

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
November 6, 2008**

The Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in Oaks Hall at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ 08055 beginning at 7:30pm. Following the pledge of allegiance and moment of silence (Council and the public observed a moment of silence to honor service men and women defending our country), 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 or emailed to all persons who requested such notice according to the Clerk of the Municipality.

ROLL CALL

Clerk McIntosh called roll. Mayor Paul G. Weiss, Esq. and Councilman Gregory C. Lackey answered in attendance. *Note* – Councilman Timothy S. Casey had notified the Borough of his absence prior to this meeting. Also present were Manager Geoffrey D. Urbanik and Deputy Manager/Acting Clerk Mark J. McIntosh.

APPROVAL OF MINUTES

Mayor Weiss motioned, seconded by Councilman Lackey to approve the following minutes as presented:

1. October 9, 2008 Regular Council Meeting
2. October 11, 2008 Budget Workshop
3. October 14, 2008 Budget Workshop
4. October 23, 2008 Regular Council Meeting

VOTE TO APPROVE MINUTES

Ayes: Weiss, Lackey

Nays: None

Absent: Casey

Motion is hereby approved

REPORTS

Manager Urbanik submitted a written report and highlighted the following:

- Municipal Cabin punch list completed, forwarded to contractor
- Investigating and repairing water leaks in the administration offices
- Recommending Appraisal Systems, Inc for revaluation services, 11/20 agenda item, RFP's reviewed by Manager, CFO and Assessor.
- Report of copper wiring theft from cell tower, carriers notified per last contact info.
- Wastewater Operator/Public Works Superintendent resumes reviewed, preparing interview(s) and working with Councilman Lackey
- Draft RFP for engineering services handed out, publishing next week.

Mayor Weiss asked how the Engineering RFP was going to be structured? Recommends two separate packets, one with price and other factors and one with qualifications. Directed Manager to consult with Solicitor Lange.

Councilman Lackey suggested submissions be in separate packets and would like to know more about the companies that responded to the Reval RFP

Deputy Manager/Acting Clerk McIntosh submitted a written report and highlighted the following:

- General Election went well, no major issues
- Bids due November 18th at 10:00am for public works utility truck
- Both walls at firehouse and public works garage have been sealed
- Received the first payment since switching dumpster companies of \$230.81 for our metal recycling
- Public Works employees had completed the following at Municipal Cabin:
 1. Removed ring from water well and landscaped with large stone from original Oaks Hall
 2. Caulked the exterior around managers office and lakeside walls
 3. Removed stickers from dormer windows
 4. Capped sewer cleanout
 5. Installed Police Department sign
 6. Cleaned/wiped down all logs inside Oaks Hall
 7. Hooked chairs together in Oaks Hall
 8. Removed extra logs left by general contractor
 9. Fall leaf collection started 11/4 with a schedule of District 4, then 1, 2 and 3.

OLD BUSINESS

Deputy Manager/Acting Clerk McIntosh stated that the Borough had received a signed release of claims form the Medical Mission Sisters and the Solicitor requested Council to take action if ready.

CONSENT AGENDA RESOLUTIONS

Mayor Weiss announced in title the following consent agenda resolutions:

1. Resolution Number 154-08 – A Resolution authorizing the first half refund of a plumbing and street opening permit for 176 Nahma Trail also known as Block #30024, Lots #906.01, in the amount of \$750.00
2. Resolution Number 155-08 – A Resolution authorizing the refund of a duplicate payment made on construction permit number 08-0187

DISCUSSION OF PENDING ORDINANCES AND RESOLUTIONS

Mayor Weiss motioned, seconded by Councilman Lackey to remove for contract review purposes Resolution Number 156-08 – A Resolution approving change order number 1, for the contract known as Emergency Sewer Repair Services, amending the contract with NERI's Construction and Rentals from \$195,460.00 to \$196,972.00, an increase of \$1,512.00

VOTE TO APPROVE MOTION

Ayes: Weiss, Lackey

Nays: None

Absent: Casey

Motion is hereby approved

Mayor Weiss read in title Resolution Number 157-08 – A Resolution awarding a professional services contract for engineering services to Princeton Hydro, LLC for preparation of the Mishe Mokwa Dam Operations Manual and Formal Inspection report.

