

BOROUGH OF MEDFORD LAKES

MAY 24, 2007

WORKSHOP SESSION

A workshop 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 6:30pm. Mayor Casey presided. The agenda for the meeting was to discuss the Borough's pending Policies and Procedures Manual.

In attendance were Mayor Tim Casey, Councilman Gary Woodend, Solicitor Peter Lange, Manager Richard Knight, and employee representative Dianne Forster.

Employees previously forwarded their questions and comments concerning the Policies and Procedures Manual for Council's consideration.

ADJOURNMENT TO EXECUTIVE SESSION

Councilman Woodend made a motion, seconded by Mayor Casey, to adjourn to Executive Session at 7:10pm.

RESOLUTION 83-07

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 in 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:

the Borough Council hereby declares that the general nature of the subject(s) to be discussed by the Borough Council in closed session is Madden litigation, Sapi Lake litigation, and Easi property litigation; and

the Borough Council hereby declares that it's discussion of the aforementioned subject(s) may be made public at a time when the Borough Solicitor advised 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

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: Casey, Weiss, Woodend

Nays: None

Resolution 83-07 is approved

RETURN TO REGULAR COUNCIL MEETING

Councilman Woodend made a motion, seconded by Mayor Casey, to return to the Regular Council Meeting.

VOTE TO RETURN TO REGULAR COUNCIL MEETING

Ayes: Casey, Weiss, Woodend

Nays: None

Motion carries

REGULAR MEETING

Council convened the Regular Meeting at 7:40pm.

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. Following the Pledge of Allegiance, Mayor Casey 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.

In attendance were Mayor Casey, Councilman Weiss, and Councilman Woodend. Also present were Manager Knight, Deputy Clerk McIntosh, and Solicitor Lange.

Council and the public observed a moment of silence to honor those service men and women currently in harm's way overseas.

APPROVAL OF MINUTES

Mayor Casey made a motion, seconded by Councilman Weiss, to approve the minutes of the May 10, 2007 Regular Council Meeting, with one change.

VOTE TO RETURN TO APPROVE MINUTES

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved

ORDINANCES

Mayor Casey introduced Ordinance 534 on Second and Final Reading, seconded by Councilman Weiss.

ORDINANCE 534

AN ORDINANCE AUTHORIZING AN APPROPRIATION IN THE AMOUNT OF \$8,405.00 FROM THE RESERVE CAPITAL FUND FOR PUBLIC WORKS EQUIPMENT, FOR THE ACQUISITION OF CERTAIN EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE BOROUGH OF MEDFORD LAKES, IN THE COUNTY OF BURLINGTON, AND THE STATE OF NEW JERSEY

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

SECTION 1. The improvement described in Section 2 of this Ordinance is hereby authorized as general improvements to be made by the Borough of Medford Lakes, New Jersey. For the said improvements or purposes stated in Section 2, there is hereby appropriated the sum of \$8,405.00, which is now available in the Capital Reserve for Public Works Equipment of the Borough of Medford Lakes.

SECTION 2. (a) The Improvement hereby authorized is for the acquisition of equipment for use by the Borough of Medford Lakes Public Works Department to assist in compliance with all Stormwater Management Plan directives.

(b) The estimated cost of said acquisition is Twenty Five Thousand and 00/100 (\$25,000) for the improvements described in Sections 2 (a & c), of which the sum in the amount of \$8,405.00 is hereby appropriated from the Reserve for Public Works Equipment Fund.

(c) The improvement is to an existing Public Works Vehicle needing modification and is to be utilized in meeting the Stormwater Management objectives.

SECTION 3. The following matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 2 of this Ordinance is not a current expense, and is property or improvement which the Borough may lawfully acquire or make as a general improvement.

(b) The period of usefulness of said purpose, within the limitations of said Local Bond Law, and according to the reasonable life thereof, is five (5) years for Section 2 above.

SECTION 4. The 2007 General Capital Budget of the Borough of Medford Lakes is hereby amended to conform to the provisions of this Ordinance to the extent of any inconsistency herewith.

SECTION 5. This ordinance shall take effect after publication and final passage, according to law.

VOTE TO APPROVE ORDINANCE 534 ON SECOND AND FINAL READING

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance 534 is approved

Mayor Casey introduced Ordinance 535, seconded by Councilman Woodend, on First Reading.

ORDINANCE 535

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEES AND OFFICERS OF THE BOROUGH OF MEDFORD LAKES

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes in the County of Burlington, New Jersey that:

SECTION 1. The salary stated here is the maximum rate. Employees may be paid up to this amount at the discretion of the Municipal Manager.

