

**BOROUGH OF MEDFORD LAKES, NEW JERSEY**

**REGULAR MEETING**

**MARCH 31, 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 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 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.

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**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 Solicitor Peter C. Lange, Jr.

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**PUBLIC COMMENT #1**

*Mayor Weiss opened the meeting for public comment.*

**Richard Knight, 179 Comanche Trail** discussed problems with the revaluation process as it relates to Upper and Lower Aetna Lake properties. Mr. Knight stated that the majority of the 110 homes had received an additional \$25,000 assessment and had been labeled, "prime lakes". Mr. Knight stated that there are two ways to appeal; first by arguing total market value and second by arguing discrimination. He believed the Assessor made unsubstantiated changes to the assessment within two-weeks of residents receiving the original assessments. He further stated that the additional \$25,000 assessment excluded the Stokes Road lake front properties. He cautioned that the Borough could be looking at upwards of fifty appeals and hypothesized a cost of \$750 to \$1,000 per appeal which he equated to \$.02 on the tax bill. He requested Council to direct the Assessor to file an administrative appeal and adopt a resolution stating the same.

**Jim Walker, 251 Chicagami Trail** stated that the Borough Assessor is arrogant, uncommunicative and has been of no help.

**Chris Trueax, 171 Comanche Trail** stated that he had filed an appeal.

**Richard Thurber**, of 198 Chippewa Trail stated that he is concerned that Councilman Casey was in favor of \$25,000 increase.

**Fred Linett, 170 Tontonava Trail** stated that the whole revaluation should be voided. One of the properties used for comparison was a knock-down. He further stated that Medford and Mount Laurel postponed their revaluations because properties are not selling.

**Lorraine Matteson, 195 Comanche Trail** stated that she lives in a small log cabin that was originally a garage. Ms. Matteson stated that there was an inequity in the process and comparisons utilized by the revaluation firm. She expressed disappointment that more people were not at the meeting expressing their concerns.

**Richard Knight, 179 Comanche Trail** stated that after the 2004 flood the lake front residents asked for a reduction in their assessments since the lake was gone. The County denied that request and said that the lack of water was not a valid argument to reduce the assessment; however the presence of water is a factor in the increased assessment.

**Joe Aromando, 285 Shingowack Trail** commented on the proposed, "Driveway Ordinance" and the discussion held at the Planning Board. He also asked that outstanding issues discussed at past Borough meetings be commented on periodically so that residents know the status of these items.

**Jim Walker, 251 Chicagami Trail** asked that the Borough do something about the Beach Drive traffic coming from Stokes Road. The cars come up quickly, and people on Chicagami Trail going towards Beach Drive can't see them until they are at the intersection. He suggested that the intersection needs to be a circle with a stop sign on Beach going toward Stokes Road.

*Mayor Weiss closed public comment.*

Solicitor Lange discussed with Council their authority to direct or advance administrative appeals. Solicitor Lange described the Borough Council's authority relative to the Borough Assessor as being constrained based on the statutes and he cited several court cases specifically a case in Clinton Township. The Solicitor also stated that the adoption of a resolution would not be binding.

Borough Council directed the Solicitor to prepare an estimate for the defense of tax appeals.

The Borough Council as a whole expressed concern with the process of the additional \$25,000.

Councilman Casey did address a comment by Mr. Thurber clarifying that he did not state he was in favor of the additional \$25,000 but his comments at a prior meeting related to the theory that the entire town is undervalued.

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## MINUTES

*Mayor Weiss motioned for approval/adoption of the March 10, 2010 meeting minutes, seconded by Councilman Casey*

Vote to approve/adopt

Yeas – Weiss, Casey, Lackey

Nays – None

Minutes approved/adopted

*Mayor Weiss motioned for approval/adoption of the March 10, 2010 Executive Session meeting minutes, seconded by Councilman Lackey*

Vote to approve/adopt

Yeas – Weiss, Lackey, Casey

Nays – None

Minutes approved/adopted

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## REPORTS

Manager Horner-Keizer submitted a written report and asked if Council would like to see a monthly report from the Finance Officer.

Mayor Weiss questioned the need for revisions to the Public Works/Fire House.

Manager Horner-Keizer explained that the revisions were based on direction from the prior manager.

Councilman Lackey explained that this plan needs to be reviewed, and directed the manager to set up a meeting with the architect.

Councilman Lackey requested that the UST ordinance move forward, and suggested that we proceed without input from Harriet's Oil.

Councilman Lackey expressed concern on the cost of engineering for Mishe Mokwa. He also reminded the manager that when the H&H study is performed some information can be obtained from other sources.

Manager Horner-Keizer explained that the resolution is a not to exceed amount, and that the RFP was structured in a way that provided for tasks and specific prices for each task. She emphasized that not each task may be necessary, but the RFP encompassed all possible needs. She also explained that the RFP included information on the availability of other studies that may be useful when preparing the documentation for the Mishe Mokwa dam.

Manager Horner-Keizer requested dates from Council for a budget meeting. The Council was available on April 13<sup>th</sup>.

Councilman Casey and Mayor Weiss provided written comments to the manager on the changes to the personnel policy manual.

Clerk McIntosh submitted a written report.

Mayor Weiss requested that the Clerk provide more detail relative to the number and types of public records requests the Borough receives.

Mayor Weiss requested the amount of FEMA funds we requested for the December storm.

Clerk McIntosh responded \$18,445.00 of which the Borough will receive 75% of the funds. The state percentage of 25% may not be available.

Solicitor Lange discussed the pay to play ordinance on the agenda. He also reminded Council of two pending arbitration matters with regard to wastewater.

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## ORDINANCES

*Mayor Weiss introduced Ordinance Number 575 on first reading, seconded by Councilman Lackey.*

**AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AMENDING IN ITS ENTIRETY ORDINANCE NUMBER 508, THE PROGRAM FOR THE RECYCLING OF DESIGNATED RECYCLABLE MATERIALS AND MODIFYING FOR VIOLATIONS THEREOF.**

WHEREAS, the New Jersey Solid Waste Management Act ("SWMA"), 13:1E -1 et seq., as amended by P.L. 1987, c. 102, requires each municipality within the State of New Jersey to adopt an ordinance or ordinances governing separation and collection of certain recyclable materials; and

WHEREAS, the Burlington County District Solid Waste Management Plan ("County Plan"), as adopted by the Burlington County Board of Chosen Freeholders ("County") and approved by the New Jersey Department of Environmental Protection ("DEP") pursuant to the SWMA, also requires each municipality within the County to adopt an ordinance governing separation and collection of recyclable materials as designated by the County Plan; and

WHEREAS, pursuant to the County Plan, the Department of Solid Waste (DSW) has prepared and distributed a model ordinance in a form substantially similar to this Ordinance.

NOW THEREFORE, it is hereby enacted and ordained by the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, as follows:

### **Section 1. Purpose of Ordinance**

The Borough of Medford Lakes finds that reducing the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of the SWMA and the County Plan. The recycling of certain materials from the residential, commercial and institutional establishments in this Municipality will conserve existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery and conserve natural resources through reduced energy consumption, reduced water and air pollution as well as reduce the demand on raw material extraction.

### **Section 2. Statutory Authority for Recycling Ordinance**

This Ordinance is adopted pursuant to P.L. 1987, c. 102 (effective April 20, 1987), N.J.S.A. 40:48-2, N.J.S.A. 40:66-1 and N.J.S.A. 40:49-2.1 and any amendments adopted thereto.

