

**BOROUGH OF MEDFORD LAKES, NJ  
REGULAR MEETING  
January 27, 2010**

A Workshop Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in Oaks Hall at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ 08055 beginning at 7:30pm. Following the pledge of allegiance 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 workshop 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, Solicitor Peter C. Lange, Jr. and Fire Chief Dennis P. Staples.

**PUBLIC COMMENT**

Joe Aromando, 285 Shingowack Trail: Asked that council update the manager on the FEMA issues remaining from the 2004 flood and that the manager be directed to request a review of all second floor garages that might be apartments before the revaluation process is concluded.

*Mayor Weiss stated that the manager had been updated on the FEMA issues and looked forward to her working on a successful conclusion to the process.*

Margo Pellegrino, 242 Chippewa Trail: Expressed appreciation that the borough is pursuing the pesticide and fertilizer ordinances. She also appreciated council's pursuit of finalizing a permeable surfaces ordinance and asked that it include a prohibition for tar sealants due to the presence of carcinogens. Margo referenced a recent article that she would forward for councils benefit.

Bill McQuillan, 206 Cayuse Trail: Stated that at previous council meetings he had provided information to council related to the revaluation process and had not heard back. He asked if council had any plans to test the data provided by the revaluation contractor (Appraisal Systems, Inc.). He requested to meet with the manager to provide her with the same information provided to the previous manager.

*Council informed Mr. McQuillan that they had each reviewed the information and found it to be beneficial. They encouraged him to make an appointment with the manager to express his concerns.*

Bob McGowan, 18 Cochise Circle: He thanked the public works department for picking up the brush that he spoke of at the last meeting. He also asked that the Borough look into striping a crosswalk on Tabernacle Road between Luk Oil and PJ Whelihan's.

*Mayor Weiss closed public comment.*

**SPECIAL RESOLUTION**

*Mayor Weiss introduced Resolution Number 31-10, seconded by Councilman Casey*

**Resolution Number 31-10**

**A RESOLUTION RECOGNIZING FIREFIGHTER/EMT ADAM RUDER FOR HIS OUTSTANDING ACADEMIC ACHIEVEMENT WHILE ENROLLED IN THE BASIC FIREFIGHTER PROGRAM AT BURLINGTON COUNTY EMERGENCY SERVICES TRAINING CENTER**

**WHEREAS**, Firefighter/EMT Adam Ruder was enrolled in the Basic Firefighter course at Burlington County Emergency Services Training Center from September 2009 through December 2009; and

**WHEREAS**, Firefighter/EMT Ruder demonstrated an extraordinary work ethic and commitment to his education; and

**WHEREAS**, Firefighter/EMT Ruder completed the Basic Firefighter program with a final overall grade of ninety four percent (94%); and

**WHEREAS**, Firefighter/EMT Ruder graduated from the one hundred and thirty (130) hour course at the top of his class of forty two (42) students.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Medford Lakes hereby recognizes Firefighter/EMT Adam Ruder for his Outstanding Academic Achievement.

Vote to adopt Resolution Number 31-10

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution Adopted

*Mayor Weiss after reading the resolution and calling the vote presented it to Firefighter/EMT Adam Ruder who received a warm round of applause for his accomplishment.*

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*Mayor Weiss announced that Congressman Adler had called earlier in the day and stated that the Fire Department had applied for and received a federal firefighter assistance grant for \$51,000. Mayor Weiss congratulated Chief Staples on the award of this grant and thanked him for writing the grant, and encouraged him to write more.*

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**SPECIAL PRESENTATION**

Fire Chief Dennis Staples explained to Council that an opportunity to receive a piece of steel from the World Trade Center Twin Towers was made available to interested fire departments who could use the steel in creating a September 11, 2001 memorial. A committee was formed to create a conceptual idea for a memorial and was

tasked to recommend a location, design and estimated costs. The committee has completed its work and was present to share their ideas with Council.

