

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
November 20, 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., Councilman Timothy S. Casey and Councilman Gregory C. Lackey answered in attendance. Also present were Manager Geoffrey D. Urbanik Solicitor Peter C. Lange, Jr., Esq. 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. Regular Council Meeting – November 6, 2008

VOTE TO APPROVE MINUTES:

Ayes: Weiss, Lackey

Nays: None

Abstain: Casey

Motion is hereby approved

REPORTS

Manager Urbanik submitted a written report and highlighted the following:

- WJ Gross is in the process of addressing punch-list items
- On schedule to have another budget workshop on November 22nd
- Budget materials passed out to council for meeting on 22nd
- Change order request for the Emergency Sewer Repair Contract is to add a material item not in original bid specifications
- Quogue Dam repair not as costly as originally anticipated, would recommend to Council to reapply for the dam loan and bundle the following jobs together:
 1. Beach #3 repairs (MisheMokwa Dam)

- 2. Beach #4 spillway repairs/replacement
- 3. Hiawatha Foot Bridge
- Attended the League of Municipalities conference and obtained numerous continued education credits and attended an informative class on health benefits.

Mayor/Council discussed the Change Order resolution and asked Solicitor Lange to recraft the wording before Council takes action.

Councilman Lackey discussed the classification of Quogue Dam from a Class 3 as decided by Alaimo to a Class 4 as determined by Dewberry and Princeton Hydro. He believes it to be a Class 4 since the lake it holds back is greater than five (5) acres yet less than fifteen (15). Any repairs must have been designed by a licensed engineer and may require a wetlands permit.

Mayor Weiss asked what the current DEP classification is and directed Manager Urbanik to have our engineer submit a classification to DEP and get their agreement to proceed with repairs. The DEP would be very supportive of combining the various repairs. A professional engineer will be required to apply for the DEP loan. In the meantime, public works should continue to make visual inspections using the log book.

Councilman Casey asked if Princeton Hydro could provide a cost estimate for the following:

- 1. Classification***
- 2. Repairs***
- 3. Permitting***
- 4. Construction Management***

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

- Passed out home occupation ordinances to get Council feedback, would like to move a revision to the current ordinance
- Municipal Cabin lighting is operational, one complaint from Natchez Trail resident asking for one light to be turned away from the lake, following up with PSE&G.
- Safety Committee meeting held, minutes in December 4th packets.
- Sidewalk behind Police Department completed
- All Public Works employees tasked for leaf pickup, weather has been good

Solicitor Lange highlighted the following:

- Read the rewording of Resolution 160-08
- Mission Sisters project almost at completion, awaiting their return of voucher so that check may be issued
- Would like council to review the handed out home occupation ordinances and provide feed back
- Hoping to have a UST and Home Occupation ordinance in council's hands by December

- Working on completion of the site plan traffic control draft
- Working on the Land Use draft
- Read a memo to council regarding the question passed by the voters at the 2008 General Election

Mayor Weiss requested that a press release be sent to the colony news regarding the General Election question.

OLD BUSINESS

Manager Urbanik would like to proceed with award of Reval contract to Appraisal Systems.

CONSENT AGENDA RESOLUTIONS

None presented.

DISCUSSION OF PENDING ORDINANCES AND RESOLUTIONS

Mayor Weiss stated that the following Ordinances were on the agenda:

ORDINANCE NUMBER 554 ***(First reading – No public comment)***
AN ORDINANCE REGULATING THE USE OF DROP-OFF STORAGE CONTAINERS, TRASH DUMPSTERS, CHARITABLE CLOTHING BINS, AND ROLL-OFF CONTAINERS WITHIN THE BOROUGH

ORDINANCE NUMBER 555 ***(First reading – No public comment)***
AN ORDINANCE TO AUTHORIZE A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$150,000 FOR THE EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE LOCAL ASSESSOR IN ACCORDANCE WITH N.J.S.A. 40A:4-53

ORDINANCE NUMBER 556 ***(First reading – No public comment)***
AN ORDINANCE TO AUTHORIZE A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$10,000 FOR THE PREPERATION OF AN APPROVED TAX MAP

Mayor Weiss stated that the following resolutions were on the agenda:

RESOLUTION NUMBER 158-08 ***(Tabled from 11/6/08 meeting)***
A RESOLUTION AWARDDING A PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING SERVICES TO DEWBERRY-GOODKIND, INC.