### **Section 3. Definitions**

As used in this Ordinance, the following definitions shall apply:

- Act or SWMA – shall mean the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., as amended and supplemented.
- Aluminum can - shall mean empty food and beverage containers comprised of aluminum. Excluded from this definition are aluminum aerosol cans, aluminum foil and trays.
- Antifreeze - shall mean liquid used in a cooling system that is mixed with water and prevents the water from freezing. The solution serves as the engine coolant.
- Burlington County Regional Program – shall mean the program utilized for the collection of those recyclable materials as designated by the Department of Solid Waste from residential curbside and participating school collection programs.
- Certified recycling coordinator – shall mean a person who shall have completed the requirements of a course of instruction in various aspects of recycling program management, as determined and administered by the Department of Environmental Protection.
- Class A recyclable material – shall mean source separated, non-putrescible, metal, glass and plastic bottles coded #1 & #2; and paper and corrugated and other cardboard.

- Class B recyclable material – shall mean source separated, non-putrescible waste concrete, asphalt, brick, block, asphalt based roofing, scrap and wood waste; source separated, non-putrescible waste materials other than metal, glass, paper, plastic containers, corrugated and other cardboard resulting from construction remodeling repair and demolition operations on houses, commercial buildings, pavements and other structures; source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted; source separated scrap tires; and source separated petroleum contaminated soils.
- Class C recyclable materials – shall mean source separated compostable or anaerobically digestible material such as source separated food waste biodegradable plastic and yard trimmings.
- Class D recyclable material - shall mean used oil, antifreeze, latex paints, thermostats, fluorescent lamps (light bulbs), oil-based finishes, batteries, mercury containing devices and consumer electronics.
- Commercial Establishment – shall mean all commercial and industrial activities that operate for profit and are involved in retail or manufacture of goods and services provided for sale.
- Commingled – shall mean a combining of source separated recyclable materials for the purpose of recycling.
- Consumer electronics – shall mean computer equipment, including desktop and laptop computers and related components, including, monitors, circuit boards, terminals, and CPU's, and peripheral equipment including keyboards, printers, copiers, and fax machines. It shall also include VCRs, CD players, DVD players, and cellular phones. Consumer electronics shall not include televisions as defined herein until such time as such devices are banned at solid waste disposal facilities in accordance with the Electronics Waste Recycling Act, P.L 2008, c.130 et seq. and any amendments thereto.
- Contaminant – shall mean solid waste, food waste, or other material which adheres to, or which is otherwise contained on or in, source separated recyclable materials.
- Corrugated and other cardboard - shall mean all corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, foil or wax-coated or soiled corrugated cardboard.
- County – shall mean the Burlington County Board of Chosen Freeholders, and its successors and assigns, acting through the Burlington County Division of Solid Waste Management.
- Curbside designated recyclables - shall mean those designated recyclables that are placed for collection within the parameters of the curbside collection program as outlined herein.
- Curbside Recycling Container – shall mean a container(s) provided by the municipality or persons for the temporary storage of recyclable materials within the residential unit(s).
- De minimis – shall mean less than 1% by volume.
- DEP or Department – shall mean the New Jersey Department of Environmental Protection.
- Designated recyclable materials - shall mean those recyclable materials to be source separated in this municipality including but not limited to Aluminum Cans, Antifreeze, Consumer Electronics, Corrugated Cardboard, Fluorescent Lights, Glass Containers, Lead Acid Batteries, Leaves, Metal Appliances, Paper, Plastic Bottles (coded #1&#2), Rechargeable Batteries, Steel (tin) cans, Textiles, Tires & Used Motor Oil.
- Disposition or disposition of designated recyclable materials - shall mean the transportation, placement, reuse, sale, donation, transfer or temporary storage for a period not exceeding six months, or for a period of time as mandated by law, of designated recyclable materials for all possible uses except for disposal as solid waste.
- DSW shall mean the Burlington County Department of Solid Waste, its successors and assigns.
- Fiber - shall mean all newspaper, fine paper, bond paper, junk mail, office paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books, chipboard, corrugated and other cardboard and similar cellulosic material whether shredded or whole, but excluding wax paper, plastic or foil-coated paper, thermal fax paper, carbon paper, blueprint paper, food contaminated paper, soiled paper and cardboard.
- Fluorescent lights - shall mean a lighting system which works by creating electric arcs inside a gas rich tube to produce ultraviolet light, then converting this to visible fluorescent light by its passage through a layer of phosphor on the inside of the glass.
- Generator - shall mean any person(s) who causes solid waste to be produced for any purpose whatsoever.
- Glass - shall mean all clear (flint), green, and brown (amber) colored glass containers. Glass shall not include crystal, ceramics, light bulbs, plate, window, laminated, wired or mirrored glass.

- Ink Jet Cartridge - shall mean a replaceable unit that holds ink and the print nozzles for inkjet printers.
- Institutional establishment - shall mean any entity, either public or private, either for profit or nonprofit, who operates for educational, charitable, religious, fraternal or other public purpose.
- Lead acid battery – shall mean storage batteries with lead electrodes and that contain dilute sulfuric acid as the electrolyte. These include starting batteries, such as vehicle batteries, marine batteries, small sealed lead acids and deep cell batteries used to power vehicles or marine accessories such as trolling motors, winches or lights.
- Leaves - shall mean vegetative material, typically generated in the autumn, which fall from trees and are collected for removal from a property.
- Metal appliances – shall mean appliances composed predominantly of metal including stoves, washing machines, dryers and water heaters. Also included are all Freon containing appliances including air conditioners, freezers, refrigerators and dehumidifiers.
- "Municipality" shall mean the Borough of Medford Lakes located within the County of Burlington, State of New Jersey.
- Municipal recycling depot - shall mean a site owned and operated by a municipality for the receipt and temporary storage of certain designated Class A Recyclable materials delivered by residents, small commercial and non-profit establishments for a period not exceeding two months, prior to their transport to a recycling center or end-market.
- Municipal solid waste – shall mean residential, commercial and institutional solid waste generated within a community.
- Municipal solid waste stream – shall mean residential, commercial and institutional waste in the context of the Statewide Solid Waste Management Plan Update, which constitutes the waste stream, used to calculate the State mandated 50% recycling rate. This waste stream includes waste types 10 and 23.
- Paper - shall mean all newspaper, fine paper, bond paper, junk mail, office paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books and similar cellulosic material whether shredded or whole, but excluding tissue and towel paper, wax paper, plastic or foil-coated paper, thermal fax paper, carbon paper, NCR paper, blueprint paper, food contaminated or soiled paper.
- Person - shall mean any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency of any other entity or any group of such persons, which is recognized by law as the subject of rights and duties.
- Plastic bottles - shall mean all bottles that are labeled as made from polyethylene terephthalate (PET) and coded as #1 and high - density polyethylene terephthalate (HDPE) and coded as #2. Specifically excluded are bottles that formerly contained hazardous materials, including, but not limited to paint, solvents, motor oil and pesticides and herbicides.
- Putrescible waste – shall mean organic material which is capable of, and prone to, a rapid process of biological and biochemical decomposition, under anaerobic or aerobic conditions, resulting in the formation of malodorous byproducts.
- Rechargeable batteries - shall mean batteries used in portable electronic devices composed of Nickel Cadmium (Ni-Cd), Nickel Metal Hydride (Ni-MH), Lithium Ion (Li-ion) and Small Sealed Lead (Pb).
- Recyclable materials – shall mean materials that would otherwise become solid waste that can be separated, collected and/or processed and returned to the economic mainstream in the form of raw materials or products.
- Recycling - shall mean any process by which materials, which would otherwise become solid waste, are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.
- Recycling center – shall mean a facility designed and operated solely for receiving, storing, processing or transferring source separated recyclable material (Class A, Class B, Class C and/or Class D recyclable materials).
- Resident - shall mean shall mean any person residing within the Municipality on a temporary or permanent basis, but excluding persons residing in hotels or motels.
- Scrap metal – shall mean bits and pieces of metal parts (for example, bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (for example, radiators, scrap automobiles, railroad box cars) which when worn or superfluous, can be recycled. Included are all ferrous and non-ferrous metals including appliances and appliances containing refrigerants.

