

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING (7:00pm)

October 12, 2011

A Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in Oaks Hall at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ 08055 beginning at 7:00pm. This meeting was preceded at 6:00pm by a Closed/Executive Session meeting. 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 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 Jeff Fitzpatrick and Councilman Robert D. Hanold, Sr. answered in attendance. Also present were Manager Julie Horner-Keizer, Deputy Manager/Clerk Mark J. McIntosh and Solicitor Peter C. Lange, Jr.

PROCLAMATION

Mayor Lackey read into the record the following proclamation.

A proclamation recognizing the month of October 2011 as Community Planning Month

WHEREAS, New Jersey municipalities, counties, and regional planning entities continually face changes in their communities and natural environment, and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the American Planning Association has designated the month of October as National Community Planning Month throughout the United States of America and its territories to highlight the contributions of sound planning and plan implementation, and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning and zoning boards and other citizen volunteers who have contributed their time and expertise to the improvement of the Borough of Medford Lakes, New Jersey; and

NOW, THEREFORE, BE IT RESOLVED THAT, the month of October 2011 is hereby designated as Community Planning Month in the Borough of Medford Lakes, New Jersey in conjunction with the celebration of National Community Planning Month.

PUBLIC COMMENT

Mayor Lackey opened the meeting to public comment.

Mayor Lackey hearing none he closed public comment.

MINUTES

Councilman Miller motioned for approval/adoption of the September 28, 2011 executive session meeting minutes, seconded by Councilman Hanold.

Vote to approve/adopt

Yeas –Lackey, Cranston, Miller, Hanold, Fitzpatrick

Nays – None

Minutes approved/adopted

Councilman Miller motioned for approval/adoption of the September 14, 2011 regular meeting minutes, seconded by Councilman Hanold

Vote to approve/adopt

Yeas –Lackey, Cranston, Miller, Hanold, Fitzpatrick

Nays – None

Minutes approved/adopted

RESOLUTIONS

Mayor Lackey read Resolution Number 153-11 by title.

Councilman Hanold motioned to introduce Resolution Number 153-11, seconded by Deputy Mayor Cranston.

RESOLUTION NUMBER 153-11

**A RESOLUTION AUTHORIZING MAINTENANCE DEPOSIT REFUNDS
FOR CERTAIN PLUMBING AND STREET OPENING PERMITS**

WHEREAS, pursuant to Borough of Medford Lakes Ordinance Number 584 a street opening permit requires a maintenance deposit or bond; and

WHEREAS, once the requirement causing the need for the maintenance deposit is met by the permit holder there is due a refund to the applicant; and

WHEREAS, on September 29, 2011 the Public Works Assistant Superintendent has certified that the standards defined by Ordinance Number 584 have been met.

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 refund of their maintenance bond as described herein:

| <u>Applicant</u> | <u>Amount of refund</u> | <u>Project Address</u> |
|------------------|-----------------------------------|------------------------|
| Davies | \$1,000.00 (1 st Half) | 81 Cherokee Trail |

Mayor Lackey asked for comments, hearing none he 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 | | | |
| Councilman Robert D. Hanold, Sr. | X | | X | | | |
| Councilman Jeffrey Fitzpatrick | | | X | | | |

Mayor Lackey read Resolution Number 154-11 by title.

Councilman Fitzpatrick motioned introduction of Resolution Number 154-11, seconded by Councilman Hanold.