ADMINISTRATION

<u>Title</u>	<u>Maximum Compensation Exclusive of Overtime</u>
Municipal Court Sound Recording Monitor	50.00 per Court Session

Overtime compensation for clerical assistants for hours worked in excess of the regular workweek (35 Hours) shall be at time and one-half rate.

SECTION 3. The Manager, at his/her discretion, can hire replacement employees up to and including the present maximum rates as set forth in this Ordinance.

SECTION 4. The salary fixed by the foregoing section of this Ordinance shall be respectively in lieu of any and all fees which the respective incumbents of said office might otherwise be entitled by Statute or otherwise by virtue of said office, which fees shall immediately upon collection thereof be paid over to the Chief Finance Officer of the Borough.

SECTION 5. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall take effect immediately upon its final adoption and publication according to law, but the rate of compensation provided for herein shall become effective as of January 1, 2005.

VOTE TO APPROVE ORDINANCE 535 ON FIRST READING

Ayes: Casey, Weiss, Woodend
Nays: None
Ordinance 535 is approved

CONSENT AGENDA RESOLUTIONS

“Consent Agenda” items are considered to be routine and will be enacted with a single motion; any items requiring expenditure are supported with a Certification of Availability of Funds from the Chief Financial Officer; any item requiring discussion will be removed from the Consent Agenda; all Consent Agenda items will be reflected in full in the minutes.

Mayor Casey introduced Resolution 80-07, seconded by Councilman Woodend.

RESOLUTION 80-07

A RESOLUTION ACKNOWLEDGING RECEIPT AND REVIEW OF THE AUDIT REPORT FOR THE PERIOD ENDING DECEMBER 31, 2006

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2006 has been filed by a Registered Municipal Accountant with the Clerk of the Borough of Medford Lakes as per the requirements of N.J.S.A. 40A: 5-6 and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:2788-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all member of the governing body have reviewed as a minimum, the section of the annual audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically, the sections of the Annual Audit entitled:

GENERAL COMMENTS
RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the requirements of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgation of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:2788-52 - to wit:

R.S. 52:2788-52 - "A local official or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be find no more the one thousand dollars (\$1,000.00) or imprisoned for not more than one year or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Medford Lakes hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

VOTE TO APPROVE RESOLUTION 80-07

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 80-07 is approved

Mayor Casey introduced Resolution 82-07, seconded by Councilman Woodend.

RESOLUTION 82-07

A RESOLUTION AUTHORIZING THE REFUND OF A PLANNING BOARD ESCROW

WHEREAS, a refund is due a Medford Lakes Planning Board Escrow; and

WHEREAS, the property is located at 248 Chippewa Trail, Medford Lakes, New Jersey, also known as B: 20008, L: 284; and

WHEREAS, a refund in the amount of \$20.00 should be granted to the property owner;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that a check representing the refund amount of \$20.00 be dispensed to William Sapp, 248 Chippewa Trail, Medford Lakes, NJ, 08055.

VOTE TO APPROVE RESOLUTION 82-07

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 82-07 is approved

RESOLUTIONS

Mayor Casey introduced Resolution 81-07, seconded by Councilman Woodend.

RESOLUTION 81-07

A RESOLUTION AUTHORIZING THE BOROUGH OF MEDFORD LAKES TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT ACT OF 1974

BE IT RESOLVED by the Council of Medford Lakes, County of Burlington, and State of New Jersey to authorize an Agreement with Burlington County for cooperative participation in the Community Development Act of 1974.

SECTION 1. Certain federal funds are available to Burlington County under Title I of the Housing and Community Development Act of 1987. Public Law 93-383, as amended; and

SECTION 2. It is necessary to establish a legal basis for the County and its people to benefit from this Program; and

SECTION 3. An Agreement has been proposed under which the Borough of Medford Lakes and the County of Burlington in cooperation with the other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8A-1 et seq., and

SECTION 4. The agreement entitled “Agreement between the County of Burlington and certain municipalities located therein for the establishment of a cooperative means of conducting certain community development activities” is in the best interest of the Borough of Medford Lakes, a copy of which is on file at the Municipal Clerk’s Office.

SECTION 5. The Borough of Medford Lakes shall enter into the agreement with the County of Burlington mentioned with all supplements and agreements thereto. The Mayor and Clerk are hereby authorized and directed to execute the agreement on behalf of the Borough of Medford Lakes and affix thereunto the Official Seal.

SECTION 6. All resolutions or parts of resolutions which are inconsistent herewith are hereby repealed in the extent of their inconsistency.