Councilman Lackey asked if the manual can't be done by Borough staff since much of the required information can be found on the State's web site.

Manager Urbanik will look into that with Geoff Goll, PE

Mayor Weiss motioned, seconded by Councilman Lackey to table Resolution Number 158-08 – A Resolution awarding a professional services contract to Dewberry – Goodkind, Inc., for engineering services related to restoration of Quogue Dam.

Mayor and Council would like clarification on the status of Quogue Dam actually being a dam and if a FEMA project worksheet had been submitted.

VOTE TO APPROVE MOTION

Ayes: Weiss, Lackey

Nays: None

Absent: Casey

Motion is hereby approved

NEW BUSINESS

Clerk McIntosh stated the Medford Lakes Home and School Association requested the 2009 Council meeting dates for their 2009 Calendar.

Mayor Weiss and Councilman Lackey said that second and fourth Thursday's were fine.

PUBLIC COMMENT

Mayor Weiss opened the meeting to public comment.

Joseph Aramondo, 285 Shingowack Trail:

1. Does the agreement with the Medical Mission Sisters entertain a canoe portage?

Mayor Weiss stated that the property is privately owned and it would be up to the owners if a future portage were to be allowed.

2. Who made the comment in the Burlington County Times regarding the affirmative vote at the General Election to increase the Borough Council from three to five members?

Clerk McIntosh stated that he had answered questions from the Burlington County Times related to the General Election

3. Would like to see the increase occur in the 2009 Election and would like to see Solicitor Lange weigh in on this decision.

4. Had Mayor and Council had time to review the meeting format changes that were submitted?

Mayor Weiss and Councilman Lackey stated they had, and would wait for comments from Councilman Casey before issuing a decision.

5. Do we receive a Treasurers report monthly?

Manager Urbanik stated no.

6. The amount of money from the metal recycling dumpster seemed light.

Clerk McIntosh stated this was our first load since making the switch to a paying company and we would be monitoring to make sure the Borough received the best reimbursement available.

7. What was the status on the stop lights along Stokes Road?

Chief Martine, MLPD stated that the County had ordered the wrong size and had to be reordered.

8. Couldn't we get some temporary lights turned on outside the municipal offices

9. Believe that Public Comment is warranted before Council awards a Reval Contract

10. Where are leaks in the building?

Manager Urbanik stated they appear to be centered around the windows along the lake front.

11. Where do we stand with FEMA?

Mayor Weiss reported that the Borough had secured roughly 2.1million for Upper Aetna Dam and were continuing to work for the highest return possible and were in the process of having a second meeting with Senator Menendez.

CLOSE PUBLIC COMMENT

Mayor Weiss closed public comment

ACTION ON CONSENT RESOLUTIONS

Mayor Weiss motioned, seconded by Councilman Lackey approval of Consent Resolution Number 154-08 and 155-08.

RESOLUTION NUMBER 154-08

A RESOLUTION AUTHORIZING THE FIRST-HALF REFUND OF A PLUMBING AND STREET OPENING PERMIT FOR 176 NAHMA TRAIL ALSO KNOWN AS BLOCK #30024, LOTS #906.01, IN THE AMOUNT OF \$750.00

WHEREAS, on certain occasions a maintenance bond is required between a contractor and the Borough of Medford Lakes; and

WHEREAS, once the requirement causing the need for the bond is met by the contractor there is due the first-half installment to the permit applicant; and

WHEREAS, on October 28, 2008 the Construction Official authorized the refund of one-half of the bond that is no longer required to be kept.

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the following applicant receives a first-half refund of their maintenance bond:

<u>Applicant</u>	<u>Amount of refund</u>	<u>Project Address</u>
Thomas Cahill 176 Nahma Trail Medford Lakes, NJ 08055	\$750.00	176 Nahma Trail

RESOLUTION NUMBER 155-08

A RESOLUTION AUTHORIZING THE REFUND OF A DUPLICATE PAYMENT MADE ON CONSTRUCTION PERMIT NUMBER 08-0187

WHEREAS, two contractors applied for a permit to remove an oil tank at the same property; and

WHEREAS, the duplicate permit application was for 169 Chippewa Trail also known as Block #10028, Lot #1; and

WHEREAS, both primary contractor Foley Mechanical and secondary contractor Giberson Plumbing paid for the same permit on September 5, 2008.