- Solid waste – shall mean garbage, refuse and other discarded materials, as defined in N.J.S.A. 13:1E-1, et seq. and N.J.S.A. 48:13A-1, et seq.
- SWMA - shall mean the New Jersey Solid Waste Management Act, as amended.
- Source separated – shall mean recyclable materials separated from the solid waste stream at the point of generation.
- Steel can - empty food, beverage and aerosol containers comprised of tin, steel or a combination thereof, which formerly contained only non-hazardous substances or such other substances as have been approved for recycling by Department of Solid Waste.
- Television - shall mean a stand-alone display system containing a cathode ray tube or any other type of display primarily intended to receive video programming via broadcast, having a viewable area greater than four inches measured diagonally, able to adhere to standard consumer video formats and having the capability of selecting different broadcast channels and support sound capability.
- Textiles - shall mean clean dry clothing or other fabric measuring at least one foot x one foot in size. It shall not include material that is wet or mildewed.
- Tires - shall mean rubber wheels used on motorized transport or equipment whether bias-ply, cross-ply or radial.
- Toner cartridge – shall mean an exhausted replaceable cartridge containing toner powder and sometimes the photosensitive drum on which a laser printer generates the image to be printed.
- Type 10 municipal solid waste – shall mean waste originating in the community consisting of household waste from private residences, commercial waste which originates in wholesale, retail or service establishments such as, restaurants, stores, markets, theatres, hotels and warehouses, and institutional waste material originated in schools, hospitals, research institutions and public buildings.
- Type 13 bulky waste – shall mean large items of waste material, such as appliances and furniture. Discarded automobiles, boats, trucks and trailers and large vehicle parts, and tires are included under this category.
- Used oil - shall mean any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use, is contaminated by physical or chemical impurities, or unused oil that is contaminated by physical or chemical impurities through storage or handling and is determined to be a solid waste by the generator.
- Used oil collection center - shall mean the municipal recycling center that manages used oil and accepts and/or aggregates and stores used oil collected from used oil generators regulated under N.J.A.C. 7:26A-6.4 that bring used oil to the collection center in shipments of no more than 55 gallons pursuant to N.J.A.C. 7:26A-6.4(e). Used oil accumulation centers may also accept used oil from household “do-it-yourselfer” used oil generators.

#### **Section 4. Requirements Applicable to Source Separation of Designated Recyclables.**

Notwithstanding the limitations to the Burlington County Regional Program (BCRP) or the Municipal Recycling Depot as outlined within this ordinance, every person is required to source separate and recycle each of the Designated Recyclable Materials outlined within this ordinance.

#### **Section 5. Establishment of Curbside Program.**

- A. In order to facilitate the collection of certain Designated Recyclable Materials, there is hereby established a curbside program for the collection of source separated recyclable material from residents of the Municipality.
- B. Designated Recyclable Materials for the curbside program are those materials designated by the DSW for collection within the BCRP. These materials are: Aluminum Cans, Corrugated Cardboard, Glass Containers, Paper, Plastic Bottles (Coded 1 & 2), Steel (Tin) Cans and other recyclable materials as may be designated from time to time by the DSW.
- C. Collections of recyclable materials pursuant to this section shall be in accordance with a schedule of recycling collection areas and dates promulgated by DSW and publicly advertised by the Municipality or County.

- D. All residents served by the curbside program shall source separate all designated recyclables for curbside collection and shall place them at the side of the road fronting their residence in the manner designated by Section 6 of this Ordinance and on the date specified for collection.
- E. Residents who are physically unable to place recyclable materials out for collection within the Burlington County Regional Program shall be exempt from requirements for participation within the program.
  - a. Determinations for this exemption shall be at the discretion of this municipality.

**Section 6. Requirements Applicable to Source Separation and Collection of Designated Recyclables for the Curbside Program.**

All recyclables placed for collection pursuant to the Curbside Program established within Section 5 of this Ordinance shall be source separated and prepared for collection in accordance with the following conditions:

- A. Cardboard and paper shall be set out in carts provided by this municipality.
  - a. Boxes shall be flattened as to fit into the cart.
  - b. Where cardboard boxes are too large to be placed in the cart and where there are too many boxes to fit within the cart, cardboard boxes must be flattened and placed alongside the cart for collection.
  - c. Carts shall be placed at the curb with the lid opening facing the street.
  - d. Carts shall be placed in such a manner so as to leave at least two (2) feet of clear space around each side of the cart.
  - e. Carts shall be placed in such a manner so as to avoid interference from overhead obstructions.
  - f. Carts shall be maintained in a neat and sanitary condition so as to deter vermin and odors.
  - g. Carts are the property of the municipality and may not be used for any other purpose or to contain any other material.
- B. Glass containers, aluminum cans, steel cans and plastic bottles:
  - a. Remove all caps and lids and dispose of as solid waste.
  - b. Glass containers, aluminum cans, steel cans and plastic bottles shall be rinsed free of contaminants.
  - c. Glass containers, aluminum cans, steel cans and plastic bottles shall be placed in a recycling container provided by the Municipality.
  - d. Plastic and/or paper garbage bags shall not be utilized as containers for glass containers, aluminum cans, steel cans and plastic bottles.
- C. Municipally provided recycling carts/containers may not be used for any other purpose whatsoever.
- D. Removal of recycling carts/containers provided by the municipality by any person is prohibited.
- E. Recyclables shall not be placed for collection earlier than the evening of the day preceding a scheduled collection day. Recyclables must be placed at the roadside by 6:00 A.M. on the scheduled collection day.
- F. All other terms and phrases shall be as defined in the SWMA and regulations promulgated there under and the County Plan, unless content clearly requires a different meaning.

**Section 7. Establishment of a Municipal Recycling Depot Program.**

- A. There is hereby established a Municipal Depot Program for the convenience of the residents.
- B. The following source separated recyclables will be accepted at the Municipal Recycling Depot:
  - a. Aluminum Cans
  - b. Corrugated Cardboard
  - c. Glass Containers
  - d. Paper
  - e. Plastic Bottles (Coded 1 & 2)
  - f. Steel (Tin) Cans

## **Section 8. Mandatory Commercial and Institutional Source Separation Program.**

All persons generating municipal solid waste within this Municipality through the operation of a commercial or institutional establishment shall source separate and arrange for collection of all designated recyclables within thirty (30) days of the effective date of this Ordinance.

- A. Designated Recyclable Materials for the mandatory commercial and institutional source separation program shall consist of the following materials:

Aluminum Cans

Antifreeze

Consumer Electronics

Corrugated Cardboard

Fluorescent Lights

Glass Containers

Lead Acid Batteries

Leaves

Metal Appliances

Paper

Plastic Bottles (Coded 1 & 2)

Rechargeable Batteries

Steel (Tin) Cans

Textiles

Tires

Used Motor Oil

Ink Jet Cartridge

Toner Cartridge

and other recyclable materials as designated by the Municipality

- B. The owner or manager of each and every Commercial and Institutional Source shall be required to report recycling tonnages as described in Section 10.
- C. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the individual(s) responsible for the provision of solid waste or recycling services including the provision or maintenance of litter receptacles located on the property of any commercial or institutional establishment generating designated recyclables.