RESOLUTION NUMBER 154-11

A RESOLUTION AUTHORIZING THE SALE OF MUNICIPALLY OWNED PERSONAL PROPERTY AND THE SALE OF TANGIBLE PERSONAL PROPERTY FOUND OR RECOVERED BY THE POLICE DEPARTMENT

WHEREAS, the Borough of Medford Lakes wishes to provide for sale at public auction pursuant to N.J.S.A. 40A: 11-36 and items abandoned or unclaimed pursuant to N.J.S.A 39:10A-1; and

WHEREAS, N.J.S.A. 40A:11-36 and N.J.S.A. 39-10A-1 provide for notification of such auction and sale of such property and notice of this sale will be published in the official newspaper(s) of the Borough of Medford Lakes; and

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that pursuant to N.J.S.A. 40A:11-36 and N.J.S.A. 39:10A-1, a public auction will be held on Saturday, November 5, 2011 at 9:00am; and

BE IT FURTHER RESOLVED, that said monies collected by such auction shall be deposited with the Chief Financial Officer of the Borough of Medford Lakes, pursuant to statute; and

1. **BE IT FURTHER RESOLVED**, by the Borough Council of the BOROUGH OF MEDFORD

LAKES that the following items may be inspected at the Medford Lakes Public Works Department, 12 Stokes Road, Medford Lakes, NJ 08055 located at the corner of Stokes Road and Lenape Trail between the hours of 8:00am and 9:00am prior to the auction. All items are “as is” condition.

| 2. | <u>Brand</u> | <u>Serial #</u> | <u>Color</u> |
|----|------------------------|-----------------|---------------|
| | <u>BICYCLES</u> | | |
| | SCHWINN | SN1D05H05 | PURPLE |
| | MONGOOSE | 07100509 | BLUE/BLACK |
| | HUFFY | HC1405357 | GRAY/PINK |
| | HUFFY | AL08F045171 | BLUE/WHITE |
| | HUFFY | UNKNOWN | ORANGE |
| | MURRAY | M0P0971485 | GRAY |
| | HUFFY | K6412K | MAROON |
| | MONGOOSE | HBFKL02652 | BLUE |
| | MAGNA | 49260025 | BLUE |
| | UNKNOWN | ACA07G01587 | GRAY |
| | SCHWINN | EU900798 | PINK |
| | BALLYE | 8029 | RED |
| | UNKNOWN | HAM0B03725 | BLUE |
| | PACIFIC | C3A00599 | ORANGE |
| | PACIFIC | CA6C2242 | PINK |
| | LA JALA | GS080112961 | RED |
| | HUFFY | UNKNOWN | WHITE/RED |
| | PACIFIC | SMFSD04GM7155 | RED |
| | MAGNA | 58181485 | BLUE |
| | SCHWINN | SNFSD05FU7794 | SILVER |
| | ROADMASTER | GK51212455 | BLUE |
| | SPECIALIZED | C10G8631 | SILVER/BLACK |
| | TREK | TB140C846L802 | PURPLE/SILVER |
| | TREK | UNKNOWN | BLACK/RED |
| | TREK | UNKNOWN | PURPLE |
| | RALEIGH | P3HC10170 | PURPLE |
| | ROBINSON | YC98D09356 | SILVER |

MISCELLANEOUS

| | | | |
|--|-----------------|------------|------------------|
| | RAZOR SCOOTER | UNKNOWN | SILVER/GRAY |
| | RAZOR SCOOTER | Y704182711 | SILVER |
| | RAZOR SCOOTER | UNKNOWN | SILVER |
| | DOUBLE STROLLER | UNKNOWN | GRAY |
| | SINGLE STROLLER | UNKNOWN | BLUE |
| | COOLER | UNKNOWN | RED |
| | COOLER | UNKNOWN | WHITE |
| | “SLOW” SIGN | UNKNOWN | FLOURECENT GREEN |

Mayor Lackey asked for comment.

Councilman Miller asked if any other items would be auctioned.

Clerk McIntosh stated yes, at a later date and he was awaiting the list from Public Works.

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 | | | |
| Councilman Gary A. Miller | | | X | | | |
| Councilman Robert D. Hanold, Sr. | | X | X | | | |
| Councilman Jeffrey Fitzpatrick | X | | X | | | |

Mayor Lackey read Resolution Number 155-11 by title.

Councilman Hanold motioned introduction of Resolution Number 155-11, seconded by Councilman Lackey.