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the following applicant be refunded \$66.00:

<u>Applicant</u>	<u>Amount of refund</u>	<u>Project Address</u>
Giberson Plumbing & Excavating, Inc. 7 Park Drive Shamong, NJ 08088	\$66.00	169 Chippewa Trail

VOTE TO APPROVE CONSENT RESOLUTION NUMBERS 154-08 AND 155-08

Ayes: Weiss, Lackey

Nays: None

Absent: Casey

Resolutions 154-08 and 155-08 are hereby approved

ACTION ON RESOLUTIONS

Mayor Weiss motioned, seconded by Councilman Lackey approval of Resolution Number 156-08.

RESOLUTION NUMBER 156-08

A RESOLUTION AUTHORIZING PAYMENT TO SOCIETY OF CATHOLIC MEDICAL MISSION SISTERS OWNER OF PROPERTY KNOWN AS BLOCK #20017, LOTS #418, 418.01 AND 419.02

WHEREAS, the Borough of Medford Lakes entered into a certain property access agreement with the owners of Block 20017, Lots 418, 418.01 & 419.02 granting the Borough access to the property in order to rebuild a portion of the Upper Aetna Lake Dam; and

WHEREAS, pursuant to said agreement with Society of Catholic Medical Mission Sisters, owners of the property listed as Block 20017, Lots 418, 418.01 and 419.02, the Borough was required to return the property to pre-construction condition; and

WHEREAS, the project costs dedicated to property restoration have not been expended and paid under the contract for reconstruction of the dams; and

WHEREAS, Borough Council finds that the Society of Catholic Medical Mission Sisters property has not been completely restored to preconstruction condition; and

WHEREAS, Borough Council has reviewed the claims being advanced by Society of Catholic Medical Mission Sisters and finds the claim for restoration damages reasonable and the proposed settlement in the best interests of the Borough.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Manager is hereby authorized to disburse and pay \$19,557.60 to Society of Catholic Medical Mission Sisters consistent with and upon the receipt of a fully executed copy of the attached release.

VOTE TO APPROVE RESOLUTION NUMBERS 156-08

Ayes: Weiss, Lackey

Nays: None

Absent: Casey

Resolutions 156-08 is hereby approved

Mayor Weiss motioned, seconded by Councilman Lackey approval of Resolution Number 157-08.

Resolution Number: 157-08

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING SERVICES

WHEREAS, the Borough of Medford Lakes has a need to acquire an Engineer pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is until completion; and

WHEREAS, Princeton Hydro, Inc. completed and submitted a Business Entity Disclosure Certification which certifies that Princeton Hydro, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Medford Lakes in the previous one year, and that the contract will prohibit Princeton Hydro, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the CFO's certification of the availability of funds requirements per N.J.A.C. 5:30-5.4 has been met; and

WHEREAS, there exists in the Borough of Medford Lakes a need for an Engineer to perform Engineering Services for the Borough in connection with the completion of Preparation of Mishemokwa Dam Operations Manual and Formal Inspection; and

WHEREAS, the Local Public Contracts Law (NJSA 40A: 11-1 et seq) requires that the resolution authorizing awarding of contracts for Professional Services without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that **Princeton Hydro, LLC, 1108 Old York Road, Suite 136, P.O. Box 720, Ringoes, NJ 08551**, be and is, hereby appointed as the Engineer for the Borough of Medford Lakes for Preparation of Mishemokwa Dam Operations Manual and Formal Inspection for a contract not to exceed \$2,000.00.

This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by the law.

A copy of this resolution shall be published as required by law.

The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

This resolution shall take place immediately.

VOTE TO APPROVE RESOLUTION NUMBERS 157-08

Ayes: Weiss, Lackey

Nays: None

Absent: Casey

Resolutions 157-08 is hereby approved

CORRESPONDENCE

None required discussion

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

VOTE TO APPROVE PAYMENT OF THE BILL LIST

Ayes: Weiss, Lackey

Nays: None

Absent: Casey

Bills are approved for payment

Mayor Weiss motioned to adjourn the public meeting, Seconded by Councilman Lackey

ADJOURNMENT

VOTE TO ADJOURN

Ayes: Weiss, Lackey

Nays: None

Absent: Casey

Meeting adjourned