Firefighter/EMT Steve Heicklen, Memorial Committee Chairperson presented a power-point program to council that explained their proposal. They recommended locating it alongside the existing war memorial within Memorial Circle, and further presented a timeline and estimated budget. The proposal includes a full renovation of the existing site with better lighting, more seating and a ramp for disabled person's access.

*Council expressed support for the committee's proposal and discussed the project budget and other logistical concerns.*

*Mayor Weiss introduced Resolution Number 40-10, seconded by Councilman Lackey*

### **RESOLUTION NUMBER 40-10**

#### **A RESOLUTION SUPPORTING THE REDEVELOPMENT OF MEMORIAL CIRCLE**

**WHEREAS**, the MEDFORD LAKES FIRE DEPARTMENT has been chosen to receive a piece of steel from the World Trade Center; and

**WHEREAS**, a committee was formed and has developed a plan to redevelop Memorial Circle to include a memorial commemorating the events that occurred on September 11, 2001; and

**WHEREAS**, this committee includes representatives of the Borough of Medford Lakes Administration, Police, Fire and EMS departments along with members of the community.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, that the Borough Council hereby supports the project as presented by the Community Memorial Circle Committee.

*Mayor Weiss opened public comment on Resolution Number 40-10*

Dick Thurber, 198 Chippewa Trail: Expressed support of the project but wanted everyone to remember that it was the Leon Todd Circle.

Bill McQuillan, 206 Cayuse Trail: Stated there is a lot of history with the circle and the borough should have the title reviewed to understand the conveyance of the property.

Joe Aromando, 285 Shingowack Trail: Excellent presentation and suggested the committee improve the existing War Veteran's Memorial.

Dave Wasson, 97 Wabun Trail: Complimented the committee and stated that this type of project would help bring back community spirit.

Pam O'Neill, 85 Tecumseh Trail: Supported the idea and as a Cub Scout Leader suggested their pack would be willing to assist with the on-going maintenance of the circle.

*Mayor Weiss closed public comment and called the vote.*

Vote to adopt Resolution Number 40-10

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution Adopted

*8:30pm – Mayor Weiss requested a five-minute recess to allow for the committee to take down the projector and screen.*

*8:35pm – Mayor Weiss reconvened the meeting to order*

### **REVALUATION UPDATE**

Tax Assessor Doug Kolton presented Council with an update on the revaluation process. He stated that letters explaining the findings by Appraisal Systems Inc. (ASI) had been mailed to all property owners and he encouraged residents to call and make an appointment to meet with a representative of ASI to review the results. Mr. Kolton stated that the hearings would be held at Municipal Cabin beginning February 4<sup>th</sup>. ASI was scheduling the meetings in fifteen minute intervals over a four-day period. Mr. Kolton stated that all properties had been appraised and that he had personally inspected 230 properties and found only minor concerns which had already been addressed by ASI. Mr. Kolton stated that residents can file a tax appeal with an extension of filing to May 1, 2010. He further stated that ASI had been made aware of apartments at some properties and they had double checked those properties. Mr. Kolton stated that ASI had been successful in inspecting the interior of 87% of the properties.

Council discussed the need to communicate the remaining revaluation process to the residents with an emphasis on residents taking advantage of scheduling a hearing with ASI to understand their individual assessments. Council expressed concern to the Assessor of the 13% of properties that were not fully inspected and directed him to express their concern to ASI.

Bill McQuillan, 206 Cayuse Trail requested an opportunity to speak to council with the Assessor present and the Mayor asked him to wait until public comment.

### **MINUTES**

*Mayor Weiss motioned for adoption of the January 13, 2010 meeting minutes, seconded by Councilman Casey*

Vote to adopt January 13, 2010 minutes

Ayes: Weiss, Casey, Lackey

Nays: None

Motion carries

### **REPORTS**

#### **MANAGER:**

Manager Horner-Keizer submitted a written report.

