

BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
JUNE 23, 2005

The regular meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in the Denby Annex of the Medford Lakes Colony beginning at 7:30pm. Mayor Wasson presided. Following the Pledge of Allegiance, Mayor Wasson read the Statement of Compliance with the Open Public Meetings Act. This is to announce that adequate notice in the form of Notice of Meetings was (1) posted on the Administration Building bulletin board, (2) mailed to The Central Record, Medford, NJ, (3) mailed to the Burlington County Times, Willingboro, NJ, (4) mailed to the Courier Post, Cherry Hill, NJ, and (5) filed with the Municipal Clerk. Advance written notice of this meeting was mailed to all persons who requested such notice according to the Clerk of the Municipality.

Answering Roll Call for Borough Council were Mayor Dave Wasson, Councilman Tim Casey, and Councilman Gary Woodend. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Solicitor Jim Vogdes, Colony representative Paul Weiss, and Oaks Hall project manager Jim Madden.

PUBLIC COMMENT

James Cottingham, 202 Tabernacle Road, attended the most recent Medford Lakes Planning Board meeting. He was surprised to learn that the Medford Lakes Country Club owes Borough engineers over \$57,000 for work on the proposed effluent use project. He asked Council to require the Club to become current on bill payments before entering into any further discussions.

Council directed Manager Knight to contact the Country Club and advise them to honor the original letter of intent, which requires payment to the engineering firm as work progresses.

Jim Walker, 251 Chicagami Trail, asked about the plantings around the new pumping station on Beach Drive. Council is waiting for a landscape plan from the engineer.

Greg Lackey, 138 Paupukkeewis Trail, expressed concern about what he termed an erosion of values in the Borough. He is specifically concerned about a rumor concerning an outside firm that has threatened action against the proposed sign ordinance. He asked Council to fight the action and retain the ordinance.

Council has a draft sign ordinance in place and is working to find a balance between what is legal and what is unenforceable. Political signs are a First Amendment issue. The Borough has the authority to regulate sign usage on public property, not to prohibit it.

Council advised the draft ordinance will be on the Borough's web site and further discussion would be entertained at the Public Hearing for the Ordinance.

APPROVAL OF MINUTES

Mayor Wasson made a motion, seconded by Councilman Casey, to approve the minutes from the June 9, 2005, Regular Council Meeting.

VOTE TO APPROVE MINUTES

Ayes: Wasson, Casey, Woodend

Nays: None

Minutes are approved

ORDINANCES

Mayor Wasson introduced Ordinance 508, seconded by Councilman Casey, on Second and Final Reading.

ORDINANCE 508

AN ORDINANCE, AMENDING ORDINANCE NO. 306, THE PROGRAM FOR THE COLLECTION OF DESIGNATED RECYCLABLES AND MODIFYING OF 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 with 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 Recycling 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 SWMA, also requires each municipality within the County to adopt an ordinance governing separation and collection of recyclable materials designated by the County Plan or the County Office of Waste Management ("OWM"); and

WHEREAS, pursuant to the County Plan, OWM 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, County of Burlington, and State of New Jersey, as follows:

SECTION 1. PURPOSE OF ORDINANCE

The Borough of Medford Lakes finds that the reduction of the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of SWMA and the County Plan. The recycling of certain materials from the residential, commercial and institutional establishments in this Municipality will reduce the need for landfills and conserve existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery, and conserve natural resources.

SECTION 2. STATUTORY AUTHORITY FOR ORDINANCE

This Ordinance is adopted pursuant to Sections 6, 9 and 14 of 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.

SECTION 3. DEFINITIONS

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

"Cans" shall mean empty food, beverage and aerosol containers comprised of aluminum, tin, steel or a combination thereof, which formerly contained only non-hazardous substances or such other substances as have been approved for recycling by OWM.

"Cardboard" shall mean all corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam or wax-coated or soiled corrugated cardboard.

"Commercial" refers to any person or other entity operating a business, trade, industry or other activity which is carried on for profit.

"Commingled" shall mean source separated, nonputrescible recyclable materials that have been mixed at the source of generation (i.e., placed in the same container.)

"Condominium complex" shall be defined in accordance with N.J.S.A. 46:8B1 et seq.

"County" shall mean the County of Burlington, State of New Jersey.

