

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING (7:00pm)

November 14, 2012

A scheduled Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in Oaks Hall at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ 08055 beginning at 7:00pm. Following the pledge of allegiance and a moment of silence (Council and the public observed a moment of silence to honor service men and women defending our country). Clerk Mark McIntosh read the Open Public Meetings Act: pursuant to the requirements of the Open Public Meetings Act, adequate notice of this scheduled meeting had been provided to the Central Record, Burlington County Times, Courier Post, posted on the official website and official bulletin board of the Borough of Medford Lakes. Those wishing to be notified for changes to scheduled meetings were notified via email or regular mail.

ROLL CALL

Clerk Mark McIntosh called roll. Mayor Thomas J. Cranston, Deputy Mayor Robert D. Hanold, Sr., Councilman Fitzpatrick and Councilman Robert J. Burton answered in attendance. Councilman Gary A. Miller was absent. Also present were Manager Julie Horner – Keizer, Clerk Mark J. McIntosh and Solicitor Peter C. Lange, Jr.

COUNCIL COMMENTS ON HURRICANE SANDY

Mayor Cranston discussed the pre-planning, response and post incident analysis that the Borough went through regarding Hurricane Sandy. He highlighted the following:

- *Public Works checked/cleared all storm inlets and storm outlets*
- *Emergency Management pre-plan meeting with all departments occurred Friday before the storm*
- *Lake Lowering occurred Saturday morning before the storm*
- *Municipal Website was updated with storm information prior to and following the storm*
- *Informative robo calls were made to residents*
- *Emergency Management Center (Oaks Hall) was staffed during the storm*
- *Municipal Offices were open during normal business hours the entire week*
- *Police, Fire & EMS was staffed 24/7 during the storm*
- *A total of 108 Electric Meters were out-of-service during and after the storm. Most were repaired by Thursday with final repaired by Saturday morning 0800hrs.*
- *Borough Officials followed procedures to notify Public Service*
- *Public Works completed a town wide damage assessment after the storm*
- *Borough Officials worked with the local school district to address student safety to and from school*
- *Borough Officials participated in the daily PSE&G conference calls*
- *Both Mayor Cranston and Deputy Mayor Hanold were speakers during the calls*
- *Borough Officials participated in the daily Governor's conference calls*
- *The Borough Police Department offers a senior wellness check program. Participation is voluntary.*
- *The Fire and EMS Departments responded as mutual aid to assist municipalities harder hit*

Mayor Cranston closed his comments by thanking all of the Borough Employees for their hard work to prepare and protect the community. He expressed how proud he was of their sacrifice having left their own families and properties to protect someone else's.

Deputy Mayor Hanold thanked the staff and residents for helping each other through this event. He said neighbor helping neighbor is what makes Medford Lakes the unique community it is.

PUBLIC COMMENT #1

Mayor Cranston opened the meeting to public comment.

Rudy Levak of Onondago Trail read a prepared statement regarding his observations and recommendations of Hurricane Sandy. A copy was provided to Council.

Etienne Grignard of Grignard Company LLC asked to comment on Resolution Number 139-12.

Mayor Cranston asked that he hold comment until the Resolution was introduced.

Joe Aromando of Shingowack Trail expressed concern over the deterioration of Oaks Hall and asked if there was any legal recourse. He believes that the Borough will be facing serious problems with the building in ten years. He also asked for the status on the Underground Storage Tank registration program.

Mayor Cranston hearing no further comments closed public comment.

RESOLUTIONS

Deputy Mayor Hanold motioned introduction of Resolution Number 136-12, seconded by Councilman Fitzpatrick.

RESOLUTION NUMBER 136 -12

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES COUNCIL AUTHORIZING A CONTRACT FOR THE RECONSTRUCTION OF QUOGUE DAM

WHEREAS, the Borough of Medford Lakes pursuant to the public contract law received bids for Reconstruction of Quogue Dam on October 24, 2012; and

WHEREAS, the following bids were received:

Compass Construction, Inc.	\$200,955.00
Seminole Construction LLC	\$236,376.00
Command Company	\$239,145.00
Midlantic Construction LLC	\$245,848.32
Walters Marine Construction, Inc.	\$252,000.00
Roger Wiestefeld	\$256,997.00
T & W Construction Co., LLC	\$265,000.00
Giberson Plumbing & Excavating, Inc.	\$267,311.00
Marlin Construction Services, Inc.	\$271,756.00
Loftus Construction, Inc.	\$283,415.00
KG Marine Contracting, Inc.	\$284,678.00
Enterprise Network Contracting LLC	\$288,760.00
Diaco Heavy Construction	\$305,939.15

Perna Finnigan, Inc.	\$357,941.00
Montana Construction Corp., Inc.	\$375,477.00
J.E. Hannon, Inc.	\$518,528.00
Mathis Construction Co., Inc.	\$521,983.00; and

WHEREAS, the Project Engineer; MidAtlantic Engineering Partners, LLC recommends the Bid of Compass Construction, Inc. to be awarded for the project; and

WHEREAS, Compass Construction, Inc., of New Egypt, New Jersey submitted a qualified bid which complied with the bid specifications as prepared by the Borough Project Engineer; and

WHEREAS, award of this contract is dependent upon a Certification of Available Funds by the Borough Finance Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes this 14th day of November 2012, that Compass Construction, Inc., hereby is awarded the Contract for Reconstruction of Quogue Dam as detailed in the instructions and specifications for the bid amount of \$200,955.00.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute the contract as proposed and included in the Borough's bid package and any other related document with Compass Construction, Inc. in order to complete said Contract.

Joe Aromando of Shingowack Trail asked who would be overseeing this project and monitoring this contract.

Mayor Cranston stated that MidAtlantic Engineering and Administration would oversee the project.

Mayor Cranston hearing no further comments called for the vote.

VOTE TO ADOPT

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

Deputy Mayor Hanold motioned introduction of Resolution Number 137-12, seconded by Councilman Burton.

RESOLUTION NUMBER 137 -12

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES COUNCIL AUTHORIZING A WASTEWATER TREATMENT PLANT CHEMICALS CONTRACT

WHEREAS, the Borough of Medford Lakes pursuant to the public contract law received bids to furnish Sodium Hypochlorite, Sodium Bisulfite and Granular Polyelectrolyte, to be used as wastewater treatment plant chemicals on October 23, 2012; and

WHEREAS, the following bids were received for Sodium Hypochlorite (per gallon):

UNIVAR	\$2.42
MIRACLE CHEMICAL CO.	\$2.15

and; WHEREAS, the following bids were received for Sodium Bisulfite (per gallon):

UNIVAR	\$3.10
MIRACLE CHEMICAL CO.	\$2.99

and; WHEREAS, no bids were received for Granular Polyelectrolyte (per pound); and

WHEREAS, the Licensed Operator of the Wastewater Treatment Plant recommends the Bid of Miracle Chemical Company as the most advantageous to the continued safe and compliant operation of the plant; and

WHEREAS, Miracle Chemical Company, 1151B Highway 33, Farmingdale, NJ 07727 submitted a qualified bid which complied with the bid specifications as prepared by the Borough; and

WHEREAS, award of this contract is dependent upon a Certification of Available Funds by the Borough Finance Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes this 14th day of November 2012, that Miracle Chemical Company, hereby is awarded the Contract to furnish Sodium Hypochlorite and Sodium Bisulfite as detailed in the instructions and specifications for Wastewater Treatment Plant Chemicals. The contract prices are as follows:

- Sodium Hypochlorite \$2.15 (per gallon) as ordered by the Borough for the time period of 24-months starting November 1, 2012, and
- Sodium Bisulfite \$2.99 (per gallon) as ordered by the Borough for the time period of 24-months starting November 1, 2012.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute the contract as proposed and included in the Borough's bid package and any other related document with Miracle Chemical Company in order to complete said Contract.

Clerk McIntosh explained the Resolution.

Mayor Cranston hearing no further comments called for the vote.

VOTE TO ADOPT

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

VOTE TO ADOPT

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

Councilman Burton motioned introduction of Resolution Number 139-12, seconded by Deputy Mayor Hanold.