## **Section 9. Recycling Reporting Requirements.**

Pursuant to 7:26A-10.3 all commercial and institutional property owners or their agents shall report the tonnage of designated recyclable materials collected for recycling from their business or premises, as follows:

- A. The management individual(s) responsible for the provision of recycling services as herein defined at all Residential, Commercial, Institutional and Industrial properties that contract for recycling services with a private company, shall submit to the Municipal Recycling Coordinator by the First Day of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled.
- B. Documentation shall take the form of a letter or report issued by the recycling service provider or end market to the generator of the recycled material. The generator must maintain weight slips or paid invoices and make such records available for inspection by this Municipality, County or State for a period not to exceed five (5) years.
- C. Any solid waste or recycling service provider shall submit to the Municipal Recycling Coordinator, by the First Day of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled as prescribed by the DSW.
- D. At a minimum, all reporting shall detail the municipality of origin, the name and location of the market or recycling center and the amount of each source separated recyclable material, expressed in gallons, tons or cubic yards, brought to each manufacturer or recycling center from the municipality of origin. Those persons specifying this information in cubic yards shall also indicate the conversion ratio utilized for calculating the materials from cubic yards to tons.

## **Section 10. Unlawful Activities; Nuisance.**

It shall be unlawful for:

- A. Any person, other than those persons authorized to collect any designated recyclable which has been placed at the roadside for collection or within a recycling depot pursuant to this Ordinance.
- B. Any person to violate, cause, or assist in the violation of any provision of this Ordinance or any provision of the County Plan concerning recycling.
- C. Any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling depot.
- D. Any person to hinder, obstruct, prevent or interfere with this Municipality, the County or any other authorized persons in the performance of any duty under this Ordinance or in the enforcement of this Ordinance.
- E. Any person to offer to collect or knowingly collect designated recyclable materials in any manner except as source separated recyclable materials as defined herein.
- F. Any person required to provide a report as required under this ordinance to fail to do so.

All unlawful conduct set forth in this section shall constitute a public nuisance.

## **Section 11. Non-collection of Solid Waste.**

- A. Any person collecting solid waste generated within this Municipality shall refuse to collect solid waste from any person who has failed to source separate recyclables designated under any applicable section of this Ordinance.
- B. Any person collecting solid waste generated within this Municipality shall refuse to collect solid waste from any person who has placed solid waste into a municipally issued recycling container.

## **Section 12. Other Means of Disposal.**

- A. Notwithstanding anything herein to the contrary, any resident of the Municipality may donate or sell any recyclable to any other person, whether operating for a profit or not for profit, provided, however, that the

person receiving the recyclables shall not, under any circumstances, collect the donated or sold material from an established recycling collection route or from a recycling depot without prior written permission from this Municipality for such collection.

- B. Permission for such collection shall not be given for any day other than a Saturday or Sunday and, in no case, shall such permission be given to collect recyclables from a recycling depot.

### **Section 13. Non-interference with Existing Contracts.**

- A. Nothing contained in this Ordinance shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with N.J.S.A. 13:1E 29 and in force in the Municipality on the effective date of this Ordinance.
- B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this Ordinance, unless such renewal or such contract shall conform to the requirements of this Ordinance.

### **Section 14. Enforcement.**

- A. Enforcement of this Ordinance shall be the responsibility of the local Code Enforcement Official.
- B. In addition to the local Code Enforcement Official, the Burlington County Health Department and the DSW are hereby appointed as Enforcement Officer(s) for enforcement of all recycling requirements of this Ordinance.
- C. Enforcement of this Ordinance shall be commenced in the Superior Court or in the municipal court of the Municipality, and penalty or fine shall be collected with costs in a summary civil proceeding.
- D. Any penalties or fines collected in an enforcement action shall be paid to the Municipality when the Municipality brings such action.
- E. Any penalties or fines collected in an enforcement action shall be paid to the Treasurer of Burlington County when such action is brought by the Burlington County Health Department or the DSW.

### **Section 15. Schedule of Penalties.**

Any person who violates the provisions of this Ordinance shall upon conviction thereof in a proceeding before a court of competent jurisdiction be subject to the following fines:

- A. Misuse of recycling containers/carts for trash, theft of containers: A fine of not less than sixty – five dollars (\$65.00) and not more than one hundred dollars (\$100.00).
- B. Residential Recycling Violation: A fine of not less than twenty-five dollars (\$25.00) and not more than one thousand dollars (\$1,000.00).
- C. Scavenging: A fine of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1000.00).
- D. Commercial or Institutional Violation: A fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00).
- E. For any person who offers to collect recyclable materials in any manner except as prescribed within this ordinance: A fine of not less than one thousand dollars (\$1000.00) and not more than four thousand five hundred dollars (\$4500.00).
- F. For any solid waste or recycling service provider who fails to report as required within this ordinance: A fine of not less than five hundred dollars (500.00) and not more than one thousand dollars (\$1000.00).
- G. For any management individual(s) responsible for the provision of recycling services as herein defined at all Residential, Commercial, Institutional and Industrial properties that contract for recycling services with a private company who fails to report as required within this ordinance: A fine of not less than five hundred dollars (500.00) and not more than one thousand dollars (\$1000.00).

Each continuing day of violation of this Ordinance shall constitute a separate offense.

**Section 16. Injunctions; Concurrent Remedies.**

In addition to any other remedy provided in this Ordinance, the Municipality may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this Ordinance for an injunction to restrain a violation of this Ordinance or the County Plan. In addition to an injunction, the court may impose penalties as authorized by Section 16 hereof. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent. The existence, exercise or any remedy shall not prevent the Municipality or the County from exercising any other remedy provided by this Ordinance or otherwise provided by law or equity.

**Section 17. Construction.**

The terms and provisions of this Ordinance are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof. This Ordinance shall be construed in pari materi with the SWMA and the County Plan.

**Section 18. Severability.**

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, said invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application of this Ordinance.

**Section 19. Repealer.**

All provisions of any other ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 20. Effective Date.**

This Ordinance shall become effective upon final adoption and publication in the manner prescribed by law.

Clerk McIntosh explained that this ordinance is required by Burlington County.

Solicitor Lange added that considerable time was taken reviewing and deleting references not needed in Medford Lakes.

Vote on Ordinance Number 575

Yeas – Casey, Lackey, Weiss

Nays – None

Ordinance introduced.

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*Mayor Weiss introduced Ordinance Number 576 on first reading, seconded by Councilman Lackey.*

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

The following schedule of fees is hereby established with respect to licenses, permits and activities required or regulated under the provisions of various chapters of the Code of the Borough of Medford Lakes. Applications for and the issuance of such licenses and permits shall be subject to the provisions of the specific chapter of this Code

which is indicated for each type of license or permit. The business, activity or operation for which the license or permit is required shall be subject to all regulations set forth in the chapter to which reference is made.

All fees and costs inconsistent with the fees and costs listed herein are hereby repealed.

Fees associated with the Land Use Ordinance of the Borough of Medford Lakes are not included herein.