RESOLUTION 155-11

A RESOLUTION AWARDDING A BID FOR THE OTTAWA TRAIL DRAINAGE PROJECT

WHEREAS, the Borough of Medford Lakes pursuant to the NJ State Public Contract Law received the following bids for the Ottawa Trail Drainage Project on Wednesday, July 27, 2011:

| | |
|---------------------|------------------|
| RME, Inc | \$22,544.75 |
| JJM Excavating | \$59,410.00 |
| Mac Rose | \$44,201.00 |
| Pioneer Pipe | \$59,745.20 |
| ECO | \$42,845.00 |
| RTW | \$76,025.00 |
| Spencer V. Maussner | \$57,860.01 |
| Aventine | \$52,261.75 |
| 4RO | \$57,326.00 |
| Seminole | \$48,148.48 |
| Ivymont | \$44,091.00; and |

WHEREAS, RME, Incorporated was the lowest responsible/responsive bidder received by the Borough, with a bid in the amount of \$22,544.75; and

WHEREAS, the Borough Manager recommends the bid of RME, Inc. 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 R. Moslowski Excavating, Inc., 3 Meirs Road, Cream Ridge, NJ 08514 be and hereby is awarded a contract for Ottawa Trail Drainage 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 RME, Incorporated in order to complete said Contract.

Mayor Lackey stated that the low bidder was investigated by the Manager and found to be qualified. He then asked for comment, hearing none he called for 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 removed the draft leaf collection regulation resolution from old business.

Clerk McIntosh assigned it Resolution Number 156-11

Councilman Hanold motioned introduction of Resolution Number 156-11, seconded by Mayor Lackey.

RESOLUTION NUMBER 156-11

A RESOLUTION APPROVING REGULATIONS FOR THE COLLECTION OF LEAVES

WHEREAS, the Borough of Medford Lakes has completed an efficiency analysis and storm water regulation compliance review of the leaf collection program; and

WHEREAS, the Public Works Superintendent has the authority to make regulations regarding collection processes with the approval of such regulations by Borough Council.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Medford Lakes formally approves the following regulations:

1. Leaves set out for municipal collection are required to be in a containment ring.
2. Containment rings shall be of wire or plastic mesh construction.
3. Containment rings shall not be placed on top of any storm drain inlet.
4. Containment rings shall be setup no further than two (2) feet from the edge of the blacktop.
5. Containment rings may not be placed in the roadway.
6. Leaves will be collected by voting district.

7. Once collection is **deemed** complete in the district **by the Superintendent** it shall be the responsibility of the property owner to dispose of any additional leaves.

Mayor Lackey asked Councilman Hanold to explain the process in developing the regulations.

Councilman Hanold stated that the regulations were developed with the goal of creating a cost effective and efficient collection program. He stated that the Public Works Department staff was enthusiastic about the process and recommended that residents share containment rings.

Council discussed developing a strong public relations campaign vs. setting a regulation.

Council collectively agreed to amend the resolution to include reference to, “in an effort to comply with NJ Stormwater Management regulations”.

Councilman Hanold and Mayor Lackey agreed to the amendment.

Mayor Lackey asked for public comment.

Joe Aromando of 285 Shingowack Trail stated that he thinks that a strong public awareness campaign should come before adopting formal regulations. He further stated that he didn’t believe that the NJ State regulations require a containment bin. He also stated that he doesn’t believe that these changes would alter the efficiency of the collection process.

Bob McGowan of 18 Cochise Circle stated that he was in favor of a strong public awareness campaign but appreciated Council trying.

Mayor Lackey closed the comment section and 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 | | | |

ORDINANCES

Mayor Lackey introduced on first reading Ordinance Number 587, seconded by Councilman Hanold.