RESOLUTION NUMBER 139-12

**A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES COUNCIL
AUTHORIZING A WASTEWATER TREATMENT PLANT CHEMICAL CONTRACT**

WHEREAS, the Borough of Medford Lakes in accordance with the Local Public Contracts Law, N.J.S.A. 40A: 11-1 et seq. received bids on October 17, 2012 for Carbon Source for Wastewater Dentrification; and

WHEREAS, the following bids were received for Micro C1000 (per 1,000 gallon):

Univar	\$3,635.00
Coyne Chemical	\$3,095.00
Environmental Operating Solutions	\$3,050.00

WHEREAS, the following bids were received for Micro C2000 (per 1,000 gallon):

Coyne Chemical	\$2,305.00
Environmental Operating Solutions	\$2,250.00

WHEREAS, the following bid was received for BUG 5000 (per 1,000 gallon):

Grignard Company	\$2,700.00
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WHEREAS, the Licensed Operator of the Wastewater Treatment Plant recommends the Bid of Environmental Operating Solutions as the most advantageous to the continued safe and compliant operation of the plant;

WHEREAS, Environmental Operating Solutions, Inc., 160 MacArthur Blvd., Suite 6, Bourne, MA 02532 was the low bidder received by the Borough for Micro C1000; and

WHEREAS, Environmental Operating Solutions, Inc. submitted a qualified bid which complied with the bid specifications as prepared by the Borough; and

WHEREAS, award of this contract is dependent upon a Certification of Available Funds by the Borough Finance Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes this 14th day of November 2012, that Environmental Operating Solutions, Inc. be and hereby is awarded the contract to furnish MICRO C1000™ as detailed in the instructions and specifications for Wastewater Treatment Plant Chemicals. The contract prices are as follows:

MICRO C1000™ price shall be \$3,050 per 1000-gallon as ordered by the Borough for the time period of 24-months starting November 1, 2012; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute the contract as proposed and included in the Borough's bid package and any other related document with Environmental Operating Solutions, Inc. in order to complete said Contract.

Clerk McIntosh and Deputy Mayor Hanold explain the Resolution.

Etienne Grignard of Grignard Company LLC provided Council with a letter formally protesting the bids for Carbon Source for Wastewater Dentrification. He stated that Grignard is a local company with a 50-year track record. He asked that the governing body exercise their option to test the Grignard product and would be willing to send a technician to assist with setting up the test.

Solicitor Lange stated that he had reviewed Grignard's letter dated October 31, 2012 regarding an allegation of collusion. He stated that the governing body may allow for testing of an alternate product if they so desire.

Manager Horner – Keizer spoke to the Wastewater Treatment Plants Licensed Operator competence and that the plant is currently undergoing other changes and that testing might not be feasible at this time.

Deputy Mayor Hanold stated that making too many changes at once could have tragic results with the operation of the plant.

Mayor Cranston thanked Mr. Grignard for his attendance at the meeting, voicing his concerns and offer of product testing.

Mayor Cranston hearing no further comments called for the vote.

VOTE TO ADOPT

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

Deputy Mayor Hanold motioned introduction of Resolution Number 140-12, seconded by Councilman Fitzpatrick.

RESOLUTION NUMBER 140 -12

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES COUNCIL AUTHORIZING A WASTEWATER TREATMENT PLANT SLUDGE REMOVAL & DISPOSAL CONTRACT

WHEREAS, the Borough of Medford Lakes pursuant to the public contract law received bids for Wastewater Treatment Plant Sludge Removal & Disposal on October 17, 2012; and

WHEREAS, the following bids were received:

McGovern Environmental	\$.0823	per gallon;
Franc Environmental	\$.111	per gallon;
Freehold Cartage	\$.089	per gallon;
Russell Reid	\$.0967	per gallon;
Accurate Waste	\$.0915	per gallon; and

WHEREAS, the Licensed Operator of the Wastewater Treatment Plant recommends the Bid of McGovern Environmental as the most advantageous to the continued safe and compliant operation of the plant; and

WHEREAS, McGovern Environmental, 223 Fellowship Road, Eagle, PA 19480 submitted a qualified bid which complied with the bid specifications as prepared by the Borough; and

WHEREAS, award of this contract is dependent upon a Certification of Available Funds by the Borough Finance Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes this 14th day of November 2012, that McGovern Environmental hereby is awarded the Contract to furnish Sludge Removal & Disposal as detailed in the instructions and specifications. The contract prices are as follows:

- Sludge Removal & Disposal \$.0823 (per gallon) as ordered by the Borough for the time period of 12- months starting November 1, 2012, and

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

Clerk McIntosh explains the Resolution.