<b>SCHEDULE OF FEES:</b>	
Master Plan	In accordance with state-authorized copy fees
Borough Code and/or Land Use Legislation Book	Available on-line through General Code Publishers
Zoning Map	\$ 10.00
Photocopying	In accordance with state-authorized copy fees
CD-R recordable disk	\$ 5.00
Games of Chance Applications	In accordance with state statutes and regulations
Audio tapes	\$ 2.00
Historic Applications	\$ 5.00
Peddling & Soliciting Application	\$ 5.00
Peddling & Soliciting License	\$ 800.00
Tree Removal Application/Permit	\$ 15.00
Pesticide Application/Permit	\$ 100.00
Fertilizer Application/Permit	\$ 100.00
Marriage license, Domestic Partnership, Civil Union application	\$ 28.00
Marriage certificates, Domestic Partnership, Civil Union, raised seal, certified 1st copy	\$ 10.00

Birth certificates, raised seal certified 1st copy	\$	10.00
Death certificates, raised seal certified 1st copy	\$	10.00
Additional copies of vital record at time of 1st issuance	\$	2.00
Returned Check	\$	25.00
ABC Plenary Retail Consumption License	\$	1,036.00
ABC Club License	\$	172.00
Social Affairs Permit	\$	25.00
Dog/Cat Spayed or Neutered	\$	8.20
Dog/Cat Non-Spayed or Non-Neutered	\$	11.20
Late Fee	\$	10.00
Impoundment	Per Burlington County Animal Shelter Agreement	
Potentially Dangerous Dog License	\$	750.00
Certified List of Issued Animal Licenses	\$	10.00
<b>Local Enforcement Agency (Fire Official)</b>		
<b>USE Group R3/R4 Sale/rental:</b>		
Ten business days prior	\$	50.00
Four to ten business days prior	\$	70.00
Less than four business days	\$	125.00
Re-inspection (2nd)	\$	35.00
<b>Fire Prevention Permits:</b>		
Type 1	\$	47.00
Type 2	\$	166.00

Type 3	\$	331.00
Type 4	\$	497.00
<b>Annual Sewer Rates:</b>		
<b>Residential</b>		
Dwelling Unit	\$	640.00
<b>Quasi-Public and Commercial Buildings</b>		
Church Building	\$	640.00
Hotel Bar/Restaurant serving alcohol	\$	3,864.00
Restaurant/Luncheonette/Caterer	\$	1,932.00
Grocery/Convenience Store	\$	1,284.00
Laundromat (each machine)	\$	321.00
Colony Club Building	\$	640.00
Bank or Financial Institution	\$	1,284.00
<b>Other Uses</b>		
Lenape Regional (Shawnee HS)	\$	27,152.00
Commercial Building (under 2,000 square feet)	\$	640.00
Commercial Building (over 2,000 square feet)	\$	1,284.00
Other professional and quasi-public buildings	\$	640.00
YMCA Camp Ockanickon	\$	27,152.00
Extraneous Flow Inspection (Pre-sale)	\$	25.00
Solid Waste Container (95/65 gallon)	\$	70.00
Recycling Container (95/65 gallon)	\$	22.50

Street Opening Permit	\$	100.00
Street Opening (Class A)	\$	1,500.00
Street Opening (Class B)	\$	1,000.00
Street Opening (Class C)	\$	500.00
Unimproved Street	\$	200.00

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

Solicitor Lange suggested the fine section be removed from the ordinance and addressed in a separate ordinance.

Manager Horner-Keizer explained that the fees for state regulated activities have been raised to their maximum.

Council discussed the permit for fertilizer and pesticide application and how the fee schedule is set up.

Vote on Ordinance Number 576

Yeas – Casey, Lackey, Weiss

Nays – None

Ordinance introduced.

*Mayor Weiss introduced Ordinance Number 577 on first reading, seconded by Councilman Lackey.*

**AN ORDINANCE ESTABLISHING A PROCEDURE FOR THE AWARD OF PROFESSIONAL SERVICE CONTRACTS**

**WHEREAS**, The Medford Lakes Borough Council places public trust above all else and remains steadfast in its commitment to the highest ethical standards in the conduct of Borough business on behalf of the Taxpayers of Medford Lakes Borough; and

**WHEREAS**, the Borough of Medford Lakes, wishes to regulate the conduct and affairs of public employees and officials in a fashion which would respect the integrity of the offices held, and allow the public to have confidence in the honor and integrity of the individuals holding said offices and positions; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of certain Contracts without competitive bidding; and

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the Borough of Medford Lakes, County of Burlington and State of New Jersey that the Borough’s Code, be and the same is hereby amended to add the following additional Chapter:

**AWARD OF PUBLIC PROFESSIONAL SERVICES CONTRACTS.**

It is the purpose of this Section that, notwithstanding that Professional Services Contracts are exempt from the competitive bidding requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Borough Council deems it appropriate, in order to avoid any perception that Professional Services Contracts are awarded in consideration for, e.g., political contributions or other considerations, that it make clear that said Contracts, consistent with the provisions of recently enacted New Jersey Legislation, shall henceforth be awarded through a competitive, quality and experience-based, fair and open process.

## **PROCESS FOR AWARD OF PROFESSIONAL SERVICES CONTRACTS.**

No Professional Services Contracts, as that term is used in the Local Public Contracts Law, shall be awarded after the date of the adoption of this Ordinance, unless the following competitive, quality-based, fair and open process is followed:

- A. Professional Services shall be awarded by virtue of a combined publicly advertised Request for Qualifications (“RFQ”) and Request for Proposals (“RFP”) which will be issued as one document for those appointments which are made on an annual basis, such as, but not limited to, the positions of: Borough Attorney, Borough Engineer, Planning Board Attorney, Planning Board Engineer, Borough Auditor and such similar statutory and/or ordinance public positions.
  
- B. For said positions, no Contract shall be awarded, unless and until the positions are:
  - 1. advertised in the official newspaper in sufficient time to give notice in advance of the solicitation for the Contracts;
  - 2. awarded under a process that provides for public solicitation of proposals and qualifications;
  - 3. awarded and disclosed under criteria established in writing by the Borough of Medford Lakes prior to the solicitation of proposals or qualifications; and
  - 4. publicly announced when awarded; and as to those RFQ’s and RFP’s which do not receive response, the Municipal Clerk shall retain a copy of same on file for a period of not less than sixty (60) days.
  
- C. For Contracts which arise on an occasional basis, such as appraisals, as well as title searches, surveying, and similar work, Professional Services shall be awarded only after receipt of publicly advertised RFQ’s, after which a limited number of the best qualified vendors would be identified, and proposals would then be solicited there from.
  
- D. A REVIEW OF RFP’S/RFQ’S BY REVIEW COMMITTEES. A Review Committee shall be established consisting of two (2) Members of Borough Council to prepare, process and evaluate any RFQ and/or RFP issued pursuant to the Professional Services Contracting procedures set forth above. Said Committee shall evaluate the respective Qualifications and/or Proposals, taking into consideration the designated qualifications and/or performance criteria, experience, quoted fee and other relevant factors in making a recommendation of award to Borough Council; and the Review Committee may, in its sole discretion, conduct negotiations with qualified vendors after receipt of proposals, in order to achieve the best possible contract terms and conditions for the Borough and its taxpayers.
  
- E. Emergency Exceptions. Notwithstanding the foregoing, the Borough Council recognizes that the New Jersey Legislature has provided for the occurrence of certain emergencies, and further recognizes that, therefore, the procedure outlined above, might not be capable of being achieved in the event of an emergency or similar time constraints. Thus, should such a situation arise, and time does not permit resort to this procedure, and the immediate performance of services is necessary, then an award for same may be made in accordance with the provisions of the Local Public Contracts Law relating to emergency contracts, and such rules and regulations as made be promulgated, from time to time, by the Borough Council with regard to same. No such emergency contracts, however, may be awarded without submission to the Borough Clerk of a certification establishing the basis for the deviation from the procedures outlined herein.

## **REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Borough Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Borough to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Mayor Weiss explained that in his opinion this is a best practice and reflects a positive change.

Councilman Lackey questioned the emergency exclusion. Solicitor Lange explained the language.

Vote on Ordinance Number 577

Yeas – Casey, Lackey, Weiss

Nays – None

Ordinance introduced.

*Mayor Weiss introduced Ordinance Number 578 on first reading, seconded by Councilman Lackey.*

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## **AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES RESTRICTING THE AWARD OF PROFESSIONAL SERVICES CONTRACTS**

### **Political Contributions by Entities Seeking Public Services Contracts**

#### **I. Statement of policy.**

The Borough of Medford Lakes does hereby state that it is the policy of the Borough to prohibit professional business entities from making political contributions or become ineligible to receive a public professional service contract from the Borough of Medford Lakes. It is also the Borough's policy to prohibit professional business entities which are performing or being paid under existing contracts with the Borough from contributing politically or engaging in the solicitation of political contributions relating to municipal elected offices.