ORDINANCE NUMBER 587

AN ORDINANCE REGULATING RESIDENTIAL UNDERGROUND STORAGE TANKS

WHEREAS, the Borough Council has determined that buried underground storage tanks pose potential environmental, safety, legal, and economic issues for its residents;

WHEREAS, the Borough Council has determined that it is necessary to add to Borough Code relative to underground storage tanks to address the lack of adequate regulations in current Federal, State or local laws, codes, or guidelines for local tank regulation;

WHEREAS, the Borough Council has determined that it has the authority to regulate residential underground storage tanks located in the Borough of Medford Lakes, in order to protect health and property, and to minimize the potential for a release of petroleum or other contaminants which could have an adverse environmental impact on its residents and its groundwater supply;

WHEREAS, the Borough Council acknowledges that whereas typical sized residential underground storage tanks are not regulated by Federal, state or local laws or codes, that residential underground storage tanks that cause a release of petroleum or contaminants into the environment are subject to Federal and/or State laws and regulations, and that all releases of oil or other contaminants from an underground storage tank must be reported promptly to the New Jersey Department of Environmental Protection (NJDEP), and appropriate risk-based corrective action (RBCA) initiated promptly for an assessment and response to a petroleum release;

NOW THEREFORE, BE IT ORDAINED, by the Borough Council of Medford Lakes, County of Burlington, State of New Jersey that the following regulations are hereby adopted, effective January 1, 2012, the effective date of this Ordinance.

DEFINITIONS:

Abandoned Underground Storage Tank (“Abandoned UST”) shall be defined as an underground storage tank that is no longer in use, including all ancillary parts, that remains intact or partially intact and underground or partially underground.

Above Ground Storage Tank (“AST”) shall be defined as any tank or combination of tanks including appurtenant pipes, lines, fixtures and other related equipment used to store hazardous substances that is wholly above ground, including any tanks in crawl spaces, basements, or other space within the structural footprint of a building.

Closure shall be defined as the complete and final remediation of a UST site in accordance with all applicable local, State, and/or Federal laws, codes, and regulations.

Closure of an Abandoned UST shall be defined as Closure in accordance with all applicable local, State, and/or federal laws, codes, and regulations at the time of abandonment.

Discharge shall be defined as the intentional or unintentional uncontained release by any means of hazardous substances into the environment.

“Toxic or Hazardous Materials” or **“Contaminants”** shall be defined as all liquid (at ambient pressure and temperature) hydrocarbon products, including but not limited to gasoline, fuel and diesel fuel, and any other substance controlled and regulated as being toxic and hazardous by the New Jersey Department of Environmental Protection (“New Jersey DEP”).

Underground Storage Tank (“UST”) shall be defined as any tank or combination of tanks including appurtenant pipes, lines, fixtures and other related equipment used to store hazardous substances underground or partially underground.

SECTION 1. TANK REGISTRATION

- A. All Property Owners of active USTs located within the Borough of Medford Lakes shall file a Registration Certificate with the Borough Clerk on a form prescribed by the Borough Clerk on or before June 30, 2012. All Property Owners shall be required to provide information detailing the size, composition, approximate age, and location of every UST located on said owner’s property within the Borough. The Registration Certificate shall include a sketch showing the location of UST(s) on the property.
- B. (1.) All Property Owners of Abandoned UST(s) located within the Borough of Medford Lakes shall file a Registration Certificate with the Borough Clerk on a form prescribed by the Borough Clerk on or before June 30, 2012. With the Registration Certificate, the Property Owner must provide evidence of proper Closure of the Abandoned UST, as defined above, prior to the issuance of a Registration Certificate.
- (2.) If the Property Owner cannot provide documentation confirming Closure of an Abandoned UST, then the property owner shall have to provide confirmation that there is no petroleum or ground contamination at the location of the abandoned UST by means of a valid soil test from a state certified laboratory, and comply with the standards for abandoning a UST in place. (Property Owners who are uncertain of the existence or location of an Abandoned UST can contract at their own expense for ground screening services that assist in the search for abandoned USTs.)
- C. All Property Owners with an active AST located within the Borough of Medford Lakes shall file a Registration Certificate with the Borough Clerk on a form prescribed by the Borough Clerk on or before June 30, 2012.
- D. There will be a \$10 Registration Fee for any active UST and any active AST. There will be no Registration Fee for an Abandoned UST. All collected fees will be designated for the Medford Lakes Environmental Commission.
- E. Property Owners with a registered active UST or registered active AST will be issued a permanent Medford Lakes Identification tag, embossed with a registration number unique to that tank. This registration tag must be affixed to the fill pipe associated with the storage tank in such a location as to be visible to any distributor or retailer of fuel oil or other products when filling the tank, and to any inspector authorized to perform inspections of such tanks within the Borough of Medford Lakes.
- F. As of July 1, 2012, all retailers or distributors of petroleum or other products shall not deliver petroleum or other products into a UST or AST that does not have a Medford Lakes Identification Tag. Retailers or distributors who make delivery of petroleum or other chemical products to a UST or AST without a Medford Lakes Identification Tag shall be subject to violation of this Ordinance.
- G. After the Effective date of this Ordinance, all Property Owners in Medford Lakes with a registered UST or AST shall provide a Change of Ownership Registration within ten (10) days after the Closing of a sale of property in Medford Lakes, signed by both the Seller and Buyer. The Change of Ownership Registration form can be obtained from the Borough Clerk.

