

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING (7:00pm)

November 30, 2011

A Re-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 McIntosh read the Open Public Meetings Act: pursuant to the requirements of the Open Public Meetings Act, adequate notice of this re-scheduled meeting had been provided to the Central Record, Burlington County Times, posted on the official website and official bulletin board of the Borough of Medford Lakes. Those wishing to be notified for changes to scheduled meetings were notified via email or regular mail.

ROLL CALL

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

EXECUTIVE SESSION (6:00pm)

Councilman Fitzpatrick motioned to enter a Closed/Executive Session seconded by Councilman Miller to discuss Contract and Litigation Matters as described herein.

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:

- *Appraisal Systems Incorporated (ASI) – Contract Matters*
- *Ray Angelini, Inc. vs. Nautilus Solar et al – Litigation Matters*
- *Emergency Medical Services (EMS) – Contract 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.

VOTE ON ADOPTION

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

Councilman Fitzpatrick motioned to adjourn the Closed/Executive Session and reopen the public meeting, seconded by Councilman Miller.

Mayor Lackey restated in public the matters discussed during the closed/executive session

PUBLIC COMMENT

Mayor Lackey opened the meeting to public comment, hearing none he closed public comment.

MINUTES

Councilman Miller motioned for approval/adoption of the November 9, 2011 regular meeting minutes, seconded by Deputy Manager Cranston.

Vote to approve/adopt

Yeas –Lackey, Cranston, Miller, Hanold, Fitzpatrick

Nays – None

Minutes approved/adopted

ORDINANCES

Mayor Lackey read Ordinance Number 592 by title.

Deputy Mayor Cranston introduced Ordinance Number 592 on first reading, seconded by Mayor Lackey.

ORDINANCE NUMBER 592

AN ORDINANCE AMENDING CHAPTER 145, LAND DEVELOPMENT, OF THE CODE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, as follows:

I. PURPOSE: The purpose of this Ordinance is to amend Chapter 145, Land Development, of the Code of the Borough of Medford Lakes in response to amendments to the Pinelands Comprehensive Management Plan related to forestry and wetlands management, effective March 1, 2010 and December 1, 2009, respectively.

II. Article III, Definitions and Usage, §145-12, “Definitions,” is hereby amended by replacing or adding the following definitions:

FORESTRY - The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clearcutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this Chapter, the following activities shall not be defined as forestry:

- (a) Removal of trees located on a parcel of land one (1) acre or less on which a dwelling has been constructed;
- (b) Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- (c) Removal of trees necessitated by the development of the parcel as otherwise authorized by this Chapter;
- (d) Removal of trees necessary for the maintenance of utility or public rights-of-way;
- (e) Removal or planting of trees for the personal use of the parcel owner; and
- (f) Removal of trees for public safety.

IMPERVIOUS SURFACE - Any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1 - Small Watershed Hydrology (WINTR-55) Version 1.0, as amended and supplemented, available with user guide and tutorials at http://www.wsi.nrcs.usda.gov/products/W2Q/H&H/Tools_Models/WinTr55.html or at Natural Resources Conservation Service, 220 Davidson Avenue, Somerset, NJ 08873. Such surfaces may have varying degrees of permeability.

WETLANDS MANAGEMENT - The establishment of a characteristic wetland or the removal of exotic species or Phragmites from a wetland in accordance with the standards of N.J.A.C. 7:50-6.10. For purposes of this definition, exotic species are those that are not indigenous to North America.

III. Article VI, General Zoning Provisions, §145-67, “Wetlands,” is hereby amended by replacing subsections D and E, in their entirety, with the following:

- D. Forestry shall be permitted in all wetlands subject to the requirements of N.J.A.C. 7:50-6.41 *et seq.*
- E. Fish and wildlife management and wetlands management in accordance with N.J.A.C. 7:50-6.10.

IV. Article VI, General Zoning Provisions, §145-70, Principal use per lot, is hereby amended to read as follows:

No more than one principal use shall be located on one lot, except for forestry, agriculture, horticulture, fish and wildlife management, wetlands management, and recreational development on agricultural lands.