SECTION 7. This Resolution shall take effect immediately after passage and publication as provided by law.

VOTE TO APPROVE RESOLUTION 81-07
Ayes: Casey, Weiss, Woodend
Nays: None
Resolution 81-07 is approved

Mayor Casey introduced Resolution 77-07, seconded by Councilman Weiss.

RESOLUTION 77-07
A RESOLUTION APPROVING CHANGE ORDER NUMBER 1 FOR A PROFESSIONAL SERVICES CONTRACT AWARDED UNDER RESOLUTION NUMBER 127-06, AMENDING THE CONTRACT WITH DEWBERRY-GOODKIND, INC. FROM \$180,000 TO \$220,000, AN INCREASE OF \$40,000

WHEREAS, Change Order No. 1 for the project known as Engineering Services Associated with Reconstruction of Lower and Upper Aetna Dams; and

WHEREAS, Change Order No. 1, dated May 2, 2007 amends the contract with Dewberry-Goodkind, Inc. from \$180,000.00 to \$220,000.00, an increase in the contract of \$40,000.00; and

WHEREAS, the Borough Manager Richard J. Knight has reviewed the request and recommends approval of said change order; 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, and State of New Jersey, that Change Order No. 1 be and is hereby approved; and

BE IT FURTHER RESOLVED that Change Order No. 1 hereby amends the contract price from \$180,000.00 to \$220,000.00, an increase in the contract of \$40,000.00; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the necessary documents relative to this change order attached.

VOTE TO APPROVE RESOLUTION 77-07

Ayes: Casey, Weiss, Woodend
Nays: None
Resolution 77-07 is approved

Mayor Casey introduced Resolution 78-07, seconded by Councilman Woodend.

RESOLUTION 78-07

CERTIFYING 2007-2008 LENAPE REGIONAL HIGH SCHOOL DISTRICT TAX LEVY

WHEREAS, the current 2006-2007 school budget, was the subject of an extensive review by New Jersey Department of Education staff, followed by Commissioner Lucille Davy’s determination that the budget met statutory requirements and is “necessary to provide a thorough and efficient system of public education” to the students attending the Lenape Regional High School District; and

WHEREAS, the proposed 2007-2008 budget is a maintenance budget containing no new programs in addition to the 2006-2007 school budget, providing new staff for only mandated special education teachers and aides required to implement special education programs; and

WHEREAS, the proposed 2007-2008 budget eliminates 10.5 non-instructional positions resulting in a budgetary reduction of \$613,664; and

WHEREAS, this is the sixth consecutive defeated budget vote over the last five years, the Lenape Board of Education has made significant programmatic reductions and further tax levy reductions will significantly reduce the district’s ability to serve the school district’s 7,700 students;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes that the Borough hereby certifies a general fund tax levy of \$89,093,311. This represents a general fund tax levy reduction of \$350,000 from the line item listed below:

<u>ACCOUNT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>REDUCTION</u>
11-100-100-270	Health Benefits	\$350,000

The revised budget is sufficient to provide a thorough and efficient education to the children of the Lenape Regional High School District.

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Medford Lakes, at a meeting held on the 24th day of May, 2007.

Council voted on the resolution under the **DOCTRINE OF NECESSITY**.

VOTE TO APPROVE RESOLUTION 78-07

Ayes: Casey, Woodend
Nays: Weiss
Resolution 78-07 is approved

Mayor Casey introduced Resolution 79-07, seconded by Councilman Woodend.

RESOLUTION 79-07

A RESOLUTION REDUCING THE LETTER OF CREDIT WITH HEARTBILT HOMES, INC. FROM \$281,374.00 to \$16,374.00

WHEREAS, the Borough has on file and is listed as the beneficiary of a irrevocable standby letter of credit issued by Kent Bank, 717 North Kent Road, Kent, IL 61044 in the amount of \$281,374.00 for the account of Heartbilt Homes, Inc., 941 East North Avenue, Stockton, IL 61085; and

WHEREAS, the Borough has received a letter from Ragan Design Group, the architect of record for the municipal building project recommending the release of \$265,000.00 from the Letter of Credit; and

WHEREAS, the remaining Letter of Credit will be in the amount of \$16,374.00;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Medford Lakes hereby authorizes the manager to reduce the \$281,374.00 Letter of Credit on file and issued by Kent Bank of Illinois on behalf of Heartbilt Homes, Inc. to \$16,374.00, a reduction of \$265,000.00.