*Council discussed the driveway ordinance and would like to see it listed on the agenda for the first meeting in February. The Manager discussed allowing the incoming Borough Engineer to review the ordinance and*

*conduct some samplings of various building lots to come up with a lot coverage percentage that Council and the Planning Board will be comfortable with. Council would like to move this ordinance in anticipation of the upcoming driveway installation season which usually begins in March.*

*Council asked if there had been any movement on the farmer's market proposal. Manager Horner-Keizer stated that she had not received any proposals.*

**DEPUTY MANAGER/CLERK:**

Acting Clerk McIntosh submitted a written report and highlighted the information regarding this year's municipal election.

*Council discussed the election format and the filing process for candidates and Solicitor Lange provided a legal opinion.*

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*Mayor Weiss asked Chief Staples to explain the meeting with Kovatch Mobile Equipment regarding finalization the bid specs. Chief Staples stated that this was needed to iron out any issues in the final drawings. Solicitor Lange stated that this is standard activity since the original bid documents are very generic to allow for a wide range of bidders pursuant to the Public Bidding and Contracts Laws.*

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**SOLICITOR:**

Solicitor Lange stated that he had reviewed two professional contracts; one for the auditor and one for the risk management consultant and found them both to be in order for execution. Solicitor Lange discussed his recent conversations regarding a contract with Hydroscience and asked council for direction.

*Council wants the Borough to be fully protected with zero risk, named an additional insured and with full protection of the Borough's waste stream. Full disclosure of all insurance policies shall be noted as exhibits in any agreement.*

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**ORDINANCES**

*Mayor Weiss introduced Ordinance Number 571 on first reading, seconded by Councilman Lackey*

**ORDINANCE NUMBER 571**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 207, AN ORDINANCE AMENDING ORDINANCE NUMBER 194, AN ORDINANCE REGULATING PESTICIDE USE WITHIN THE BOROUGH OF MEDFORD LAKES AND PROVIDING FOR PERMITS AND PENALTIES FOR VIOLATION THEREOF**

**WHEREAS,** Ordinance Number 207 sets forth regulations for pesticide use; and

**WHEREAS**, the Borough Council desires to establish a fee for the registration of commercial pesticide applicators within the Borough of Medford Lakes.

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

A new Section 12 be added:

- **Registration Fee**  
“A nonrefundable permit fee shall accompany each application in accordance with the Borough’s fee schedule as modified from time to time.”

This Ordinance shall take effect upon adoption and publication in accordance with law.

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*Councilman Lackey asked that the Ordinance be amended to separate the fee into the Borough’s fee ordinance. Mayor Weiss accepted the amendment to his introduction of the ordinance. Council also requested that a separate penalty ordinance be created to allow for changes from time to time.*

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*Mayor Weiss introduced Ordinance Number 572 on first reading, seconded by Councilman Lackey*

## **ORDINANCE NUMBER 572**

### **MEDFORD LAKES BOROUGH FERTILIZER APPLICATION ORDINANCE**

#### **SECTION I. Purpose:**

An ordinance to regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality.

#### **SECTION II. Basis and Background:**

Elevated levels of nutrients, particularly phosphorus, in surface water bodies can result in excessive and accelerated growth of algae and aquatic plants (eutrophication). Excessive plant growth can result in diurnal variations and extremes in dissolved oxygen and pH, which, in turn, can be detrimental to aquatic life. As algae and plant materials die off, the decay process creates a further demand on dissolved oxygen levels. The presence of excessive plant matter can also restrict use of the affected water for recreation and water supply. While healthy vegetated areas are protective of water quality by stabilizing soil and filtering precipitation, when fertilizers are applied to the land surface improperly or in excess of the needs of target vegetation, nutrients can be transported by means of storm water to nearby waterways, contributing to the problematic growth of excessive aquatic vegetation. Most soils in New Jersey contain sufficient amounts of phosphorus to support adequate root growth for established turf. Over time, it is necessary to replenish available phosphorus, but generally not at the levels commonly applied. Other target vegetation, such as vegetable gardens and agricultural/horticultural plantings, will have a greater need for phosphorus application, as will the repair or establishment of new lawns or cover vegetation. A soils test and fertilizer application recommendation geared to the soil and planting type is the best means to determine the amount of nutrients to apply. Timing and placement of fertilizer application is also critical to avoid transport of nutrients to waterways through storm water runoff.