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

Deputy Mayor Cranston explained that the proposed Ordinance had been reviewed by the Planning Board at their last meeting.

Mayor Lackey noted that Council received a letter from Planning Board Attorney Robert Kingsbury stating that the Ordinance was reviewed by the Planning Board and found to be substantially consistent with the Borough’s Master Plan.

Council directed the Solicitor to compare the definition of, “Impervious Surface” in the Ordinance with the definition in the current Land Development Ordinance as it relates to lot coverage.

A public hearing on the Ordinance will be held on Wednesday, December 14, 2011 at a meeting starting at 7:00pm.

VOTE ON INTRODUCTION

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

RESOLUTIONS

Mayor Lackey read Resolution Number 169-11 by title.

Councilman Miller stated that he would like to amend the Resolution to include language that a military veteran to be named later would be added to the committee.

Council agreed.

Councilman Miller introduced Resolution Number 169-11, seconded by Deputy Mayor Cranston.

RESOLUTION NUMBER 169-11

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF NEW JERSEY ESTABLISHING A LEON E. TODD MEMORIAL PARK COMMITTEE

WHEREAS, the Borough of Medford Lakes owns and operates the Leon E. Todd Memorial Park; and

WHEREAS, it is the desire of the Borough Council to establish a Committee to be made up of volunteers from the community in order to help maintain the Park on a regular basis.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, New Jersey that the following individuals are hereby approved as members of the Leon E. Todd Memorial park Committee:

John Scullion, Michelle Scullion, Joan Lewis, Patty Dyremose, Jeff Dyremose, Dave Piereth, Paul Weiss and Joe Scullion, Jr. and one military veteran to be named at a future date.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Camden County Joint Insurance Fund and that a copy of the membership shall be maintained by the Municipal Clerk.

Mayor Lackey asked for comments.

Joe Aromando of 285 Shingowack Trail expressed concern that the Borough failed to notice the community of the opportunity to be a member of this committee.

Council discussed the complaint and Clerk McIntosh stated that this committee was setup in a similar fashion to the Farmers Market Committee.

Mayor Lackey requested a roll call vote.

VOTE ON ADOPTION

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

Mayor Lackey read Resolution Number 170-11 by title.

Councilman Hanold motioned introduction of Resolution Number 170-11, seconded by Councilman Miller.

RESOLUTION NUMBER 170-11

A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE ACCEPTANCE OF BEQUESTS, LEGACIES, AND GIFTS PURSUANT TO N.J.S.A. 40A: 5-29, FOR THE PURPOSE OF MAINTENANCE OF THE LEON E. TODD MEMORIAL PARK

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A: 5-29 allows municipalities to receive amounts for the bequests, legacies, and gifts with said monies to be used for costs related to the upkeep of the Leon E. Todd Memorial Park; and

WHEREAS, N.J.S.A. 40A: 4-39 provides that the Director of Local Government Services may approve expenditures of monies by dedication by rider.

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

1. The Mayor and Council hereby request permission of the Director of Local Government Services to pay expenditures in support of the Leon E. Todd Memorial Park Committee as per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Borough of Medford Lakes is hereby directed to forward two (2) certified copies of this resolution to the Director of the Division of Local Government Services.

Mayor Lackey asked for comments, hearing none he called for a vote.

VOTE ON ADOPTION

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

Mayor Lackey read Resolution Number 171-11 by title.

Councilman Fitzpatrick motioned introduction of Resolution Number 171-11, seconded by Mayor Lackey.

RESOLUTION NUMBER 171-11

A RESOLUTION AUTHORIZING THE REFUND OF A DUPLICATE FIRE INSPECTION FEE & DUPLICATE EXTRANEIOUS FLOW INSPECTION FEE

WHEREAS, the realtor and owner for 116 Onondago Trail also known as Block #30103, Lot #3625 applied for a fire inspection and an extraneous flow inspection; and

WHEREAS, the realtor applied for the inspection unaware that the property owner had already applied; and

WHEREAS, the realtor is due the \$50.00 fire inspection fee and the \$25.00 extraneous flow fee.

