

**BOROUGH OF MEDFORD LAKES  
WORKSHOP AND  
REGULAR COUNCIL MEETING  
August 28, 2008**

The Workshop and Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in the Demby Annex of the Medford Lakes Colony beginning at 6:30pm. Following the Pledge of allegiance and Moment of Silence (Council and the public observed a moment of silence to honor service men and women currently in harm's way overseas and at home), Clerk McIntosh 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 Paul G. Weiss, Esq., Councilman Timothy S. Casey and Councilman Gregory C. Lackey. Also present were Manager Geoffrey D. Urbanik and Deputy Manager/Acting Clerk Mark J. McIntosh and Solicitor Peter C. Lange, Jr. Esq.

**WORKSHOP SESSION**

Council discussed a Construction Official and Code Enforcement Official proposed Ordinance for the permitting of Dumpsters, POD's and other type temporary storage units

The following items were discussed:

1. \$20.00 in yard permit fee
2. \$200.00 out of yard permit fee
3. \$1,500.00 Bond if unit is to be located on the street (i.e. maintenance bond similar to street opening type)
4. Pre-approval of location by Code Enforcement Official
5. Initial permitted time frame of 30days with possible 120day extension with proof of building permit.
6. Higher permit fee if unit arrives prior to receiving a permit from Borough Official

Council requested that the Clerk and Solicitor re-draft the Ordinance with similar structure to that of Manalpin, New Jersey.

**WORKSHOP SESSION PUBLIC COMMENT**

Mike Powers, 19 Onondago Trail, stated that this was his first time agreeing with all of council, he expressed concern with units being allowed on roadways or shoulders, because emergency vehicles would have clearance problems. He further stated that we should involve the Land Use Board in the discussion of the proposed Ordinance. He likes the idea of the bond, but expressed concern about the lack of enforcement of Borough Ordinances.

Mayor and Council agreed that enforcement has always been a challenge in Medford Lakes. The Borough currently has a part-time code enforcement officer (one day per week).

Manager Urbanik advised council that he had discussed with the Code Enforcement Officer (David Crane) picking up additional hours and that Mr. Crane was willing to pick up an additional day, preferably Saturday's.

Solicitor Lange stated that zoning issues are a hot button topic amongst municipalities.

**Council requested Manager Urbanik to add one (1) more day to the current Code Enforcement schedule. They further requested that a spreadsheet be developed for tracking enforcement citations, warning offenses vs. citable offenses. They also asked the Borough Manager and the Code Enforcement Official, to provide a six-month summary of citations to council via email.**

## **REGULAR COUNCIL MEETING**

### **APPROVAL OF MINUTES**

Mayor Weiss made a motion, seconded by Councilman Casey, to approve the minutes for the August 14, 2008 Regular Council Meeting.

#### **VOTE TO APPROVE MINUTES**

Ayes: Weiss, Casey

Nays: None

Abstain: Lackey

Minutes are approved for August 14, 2008 Regular Council Meeting

### **REPORTS**

**MANAGER** – Geoff Urbanik submitted a written report and highlighted the following from it:

The construction at the Municipal Cabin; a revised schedule from WJ Gross was in the Council packets showing a new completion date of September 12, 2008.

A recycling issue on Pequot Trail had been resolved with help from Public Works

A letter regarding the Borough's FEMA appeal to be discussed in Executive Session

The Public Works site surveys are expected to be completed by ERI by the end of September.

A complaint was received regarding the bulkhead repairs done by PW at the Ojibway Trail fire department drafting station and the blacktopping of the Winnebago Trail fire department drafting station. PW department will redo both areas.

Mayor and Council expressed displeasure with DPW for placing blacktop on top of the special water permeating reinforced ground cover/driveway on Winnebago Trail, especially since the Medford Lakes Colony had invested a lot of effort/engineering/money in creating a stormwater regulation friendly roadway at this location.

The bikeway in front of Oaks Hall being constructed by PW to help with safe passage of students and pedestrians.

The potential of a future shared service of fuel with the local school district

The on-going application process for the Green Acres Grant and expects it to be ready with public hearing at the second September meeting. Councilman Casey asked Manager Urbanik to look into the Brownsfield Grant again for possible funding. Mayor Weiss asked Manager Urbanik to forward copies to him of the Phase I and Phase II reports regarding the Easi Property, Construction Official Tom Heck may have copies of the remedial action plan and work plans.