Fertilizer applied immediately prior to a runoff-producing rainfall, outside the growing season or to impervious surfaces is most likely to be carried away by means of runoff without accomplishing the desired objective of supporting target vegetation growth. Therefore, the management of the type, amount and techniques for fertilizer application is necessary as one tool to protect water resources.

**SECTION III. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning.

- a. Buffer - the land area, 10 feet in width, adjacent to any water body.
- b. Fertilizer - means a fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.
- c. Impervious Surface – As defined in Chapter 145, Section 12 of the Medford Lakes Development Regulations.
- d. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- e. Phosphorus fertilizer - any fertilizer that contains phosphorus, expressed as P2O5, with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.
- f. Soils Test - a technical analysis of soil conducted by an accredited soil testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.
- g. Water body - a surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay or estuary.
- h. COMMERCIAL APPLICATOR - Any person who uses, or supervises the use, of fertilizer on a “for hire” basis. Examples of commercial applicators are those who work for landscapers; tree services; weed control firms; etc.

**SECTION IV. Prohibited Conduct:**

No person may do any of the following:

- a) Apply fertilizer during active or intermittent rainfall or when significant rainfall is forecast for the immediate future.
- b) Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.
- c) Apply fertilizer within the buffer of any water body.
- d) Apply fertilizer along the buffer using anything other than a broadcast type spreader.
- e) Apply fertilizer more than 15 days prior to the start of or at any time after the end of the recognized growing season defined as Zone 6b March 1 to October 15.
- f) No COMMERCIAL APPLICATOR shall apply fertilizer without displaying an identifying flag issued to each registered COMMERCIAL APPLICATOR upon registration by the Borough Clerk.

**SECTION V. Phosphorus Fertilizer Application**

Application of phosphorus fertilizer is prohibited.

**SECTION VI. REGISTRATION REQUIRED:** No COMMERCIAL APPLICATOR shall act or perform any services as a contractor or sub-contractor within Medford Lakes Borough without first registering with the Medford Lakes Clerk, as herein provided.

**SECTION VII. REGISTRATION APPLICATION:**

A. All applications for COMMERCIAL APPLICATOR registration shall be made in writing to the Medford Lakes Borough Clerk upon forms furnished by the Borough.

B. Each application shall state:

(1) The name and business address of the applicant.

(2) A statement that the applicant is familiar with all pertinent Medford Lakes Borough Ordinances, Codes and Regulations and agrees to fully comply with the same.

**SECTION VIII. REGISTRATION FEES:**

All registrations shall be valid for one calendar year from January 1 to December 31. The registration fee for the COMMERCIAL APPLICATOR registration shall be in accordance with the Borough's Fee Schedule as modified from time to time.

**SECTION IX. Enforcement:**

This ordinance shall be enforced by the Medford Lakes Police Department and the Borough Code Enforcement Officer.

**SECTION X. Violations and Penalties:**

Any person(s) found to be in violation of the provisions of this ordinance shall be subject to a fine as defined in the Borough's Violation and Penalty Schedule as modified from time to time.