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that a refund in the amount of \$75.00 be given to Valerie Bertsch of 235 Chicagami Trail, Medford Lakes, NJ 08055.

Mayor Lackey asked for comments, hearing none he called for a vote.

VOTE ON ADOPTION

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

Mayor Lackey read Resolution Number 172-11 by title.

Councilman Hanold motioned introduction of Resolution Number 172-11, seconded by Mayor Lackey.

RESOLUTION 172-11

AWARDING A BID FOR THE SUPPLY AND INSTALL STANDBY GENERATORS AT BEACH DRIVE AND COCHISE CIRCLE PUMP STATIONS PROJECT

WHEREAS, the Borough of Medford Lakes pursuant to the NJ State Public Contract Law received the following bids for the **SUPPLY AND INSTALL STANDBY GENERATORS AT BEACH DRIVE AND COCHISE CIRCLE PUMP STATIONS PROJECT** on Wednesday, November 16, 2011 @ 10:00am:

Day Electric	\$36,822.00
LC Construction	\$36,888.00
Gibson Electric	\$63,477.17
Lance, Inc.	\$49,900.00
MaGuire, LLC	\$42,300.00
GIL, Inc.	\$37,600.00

Coastal	\$56,773.99
Eagle, Inc.	\$41,514.00
Wescott Co.	\$71,000.00
KRS Services	\$45,997.00
D.P. Murt, Inc.	\$54,760.00
ABS, Inc.	\$37,452.00; and

WHEREAS, LC Construction was the lowest responsible/responsive bidder received by the Borough, with a bid in the amount of \$36,888.00; and

WHEREAS, the Wastewater Treatment Plant Licensed Operator, the Borough Attorney and Borough Clerk recommend the bid of LC Construction having complied with the bid specifications; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes that LC Construction Company, Inc., 1431 N. Tuckahoe Road, Williamstown, NJ 08094-1601 be and hereby is awarded a contract for the **SUPPLY AND INSTALL STANDBY GENERATORS AT BEACH DRIVE AND COCHISE CIRCLE PUMP STATIONS PROJECT** in accordance with the specifications in the bid.

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

Mayor Lackey asked for comment.

Joe Aromando of 285 Shingowack Trail asked for a description of the purchase and reason for purchase.

Councilman Hanold explained the NJDEP requirements and what was being purchased and installed.

Mayor Lackey requested a roll call vote.

VOTE ON ADOPTION

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

Mayor Lackey read Resolution Number 173-11 by title.

Councilman Hanold motioned introduction of Resolution Number 173-11, seconded by Mayor Lackey.

RESOLUTION NUMBER 173-11

A RESOLUTION REOPENING A CONTRACT KNOWN AS BALLINGER PEDESTRIAN SAFETY IMPROVEMENTS PROJECT, AWARDED TO CURBCON, INC.

WHEREAS, the Borough has entered into to a certain contract with CURBCON, INC. for the BALLINGER PEDESTRIAN SAFETY IMPROVEMENTS PROJECT; and

WHEREAS, said contract was awarded on July 14, 2010 by Resolution Number 127-10; and

WHEREAS, the project completion was delayed because of a design flaw; and

WHEREAS, the contract was closed out as to not penalize the contractor; and

WHEREAS, the design has been approved by all interested parties; and

WHEREAS, the Mayor and Council wish to reopen the contract to proceed with completion of the project.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the Mayor, Chief Financial Officer and Borough Clerk are hereby directed and authorized to execute any and all necessary documents required to effectuate said Contract.

Clerk McIntosh explained the need for the Resolution.

Mayor Lackey asked for comment, hearing none he requested a roll call vote.

VOTE ON ADOPTION

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

Mayor Lackey read Resolution Number 174-11 by title.

Councilman Hanold motioned introduction of Resolution Number 174-11, seconded by Mayor Lackey.

