chief Martine about the purchase of a ballistic shield.*

*Chief Martine explained that it was required for the safe discharge of an officer's or confiscated weapon.*

*Councilman Lackey asked for the manager to look into the fees charged for construction inspections.*

### **EXECUTIVE SESSION**

*Mayor Weiss motioned to exit the regular meeting and enter into an executive/closed session, seconded by Councilman Casey*

### **RESOLUTION NUMBER 30-10**

#### **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:
  - *Borough Engineer – Employment Matters*
  - *Negotiations with the MLPOA and Waste Water Union*

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

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

#### **VOTE TO ADOPT RESOLUTION 30-10**

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution Adopted

*Council exited the executive/closed session and reopened the meeting.*

*Mayor Weiss motioned to adjourn the regular meeting, seconded by Councilman Casey*

VOTE TO ADJOURN THE REGULAR MEETING

Ayes: Weiss, Casey, Lackey

Nays: None

Meeting Adjourned