VOTE TO APPROVE RESOLUTION 79-07

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 79-07 is approved

Mayor Casey made a motion, seconded by Councilman Weiss, to award a contract to Allied Direct for manufacture and delivery of the windows for Oaks Hall. The windows are initially made by Peachtree Windows; the company was recommended by Heartbilt, the log manufacturer.

RESOLUTION 84-07

WHEREAS, the Borough of Medford Lakes pursuant to the public contract law received bids for windows associated with the Oaks Hall Project; and

WHEREAS, Allied Direct was the lowest responsible bidder received by the Borough, with a bid in the amount of \$28,485.37; and

WHEREAS, the bid of Allied Direct complied with the bid specifications as prepared by the Borough; 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 this 24th day of May, 2007, that Allied Direct, 197 Main Street, Dubuque, Iowa, 52001, be and hereby is awarded the contract for windows associated with the Oaks Hall Project; and

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

VOTE TO APPROVE RESOLUTION 84-07

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 84-07 is approved

Council directed Manager Knight to investigate whether or not a less expensive window could be used in the dormers and if it would save money.

OLD BUSINESS

DAM RESTORATION – the anticipated date for completion of the dams remains the end of June, 2007. The EAP is 98% complete.

Council directed Manager Knight to obtain information about training Borough employees for operation of the dams.

Council also directed Mr. Knight to determine whether or not DPW workers need to have expert training for compliance of the EAP.

Councilman Weiss has completed a job description, preliminary to hiring someone to work on obtaining FEMA reimbursements.

OAKS HALL – Council did a walk-thru of the site; Code Official Tom Heck has photographed the construction process.

DPW BUILDING – the second floor has not been completely cleared out; however, Borough Historian Clint Alexander has examined the materials.

Council directed Manager Knight to have the building emptied; he expects to have it completed by the end of business Friday, May 25th.

Old police uniforms being stored there are to be burned.

The contracts have been signed for work at the intersection of Trading Post Way and Stokes Road and for the Ballinger Lake walkway.

NEW BUSINESS

MEMORIAL DAY PARADE – plans are complete for the parade on Monday, May 28, 2007. Fire Chief McIntosh invited Council to the Memorial Day breakfast at 9:00am at the fire house before the parade.

CORRESPONDENCE

Former Mayor Dave Wasson advised he received a letter advising of the upcoming 2009 national census.

Medford Lakes Public Defender Peter Nelson has resigned.

Council directed Manager Knight to advertise for the position.

REPORTS

MANAGER – nothing else to add to items already discussed.

SOLICITOR - nothing else to add to items already discussed.

PUBLIC SAFETY - nothing else to add to items already discussed.

ADMINISTRATION – nothing else to add to items already discussed.

PUBLIC WORKS - nothing else to add to items already discussed.

PAYMENT OF BILLS

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

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Casey, Weiss

Nays: None

Abstain: Woodend

Bill List is approved for payment

ADJOURNMENT TO EXECUTIVE SESSION

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

RESOLUTION 85-07

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 in 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 is Madden litigation, Sapi Lake litigation, and Easi property litigation; and

2. the Borough Council hereby declares that it's discussion of the aforementioned subject(s) may be made public at a time when the Borough Solicitor advised 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: Casey, Weiss, Woodend

Nays: None

Resolution 85-07 is approved

RETURN TO REGULAR COUNCIL MEETING

Mayor Casey made a motion seconded by Councilman Woodend, to return to the Regular Council Meeting; official action will be taken.

VOTE TO RETURN TO REGULAR COUNCIL MEETING

Ayes: Casey, Weiss, Woodend

Nays: None

Motion carries

Mayor Casey made a motion, seconded by Councilman Weiss, to award a contract.

RESOLUTION 86-07

A RESOLUTION OF THE MEDFORD LAKES BOROUGH COUNCIL AWARDING CONTRACT FOR EXTRAORDINARY UNSPECIFIED SERVICES

WHEREAS, there exists a need for the services of a professional consultant in the Borough of Medford Lakes for the purpose of advocating the Borough's position and developing strategies for acquiring State or Federal reimbursement of costs and expenses arising out of the July, 2004, flooding disaster; and

WHEREAS, the Local Public Contracts law N.J.S.A. 40A:11-5(1)(a)(i) et seq. requires that the Resolution authorizing the award of contract for "extraordinary unspecified services" without competitive bids and the resulting contract to be available for public inspection; and

WHEREAS, the Borough Manager has supplied the required certification pursuant N.J.A.C. 5:34-2.3; and

WHEREAS, the Local Public Contracts law further requires that a notice of the award of the contract be printed as a legal advertisement;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Medford Lakes this 24th day of May, 2007, as follows:

1. The firm of 1868 Public Affairs, LLC and Matos Group, a Joint Venture be and the same is hereby awarded a contract for lobbying and consulting services for the Borough of Medford Lakes. The contract is for a term of six (6) months and will expire on November 24, 2007; and
2. This contract is awarded without competitive bidding as an "extraordinary unspecified service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because it is not reasonably possible to draft specifications describing the informal solicitation of quotations; and
3. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached Agreement with 1868 Public Affairs, LLC and the Matos Group, a Joint Venture; and
4. Notice of this action shall be published once as a legal advertisement in the official newspaper of the Borough of Medford Lakes within ten days of its adoption.