"County Plan" shall mean the District Solid Waste Management Plan for Burlington County as approved by 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, antifreeze, cellular telephones, construction and demolition debris consisting of asphalt, concrete, and untreated wood waste, electronic waste, metal, glass, lead acid batteries, fluorescent light bulbs and ballasts, leaves, motor oil, paper, plastic bottles, paperboard packaging, corrugated and other cardboard, newspaper, magazines, or high-grade office paper, rechargeable batteries, toner and printer cartridges and tires.

"Disposition" or "disposition of designated recyclable materials" means 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;

"Electronic Waste" shall mean computer hard drives, monitors, keyboards, modems, printers, fax machines, VCR's and Cell Phones.

"Glass" shall mean all clear (flint), green, and brown (amber) colored glass containers. Glass shall not include crystal, ceramics, "standard" light bulbs and plate, window, laminated, wired or mirrored glass.

"Institutional" refers to any person or other entity, either public or private, either for profit or nonprofit, who operates for educational, charitable or other public purpose.

"Mobile home park" means any park, including a trailer park or camp, equipped to handle mobile homes sited on a year-round basis as defined in N.J.S.A. 2A: 18-61.7 et seq.

"Multifamily dwelling" means any building or structure or complex of buildings or structures in which five or more dwelling units are rented or leased or offered for rental or lease for residential purposes except hotels, motels or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the "Hotel and Multiple Dwelling Law," P.L.1967, c. 76 (C.55: 13A-1 et seq.)

"Municipal Drop-Off" shall mean any facility designed and operated solely for the receiving and storing of source-separated, nonputrescible metal, glass, paper, plastic containers and cardboard.

"Municipality" shall mean the Borough of Medford Lakes, located within the County of Burlington, and State of New Jersey.

"OWM" shall mean the Burlington County Office of Waste Management, its successors and assigns.

"Paper" shall mean all newspaper, fine paper, bond paper, office paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books and similar cellulosic material whether shredded or whole, but excluding wax paper, plastic or foil-coated paper, thermal fax paper, carbon paper, NCR paper, blueprint paper, food contaminated paper, soiled paper and cardboard.

"Plastic bottles" shall mean all bottles that are labeled as made from polyethylene teraphthalate (PET) and coded

as #1 and high density polyethylene teraphthalate (HDPE) and coded as #2. Specifically excluded are bottles that formerly contained hazardous materials, including, but not limited to paint motor oil, antifreeze & pesticides.

"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. In any provisions of this Ordinance prescribing a fine, penalty or imprisonment, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and director.

"Recyclable material" shall mean a material which would otherwise become solid waste, which can be collected, separated 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 drop-off" shall mean any facility designed and operated solely for the receiving and storing of source-separated, nonputrescible metal, glass, paper, plastic containers and cardboard.

"Resident" shall mean any person being residing within the Municipality on a temporary or permanent basis, but excluding persons residing in hotels or motels.

"Solid Waste" shall mean garbage, refuse and other discarded materials resulting from industrial, commercial and agricultural operations and from domestic and community activities, and shall include all other waste materials including liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

"Source separate" shall mean to separate recyclable materials from the solid waste stream at the point of waste generation.

"SWMA" shall mean the New Jersey Solid Waste Management Act, as amended.

All other terms and phrases shall be as defined in SWMA, regulations promulgated thereunder and the County Plan, unless content clearly requires a different meaning.

SECTION 4. ESTABLISHMENT OF CURBSIDE PROGRAM

There is hereby established a program ("curbside program") for the separate collection of paper, cardboard, glass, cans and plastic from all non-physically disabled residents of the municipality. Designated recyclables for this curbside program established pursuant to this section shall consist of the following materials: paper, cardboard, glass, cans, plastic bottles and other recyclable materials as designated by the Municipality at any time, thirty (30) days after designation and publication of notice in a newspaper of general circulation.

Said curbside program shall not apply to any multifamily complex of twenty (20) or more units, condominium complex of twenty (20) or more units or mobile home park of twenty (20) or more units, or to any commercial or institutional establishment unless approved by OWM.

Collections of recyclable materials pursuant to this section shall be in accordance with a schedule of recycling collection areas and dates to be publicly advertised by the municipality or County.