RESOLUTION NUMBER 159-08
A RESOLUTION AUTHORIZING CERTAIN BUDGETARY TRANSFERS
FOR THE 2008 BUDGET

RESOLUTION NUMBER 160-08
A RESOLUTION APPROVING CHANGE ORDER NUMBER 1, FOR THE
CONTRACT KNOWN AS EMERGENCY SEWER REPAIR SERVICES,
AMENDING A CONTRACT WITH NERI'S CONSTRUCTION & RENTALS
FROM \$195,460.00 TO \$196,972.00, AN INCREASE OF \$1,512.00

NEW BUSINESS

Mayor and Council discussed adding an additional public comment to the agenda at the beginning of the meeting regarding matters not on the printed agenda.

Mayor Weiss directed Clerk McIntosh to add the additional public comment to the agenda directly following roll call.

Councilman Casey requested Clerk McIntosh to provide a 2009 Council Meeting schedule in the December 4th packets for review.

PUBLIC COMMENT

Mayor Weiss opened the meeting to public comment.

Joseph Aramondo, 285 Shingowack Trail:

1. Are the UPS and FED EX boxes along Trading Post authorized?

Solicitor Lange stated that it is a "right-of-way" issue and should be forwarded to the Code Enforcement Official

2. Are the REVAL Bids, RFP's a public document?

Clerk McIntosh stated yes, and was available for review.

3. Will reval companies be given past permits and provided past added assessments?

Manager Urbanik stated nothing in the RFP required that.

4. What changes need to be made on the tax maps?

Manager Urbanik stated the State had made about thirty comments, some were very particular

5. What exactly is Borough Assessor going to be doing?

Manager Urbanik stated he will be a task master for the contract, assist with resident's questions and complete individual spotchecks.

6. Why no portage along the Upper Aetna Dam? Its absence has changed the character of the lakes. Isn't there a borough right-of-way?

Solicitor Lange stated that no right-of-way exists, the Medical Mission Sisters own to the waterline of the dam.

7. Any further FEMA discussion?

Mayor Weiss reported that a December meeting was scheduled.

8. Did the Manager get a monthly Code Enforcement Report and Tax Assessor report?

Manager Urbanik stated yes to the Code Enforcement report and no to the Tax Assessor report.

Bob Hanold, 45 Natchez Trail:

1. Wait to start leaf pickup until all of the leaves are down.

CLOSE PUBLIC COMMENT

Mayor Weiss closed public comment

ACTION ON ORDINANCES

Mayor Weiss motioned, seconded by Councilman Casey introduction of Ordinance Number 554 on first reading.

ORDINANCE NO. 554

AN ORDINANCE REGULATING THE USE OF DROP-OFF STORAGE CONTAINERS, TRASH DUMPSTERS, CHARITABLE CLOTHING BINS AND ROLL-OFF CONTAINERS WITHIN THE BOROUGH

WHEREAS, the Governing Body of the BOROUGH OF MEDFORD LAKES has determined that the improper use and placement of storage containers, trash dumpsters, charitable clothing bins and roll-off containers is detrimental to the health, safety, and welfare of the community; and

WHEREAS, the Borough Council of the BOROUGH OF MEDFORD LAKES desires to establish certain rules and regulations for the appropriate use and placement of such containers, bins and dumpsters;

NOW, THEREFORE, BE IT ORDAINED by the Council of the BOROUGH OF MEDFORD LAKES as follows:

Section 1. Definitions:

TEMPORARY STORAGE UNIT – A unit greater in dimension than three feet in length by three feet in width by three feet in height rented or owned or for use by the property owner or occupant for storage of personal, business, or commercial items or used for the packing or storage of items for permanently moving to or from the residence or for temporarily storing items during a renovation to the main residences. Temporary storage units include, but are not limited to, sea boxes, bulk storage containers, portable on-demand storage containers, store-to-door mobile transportation storage containers, roll-off containers or other such similar containers.

TRASH DUMPSTERS AND ROLL-OFF CONTAINERS – A unit used for waste disposal.

CHARITABLE CLOTHING BINS – A unit used to receive solicited donations of clothing or other type fabrics.