**SECTION XI. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION XII. Effective date:**

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

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*Council amended the Ordinance to prohibit application of any phosphorous fertilizer and change the growing season from November 15<sup>th</sup> to October 15<sup>th</sup>. They further requested the ordinance only allow for application of fertilizer along the buffer via a drop type spreader and that the fees and penalties section be changed to reference the schedule of fees and penalties ordinance. They asked that the proposed ordinance be forwarded to the Medford Lakes Country Club.*

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**CONSENT AGENDA RESOLUTIONS**

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

*Councilman Casey asked that Resolution Number 34-10 be moved to the regular agenda.*

*Mayor Weiss introduced for adoption consent resolutions numbered 32-10, 33-10, 35-10, 36-10, 37-10, 38-10 and 39-10, seconded by Councilman Casey.*

**A RESOLUTION AUTHORIZING THE ACTING CLERK TO DISPOSE OF SURPLUS PROPERTY**

WHEREAS, the Borough of Medford Lakes is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough Council is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

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) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Office of the Clerk of Medford Lakes.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows:

- One (1) Sharp AR-405 Digital Imager Copier

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Borough of Medford Lakes reserves the right to accept or reject any bid submitted.

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**RESOLUTION NUMBER 33-10**

**A RESOLUTION CHANGING THE CLASSIFICATION OF TWO MEMBERS ON THE HISTORIC PRESERVATION COMMISSION**

WHEREAS, the Historic Preservation Commission has a vacancy; and

WHEREAS, the Historic Preservation Commission desires to move Mike Dzwil from an Alternate 1 classification into a regular member Class B position; and

**WHEREAS**, the Historic Preservation Commission desires to move Donald Ferry, Jr. from an Alternate 2 classification into an Alternate 1 position.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the BOROUGH OF MEDFORD LAKES that the following reclassifications are approved:

<u>Appointee</u>	<u>Class Designation</u>	<u>Commencement of Term</u>	<u>Expiration of Term</u>
Mike Dzwili	Class B	January 1, 2010	December 31, 2013
Donald Ferry, Jr.	Alternate 1	January 1, 2010	December 31, 2011

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**RESOLUTION NUMBER 35-10**

**A RESOLUTION AUTHORIZING PARTICIPATION IN THE  
BURLINGTON COUNTY SHARED SERVICES FORUM**

**WHEREAS**, the forty municipalities within Burlington County are interested in providing cost effective and efficient delivery of governmental services to their citizens; and

**WHEREAS**, it is believed that jointly Shared Services provided by various municipalities and school districts will be cost effective and efficient; and

**WHEREAS**, there is a need to facilitate shared services.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Borough of Medford Lakes that the Borough does actively support discussing and researching possible new and enhanced Shared Services between one or more municipalities, Burlington County and/or local school districts; and

**BE IT FURTHER RESOLVED**, that the following two representatives of the Borough of Medford Lakes, Julie Horner-Keizer and Donna A. Condo are hereby authorized and encouraged to participate in all meetings of the Burlington County Shared Services Forum and/or its subcommittees for the purpose of reaching a consensus on the best opportunities for Shared Services among these governmental agencies; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the Burlington County Board of Chosen Freeholders and the Burlington County Bridge Commission.

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**RESOLUTION NUMBER 36-10**

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

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

**WHEREAS**, the Mayor is charged with making these appointments; and

**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>
Dave Wasson	Class Four (4)	January 1, 2010	December 31, 2013
Allen Barnes	Class Four (4)	January 1, 2010	December 31, 2013
David Crane	Class Two (2)	January 1, 2010	December 31, 2010
Joe Aromando	Alternate 2	January 1, 2010	December 31, 2011

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**RESOLUTION NUMBER 37-10**

**A RESOLUTION MEMORIALIZING AN APPOINTMENT TO MEMBERSHIP ON THE HISTORIC PRESERVATION COMMISSION**

**WHEREAS**, the Historic Preservation Commission had one member seeking reappointment; and

**WHEREAS**, the Mayor is charged with making this appointment; and

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

<u>Appointee</u>	<u>Class Designation</u>	<u>Commencement of Term</u>	<u>Expiration of Term</u>
Mike Dzwil	Alternate 1	January 1, 2010	December 31, 2011