All residents of the municipality within the area serviced by the curbside program established pursuant to this section shall source separate all designated recyclables and shall place them at the side of the road fronting their residence in the manner designated by Section 5 of this Ordinance and on the date specified for collection by the schedule published by the municipality or County.

SECTION 5. REQUIREMENTS APPLICABLE TO SOURCE SEPARATION AND COLLECTION OF DESIGNATED RECYCLABLES FOR THE CURBSIDE PROGRAM

All recyclables placed at the roadside by residents for collection pursuant to the curbside program established pursuant to Section 4 of this Ordinance shall be prepared for collection in accordance with the following:

Cardboard and Paper shall be placed in paper bags or tied in bundles not exceeding thirty-five (35) pounds in weight nor exceeding one (1) foot in thickness.

Glass containers and plastic bottles shall have caps and lids removed.

Glass containers, cans and plastic bottles shall be rinsed free of contaminants.

Cans, glass containers and plastic bottles shall be placed in a recycling container, to be provided by the Municipality. Plastic and/or paper garbage bags shall not be utilized as containers for cans, glass containers, and plastic bottles. No material shall be placed at the roadside earlier than the evening of the day preceding a scheduled collection day. Material must be placed at the roadside by 6:00 A.M. on the scheduled collection day.

SECTION 6. ESTABLISHMENT OF PUBLIC DROP-OFF PROGRAM

There is hereby established a program ("Public Drop-off Program") for the source separation and delivery to a recycling drop-off of paper, cardboard, glass, cans and plastic bottles from all residents located in this Municipality, with the exception of multifamily complexes, condominium complexes and mobile home parks.

Other recyclable materials may be designated by the Municipality at any time, thirty - (30) days after said designation and publication of notice in a newspaper of general circulation.

SECTION 7. A ESTABLISHMENT OF DROPOFF PROGRAM FOR MULTIFAMILY COMPLEXES, CONDOMINIUM COMPLEXES AND MOBILE HOME PARKS

There is hereby established a program ("Private Drop-off Program") for the source separation and delivery of designated recyclable materials to a recycling drop-off(s) including paper, cardboard, glass, cans and plastic bottles from all residents of multifamily complexes, condominium complexes and mobile home parks comprised of twenty (20) or more units within this Municipality.

The owner or manager of every multifamily complex, condominium complex and mobile home park within this Municipality shall purchase recycling containers, construct and maintain, in a neat and sanitary condition, recycling drop-off(s), to receive all designated recyclables generated by residents of the complex or mobile home park pursuant to the guidelines of OWM.

In cases where a condominium association exists, the condominium association shall be responsible for purchase of recycling containers and construction and maintenance in a neat and sanitary condition of the recycling drop-off(s) pursuant to the guidelines of OWM.

The owner or manager of every multifamily complex, condominium complex and mobile home park who elects not to participate in the Burlington County Regional Recycling Program shall arrange for the collection and recycling of all designated recyclables from said drop-off (s) at their expense.

The number and design of the recycling drop-offs required by this section for each multifamily complex, condominium complex and mobile-home park shall be consistent with guidelines provided by OWM.

Other recyclable materials as designated by the Municipality at any time thirty (30) days after said designation and publication of notice in a newspaper of general circulation.

SECTION 8. REQUIREMENTS APPLICABLE TO SOURCE SEPARATION AND PLACEMENT OF DESIGNATED RECYCLABLES IN RECYCLING DROPOFFS.

Designated recyclables required to be placed in recycling drop-offs pursuant to Section 6 or 7 of this Ordinance shall be consistent with guidelines provided by OWM.

SECTION 9. 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.

Designated recyclables for the mandatory commercial and institutional source separation program shall consist of the following materials:

Anti-Freeze, batteries (lead acid and rechargeable), paper, construction and demolition waste, fluorescent light bulbs and ballasts, electronic waste, glass, plastic bottles and cans including those generated at convenience stores; and leaves, motor oil, paper, toner and printer cartridges.

Other recyclable materials as designated by this Municipality at any time thirty (30) days after said designation and publication of notice of the designation in a newspaper of general circulation.

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.

The management individual(s) responsible for the provision of recycling services as herein defined, shall submit to the Municipal Recycling Coordinator by the First of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled. Documentation shall take the form of issued by the recycling service provider or end market to the generator of the recycled material. Weight slips or paid invoices must be maintained by the generator for inspection if requested by this Municipality, County or State for a period not to exceed five (5) years.