VOTE TO APPROVE RESOLUTION 86-07

Ayes: Casey, Weiss

Nays: Woodend

Resolution 86-07 is approved

Mayor Casey made a motion, seconded by Councilman Weiss, to approve a settlement agreement.

RESOLUTION 87-07

A RESOLUTION OF THE MEDFORD LAKES BOROUGH COUNCIL APPROVING AND ADOPTING A SETTLEMENT AGREEMENT

WHEREAS, Medford Lakes Borough entered into a written construction management contract with Conrad Industries, Inc. for the performance of certain services in connection with the proposed construction of the new Borough building to be known as Oaks Hall; and

WHEREAS, Medford Lakes Borough issued a certain purchase order to Conrad Industries, Inc. for emergency repairs and services in connection with the Borough's flood recovery efforts; and

WHEREAS, certain disputes developed between the parties concerning the Oaks Hall project, the firehouse project and the amounts of payment due Conrad on the aforementioned projects; and

WHEREAS, Medford Lakes Borough has asserted certain claims concerning the perceived failure of Conrad Industries, Inc. to adequately discharge its responsibilities under the Construction Management Agreement and the purchase order; and

WHEREAS, Medford Lakes Borough has deducted significant funds claimed to be due and owing by Conrad Industries, Inc. pursuant to the said Agreement and Purchase Order alleging that Conrad Industries, Inc. provided defective, deficient and/or incomplete work; and

WHEREAS, Conrad Industries, Inc. commenced an arbitration proceeding against Medford Lakes Borough in accordance with the Construction Management Agreement; and

WHEREAS, Conrad Industries, Inc. claimed to be due and owed \$253,765.00 pursuant to said contract and purchase order; and

WHEREAS, in view of the actual out-of-pocket expenses owed to Conrad Industries, Inc. pursuant to the Contract and in order to avoid the further expense and distraction and uncertainties of litigation, be it resolved by the Medford Lakes Borough Council as follows:

1. The Borough Council does hereby authorize a payment in the total amount of \$44,000 to Conrad Industries, Inc. in full and final satisfaction of all claims between the parties; and

2. Borough Council does hereby direct the Borough Solicitor to effectuate said settlement and authorizes the Mayor to execute any and all settlement documents and/or releases necessary to effectuate said settlement upon review and approval by the Mayor Casey made a motion, seconded by Councilman Weiss, to authorize the solicitor to spend up to \$3,000 for defense of litigation.

VOTE TO APPROVE RESOLUTION 87-07

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 87-07 is approved

Mayor Casey made a motion, seconded by Councilman Weiss, to amend a resolution.

RESOLUTION 88-07

A RESOLUTION TO AMEND RESOLUTION NUMBER 31-07, WHICH AUTHORIZED THE SOLICITOR TO SPEND AND NOT TO EXCEED \$3,000 FOR DEFENSE OF AN ARBITRATION CLAIM

WHEREAS, the Borough Council has a need to be represented in an arbitration claim; and

WHEREAS, this need is above and beyond the usual duties of the Borough Solicitor; and

WHEREAS, the Borough Council would like the Borough Solicitor to defend the municipality in this arbitration claim (Madden); and

WHEREAS, the expense of defending the municipality has increased; and

WHEREAS, the Borough Solicitor has requested the additional amount not to exceed \$8,000;

NOWI THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that the Borough Clerk is authorized to spend not to exceed \$11,000 to support the defense of the arbitration claim; and

BE IT FURTHER RESOLVED that Borough Solicitor Peter C. Lange, Jr., Esq. is authorized to defend the Borough of Medford Lakes in this arbitration claim. (Madden)

VOTE TO APPROVE RESOLUTION 88-07

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 88-07 is approved

ADJOURNMENT

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

VOTE TO ADJOURN

Ayes: Casey, Weiss, Woodend

Nays: None

Meeting adjourned

Respectfully submitted,

Richard Knight
Borough Manager