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**RESOLUTION NUMBER 38-10**

**A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF NEW JERSEY REQUESTING AN EXTENSION OF TIME FOR A NJDOT FY2008 FUNDED PROJECT**

**WHEREAS**, the Borough of Medford Lakes received a Municipal Aid grant from the New Jersey Department of Transportation for the Hiawatha Trail Drainage Improvements on February 27, 2008; and

**WHEREAS**, the NJDOT agreement requires award of contracts within eighteen (18) months of the award of the grant; and

**WHEREAS**, the Borough has begun the design for the project and is waiting for Pinelands Commission approval; and

**WHEREAS**, in order to comply with the terms of the State Aid Agreement, the Borough must request an extension of time from the NJDOT Local Aid Office.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Medford Lakes does hereby request a six (6) month extension of time to award a construction contract for the Hiawatha Trail Drainage Improvement Project by no later than July 31, 2010 contingent on receipt of a Pinelands Commission approval.

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**RESOLUTION NUMBER 39-10**

**A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF NEW JERSEY REQUESTING EXTENSION OF TIME FOR NJDOT FY2007 FUNDED PROJECT**

**WHEREAS**, the Borough of Medford Lakes received a Municipal Aid grant from the New Jersey Department of Transportation for the Safety Improvements from Lenape Trail to Trading Post Way on April 19, 2007; and

**WHEREAS**, the NJDOT agreement requires award of contracts within eighteen (18) months of the award of the grant; and

**WHEREAS**, the Borough has begun the design for the project and is waiting for Pinelands Commission approval; and

**WHEREAS**, in order to comply with the terms of the State Aid Agreement, the Borough must request an extension of time from the NJDOT Local Aid Office.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Medford Lakes does hereby request a six (6) month extension of time to award a construction contract for the Safety Improvements from Lenape Trail to Trading Post Way Project by no later than July 31, 2010 contingent on receipt of a Pinelands Commission approval.

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**RESOLUTIONS**

*Mayor Weiss introduced Resolution Number 34-10, seconded by Councilman Casey*

*Council stated that this Resolution was being advanced by evoking the, "Doctrine of Necessity" since two of three members on council are members of the Lions Club.*

**RESOLUTION NUMBER 34-10**

**A RESOLUTION AUTHORIZING THE EXTENSION ON A LEASE OF THE CABULANCE BUILDING LOCATED AT 12 STOKES ROAD**

**WHEREAS**, the Medford Lakes Lions Club has leased a building from the Borough of Medford Lakes at 12 Stokes Road for the housing of various equipment; and

**WHEREAS**, the Medford Lakes Lions Club would like to extend their lease through 2010, and

**WHEREAS**, Borough Council supports the extension of this lease.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Medford Lakes, that the Borough Manager is authorized to extend the lease of a building located at 12 Stokes Road, utilized by the Lions Club.

**BE IT FURTHER RESOLVED**, the Medford Lakes Lions Club shall pay a lease fee of \$1.00 for year 2010.

### **NEW BUSINESS**

*None*

### **PUBLIC COMMENT**

Bill McQuillan, 206 Cayuse Trail: Asked Mayor Weiss for an apology for not allowing him to address Council earlier with the Assessor present. He stated that the Assessor made some shocking statements and that Council needs to make sure that ASI does their job.

Dave Wasson, 97 Wabun Trail: Stated his agreement with the Municipal Election process allowing for either a two or four year term, thus engaging greater participation. Prior elections were done in a similar manner and suggested the Clerk check with Judd Moore who was the Manager/Clerk at the time.

Joe Aromando, 285 Shingowack Trail: Expressed that the Mayor should have allowed for the Assessor to be asked questions by the public and stated that projects in the Borough are all being run by the vendors when they should be being run by the Council. The Borough doesn't need any adverse exposure related to a possible Hydrosience agreement and the Borough should accept nothing less than an escrow. He expressed his concern over enforcement issues and expressed concern with the website.