Any solid waste or recycling service provider shall submit to the Municipal Recycling Coordinator, by the First of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled on forms as prescribed by the Office of Solid Waste Management.

SECTION 10. UNLAWFUL ACTIVITIES; NUISANCE

It shall be unlawful for:

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 dropoff pursuant to this Ordinance; and

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; and

any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling drop-off; and

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; and

any person to offer to collect designated recyclable materials in any manner except as source separated recyclable materials as defined herein.

All unlawful conduct set forth in Section 10 (a) shall constitute a public nuisance.

SECTION 11. NON-COLLECTION OF SOLID WASTE CONTAMINATED BY DESIGNATED RECYCLABLES

This Municipality or any other 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.

SECTION 12. OTHER MEANS OF DISPOSAL

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 drop-off without prior written permission from this municipality for such collection. 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 drop-off.

SECTION 13. NON-INTERFERENCE WITH EXISTING CONTRACTS

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.

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 Municipal Recycling Coordinator and/or the local Code Enforcement Official shall be appointed to serve by the Municipality as the Enforcement Officer for this Ordinance.

Said Municipal Recycling Coordinator/Code Enforcement Officer shall be responsible, under the direction of the Municipality, enforcement of all recycling requirements of this Ordinance.

In addition to the Municipal Recycling Coordinator or Code Enforcement Officer, the Burlington County Health Department and the Office of Waste Management are hereby appointed as Enforcement Officer(s) for enforcement of all recycling requirements of this Ordinance.

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. Any penalties or fines collected in enforcement action shall be paid to the municipality when such action is brought by the municipality. 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 Office of Waste Management.

SECTION 15. 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:

Residential Recycling Violation: A fine of not less than twenty-five dollars (\$25.00) and not more than one thousand dollars (\$1,000.00).

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).

For any person who offers to collect recyclable in any manner except as prescribed within this ordinance: A fine of not less than one thousand dollars (\$1000.00) and not more than five thousand dollars (\$5000.00).

For any solid waste or recycling service provider who fails to report as required within this ordinance: An 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, this 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 15 hereof. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent. The existence of any remedy shall not prevent this 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 materia with SWMA and the 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.

The ordinance is County driven. It has insubstantial alterations and may be approved without publication on Second and Final Reading.

PUBLIC COMMENT: Jim Walker asked about the penalties, which were explained to him.

VOTE TO APPROVE ORDINANCE 508

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 508 is approved on Second and Final Reading

Councilman Casey introduced Ordinance 509, seconded by Mayor Wasson.

ORDINANCE 509

AN ORDINANCE TO AMEND THE OFFICIAL TAX MAP AND THE ZONING MAP TO INCLUDE A PROPERTY FORMERLY KNOWN AS BLOCK 4703, LOT 1, ON THE MEDFORD TOWNSHIP TAX MAP, TO BE KNOWN ON THE BOROUGH OF MEDFORD LAKES TAX MAP AS BLOCK 20028, LOT 14.

WHEREAS, the Borough of Medford Lakes annexed Lot 1, Block 4703, Medford Township tax map by Ordinance 492 date of adoption July 10/2003; and

WHEREAS, the Borough wishes to include said lot on its tax map, as well as to include same in its tax duplicate; and

WHEREAS, the Borough wishes to add said lot to its zoning map adopted as part of its Land Development Ordinance;

NOW, THEREFORE, be it ordained by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey that:

1. the official tax map of the Borough of Medford Lakes, is hereby amended to include the lot formerly known on the Medford Township Tax Map as Block 4703, Lot 1, which shall now be known as Block 20028, Lot 14, Medford Lakes Tax Map; and
2. the official zoning map of the Borough of Medford Lakes is hereby amended to add said Block and Lot, such that it is located in the Lakes Residential Zone; and
3. this Ordinance shall become effective upon passage and publication according to law.

PUBLIC COMMENT: None

VOTE TO APPROVE ORDINANCE 509

Ayes: Wasson, Casey

Nays: None

Abstain: Woodend

Ordinance 509 is approved

Mayor Wasson introduced Ordinance 510 on First Reading, seconded by Councilman Casey.