SECTION 2. TESTING AND REGULATION

- A. Property Owners with a registered active UST that cannot provide documentation confirming installation within the ten year period prior to the Effective date of this Ordinance shall provide to the Borough Clerk within Six (6) months of the Effective date of this Ordinance the results of a Soils Test (the "Initial Soils Test"), performed by a company or individual state certified for that purpose. The soil test shall be in accordance with standards established by the Code Enforcement Official, or other designee, specifically for Medford Lakes. All samples must be tested by a state certified laboratory (field testing is not acceptable).
- B. Property Owners with a registered active UST that cannot provide documentation confirming installation within the ten year period prior to the Effective date of this Ordinance and do have the documented results of a Soils Test, performed by a company or individual state certified for that purpose, performed within two years or less prior to the Effective date of this Ordinance, shall not be required to provide results of an Initial Soils Test.
- C. Property Owners with a registered active UST with documentation confirming a date of installation that is ten years or less prior to the Effective date of this Ordinance shall not be required to provide results of an Initial Soils Test.
- D. Property Owners with an Abandoned UST that has been registered with documentation of Closure of an Abandoned UST shall not be required to provide results of an Initial Soils Test.
- E. An Abandoned UST that lacks documentation for Closure of an Abandoned UST shall provide to the Borough Clerk within Six (6) months of the Effective date of this Ordinance the results of an Initial Soils Test, performed by a company or individual state certified for that purpose. The soil test shall be in accordance with standards established by the Code Enforcement Official, or other designee, specifically for Medford Lakes. All samples must be tested by a state certified laboratory (field testing is not acceptable).
- F. An active registered AST regardless of date of installation shall not be required to provide results of an Initial Soils Test.
- G. All active UST or Abandoned UST testing results shall have a zero tolerance for any leak or discharge of any kind of any petroleum or other contaminant, including water that has been mixed with any petroleum or contaminant. In accordance with State Regulations N.J.A.C. 7:1E and 7:1E-5.3, any leak of any kind must be reported to the NJDEP. A copy of said notice shall also be provided to the Borough Clerk, within fifteen (15) days of the date of notice to NJDEP. A faulty UST or faulty Abandoned UST shall be removed in accordance with regulations established and enforced by the NJDEP. Removal shall require a Building Permit and inspection by the Borough or an agent of the Borough.
- H. A UST or Abandoned UST, once tested within six months of the Effective date of this Ordinance, with negative results, and after filing the laboratory report with the Borough Clerk:
- a. The Property Owner of an Abandoned UST shall not be required to make any further tests.
 - b. The Property Owner of a registered active UST, regardless of date of installation, shall be required to have a soils test performed by a company or individual state certified for that purpose at least once every fifth year and succeeding fifth year after July 1, 2012.
 - c. All soil tests shall be performed by a company or individual state certified for that purpose. The soil test shall be in accordance with standards established by the Code Enforcement Official, or other designee, specifically for Medford Lakes. All samples must be tested by a state certified laboratory (field testing is not acceptable).
- I. All UST testing and soil sampling results shall be maintained by the Borough Clerk and available upon request.