Section 2. Regulations TEMPORARY STORAGE UNIT

A. **Public Property.** No temporary storage unit shall be placed or maintained by any private party in or on any BOROUGH property, street, or right of way.

B. **Private Property.** No temporary storage unit shall be placed or maintained on any private property except upon the issuance of a permit. Such containers may be placed or maintained on a driveway or other suitable area for purposes of storing the goods and materials of the owner or occupant of the property when necessary for a period of not more than thirty consecutive days.

C. No temporary storage unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory or commercial goods. No temporary storage unit shall be used to store personal property other than personal property being stored consistent with the provisions of Section B.

D. Storage of hazardous material within the temporary storage unit is prohibited.

E. Temporary storage units shall be locked and secured by the property owner, tenant or property manager at all times when loading or unloading is not taking place.

F. If the temporary storage unit for any reason became a physical danger to persons or property, the Borough of Medford Lakes may require the removal of the storage unit.

G. Temporary storage units shall be no greater than eight (8) feet in height, eighteen (18) feet in length and eight (8) feet in width or no greater than a total of 1,200 cubic feet.

H. One (1) temporary storage unit shall be permitted per residential property at any one time.

Section 3. Regulations TRASH DUMPSTERS AND ROLL-OFF CONTAINERS

A. **Public Property.** No trash dumpster, roll-off container, or similar container for trash or debris of any type may be placed or maintained by any private party in or on any BOROUGH property, street, or right of way except in the Lakes Commercial and Lakes Institutional Zoning Districts upon issuance of a permit and upon compliance with the provisions of this ordinance.

B. **Private Property.** No trash dumpster, roll-off container, or similar container for trash or debris of any type may be placed or maintained on any private property within the BOROUGH except upon issuance of a permit and upon compliance with the provisions of this ordinance unless placed in a manner and location as set forth on a duly approved site plan.

C. Any container to be placed on a street or right of way in the Lakes Commercial or Lakes Institutional Zoning Districts shall be placed on the street in a legal parking space as approved or designated by the BOROUGH and shall be equipped with appropriate reflectors or other safety markings so that the container will not constitute a hazard to traffic. The specific number, location, and nature of the markings shall be determined by the BOROUGH police in the exercise of their discretion and shall be noted on the permit as a condition of its issuance.

D. Any permit issued for placement of a container on a street, right of way or other public property shall be valid for a period of fourteen (14) days and sticker or notice shall be prominently displayed on the street side of the container indicating the commencement and expiration date of the permit.

E. Any container placed on private property shall be placed on a suitable base to assure stability. If in the opinion of the BOROUGH police, the location is sufficiently near to a public vehicular or pedestrian path, the permit may require suitable safety markings as set forth in sub-section "b", above.

F. Any permit issued for placement of a container on private property shall be valid for a period of thirty (30) days and sticker or notice shall be prominently displayed on the street side of the container indicating the commencement and expiration date of the permit.

G. Upon showing of continued need for the container (such as during the course of major construction projects), permits may be renewed up to three times for like periods upon application for renewal and payment of an additional Twenty-five Dollar (\$25.00) fee.

H. If the container for any reason became a physical danger to persons or property, the Borough of Medford Lakes may require the removal of the storage unit.

Section 4. Regulations CHARITABLE CLOTHING BIN

A. Notwithstanding any other provision of law to the contrary, no person shall place, use or employ a charitable clothing bin, for solicitation purposes within the Borough of Medford lakes unless all of the following requirements are met:

1. The following information is clearly and conspicuously displayed on the exterior of the donation clothing bin:
 - a. Name and address of the registered owner of the bin, and of any other entity which may share or profit from any donations collected via the bin.
 - b. The telephone number of the registered owner's office or other entity which may share or profit from any donations collected via the bin.
 - c. A clear written notice when an entity other than the owner may share or profit from any donation collected via the bin and identifying all such entities which may share or profit from such donations
 - d. A written statement indicating the manner in which the owner or entity anticipates donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

2. The charitable clothing bin is to be located in the Lakes Commercial, Lakes Institutional or Lakes Suburban Reserve Zoning Districts.