#### **II. Definitions.**

For purposes of this article, the terms used herein shall be given the broadest possible meaning in order to effectuate the policy objectives stated and adopted. Certain specific terms used shall have the following meanings:

#### **CONTRIBUTING**

The act of giving money or providing in-kind contributions to aid a municipal political candidate or any of the political committees or political entities otherwise referenced in this article.

#### **CONTRIBUTING POLITICALLY**

The same meaning as "contributing."

#### **CONTRIBUTIONS**

The same meaning and use generally utilized by the Election Law Enforcement Commission of the State of New Jersey under the statutes and regulations governing that agency. The term shall include but not be limited to payments or donations of money and in-kind contributions.

#### **PAC OR PACS**

The terms "PAC" or "PACS" are abbreviations for political action committee or political action committees, respectively. The terms refer to organizations that regularly engage in, or whose primary

purpose is, the support of municipal elections and/or municipal parties in excess of the thresholds specified in this article. The foregoing shall be limited to organizations and entities which support or oppose Medford Lakes Borough candidates for Borough Council, or which engage in political activities in support or opposition to candidates for Medford Lakes Borough Council.

## **POLITICAL CONTRIBUTIONS**

The same definition as "contributions," hereinabove.

## **PROFESSIONAL BUSINESS ENTITIES**

For purposes of this article, a "professional business entity" seeking a public contract means an individual, including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association engaged in a profession or service which is exempt from public bidding. The definition of a business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity. Substantively, a professional business entity includes individuals and firms engaged in the rendering of legal services, engineering services, survey work, architectural services, planning services, design services, financial consulting and other consulting work, auditing, accounting, appraisal services, insurance services and banking.

### III. Prohibition on awarding public contracts to certain contributors.

The following prohibitions are imposed upon those individuals or entities seeking professional, banking or insurance contracts with the Borough of Medford Lakes:

A. Any other provision of law to the contrary notwithstanding, the municipality or any of its purchasing agents or boards, commissions or committees or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure services, including banking services/relationships or insurance coverage services, from any professional business entity if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to a campaign committee of any Medford Lakes Borough candidate or holder of the public office having ultimate responsibility for the award of the contract, or to any Medford Lakes Borough or County of Burlington party/candidate committee, or to any political action committee (PAC) as defined in herein within one calendar year immediately preceding the date of the contract or agreement.

B. No professional business entity which enters into negotiations for, or agrees to, any contract or agreement with the municipality or any department or agency or boards, commissions or committees thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other no-bid consultants shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Medford Lakes Borough candidate or holder of the public office having ultimate responsibility for the award of the contract, or to any Medford Lakes Borough or County of Burlington party/candidate committee, or to any political action committee (PAC) as defined in herein between the time of first communications between that business entity and the Township regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

C. For purposes of this section the office that is considered to have ultimate responsibility for the award of the contract shall be:

(1) The Borough Council of Medford Lakes, if the contract requires approval or appropriation from the Council.

IV. Contributions made prior to effective date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Council, or municipal or county party committee or PAC referenced in this article, shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby if that contribution was made by the professional business entity prior to January 1, 2010.

V. Acknowledgement statement municipal candidates or municipal officeholders.

All Medford Lakes Borough municipal candidates or municipal officeholders shall sign an acknowledgement statement at the time of submission of candidacy petitions to the Medford Lakes Borough Clerk that they have received a copy of the Borough's Ordinance for Public Contracting ("Pay-to-Play") Reform.

VI. Contribution statement by professional business entity.

A. Prior to awarding any contract or agreement to procure services, including banking or insurance coverage services, with any professional business entity, the Borough or any of its purchasing agents or agencies or boards, commissions or committees, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or offeror has not made a contribution in violation of § III of this article.

B. The professional business entity shall have a continuing duty to report any violations of this article that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough and shall be in addition to any other certifications that may be required by any other provision of law.

VII. Return of excess contributions.

A professional business entity or Borough candidate or officeholder or municipal or county party committee or PAC referenced in this article may cure a violation of § III of this article if, within 30 days after the general election, the professional business entity notifies the Borough Council in writing and seeks and receives reimbursement of a contribution from the Borough candidate or municipal or county political party or PAC referenced in this article.

VIII. Violations and penalties.

A. It shall be a breach of the terms of the Medford Lakes Borough professional service agreement for a business entity to:

- (1) Make or solicit a contribution in violation of this article;
- (2) Knowingly conceal or misrepresent a contribution given or received;
- (3) Make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;

(4) Make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of Medford Lakes Borough;

(5) Engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution which, if made or solicited by the business entity itself, would subject that entity to the restrictions of this article;

(6) Fund contributions made by third parties, including consultants, attorneys, family members, and employees;

(7) Engage in any exchange of contributions to circumvent the intent of this article; or

(8) Directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this article.

B. Furthermore, any professional business entity who violates Subsection A(1) through (8) shall be disqualified from eligibility for future Medford Lakes Borough contracts for a period of five calendar years from the date of the violation.

IX. Filing with Secretary of State.

This article shall be filed by the Borough Clerk with the Secretary of State in compliance with N.J.S.A. 40A:11-51(c).

Councilman Casey questioned if this ordinance is impacted by the Supreme Court's recent decision relative to contributions and inquired if this would pose any impact to free speech.

Mayor Weiss stated that it is not impacted.

Vote on Ordinance Number 578

Yeas – Casey, Lackey, Weiss

Nays – None

Ordinance introduced.

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**RESOLUTIONS**

**CONSENT AGENDA RESOLUTIONS**

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

*Mayor Weiss introduced for adoption consent resolutions numbered 62-10, 63-10, 64-10, 65-10, and 66-10, seconded by Councilman Casey.*

**RESOLUTION 62-10**

**A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS**

**WHEREAS**, on April 23, 2010, the Medford School of Music would like to hold a block party; and

**WHEREAS**, said business would like to close a specified trail within the Borough to enable safe pedestrian passage; and

**WHEREAS**, N.J.R.S. 39:4-197.3 provides that “the governing body of any municipality may, upon the adoption of a resolution declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1) b through h, (2) and (3) revised Statutes 39:4-197”; and

**WHEREAS**, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the block parties are to be held;

**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 Borough Council of the Borough of Medford Lakes does hereby find and declare that a temporary condition dictates adoption of special traffic regulations within the scope of N.J.R.S. 39:4-197(1)e; and
2. pursuant to N.J.R.S. 39:4-197(1)e, the following trail shall be closed to vehicular traffic:  
**Trading Post Way between Stokes Road and the entrance of PJ Whelihan’s; and**
3. the aforementioned street closing shall be between 6:00pm and 8:30pm on April 23, 2010; and
4. block party contact person #1 is Medford School of Music, 3B Trading Post Way, (609) 975-8286, and contact person #2 is Jim and Michelle Riddle, (609) 894-4808, Pemberton, NJ, shall be responsible for contacting the Medford Lakes Department of Public Works to obtain and return barricades; and
5. the Chief of Police of the Borough of Medford Lakes is hereby ordered and directed to take all actions appropriate and necessary for the implementation of the foregoing temporary traffic regulations.