*Manager Horner-Keizer asked that Mr. Aromando also recognize all of the positive things that the Borough is doing instead of focusing on issues that are negative in his mind.*

### **ORDINANCES VOTE**

VOTE TO APPROVE INTRODUCTION OF ORDINANCE NUMBER 571

Ayes: Weiss, Casey, Lackey

Nays: None

Ordinance approved

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VOTE TO APPROVE INTRODUCTION OF ORDINANCE NUMBER 572

Ayes: Weiss, Casey, Lackey

Nays: None

Ordinance approved

**CONSENT AGENDA RESOLUTIONS VOTE**

*Mayor Weiss called for the vote to adopt consent resolutions numbered 32-10, 33-10, 35-10, 36-10, 37-10, 38-10 and 39-10.*

**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 34-10*

**VOTE TO ADOPT RESOLUTION 34-10**

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution Adopted

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**EXECUTIVE SESSION**

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

**RESOLUTION NUMBER 41-10**

**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:

- *Municipal Clerk – Employment Matters*
- *Borough Engineer and Wastewater Engineer – Contract Negotiations*

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 41-10

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution Adopted

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

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*Mayor Weiss introduced Resolution Number 42-10, seconded by Councilman Casey*

### **RESOLUTION NUMBER 42-10**

#### **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 Horner-Keizer is hereby appointed Deputy Clerk for the Borough of Medford Lakes, for the term commencing January 1, 2010 and ending December 31, 2010.
2. The salary for this position shall be set forth by the Municipal Salary ordinance.

VOTE TO ADOPT RESOLUTION 42-10

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution Adopted

*Mayor Weiss introduced Resolution Number 43-10, seconded by Councilman Lackey*

**RESOLUTION NUMBER 43-10**

**AWARD CONTRACT OF PROFESSIONAL SERVICES OF MUNICIPAL ENGINEER**

**WHEREAS**, the Borough of Medford Lakes has a need to acquire a Municipal Engineer 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**, Environmental Resolutions, Inc. will complete and submit a Business Entity Disclosure Certification which certifies that Environmental Resolutions, 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 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 a Municipal Engineer to perform Engineering services for the Borough in connection with Roadway, Dams and Drainage issues; 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 **Environmental Resolutions, Inc.**, be and is, hereby appointed as the Municipal Engineer 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.

The amount of this contract shall not exceed the amount as identified in the 2010 budget.

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.

VOTE TO ADOPT RESOLUTION 43-10

Ayes: Weiss, Lackey, Casey

Nays: None

Resolution Adopted

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*Mayor Weiss introduced Resolution Number 44-10, seconded by Councilman Lackey*

**RESOLUTION NUMBER 44-10**

**AWARD CONTRACT OF PROFESSIONAL SERVICES OF WASTEWATER TREATMENT PLANT & COLLECTION SYSTEM ENGINEER**

**WHEREAS**, the Borough of Medford Lakes has a need to acquire a Wastewater Treatment Plant and Collection System Engineer pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, there exists in the Borough of Medford Lakes a need for a Wastewater Treatment Plant & Collection System Engineer to perform Engineering services for the Borough in connection with Sewerage Treatment Plant Operations and Sewer Mains; 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**, Guzzi Engineers will complete and submit a Business Entity Disclosure Certification which certifies that Guzzi Engineers 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 Guzzi Engineers 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 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 **Guzzi Engineers**, be and is, hereby appointed as the Municipal Wastewater Engineer for the Borough of Medford Lakes for 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.

The amount of this contract shall not exceed the amount as identified in the 2010 budget.

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.

**VOTE TO ADOPT RESOLUTION 44-10**

Ayes: Weiss, Lackey, Casey

Nays: None

Resolution Adopted

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*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