**DEPUTY MANAGER/CLERK** – Mark McIntosh submitted a written report and highlighted the following from it:

A meeting was held at Mishe Mokwa Dam with Princeton Hydro Engineer Geoff Goll, Manager Urbanik, PW Superintendent McCorrison and Councilman Lackey. The meeting was to discuss seepage concerns identified by the engineers during the biannual review. A draft copy of the report will be provided to council.

A recent OSHA type walkthru of Borough facilities was done by our Insurance Consultant. No major violations noted mostly minor issues related to housekeeping. A report will be sent by the inspector and follow-up by the various departments will be done to abate noted items.

**SOLICITOR** – Peter C. Lange, Jr. Esq., submitted a written report and highlighted the following from it:

Kelchner property issue has been resolved, Medical Mission Sisters property issue is being reviewed by their attorney; the Easi property maintenance is not in violation of the Borough Property Maintenance Ordinance; a street opening Ordinance still being drafted; and working on an agreement between the Borough and ML Colony regarding ownership/maintenance/responsibility of various dams and culverts in the Borough.

### **OLD BUSINESS**

**WASTE MANAGEMENT** – Representatives Mike Ramos and Fred Ar of Waste Management of NJ were in attendance.

Manager Urbanik explained the bid that was advertised for a Solid Waste Contract, the base bid, alternate bids and bidders.

Councilman Lackey asked if a one-year trial contract could be done?

Manager Urbanik reported that all Solid Waste contracts have a minimum of three years and maximum of five years per NJ Public Contract Law.

Councilman Casey asked if the contract addressed the handling of missed stops in a prompt manner.

Manager Urbanik stated yes, along with certain penalties.

Councilman Lackey asked Waste Management if this was a one-man 3-day pickup or a three-man 1-day pickup?

Waste Management stated that their original proposal was to keep the schedule the same as the Borough's.

Council discussed the heavy load of construction debris left curbside for large/bulk once a week pickup and the Saturday drop-off.

Solicitor Lange questioned why council is looking at a residential pickup contract without dealing with the amount of bulk trash in the overall waste stream of the Borough.

Mayor and Council directed the Manager to complete further analysis with maintenance costs, fuel costs, per capita costs and a discussion with Medford Township regarding possible shared services.

### **DISCUSSION OF PENDING ORDINANCES AND RESOLUTIONS**

Council discussed each regular resolution on the agenda, adding clarification and changes as needed.

**ORDINANCES**

*Mayor Weiss introduced Ordinance 552 on second reading, seconded by Councilman Casey.*

Ordinance Number 552

AN ORDINANCE ESTABLISHING DEFINING POSITIONS ELIGIBLE FOR THE "DEFINED CONTRIBUTION RETIREMENT PLAN" AS REQUIRED BY CHAPTER 92 OF THE LAWS OF 2007 OF THE STATE OF NEW JERSEY

Whereas, the State Legislature recently adopted Chapter 92 of the Laws of 2007 (N.J.S.A. 43:15C-1 et seq.) to create the Defined Contribution Retirement Program to provide retirement benefits to various county and municipal officials; and,

Whereas, N.J.S.A. 43:15C-2 requires the governing body of each county, municipality, and other local entity to adopt, as appropriate, an ordinance to determine the positions that are substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs, and for which officials appointed to such positions shall be eligible for and shall participate in the Defined Contribution Retirement Program, subject to the provisions of law; and,

Whereas the Borough Council of the Borough of Medford Lakes has considered the guidelines issues by the Local Finance Board;

Therefore, Be it ordained by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that:

1. Pursuant to N.J.S.A. 43:15C-2, the following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program:
  - a) Mayor and Borough Council
  - b) Borough Manager
  - c) Borough Solicitor
  - d) Borough Engineer
  - e) Borough Prosecutor

- f) Borough Judge
- g) Superintendent or Director of Public Works
- h) Superintendent or Director of Wastewater

2. Individuals serving in the following positions are exempt from Defined Contribution Retirement Program membership, pursuant to N.J.S.A. 43:15C-2:

- a) Tax Collector;
- b) Chief Financial Officer;
- c) Construction Code Official;
- d) Qualified Purchasing Agent;
- e) Tax Assessor;
- f) Registered Municipal Clerk;
- g) Principal Public Works Manager.