ORDINANCE 510

AN ORDINANCE AMENDING ORDINANCE NO. 452, AS AMENDED, THE BOROUGH OF MEDFORD LAKES LAND DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes that the Borough hereby amends Chapter One, Article V, section 519, of the Medford Lakes Land Development Ordinance, by deleting the language therein, and providing as follows:

- I. Purpose: The purpose of this Ordinance is to amend Ordinance Number 452, as amended, to add a provision regarding commercial signs, and adding provisions regulating temporary signs.
- II. Amendment: Section 519, paragraph A, Chapter One, Article V, general zoning provisions, entitled "Signs," is hereby amended as follows:
 - i. subsection A, paragraph 6, "commercial signs," is hereby amended by adding the following:

Commercial signs shall not be permitted in any area other than in the Lakes Commercial Zone. This includes signs or advertisements on any athletic or recreation field or facility.
 - ii. subsection A, paragraph 7, "temporary signs," is hereby deleted.
 - iii. there is hereby added a new subsection 7, as follows,

under A, 'Types of Signs':

Temporary Signs.

 - (a) Definitions. As used in this subsection 7, the following terms shall have the meanings indicated:

PERSON – Any individual, partnership, association profit or nonprofit corporation or other entity.

TEMPORARY SIGN – Any exterior poster, sign, billboard, handbill, advertisement or other material which is not intended to remain permanently at a particular location.
 - (b) Temporary signs shall be permitted only as hereinafter provided. All temporary signs are subject to the following requirements:
 - (1) Only one temporary sign shall be permitted at any time.
 - (2) The size of the sign shall not exceed six (6) square feet, and it shall not exceed five (5) feet in height.
 - (3) Said sign(s) shall not be illuminated, and shall have no moving parts.
 - (4) The sign shall be set so that same shall not encroach upon the municipal right-of-way.
 - (5) The sign shall be set back at least fifteen (15) feet from the roadway and fifteen (15) feet from the side property line.
 - (6) The period of time during which any such temporary sign is permitted shall not exceed 30 days.
 - (c) The following temporary signs shall be permitted:
 - (1) Temporary signs announcing any educational, charitable, civic, religious, community or like event.
 - (2) Election signs. Temporary election signs (political or community) shall not be erected prior to thirty (30) days before any election, and shall be removed not more than forty-eight (48) hours after the election. The name and address of the person or organization responsible for the sign shall be

printed on the sign, in accordance with N.J.S.A.19: 34-38.1. Election signs shall not exceed 6 square feet in area. No permit or fee shall be required for their installation. The signs must be erected fifteen (15) feet from the roadway, and at least fifteen (15) feet from adjoining property.

(3) Garage and Yard Sale Signs, and Directional Signs

(a) Temporary directional signs shall be permitted providing directions to a garage or yard sale, real estate open houses, or other similar event.

(b) Such signs shall not exceed six (6) square feet in size, and shall only be displayed during a period beginning at 6:00 p.m. Friday to 5:00 p.m. Sunday, after which time they must be removed. Such signs shall not be permitted more than twice per year per property.

(c) Such signs shall not be affixed to any tree or utility pole. They shall be mounted on their own stakes or stanchions along any public street in a safe manner, without projecting over the Borough right-of-way. Said signs shall not be located in a sight triangle.

(d) There shall be no more than three (3) directional signs and one (1) sign at the garage or yard sale, or property location.

(e) Signs must be located on the property of persons who authorize same.

(f) Any garage or yard sale, or other directional sign not conforming to this article shall constitute prima facie evidence that the addressee shown on the sign has violated this article.

(4) Real Estate Signs

(a) Signs indicating premises for sale or rent shall be no larger than six square feet in area, set back at least 15 feet from the roadway, as well as fifteen (15) feet from the side yard, and shall not be illuminated.

(b) Such signs shall not remain for more than 30 days. Signs shall be removed within forty-eight (48) hours of a binding agreement of sale for the subject premises.

(5) Truck, automobile, and other vehicles or water craft for sale or rent signs, subject to New Jersey Motor Vehicle Code laws and regulations, shall be permitted for a period of time not exceeding 21 days. The signs must be affixed in the window of the vehicle. Such vehicles must be located on the property or the front portion of the owner's property. Such signs shall not be permitted more than twice per year per property.