C. A permit is obtained from the Borough. Charitable clothing bin permits shall be valid for one year and are eligible for annual renewal upon payment of a fee. To apply for a permit the owner of the charitable clothing bin must provide written consent from the property owner to place the bin on his/her property. A permit will not be issued if the municipality determines the placement of the bin would constitute a safety hazard.

Section 5. Permits Required.

Prior to the placement of any dumpster, roll-off container, charitable clothing bin, similar container or temporary storage unit on any BOROUGH property, street, or right of way, or on any private property (not covered by a duly approved site plan) the owner or user of such container shall apply for and receive a permit from the BOROUGH pursuant to the provisions and standards set forth herein.

A. Application for the permit shall be made to the office of the BOROUGH clerk or such other office as the Municipal Manager may from time to time designate on a form provided by the BOROUGH. The application shall require, among other things, the full name, address, and other contact information for both the owner of the container and the owner of the property with which the use of the

container is associated. The application shall be accompanied by a permit fee of Twenty-five Dollars (\$25.00).

B. The owner of the container and the owner of the property associated with its use shall be jointly responsible for compliance with the provisions of this ordinance. Copies of the penalty provisions of this ordinance shall be appended to the permit and the applicant shall mail a copy of the permit and penalty provisions to the owner of the container or the property owner and any other interested party.

Section 6. Occupancy of Container Prohibited.

No human or animal shall occupy any temporary storage container except for the express purpose of loading or unloading the container. No heat or electrical source of any kind shall be placed in the container.

Section 7. Penalties.

Violations of this ordinance or any conditions of a permit issued pursuant to this ordinance shall be subject to a fine of not less than \$100.00 nor more than \$250.00. Each day or portion thereof that a violation continues shall be considered a separate violation. Any storage container, storage device, “pod”, trash dumpster, roll-off container, or similar container placed or maintained on BOROUGH property, streets, or right of way, or left in such a location after expiration of the permit for more than seven (7) days after the mailing of written notice to the owner of the affected property may be removed by the BOROUGH at the applicant, affected property owner and/or owner’s expense. Such charge for removal and storage of the container shall be in addition to any fines that might otherwise be imposed pursuant to this section.

Section 8.

Severability. The provisions of this ordinance are severable. Should any section or portion of this ordinance be determined to be invalid or unenforceable by a Court of competent jurisdiction, the remaining sections shall remain in full force and effect.

Section 9.

Effective Date. This ordinance shall become effective upon adoption and publication according to law.

VOTE TO APPROVE ORDINANCE NUMBER 554 ON FIRST READING

Ayes: Weiss, Casey, Lackey

Nays: None

Ordinance No. 554 is hereby approved on introduction

Mayor Weiss motioned, seconded by Councilman Lackey approval of the introduction of Ordinance Number 555 on first reading.

Ordinance Number 555

AN ORDINANCE TO AUTHORIZE A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$150,000 FOR THE EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE LOCAL ASSESSOR IN ACCORDANCE WITH N.J.S.A. 40A:4-53

WHEREAS, a special emergency has arisen with respect to execution of a complete program of revaluation of real property for the use of the local assessor; and

WHEREAS, no adequate provision was made in the 2008 budget of the aforesaid purpose and N.J.S.A. 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned; and

WHEREAS, it is estimated that the total cost of this special emergency will not exceed \$150,000; and

WHEREAS, at least 1/5 of the total appropriation shall be included in each annual budget until the appropriation has been fully provided for.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Medford Lakes, Burlington County NJ, as follows:

1. A special emergency is hereby authorized in the amount of \$150,000 for the execution of a complete program of revaluation of real property for the use of the local assessor in accordance with N.J.S.A. 40A:4-53.
2. At least 1/5 of the total appropriation shall be included in each annual budget until the appropriation has been fully provided for (\$30,000.00 each year)

VOTE TO APPROVE ORDINANCE NUMBER 555 ON FIRST READING

Ayes: Weiss, Casey, Lackey

Nays: None

Ordinance No. 555 is hereby approved on introduction

Mayor Weiss motioned, seconded by Councilman Casey approval of the introduction of Ordinance Number 556 on first reading.