3. This Ordinance shall be implemented, construed and subject to the aforesaid Chapter 92 of the Laws of 2007 (N.J.S.A. 43:15C-1 et seq.) as amended from time to time, and any regulations or guidance documents from the Local Finance Board or the Division of Pensions and Benefits.

4. Should any part or parts of this Ordinance be held to be invalid by any competent court of law, such invalidity shall only affect the part or parts held to be invalid, and all other parts shall remain in effect.

5. A copy of this Ordinance shall be filed with the Director of the Division of Pensions & Benefits of the New Jersey Department of the Treasury.

6. This ordinance shall take effect upon its passage and publication according to law.

**PUBLIC COMMENT ON ORDINANCE NUMBER 552**

*Joe Aromando, 285 Shingowack Trail – Is there any Borough Financial Obligation?*

Manager Urbanik reported a 3% match by the borough, 5.5% employee contribution with overall 8.5%

*Dave Wasson, 97 Wabun Trail – Can PERS transfer?*

Manager Urbanik – Not to his knowledge.

VOTE TO APPROVE ORDINANCE 552

Ayes: Weiss, Casey, Lackey

Nays: None

Ordinance Number 552 is adopted

**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 Weiss motioned to place the following resolutions on the consent agenda, seconded by Councilman Casey:*

RESOLUTION NUMBER 131-08

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES COUNCIL AUTHORIZING A WASTEWATER TREATMENT PLANT CHEMICALS CONTRACT (LIQUID ALUMINUM SULFATE)

RESOLUTION NUMBER 132-08

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES COUNCIL AUTHORIZING A WASTEWATER TREATMENT PLANT CHEMICALS CONTRACT (CHLORINE AND SULFUR DIOXIDE)

RESOLUTION NUMBER 133-08

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES COUNCIL AUTHORIZING A WASTEWATER TREATMENT PLANT CHEMICALS CONTRACT (ZETA LYTE #26 – GRANULAR POLY ELECTROLYTE)

RESOLUTION NUMBER 134-08

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES COUNCIL AUTHORIZING A REMOVAL, TRANSPORTATION AND FINAL DISPOSAL OF LIQUID SEWERAGE SLUDGE CONTRACT

RESOLUTION NUMBER 135-08

A RESOLUTION AWARDDING A CONTRACT FOR LABORATORY SERVICES FOR THE WASTEWATER TREATMENT PLANT

*Motion was tabled to discuss the bidding process, why only some companies bid on one item and why the prices had jumped from the last contract costs. Clerk McIntosh explained that a total of eleven bid packages were sent out, the companies that bid on certain chemicals probably only manufacture that type, fuel surcharges were probably a factor and small quantity needed to operate a small treatment plant. Motion was untabled and approved for all above resolutions to be on consent agenda.*

**RESOLUTIONS**

RESOLUTION NUMBER 129-08

A RESOLUTION AMENDING RESOLUTION NUMBER 15-08, A RESOLUTION APPOINTING A PROSECUTOR AND SUBSTITUTE PROSECUTOR

RESOLUTION NUMBER 130-08

A RESOLUTION AUTHORIZING THE SALE OF MUNICIPALLY OWNED PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE

**NEW BUSINESS**

None

**PUBLIC COMMENT**

*Dave Wasson, 97 Wabun Trail – Bulk trash issue we need to control the waste stream, only 21% of the tax bill is for local purpose tax, get the trash abusers and keep the service for residents*

*Joe Aromando, 285 Shingowack Trail:*

- *Remove the large pine tree blocking the bike path in front of municipal building, if borough can't do then Mr. Aromando has a private contractor willing to do the job without cost.*
- *The taxpayers deserve a say in what services are going to be cut, council should check with residents first*
- *Do not appreciate the Solicitor's opinion of a Medford Lakes matter as seen by a non-resident*
- *Get rid of Borough mechanic if unable to maintain fleet*
- *Develop a public/private use of wastewater by redirecting the wastewater back up Lenape Trail to the head lakes within the Medford Lakes chain so that the lakes have a continuous flow and are more healthy*

**BUSINESS PORTION OF THE REGULAR MEETING**

**ACTION ON CONSENT RESOLUTIONS**

Mayor Weiss introduced Consent Resolution Numbers 131-08, 132-08, 133-08, 134-08 and 135-08, seconded by Councilman Casey.