(d) The Zoning officer shall have the discretion to prohibit the erection, and/or to remove or order the removal of any temporary sign he or she deems to present a hazard to the public, or to be in non-compliance with this Ordinance, and he or she shall have the authority to remove such sign.

(e) Mobile signs of any kind are expressly prohibited.

(f) Sandwich board or small freestanding signs of any type are expressly prohibited in all zones.

(g) The provisions of this ordinance shall be enforceable against the owner of the property bearing a non-conforming sign, the person responsible for

erecting a non-conforming sign, and the person or persons advertising the subject matter of a non-conforming sign.

- III. Effective Date. This Ordinance shall become effective upon passage and publication according to law.
- IV. Violations and Penalties. Any person, association or corporation installing any temporary or permanent sign without being properly licensed therefore, or who or which shall violate any of the other terms and regulations of this Subsection 7 shall, upon conviction, be fined no less than fifty dollars (\$50.00), nor more than one thousand dollars (\$1,000.00) for each violation. Each day that such installation of any temporary or permanent sign shall continue without being duly licensed shall be considered a separate violation. The Borough of Medford Lakes Police Department is given the authority, in addition to the Zoning Officer, to enforce the provisions of this Subsection relating to signs.

PUBLIC COMMENT: None

Council will hold the Second Reading/Public Hearing on September 14, 2005.

Council directed Manager Knight to ask the Colony to include a copy of the ordinance in the Colony News for resident review prior to the final hearing.

VOTE TO APPROVE OFDINANCE 510 ON FIRST READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 510 is approved on First Reading

RESOLUTIONS

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 81-05

A RESOLUTION AUTHORIZING A CONTRACT FOR THE DISPOSAL OF SLUDGE

WHEREAS, there exists the need within the Borough of Medford Lakes to acquire the services of a sludge transporter for the disposal of liquid sewerage; and

WHEREAS, sealed bids were received from various vendors for the aforementioned service in accordance with the provisions of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-12); and

WHEREAS, it is the desire of the Borough Council of the Borough of Medford Lakes to authorize a contract for the removal of sludge to the lowest responsible bidder;

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. a contract commencing July 1, 2005 and terminating June 30, 2006 by and between the Borough of Medford Lakes and Onyx Waste Services Inc., P.O. Box 5564, Deptford, NJ, 08096, for sludge removal be and is hereby authorized and approved; and

2. the amount of the aforementioned contract shall not exceed \$.0587 per gallon.

The implementation of this Resolution and execution of contract is conditioned upon certification of availability of funds pursuant to law.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 81-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 81-05 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Woodend:

RESOLUTION 82-05

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR LABORATORY ANALYSIS

WHEREAS, in accordance with the New Jersey Public Contracts Law, N.J.S.A. 40A:11 et seq., sealed bids were received for various laboratory analysis for the Medford Lakes Borough Waste Water Treatment Plant for the calendar year of July 1, 2005, to June 30, 2006; and

WHEREAS, QC Laboratories is the lowest responsible bidder for analytical testing;

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

1. a contract for Laboratory Analysis be and is hereby authorized with QC Laboratories, 1205 Industrial Blvd., Southampton, PA 18966 for analytical testing not to exceed \$12,904.00; and

2. the Mayor and Borough Clerk are hereby directed to affix their signatures and seal any documents necessary for the implementation of this Resolution.

The implementation of this resolution and execution of contract is conditioned upon certification of availability of funds pursuant to law.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 82-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 82-05 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 83-05

A RESOLUTION AUTHORIZING A GRANT AGREEMENT BETWEEN THE BOROUGH OF MEDFORD LAKES AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF

ENVIRONMENTAL PROTECTION

WHEREAS, the governing body of the Borough of Medford Lakes desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$971,561.00 to fund rehabilitation of Upper and Lower Aetna Dams and Quogue Dam in Medford Lakes to include design and construction costs;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey that Mayor David D. Wasson or the successor to the office of Mayor is authorized to:

(a) make application for such a grant; and

(b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$971,561.00 and not more than \$971,561.00; and

(c) execute any amendments thereto.

The Grantee agrees to comply with all applicable federal, state and municipal laws, rules and regulations in its performance pursuant to the agreement.