RESOLUTION NUMBER 174-11

A RESOLUTION RESTATING RESOLUTION NUMBER 121-11, A RESOLUTION APPROVING CHANGE ORDER NUMBER 3 FOR A CONTRACT KNOWN AS BALLINGER PEDESTRIAN SAFETY IMPROVEMENTS PROJECT, INCREASING THE CONTRACT SUM FROM \$ 96,268.00 TO \$ 114,268.00, AN INCREASE OF \$ 18,000.00

WHEREAS, the Borough has entered into to a certain contract with CURBCON, INC. for the BALLINGER PEDESTRIAN SAFETY IMPROVEMENTS PROJECT; and

WHEREAS, said contract has resulted in the award of a contract in the original amount of \$ 84,775.00; and

WHEREAS, the Project Engineer, Wayne D. Simpson, P.E., of Richard A. Alaimo Association of Engineers recommends approval of Change Order Number 3 pursuant to the terms of said contract based on changes due to field conditions; and

WHEREAS, the procedures for change orders which exceed the 20% limitation pursuant to N.J.S.A. 5:30 – 11.9 have been met as evidenced by the certifications attached hereto; and

WHEREAS, Change Order Number 3 dated June 10, 2011 amends the contract with CURBCON, INC. from \$ 96,268.00 to \$ 114,268.00, an increase in the contract of \$ 18,000.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that Change Order Number 3 is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor, Chief Financial Officer and Borough Clerk are hereby directed and authorized to execute any and all necessary documents required to effectuate said Change Order.

Mayor Lackey asked for comment, hearing none he requested a roll call vote.

VOTE ON ADOPTION

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

REPORTS

Manager Horner – Keizer submitted a written report and highlighted leaf pick-up program, sealing of Oaks Hall, tax look-up on the website and paving project status.

Council asked the Manager to direct Public Works to have a Saturday, large trash drop-off on December 17, 2011 and a Monday large trash pickup on December 19, 2011.

Clerk McIntosh submitted a written report and discussed the on-going Hurricane Irene FEMA reimbursement project and the receipt of the RFP/RFQ proposals.

Councilman Hanold stated that Council had received very detailed written reports from the Public Works, Wastewater and Code Enforcement Departments.

Solicitor Lange stated that he is working on the Verizon proposal to extend the height of the Borough cell tower and locate an antenna on same.

Deputy Mayor Cranston stated that the administration committee met and that all departments were to have their budgets returned to the Manager by December 1, 2011.

NEW BUSINESS

Council directed the Clerk to advertise for two (2) budget workshops in January. The dates/times are:

1. Friday, January 13, 2012 at 8:00am
 2. Friday, January 20, 2012 at 8:00am
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COMMUNICATIONS

Mayor Lackey stated that he received a public hearing notice from the Burlington County Freeholders regarding the County's Waste Management Plan.

BILL LIST

Councilman Miller motioned for approval of the bill list, seconded by Councilman Fitzpatrick.

Mayor Lackey called for a roll call vote

VOTE TO APPROVE

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

PUBLIC COMMENT #2

Mayor Lackey opened the meeting for public comment.

Pete Rogers of 156 Apache Trail stated that the best waste disposal system is the Camden incinerator. He also asked if Zone #2 would have a second leaf pickup.

Manager Horner – Keizer stated that zones one and two would receive an additional pickup.

Joe Aromando of 285 Shingowack Trail stated in the past, Council would adopt various Resolutions to honor certain events throughout the year. He believes that the Borough should have adopted a Veterans Day Resolution this month. He also stated that the shoulder of Shingowack Trail needs a sturdier fill material other than top soil which is getting washed away. He also commented on an Underground Storage Tank (UST) cleanup nightmare and asked how our public education on UST's was going.

Hearing no further comment, Mayor Lackey closed public comment.

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

Vote to Adjourn

Yeas – Lackey, Cranston, Miller, Hanold, Fitzpatrick

Nays – None

Meeting Adjourned