**RESOLUTION 131-08**

**A Resolution of the Borough of Medford Lakes Council Authorizing a  
Wastewater Treatment Plant Chemicals Contract  
(Liquid Aluminum Sulfate)**

WHEREAS, the Borough of Medford Lakes pursuant to the public contract law received a bid to furnish liquid aluminum sulfate to be used as wastewater treatment plant chemicals on August 13, 2008; and

WHEREAS, Delta Chemical Corp. of 2601 Cannery Avenue, Baltimore, MD 21226-1595 was the only bidder received by the Borough; and

WHEREAS, Delta Chemical Corp. submitted a qualified bid which complied with the bid specifications as prepared by the Borough; and

WHEREAS, funds are available for this purpose as evidenced by the attached certificate of availability of funds.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes this 28 day of August 2008, that Delta Chemical Corp., be and hereby is awarded the Contract to furnish liquid aluminum sulfate as detailed in the instructions and specifications for Wastewater Treatment Plant Chemicals

dated July 2008. The amount of the contract shall be \$387.00 per dry ton based up quantities as ordered by the Borough of Medford Lakes for the time period covering September 1, 2008 through August 31, 2009.

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 Delta Chemical Corp., in order to complete said Contract.

**RESOLUTION 132-08**

**A Resolution of the Borough of Medford Lakes Council Authorizing a Wastewater Treatment Plant Chemicals Contract (Chlorine and Sulfur Dioxide)**

WHEREAS, the Borough of Medford Lakes pursuant to the public contract law received a bid to furnish chlorine and sulfur dioxide, to be used as wastewater treatment plant chemicals on August 13, 2008; and

WHEREAS, Univar-USA, Inc. of 532 E. Emaus St, Building 24, Middletown, PA 17057 was the low bidder received by the Borough; and

WHEREAS, Univar-USA, Inc. submitted a qualified bid which complied with the bid specifications as prepared by the Borough; and

WHEREAS, funds are available for this purpose as evidenced by the attached certificate of availability of funds.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes this 28 day of August 2008, that Univar – USA, be and hereby is awarded the Contract to furnish chlorine and sulfur dioxide as detailed in the instructions and specifications for Wastewater Treatment Plant Chemicals dated July 2008. The contract prices are as follows:

Chlorine price per pound shall be \$1.19 per pound as ordered by the Borough for the time period covering September 1, 2008 through August 31, 2010, and

Sulfur Dioxide price per pound shall be \$1.34lb. in quantities as ordered by the Borough for the time period covering September 1, 2008 through August 31, 2010.

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 Univar- USA, Inc. in order to complete said Contract.

**RESOLUTION 133-08**

**A Resolution of the Borough of Medford Lakes Committee Authorizing a Wastewater Treatment Plant Chemicals Contract (Zeta Lyte #26 - Granular Poly-Electrolyte)**

WHEREAS, the Borough of Medford Lakes pursuant to the public contract law received a bid to furnish Zeta Lyte #26, a granular poly-electrolyte, to be used as a wastewater treatment plant chemical on August 13, 2008; and

WHEREAS, Custom Environmental Tech.of 8 Iron Bridge Drive, Collegeville, PA 19426 was the low bidder received by the Borough; and

WHEREAS, Custom Environmental Tech. submitted a qualified bid which complied with the bid specifications as prepared by the Borough; and

WHEREAS, funds are available for this purpose as evidenced by the attached certificate of availability of funds.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes this 28 day of August 2008, that Custom Environmental Tech. be and hereby is awarded the Contract to furnish Zeta Lyte #26, a granular poly-electrolyte as detailed in the instructions and specifications for Wastewater Treatment Plant Chemicals dated July, 2008. The contract cost shall be \$2.50 per pound as ordered by the Borough for the time period covering September 1, 2008 through August 31, 2010.

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 Custom Environmental Tech. in order to complete said Contract.

#### **RESOLUTION NO. 134-08**

#### **A Resolution of the Borough of Medford Lakes Council Authorizing a Removal, Transportation and Final Disposal of Liquid Sewerage Sludge Contract**

WHEREAS, the Borough of Medford Lakes pursuant to the public contract law received a bid for the removal, transportation and final disposal of liquid sewerage sludge on August 13, 2008; and

WHEREAS, Freehold Cartage, Inc. of 825 Highway 33, Freehold, NJ 07728 was the low bidder received by the Borough; and

WHEREAS, Freehold Cartage, Inc. submitted a qualified bid which complied with the bid specifications as prepared by the Borough; and

WHEREAS, funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes this 28 day of August 2008, that Freehold Cartage, Inc., be and hereby is awarded the Contract for the removal, transportation and final disposal of liquid sewerage sludge as detailed in the instructions and specification for a 24-month period at \$.092 cents per gallon.