The funds are provided by grant, not by loan. The Borough must expend the funds and will then be reimbursed.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 83-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 83-05 is approved

Councilman Woodend introduced the following resolution, seconded by Councilman Casey

RESOLUTION 84-05

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS

WHEREAS, on July 4, 2005, the residents of Meeshaway Trail will hold a Block Party; and

WHEREAS, said residents 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, and 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:

Meeshaway Trail between Piute and Sitting Bull Trails; and
3. the aforementioned street closing shall be between 9:00am and 8:00pm; and
4. block party contact persons Ed Anderson of 142 Meeshaway Trail, Medford Lakes, and Steve Denham, 643 Medford Leas, Medford, 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.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 84-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 84-05 is approved

Councilman Casey introduced the following resolution, seconded by Mayor Wasson:

RESOLUTION 85-05

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF MEDFORD LAKES AND THE MEDFORD LAKES COLONY TO PARTICIPATE IN THE LAKE DREDGING AND RESTORATION PROJECT LOAN PROGRAM

WHEREAS, the Borough has agreed to support an application by the Medford Lakes Colony to the New Jersey Department of Environmental Protection Lake Dredging and Restoration Loan Program in the amount of \$2,300,000.00 for a Lakebed Cleaning and Restoration Loan to improve Upper and Lower Aetna Lakes in the Borough of Medford Lakes; and

WHEREAS, the application must be signed by a person authorized by written resolution of the Borough of Medford Lakes to apply as a co-applicant with the Medford Lakes Colony and to represent the Borough in all matters relating to the application process and to obligate the Borough to the terms and conditions of the loan award agreement; and

WHEREAS, a copy of this Resolution shall accompany the application; and

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

1. the Mayor is hereby directed to affix his signature and seal to any documents necessary for the implementation of this Resolution.

The resolution allows the Borough to co-sign a loan agreement with the Medford Lakes Colony, to advance the dredging project.

Manager Knight spoke with Borough Bond Counsel Tom Coleman, who advised the co-signature would have no impact on the Borough's borrowing capacity.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 85-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 85-05 is approved

Councilman Woodend introduced the following resolution, seconded by Mayor Wasson:

RESOLUTION 86-05

A RESOLUTION AMENDING RESOLUTION NO. 85-05, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF MEDFORD LAKES AND THE MEDFORD LAKES COLONY CLUB TO PARTICIPATE IN THE LAKE DREDGING AND RESTORATION PROJECT LOAN PROGRAM

WHEREAS, the Borough of Medford Lakes has agreed to support an application by the Medford Lakes Colony to the New Jersey Department of Environmental Protection Lakes Dredging and Restoration Loan Program in the amount of \$2,300,000.00 for a Lake bed Cleaning and Restoration Loan to improve Upper and Lower Aetna Lakes in the Borough of Medford Lakes; and has passed Resolution No. 86-05, and

WHEREAS, a copy of this resolution shall accompany the application; and

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

1. the mayor and manager may not affix their signatures to any documents necessary for the implementation of Resolution No. 86-05, committing any funds or any loans, without first obtaining full Council review and approval.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 86-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 86-05 is approved

OLD BUSINESS

OAKS HALL BUILDING PROJECT – Bids were opened on June 13, 2005, and reviewed by Solicitor Vogdes. Project Manager Madden prepared a summary of the bids, finding Heartbilt Homes of Illinois to be the only bidder to meet all the specifications. After a review of the bids, Mr. Madden recommended awarding the contract to Heartbilt Homes and to bid out the chinking at a later time.

Dwayne Hansen, President of Heartbilt Homes, presented pictures and drawings of his previous projects and suggestions for this one. He answered numerous questions from both Council and the public.

Solicitor Vogdes asked Mr. Hansen if he were familiar with the requirements for meeting prevailing wage and affirmative action, which he is. Mr. Hansen stated he is familiar with all the aspects of the project and does not anticipate any problems.

Solicitor Vogdes advised Council they could do a change order, if needed, up to 20% of the award amount without re-publishing.

Councilman Woodend made a motion, seconded by Councilman Casey, to award a smooth finish bid contract to Heartbilt Homes.