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**RESOLUTION 63-10**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO CONDUCT A LEGALIZED GAME OF CHANCE (ON-PREMISE 50/50 CASH RAFFLE) TO THE MEDFORD LAKES EDUCATION FOUNDATION, INC.**

**WHEREAS**, the MEDFORD LAKES EDUCATION FOUNDATION, INC. has qualified in the prescribed manner and submitted an application to hold an On-Premise 50/50 Cash Raffle on May 6, May 8 and May 15, 2010; and

**WHEREAS**, Council has reviewed the findings and determinations and concur that the On-Premise 50/50 Cash Raffle is to be conducted according to law.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, New Jersey that a license to conduct the aforementioned On-Premise 50/50 Cash Raffle be and is hereby granted to the Medford Lakes Education Foundation, Inc.

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**RESOLUTION 64-10**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE MOSQUITO SPRAYING AGREEMENT**

**WHEREAS**, the County of Burlington, Department of Highway, Division of Mosquito Control will be conducting aerial Larval Mosquito Control in the Borough of Medford Lakes; and

**WHEREAS**, the insecticides and aircraft to be used are approved and licensed aerial applicators; and

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, of the County of Burlington, in the State of New Jersey that the Mayor is authorized to execute the attached agreement with the Burlington County Mosquito Commission.

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**RESOLUTION 65-10**

**A RESOLUTION AUTHORIZING THE SECOND-HALF REFUND OF A PLUMBING AND STREET OPENING PERMIT FOR 129 TUCKERTON ROAD ALSO KNOWN AS BLOCK #30048, LOT #1819, 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 March 1, 2010 the Public Works Department and Construction Official 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>
Scott Strong	\$750.00	129 Tuckerton Road

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**RESOLUTION 66-10**

**A RESOLUTION APPROVING CERTAIN QUALIFIED ACTIVE MEMBERS OF THE FIRE DEPARTMENT APPLICATION FOR MEMBERSHIP INTO THE NEW JERSEY STATE FIREMAN'S ASSOCIATION**

**WHEREAS**, certain qualified members of the Medford Lakes Fire Department are applying for membership in the New Jersey State Fireman's Association; and

**WHEREAS**, the governing body of the BOROUGH OF MEDFORD LAKES supports the application of qualified active members within the Fire Department admittance into the NJ State Fireman's Association; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the BOROUGH OF MEDFORD LAKES that the following qualified active member of the Medford Lakes Fire Department is approved to apply for membership in the New Jersey State Fireman's Association:

- Brendan Glover
- Charles Brown

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*Mayor Weiss made a motion to table Resolution Number 67-10, seconded by Councilman Casey*

**A RESOLUTION AUTHORIZING THE RENEWAL OF AN AGREEMENT BETWEEN THE BOROUGH OF MEDFORD LAKES AND MEDFORD EMERGENCY SQUAD INC., T/A MEDFORD LAKES EMERGENCY SQUAD, INC., REGARDING EMERGENCY MEDICAL SERVICES**

Council agreed to adopt an agreement with the Squad and have the Clerk and Solicitor Lange work on a separate lease agreement.

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*Mayor Weiss made a motion to adopt Resolution Number 73-10, seconded by Councilman Casey*

**A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE BOROUGH OF MEDFORD LAKES AND MEDFORD EMERGENCY SQUAD INC., T/A MEDFORD LAKES EMERGENCY SQUAD, INC., REGARDING EMERGENCY MEDICAL SERVICES**

**WHEREAS**, the Borough Council of the Borough of Medford Lakes is desirous of securing qualified Emergency Medical Squad Services for all its residents; and

**WHEREAS**, it is the desire of the Borough Council of the Borough of Medford Lakes to enter into an agreement with the Medford Lakes Emergency Squad for a period of one year from the date of the expiration of the current agreement.

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

1. The agreement, which is attached hereto and made part hereof, by and between the Borough of Medford Lakes and Medford Emergency Squad be and is hereby authorized to be renewed for the one year period from April 1, 2010 until March 31, 2011.
2. The Mayor and Borough Clerk are hereby authorized and directed to affix their signatures and seal to any and all documents necessary as evidence of this approval.

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*Mayor Weiss made a motion to adopt Resolution Number 68-10, seconded by Councilman Casey*

**A RESOLUTION AWARDED A PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING SERVICES**

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

**WHEREAS**, the anticipated term of this contract is until completion; and

**WHEREAS**, Princeton Hydro, Inc. completed and submitted a Business Entity Disclosure Certification which certifies that Princeton Hydro, 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 Princeton Hydro, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the CFO's 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 an Engineer to perform Engineering Services for the Borough in connection with the Mishe Mokwa Dam; 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; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, New Jersey that **Princeton Hydro, LLC, 1108 Old York Road, Suite 136, P.O. Box 720, Ringoes, NJ 08551**, be and is, hereby appointed as the Engineer for the Borough of Medford Lakes for engineering services for Mishe Mokwa for a contract not to exceed \$41,500.00; and

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 made a motion to withdraw Resolution Number 69-10, seconded by Councilman Casey*

**A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH HOLBERG & ADSION P.A. FOR ARCHITECTURAL SERVICES RELATED TO RENOVATIONS AND/OR RECONSTRUCTION OF THE DEPARTMENT OF PUBLIC WORKS AND FIRE DEPARTMENT BUILDINGS**

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*Mayor Weiss made a motion to adopt Resolution Number 70-10, seconded by Councilman Casey*

**A RESOLUTION AUTHORIZING AN EXTENSION OF THE TEMPORARY BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-19 requires the Governing Body to make appropriations to provide for the period between January 1, 2010 and the adoption of the Budget; and,

**WHEREAS**, the Governing Body adopted a resolution in January which established a temporary budget;

**WHEREAS**, it is necessary to extend that temporary budget by 1/12 to cover expenses during the month of April, 2010, pending final adoption of the 2010 budget.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the following appropriations constitute an extension to the 2010 Temporary Budget for the Borough of Medford Lakes:

<u>APPROPRIATION</u>	<u>AMOUNT</u>
<b>ADMINISTRATION &amp; EXECUTIVE</b>	
Salaries & Wages .....	\$12,100.00
Other Expenses .....	\$2,500.00
<b>CLERK</b>	
Salaries and Wages .....	\$3,100.00
Other Expenses .....	\$5,000.00
<b>FINANCE ADMINISTRATION</b>	
Salaries and Wages .....	\$4,200.00
<b>AUDIT</b>	
Other Expenses .....	\$5,000.00
<b>DATA PROCESSING</b>	
Other Expenses .....	\$2,000.00
<b>COLLECTION OF TAXES</b>	
Salaries and Expenses.....	\$2,300.00
Other Expenses .....	\$200.00
<b>ASSESSMENT OF TAXES</b>	
Salaries and Wages.....	\$2,100.00
<b>LEGAL SERVICES</b>	
Other expenses .....	\$15,000.00
<b>HISTORIC</b>	
Salaries and Wages.....	\$350.00
<b>PLANNING BOARD</b>	
Salaries and Wages.....	\$600.00
UNEMPLOYMENT.....	\$1,000.00
<b>POLICE</b>	