*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 Freehold Cartage, Inc., in order to complete said Contract.*

#### **RESOLUTION 135-08**

#### **A RESOLUTION AWARDING A CONTRACT FOR LABORATORY SERVICES FOR THE WASTEWATER TREATMENT PLANT**

**WHEREAS**, the Borough of Medford Lakes pursuant to the public contract law received a bid to perform various Laboratory analyses on August 13, 2008; and

**WHEREAS**, QC Laboratories of 1205 Industrial Highway, Southampton, PA 18966 was the only bidder received by the Borough; and

**WHEREAS**, QC Laboratories submitted a qualified bid which complied with the bid specifications as prepared by the Borough; and

**WHEREAS**, the CFO has certified that funds are available.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Medford Lakes this 28 day of August, 2008, that QC Laboratories, be and hereby is awarded the Contract for performance of various laboratory analyses as detailed in the instructions and specifications dated July 2008.

**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 QC Laboratories, in order to complete said Contract.

VOTE TO APPROVE CONSENT RESOLUTION NUMBERS 131-08, 132-08, 133-08, 134-08 AND 135-08

Ayes: Weiss, Casey, Lackey

Nays: None

Resolutions are approved

**ACTION ON RESOLUTIONS**

Mayor Weiss introduced Consent Resolution Numbers 129-08 and 130-08, seconded by Councilman Lackey.

**RESOLUTION NUMBER 129-08**

**A RESOLUTION AMENDING RESOLUTION NUMBER 15-08, A RESOLUTION APPOINTING A PROSECUTOR AND SUBSTITUTE PROSECUTOR**

**WHEREAS**, the Borough of Medford Lakes contracted a Professional Services Agreement for Prosecutor Services with Mark Tarantino, Attorney at Law; and

**WHEREAS**, this contract is for calendar year 2008; and

**WHEREAS**, line number two in the agreement referenced payment for Prosecutor Services to be provided at the rate stated in the 2008 Borough Salary Ordinance; and

**WHEREAS**, this position is no longer eligible to participate in the NJ Pension System and cannot be paid through the 2008 Salary Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey hereby agrees to amend the contract to a not to exceed sum of \$6,300.00.

**RESOLUTION NUMBER 130-08**

**A RESOLUTION AUTHORIZING THE SALE OF MUNICIPALLY OWNED PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE**

**WHEREAS**, the Borough of Medford Lakes wishes to provide for sale at public auction (1) 1989 Ford 555C Backhoe/Loader no longer useful to the Borough pursuant to N.J.S.A. 40A: 11-36; and

**WHEREAS**, N.J.S.A. 40A: 11-36 provides 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.

**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, a public auction will be held on Friday, September 5, 2008 at 10:00am; 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.

VOTE TO APPROVE RESOLUTION NUMBERS 129-08 and 130-08

Ayes: Weiss, Lackey, Casey

Nays: None

Resolutions are approved

**CORRESPONDENCE**

None requiring discussion

*Mayor Weiss motioned for approval of Bill List as presented, seconded by Councilman Casey*

VOTE TO APPROVE PAYMENT OF THE BILL LIST

Ayes: Weiss, Casey, Lackey

Nays: None

Bills are approved for payment

**ADJOURNMENT TO EXECUTIVE SESSION**

Mayor Weiss made a motion, seconded by Councilman Casey, to adjourn the regular meeting and go into a Closed Executive Session for the purpose to discuss potential litigation with WJ Gross, Inc. as it relates to the Tenant Fit-out Contract for Municipal Cabin and to discuss potential litigation involving FEMA related to the 2004 Flood Recovery.

**VOTE TO ADJOURN TO CLOSED SESSION**

Ayes: Weiss, Casey, Lackey

Nays: None

Closed Session Adjourned

**VOTE TO RETURN TO REGULAR SESSION**

Ayes: Weiss, Casey, Lackey

Nays: None

Regular Session Re-opened

**ADJOURNMENT**

VOTE TO ADJOURN

Ayes: Weiss, Casey, Lackey

Nays: None

Meeting adjourned

August 28, 2008 Minutes: MJM

Approved by Council 9/11/08

Actions taken by Council are in **BOLD** font