SECTION 3. ABANDONMENT IN-PLACE.

USTs which have soil tests or soil sampling with negative results for any petroleum or contaminant discharge, can be abandoned in-place. Proper UST abandonment requires the use of good engineering practices, including consideration of the future condition of the UST. Abandonment in-place shall require:

1. A Building Permit issued by the Borough of Medford Lakes.
2. An abandonment process accomplished by a company or individual state certified for that purpose.
3. The UST must be emptied and cleaned of all liquids, dangerous vapor levels, and accumulated sludge.
4. In addition to emptying and cleaning the UST, the Owner must empty and clean all connecting lines; disconnect the suction inlet, gauge, and vent lines, and cap the remaining piping.
5. The Property Owner must remove the fill-pipe.
6. After completion of (c) (d), (e), the Owner must schedule an inspection by the Borough or agent of the Borough.
7. After Inspection and written Borough approval, the UST must be filled with an acceptable solid, inert material such as sand, concrete slurry, or commercial foams sold specifically for that purpose.
8. The Property Owner shall provide the Borough Clerk with all copies of pertinent information and approvals specific to the abandoned UST, at which time the Borough Clerk shall close out the Building Permit.

SECTION 4. INSTALLATION

- A. Upon the Effective date of this Ordinance, all new installations of any UST shall require at a minimum a UST constructed of fiberglass material and/or a multi-walled storage tank. Installation shall require a new UST Registration and a Building Permit. The Borough reserves the right to deny a Building Permit for a new UST installation that does not meet standards established by the Building Code Official, or other designee. Said standards may be revised from time to time to reflect new product innovations and technology.
- B. If a replacement UST, the Property Owner will be required to submit results of a soils test performed within the twelve month period prior to the application date before approval of a Building Permit for the new UST. The soil test shall be in accordance with standards established by the Code Enforcement Official, or other designee, specifically for Medford Lakes. All samples must be tested by a state certified laboratory (field testing is not acceptable).
- C. Any exceptions to the above shall require a variance application and Planning Board approval.

SECTION 5. ENFORCEMENT

Any Property Owner or any supplier of petroleum products who violates any provision of the regulations contained herein shall be subject to a fine of not less than \$100 or more than \$1000.

SECTION 6. SEVERABILITY

Provisions of this regulation are severable and if any provision hereof shall be held invalid under any circumstances such invalidity shall not affect any other provisions or circumstances. All tank removals shall be performed by a

qualified license holder in accordance with the New Jersey Administrative Code and the applicable International Building Subcode.

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

Mayor Lackey stated that the creation of this Ordinance had started under the previous Council and been stalled during the transition to the new Council. He stated that this Ordinance is an attempt to be proactive in supporting the communities' environment and fill voids in the absence of any State or Federal regulations.

Councilman Fitzpatrick stated that he appreciates all of the Mayor's work in developing this Ordinance. He expressed concern with the costs to the affected homeowners. He stated that a heavy public relations awareness campaign would be better than forced regulations. He stated that he believes that we are profiling a certain segment of the population and would be voting against introduction.

Deputy Mayor Cranston stated that the Planning Board sub-committee had made certain recommendations in development of this Ordinance of which some are included. He felt that homeowners and oil companies monitoring usage would identify leaks. He believes that a bigger public awareness campaign might be a better direction.

Councilman Hanold stated that we could go easier on tanks less than ten years old. He also said that this Ordinance is an attempt to be proactive vs. reactive due to the damaging effects on well water and our lake water quality. He further stated that he has as much concern with above ground tanks and that this Ordinance protects all Medford Lakes residents.