Ordinance Number 556

AN ORDINANCE TO AUTHORIZE A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$10,000 FOR THE PREPARATION OF AN APPROVED TAX MAP

WHEREAS, a special emergency has arisen with respect to the preparation of an approved tax map; and

WHEREAS, no adequate provision was made in the 2008 budget of the aforesaid purpose and NJSA 40A:4-53 provides for the creation of a special emergency appropriation for the purpose above mentioned; and

WHEREAS, it is estimated that the total cost of this special emergency will not exceed \$10,000; and

WHEREAS, at least 1/5 of the total appropriation shall be included in each annual budget until the appropriation has been fully provided for.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Medford Lakes, Burlington County NJ, as follows:

1. A special emergency is hereby authorized in the amount of \$10,000 for the preparation of an approved tax map in accordance with NJSA 40A:4-53.
2. At least 1/5 of the total appropriation shall be included in each annual budget until the appropriation has been fully provided for (\$2,000.00 each year)

VOTE TO APPROVE ORDINANCE NUMBER 556 ON FIRST READING

Ayes: Weiss, Casey, Lackey

Nays: None

Ordinance No. 556 is hereby approved on introduction

ACTION ON CONSENT RESOLUTIONS

None

ACTION ON RESOLUTIONS

Mayor Weiss motioned, seconded by Councilman Casey to untable Resolution Number 158-08 from November 4, 2008 meeting agenda.

VOTE TO UNTABLE RESOLUTION 158-08

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution 158-08 is untabled

Resolution Number: 158-08

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, Dewberry-Goodkind, Inc., completed and submitted a Business Entity Disclosure Certification which certifies that Dewberry-Goodkind, 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 Dewberry-Goodkind, 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 restoration of Quogue Dam; 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 **Dewberry-Goodkind, Inc. 600 Parsippany Road, 3rd Floor, Parsippany, NJ 07054-3715**, be and is, hereby appointed as the Engineer for the Borough of Medford Lakes for Engineering Services related to the restoration of Quogue Dam for a contract not to exceed \$17,500.

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.

Councilman Casey motioned, seconded by Mayor Weiss to table Resolution Number 158-08 until December 4, 2008 meeting

VOTE TO TABLE RESOLUTION 158-08

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution 158-08 is hereby tabled until December 4, 2008

Mayor Weiss motioned, seconded by Councilman Lackey approval of Resolution Number 159-08

RESOLUTION NO. 159-08

A RESOLUTION AUTHORIZING CERTAIN BUDGETARY TRANSFERS FOR THE 2008 BUDGET

WHEREAS, The Governing Body of the Borough of Medford Lakes did adopt a budget for the year 2008 in accordance with the Municipal Budget Law (NJSA 40A-4 et seq) ; and

WHEREAS, it has become necessary to transfer certain funds among the various line items as contained within the aforementioned adopted municipal budget; and

WHEREAS, NJSA 40A:4-58 allows for the transfer of funds among line items of an adopted municipal budget during the last two months of the fiscal year; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, New Jersey, that the Chief Financial Officer of the Borough of Medford Lakes is hereby authorized to make the transfers as listed below among the various line items:

CURRENT FUND

TRANSFER FROM:

Clerk (S&W)	\$6,700.00
Planning (S&W)	\$3,000.00
Public Works (S&W)	\$15,000.00
Landfill Fees (O&E)	\$5,000.00
Group Insurance	\$6,200.00
TOTAL	\$35,900.00

TRANSFER TO:

A&E (S&W)	\$6,700.00
Code Enforcement (S&W)	\$2,000.00
Gasoline	\$25,000.00
Postage	\$1,200.00
Sanitation (S&W)	\$1,000.00
TOTAL	\$35,900.00

SEWER UTILITY

TRANSFER FROM:

Salaries and Wages
\$50,000.00

TRANSFER TO:

Other Expenses
\$50,000.00

VOTE TO APPROVE RESOLUTION NUMBERS 159-08

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution 159-08 is hereby approved

Mayor Weiss motioned, seconded by Councilman Lackey approval of Resolution Number 160-08

RESOLUTION NUMBER 160-08

A RESOLUTION APPROVING CHANGE ORDER NUMBER 1, FOR THE CONTRACT KNOWN AS EMERGENCY SEWER REPAIR SERVICES, AMENDING CONTRACT WITH NERI'S CONSTRUCTION & RENTALS. FROM \$195,460.00 TO \$196,972.00, AN INCREASE OF \$1,512.00

WHEREAS, Change Order Number 1 (Quick Set Additive, two-year County maintenance bond and changes due to field conditions) for the contract known as Emergency Sewer Repair Services is required to complete the project; and

WHEREAS, Change Order Number 1 dated October 7, 2008 amends the contract with Neri's Construction & Rental from \$195,460.00 to \$196,972.00, an increase in the contract of \$1,512.00; and

WHEREAS, the Borough Engineer, Richard A. Alaimo Association of Engineers has reviewed and recommends 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, State of New Jersey, that Change Order Number 1 be and is hereby approved.