RESOLUTION 87-05

A RESOLUTION AWARDING A CONTRACT FOR THE DELIVERY AND INSTALLATION BY THE MANUFACTURER AND/OR CONTRACTOR OF A 7000 SQ. FT. LOG CABIN STRUCTURE

WHEREAS, the Borough of Medford Lakes solicited public bids for delivery and installation of a 7000 sq. ft. log cabin structure, and

WHEREAS, the Borough of Medford Lakes Solicitor, the project management firm Conrad Industries, Inc., and the Borough Clerk have reviewed the bid documents and found no deficiencies, and hereby recommend award of the bid to the low bidder;

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

- (1) the Borough of Medford Lakes and Heartbilt Homes have entered into a contract, as the result of public bidding, for \$ 281,374.00 for the delivery and installation of a 7,000 sq. ft. log cabin structure.

PUBLIC COMMENT: Carl Pellegrino asked for a timeline for completion; the project should take approximately one year from start to finish. Construction will begin following final approvals from the Pinelands and the Department of Environmental Protection.

VOTE TO APPROVE RESOLUTION 87-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 87-05 is approved

Following approval of the resolution, Council thanked Mr. Hansen for attending the meeting and then recessed for five minutes.

DAMS – Peter Black from Dewberry sent Council a drawing of a proposed earthen dam at Lower Aetna Lake in Jackson Park and also a roller-compacted concrete one in the same location. Manager Knight explained both drawings to Council and the public. He advised that he is of the opinion that the DEP would approve either dam for the site, but that an earthen dam would not be as aesthetically pleasing. There is not a significant difference in maintenance for either type of dam. Mr. Black's recommendation is to use the roller-compacted concrete; any cost differences are not significant.

Survey work will begin on Monday, June 27, 2005. Soil boring and sediment tests will start in mid-July.

Council directed Manager Knight to ask a representative of Dewberry to attend the next meeting on July 14, 2005.

The Borough was awarded a state grant in the amount of \$971,000 for dam repair and hopes to also qualify for low interest loans from FEMA.

Council discussed hiring a project manager for rebuilding the dams, possibly as a part-time position. Manager Knight has already met with two candidates. Mr. Pellegrino stated he has a potential candidate from upstate New York.

PUBLIC COMMENT: Paul Weiss stated he personally prefers the RCC dam.

Carl Pellegrino requested facts and costs for an earthen dam versus an RCC one; he continues to be convinced that an earthen dam will be significantly less expensive.

Temma Fishman, 210 Chippewa Trail, asked if an earthen dam could be planted; it would consist of stone above and below the waterline.

Lou Potter, 64 Mohave Trail, would like Council to go with the RCC style dam and begin work without further delays and discussions.

Jim Walker asked if a new timeline would be fleshed out and firm; Manager Knight has asked for a revised timeline. Council will present a revised time for the completion of the dams during the next week.

EMPLOYEE HANDBOOK – Solicitor Vogdes and Manager Knight will cross reference the three handbooks under consideration and then meet with Council.

AUCTION – Deputy Clerk McIntosh will hold an auction of recovered and/or abandoned property on Saturday, June 25, 2005, at 11:00am. Property may be inspected at 10:00am.

REPORTS/CORRESPONDENCE

Councilman Casey made a motion, seconded by Mayor Wasson, to suspend the **REPORTS** and **CORRESPONDENCE** portions of the meeting.

VOTE ON MOTION

Ayes: Wasson, Casey, Woodend

Nays: None
Motion carries

PAYMENT OF BILLS

Councilman Casey made a motion, seconded by Mayor Wasson, to pay the bills on the Bill List.

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Wasson, Casey, Woodend
Nays: None
Motion carries

ADJOURN TO EXECUTIVE SESSION

Councilman Casey made a motion, seconded by Mayor Wasson, to adjourn to Executive Session.

RESOLUTION 88-05

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. 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:

Bob Meyer Communities; and

2. 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; and

3. the Borough Council for the aforementioned reasons hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

VOTE TO ADJOURN TO EXECUTIVE SESSION

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned to Executive Session

RETURN TO REGULAR MEETING

Councilman Casey made a motion, seconded by Mayor Wasson, to return to the Regular Meeting. No official action was taken at this time.

VOTE TO RETURN TO REGULAR MEETING

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

ADJOURNMENT

Councilman Casey made a motion, seconded by Mayor Wasson, to adjourn the meeting

VOTE TO ADJOURN

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned

Respectfully submitted,

Richard Knight
Borough Manager