Salaries and Wages..... \$80,000.00

Other Expenses ... \$3,000.00

OEM

Salaries and Wages..... \$250.00

Other Expenses ... \$100.00

Contribution to First Aid Organization..... \$1,100.00

FIRE

Other Expenses ... \$4,000.00

FIRE OFFICIAL

Salaries and Wages..... \$1,000.00

Other Expenses ... \$200.00

PROSECUTOR

Other Expenses ..... \$525.00

STREETS AND ROADS

Salaries and Wages..... \$40,000.00

Other Expenses ... \$7,000.00

SOLID WASTE

Salaries and Wages..... \$8,000.00

BUILDINGS

Other Expenses ... \$3,100.00

VEHICLE

Other Expenses ... \$5,000.00

ENVIRONMENTAL

Salaries and Wages..... \$450.00

ELECTRICITY .. \$2,600.00

STREET LIGHTS ..... \$1,000.00

TELEPHONE..... \$500.00

GASOLINE ..... \$13,000.00

PRINTING .....	\$1,000.00
LANDFILL.....	\$15,000.00
CONSTRUCTION CODE OFFICIAL	
Salaries and Wages.....	\$3,800.00
Other Expenses ... ..	\$5,000.00
ZONING CODE ENFORCEMENT	
Salaries and Wages.....	\$1,200.00
OASI.....	\$14,000.00
EMP PENSION .. ..	\$1,100.00
MUNICIPAL COURT	
Salaries and Wages.....	\$2,000.00
Other Expenses ... ..	\$300.00
PUBLIC DEFENDER	
Other Expenses .. ..	\$200.00
INSURANCE	
Group Insurance for Employees .....	\$125,000.00
DEFINED CONTR RETIREMENT FUND .....	\$500.00
.....	TOTAL \$ 395,375.00
WASTEWATER UTILITY	
Salaries and Wages.....	\$ 40,000.00
Other Expenses ... ..	\$ 50,000.00
OASI.....	\$4,000.00
Unemployment Compensation .....	\$500.00
.....	<b>TOTAL \$ 94,500.00</b>

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*Mayor Weiss made a motion to adopt Resolution Number 71-10, seconded by Councilman Lackey*

**RESOLUTION TO APPROVE A TEMPORARY EMERGENCY BUDGET FOR 2010 IN ACCORDANCE  
WITH NJSA 40A:2-20**

WHEREAS, an emergent condition has arisen in that the Borough of Medford Lakes is expected to enter in contracts, commitments or payments prior to the 2010 budget adoption, and no adequate provision has been made in the 2010 temporary budget for the aforesaid purposes; and

WHEREAS, N.J.S.A. 40A: 2-20 provides for the creation of an emergency temporary appropriation for said purposes, and

WHEREAS, the total emergency appropriation resolutions adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (NJSA 40A:4-20) including this resolution total \$268,967.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Medford Lakes, in the County of Burlington, New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A: 4-20:

1. Emergency temporary appropriations, be and the same are hereby made in the amount of \$268,967 as follows:  
Pension Liabilities (PERS) – Other Expenses \$ 73,997.00  
  
Pension Liabilities (P&F Fund) – Other Expenses \$ 140,595.00  
  
FEMA Grant (Fire Department) – Operating Expenses \$ 54,375.00
2. Said emergency temporary appropriations will be provided for in the 2010 budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Service.

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*Mayor Weiss made a motion to adopt Resolution Number 72-10, seconded by Councilman Casey*

#### **A RESOLUTION APPROVING 2009 MEETING MINUTES**

**WHEREAS**, the Borough Clerk has identified that the following meeting minutes were never formally adopted:

Budget Workshop – April 3, 2009, Regular Meeting – March 11, 2009, Regular Meeting – May 13, 2009, Regular Meeting – September 23, 2009, Regular Meeting – October 14, 2009, Workshop Meeting – October 28, 2009, Regular Meeting – December 9, 2009; and

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the BOROUGH OF MEDFORD LAKES that the minutes listed above are formally adopted.

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#### **PUBLIC COMMENT #2**

*Mayor Weiss opened the meeting for public comment.*

**Bob McGowan, 18 Cochise Circle** inquired as to how much state aid would be lost by the Borough under Governor Christie's plan. He also asked if the Borough would be receiving reimbursement from the winter storms through FEMA.

Manager Horner-Keizer explained that the amount was approximately \$74,000 but that there were also specific guidelines issues by the DLGS that were also attached to the reduction. The Manager explained that the information is available through the DLGS website.

Clerk McIntosh explained that FEMA submittals for the December 2009 storm have been completed. He further explained that a meeting at the Burlington County OEM would be held on April 5<sup>th</sup> regarding the February storms, and that the paperwork is ready for submittal.

**Joe Aromando, 285 Shingowak Trail** inquired about the award for engineering for Mishe Mokwa Dam.

Manager Horner-Keizer explained that the award was made to the lowest responsible bidder Princeton Hydro. She further explained that the RFP was structured with tasks for specific amounts, and that all tasks may not be required. The maximum for the contract was awarded and encumbered by the Resolution.

Mr. Aromando requested information on the budget process. He requested that detailed budgets be provided to the public at meetings and also suggested that such information be readily made available on the website.

Mayor Weiss explained that a budget workshop will be held on April 13<sup>th</sup> and briefly outlined the process he would like to follow.

Mr. Aromando asked if the executive session minutes were up to date, and suggested they be placed on the website.

Solicitor Lange explained that the executive session minutes were adopted but not all information is ready to be released and that portions may be redacted.

Mr. Aromando and Manager Horner-Keizer had a spirited exchange about the policy of posting executive session minutes on the website.

**Dave Wasson, 97 Wabun Trail** presented the Borough Council and members of the public a brief history lesson on the Medford Lakes Emergency Squad.

**Kevin Ellicot, 15 Hiawatha Trail** suggested that Borough Council should consider charging for certain emergency services. These charges would be made to residents homeowner's insurance for fire services, and other emergency services.

Mayor Weiss explained that the concept was discussed in relation to EMS calls and that the squad was not in favor of charging for volunteer services.

Councilman Casey explained that the Council has not discussed any charges relative to fire services.

**Joe Aromando, 285 Shingowak Trail** questioned how much more room is on the cell tower and if the Borough can legally extend the height of the tower. He further inquired if the existing leases limit the ability to erect carriers above the existing carriers.

Councilman Casey stated that there is the ability to extend the tower height and further stated he did not believe that any of the existing leases guaranteed a specific location on the tower.

Manager Horner-Keizer expressed her admiration to Borough Council for considering such a strict pay to play ordinance.

*Mayor Weiss called for the vote to adopt consent resolutions numbered 62-10, 63-10, 64-10, 65-10, and 66-10.*

**VOTE TO ADOPT CONSENT RESOLUTIONS**

Ayes: Weiss, Casey, Lackey

Nays: None

Resolutions Adopted

**VOTE ON RESOLUTIONS**

Vote on Resolution Number 67-10  
Yeas – Weiss, Casey, Lackey  
Nays – None  
Resolution tabled

Vote on Resolution Number 68-10  
Yeas – Weiss, Casey, Lackey  
Nays – None  
Resolution adopted

Vote on Resolution Number 69-10  
Yeas – Weiss, Casey, Lackey  
Nays – None  
Resolution withdrawn

Vote on Resolution Number 70-10  
Yeas – Weiss, Casey, Lackey  
Nays – None  
Resolution adopted

Vote on Resolution Number 71-10  
Yeas – Weiss, Casey, Lackey  
Nays – None  
Resolution adopted

Vote on Resolution Number 72-10  
Yeas – Weiss, Casey, Lackey  
Nays – None  
Resolution adopted

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**CORRESPONDENCE**

Correspondence from William McQuillan relating to the revaluation.

Manager Horner-Keizer explained that the correspondence is very detailed and that she has spent considerable time with Mr. McQuillan and she will meet with Council individually to review the correspondence.

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*Mayor Weiss motioned to go into a Closed/Executive Session, seconded by Councilman Casey.*

**RESOLUTION NUMBER 74-10**

**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:
  - *FEMA – Potential Litigation*
  - *Medford Lakes Police Officers Association – Contract Negotiations*
  - *Shared Services (Construction, Assessment & Wastewater) – Contract negotiations*
  - *Revaluation – Potential Litigation*

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.

*Mayor Weiss re-opened the Regular Council meeting*

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

Vote to Adjourn

Yeas – Weiss, Casey, Lackey

Nays – None

Meeting Adjourned