Mayor Cranston hearing no further comments called for the vote.

VOTE TO ADOPT

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

REPORTS

Manager Horner – Keizer commented on the assistance provided to Long Beach Island communities greatly affected by Hurricane Sandy. She stated that the Borough Fire Department sent T3716 (tanker) and M371 (boat) to LBI at the request of the Burlco OEM and pursuant to the NJ State Mutual Aid Agreement. She personally thanked Fire Lieutenant Julian Vallery on checking on a family home and Borough Maintenance Walter Gaus for donating the use of a generator during her power outage.

Clerk McIntosh submitted a written report and commented on the Request for Proposals were advertised for all 2013 professional service contracts and commented on the recent General Election.

Solicitor Lange stated that he is still waiting to review the original Ballinger Walkway contract and that he recently provided Council with a draft to amend the current Solicitation Ordinance and welcomed individual comment.

NEW BUSINESS

Mayor Cranston stated that he had spoken with Dave Wasson who asked to resign from the Planning Board due to other commitments. Mayor Cranston expressed his deep appreciation to Mayor Emeritus Wasson for his service on the Board and his many years of service to the community. With this retirement there are now two vacancies on the Board.

Mayor Cranston motioned introduction of Resolution Number 141-12, seconded by Deputy Mayor Hanold.

RESOLUTION NUMBER 141-12

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

WHEREAS, the Planning Board has two (2) vacancy's; and

WHEREAS, the Governing Body is charged with appointing the Class IV and Alternate members; and

WHEREAS, the Borough has received three applications from interested residents; and

WHEREAS, the Governing Body would like to appoint the current Alternate I member (Holston) to fill the vacated Class IV (Wasson) seats unexpired term and would like to appoint a new applicant (Fields) to the vacated Alternate Number 1 positions unexpired term (Holston).

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

PLANNING BOARD:

<u>Appointee</u>	<u>Class Designation</u>	<u>Commencement of Term</u>	<u>Expiration of Term</u>
Richard Holston	Class Four	November 14, 2012	December 31, 2013
Bill Fields	Alternate Number 1	November 14, 2012	December 31, 2013

Mayor Cranston hearing no comments called for the vote.

VOTE TO ADOPT

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Thomas J. Cranston	X		X			

Deputy Mayor Robert D. Hanold, Sr.		X	X			
Councilman Gary A. Miller					X	
Councilman Jeffrey Fitzpatrick			X			
Councilman Robert J. Burton			X			

BILL LIST

(Dated November 13, 2012 – Total Line Items 106 – Total List Amount = \$1,467,301.54)

Deputy Mayor Hanold motioned for approval of the bill list, seconded by Mayor Cranston.

VOTE TO APPROVE

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

PUBLIC COMMENT #2

Mayor Cranston opened the meeting for public comment.

Joe Aromando of Shingowack Trail expressed concern with attendance by many Planning Board members and asked if the Council would consider a drop in the Sewer Plant Tax.

Deputy Mayor Hanold stated that Council has been very proactive in looking at all costs.

Mayor Cranston thanked Rudy Levak for his comments earlier regarding Hurricane Sandy and stated that all of his concerns will be looked into.

Councilman Burton stated that the pre-trimming of trees near transmission wires probably aided in reducing outages.

Nancy Murray of Nokomis Trail stated that her outage was for three days and caused by rubbing lines. She stated that this is a common occurrence.

Mayor Cranston closed public comment.

Mayor Cranston motioned introduction of Resolution Number 142-12, seconded by Councilman Burton.

RESOLUTION NUMBER 142-12

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:
 - *Medford Lakes Emergency Squad – Litigation Matters*
 - *Appraisal Systems Inc. – Litigation Matters*
 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.
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Mayor Cranston stated the reason for going into Executive Session and stated that Council would not take action following the Closed Session.

Mayor Cranston hearing no comments called for the vote.

VOTE TO ADOPT

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

Council exited the Closed/Executive Session and re-entered the regular meeting.

Councilman Burton motioned to adjourn the meeting, seconded by Mayor Cranston

Vote to adjourn

Yeas –Cranston, Hanold, Miller, Fitzpatrick, Burton

Nays – None

Meeting Adjourned