Councilman Miller thanked Mayor Lackey for his time in developing this Ordinance and is supportive of the goal to protect the groundwater for wells and the lakes but is also concerned with the burden placed on the homeowners.

Council and Solicitor Lange collectively discussed when the State gets involved, estimated costs to replace tanks and made some minor changes to wording. Council directed the Clerk to place information in the Colony News and on the Borough website.

Council directed the Clerk to list the Ordinance for a public hearing on November 9, 2011.

Mayor Lackey requested a roll call vote on introduction.

VOTE ON INTRODUCTION

| | 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 reported on the status of various large projects underway in the Borough (i.e. roadway pavement project, Ballinger Sidewalk, Quogue Dam and the emergency repairs associated with Hurricane Irene).

Clerk McIntosh submitted a written report and commented on the Borough’s application for FEMA funding related to Hurricane Irene expenses.

Mayor Lackey asked if the Borough was addressing issues related to employee motor vehicle accidents. Clerk McIntosh stated that those issues have been investigated and recommendations have been implemented.

Councilman Hanold reported that the Public Works Department had moved their offices from Wastewater to the old Administration trailer and the WWTP lab should be moving to the plant office shortly. He stated that the cement pads were in for the pump station generators and that Verizon would be providing a proposal to extend the cell tower height.

NEW BUSINESS

Mayor Lackey asked that the proposal to create a Medford Lakes Beautification Committee be on the agenda for the next meeting.

Deputy Mayor Cranston stated that a bid opening for BAN’s occurred last week and the lone bid was a substantial increase in the interest rate. The CFO in concurrence with the Auditor and Bond Counsel suggested doing an interloan and monitor the market for changes to BAN rates.

BILL LIST

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

Mayor Lackey called for a roll call vote.

VOTE TO APPROVE

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

PUBLIC COMMENT #2

Mayor Lackey opened the meeting for public comment and asked that comment on the introduced UST Ordinance be held until the Public Hearing.

Bob McGowan of 18 Cochise Circle thanked Deputy Manager Cranston for his input on the finance issues facing the Borough. He also stated that we can never overeducate our residents regarding the hazards of underground storage tanks.

Joe Aromando of 285 Shingowack Trail stated that he thought public comment was for whatever he wished to discuss, hopefully his thoughts will be fresh when the UST public hearing occurs and was upset by Council regulating his comments. He expressed appreciation of the use of the chipper by the DPW. Use of the chipper serves the residents well; it doesn't cost us to dispose of chips, using the chipper decreases the volume of brush. He always hears public employees complain that they are short staffed and can't get to all of the jobs in a timely manner yet, the town supported keeping the police at nine (9) members staffing and he would rather see us increase the DPW staff to keep up the Borough's appearance. He said that he's been asking for an update on how the DPW is going to more efficiently pickup leaves and asked what ideas the DPW has offered other than rings around piles. He stated that the Borough should contract with the leaf machine manufacturers to maintain, clean, repair because our DPW crew doesn't have time or knowledge. He further stated that we aren't getting a decent life-expectancy from public works equipment. When he worked at Alenco Fence they had hundreds and thousands of dollars in equipment and they hired a pressure washer service to clean equipment. We have spent a lot of money to give DPW the best equipment and it doesn't get maintained well. He also spoke to the Wastewater Treatment Plant Licensed Operator, Paul Hayden and he (Paul) thinks replacing all sewer pipes with PVC that has a 75-year life expectancy vs. re-lining is a better option. He finished his comments stating unfortunately the rest of his comments are on the UST Ordinance which he wasn't allowed to discuss.

Hearing no further comment, Mayor Lackey closed public comment.

Councilman Fitzpatrick motioned to adjourn the meeting, seconded by Deputy Mayor Cranston.

Vote to Adjourn

Yeas – Lackey, Cranston, Miller, Fitzpatrick, Hanold

Nays – None

Meeting Adjourned