BE IT FURTHER RESOLVED, that Change Order Number 1 hereby amends the contract price from \$195,460.00 to \$196,972.00, an increase in the contract of \$1,512.00

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

VOTE TO APPROVE RESOLUTION NUMBERS 160-08

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution 160-08 is hereby approved

Mayor Weiss motioned, seconded by Councilman Casey approval of Resolution Number 161-08

RESOLUTION 161-08

AWARDING A COMPETITIVE CONTRACT FOR REVALUATION FIRM SERVICES PURSUANT TO N.J.S.A. 40A: 11-4.1 et seq.

WHEREAS, the Borough of Medford Lakes pursuant to the public contract law received the following proposals for REVALUATION FIRM SERVICES on October 22, 2008:

Appraisal Systems, Inc.	\$116,900.00
Tyler Technologies	\$140,400.00

Professional Property Appraisers	\$148,400.00
Renwick and Associates	\$130,000.00
Vital	\$149,900.00; and

WHEREAS, Appraisal Systems, Inc. was the lowest responsible/responsive proposal received by the Borough, in the amount of \$116,900.00; and

WHEREAS, the proposal of Appraisal Systems, Inc. has complied with the 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 that Appraisal Systems, Inc., 8 Cattano Avenue, Morristown, NJ 07960 be and hereby is awarded a contract for an amount not to exceed \$150,000 for REVALUATION FIRM SERVICES

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute the contract as proposed and any other related document with Appraisal Systems, Inc. in order to complete said Contract and pending final adoption and approval of the funding Ordinance No. 555

VOTE TO APPROVE RESOLUTION NUMBERS 161-08

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution 161-08 is hereby approved

Mayor Weiss motioned, seconded by Councilman Casey approval of Resolution Number 162-08

RESOLUTION 162-08

AWARDING A BID FOR A UTILITY TRUCK

WHEREAS, the Borough of Medford Lakes pursuant to the public contract law received the following bids for a UTILITY TRUCK on November 18, 2008:

Winner Ford	\$41,663.00
Lawrenceville Ford	\$41,700.00
Bayshore Ford	\$47,234.00; and

WHEREAS, Winner Ford, Inc. was the lowest responsible/responsive bidder received by the Borough, with a bid in the amount of \$41,663.00; and

WHEREAS, the bid of Winner Ford has 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 that Winner Ford, Inc., 250 Haddonfield-Berlin Road, Cherry Hill, NJ 08034 be and hereby is awarded the contract for a UTILITY TRUCK

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 WINNER FORD, INC. in order to complete said Contract.

VOTE TO APPROVE RESOLUTION NUMBERS 162-08

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution 162-08 is hereby approved

CORRESPONDENCE

None required discussion

BILL LIST

Councilman Lackey asked if the future bill lists could identify vehicle numbers via a sub account to assist with tracking vehicle maintenance costs

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, Casey

Nays: None

Bills are approved for payment

CLOSED SESSION

Mayor Weiss motioned to adjourn the public meeting, Seconded by Councilman Lackey and enter into an Executive Session

Resolution No. 163-08

A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.

Whereas, the Borough Council of the Borough of Medford Lakes is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., and

Whereas, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

Whereas, it is necessary for the Borough Council of the Borough of Medford Lakes to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12 b and designated below:

- _____ (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- _____ (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- _____ (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- XXXXX (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- _____ (5) Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- _____ (6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- XXXXX (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:

Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.
- _____ (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

- _____ (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

Now, Therefore, Be It Resolved by the Borough Council of the Borough of Medford Lakes, assembled in public session on Thursday, November 20, 2008, that an Executive Session closed to the public shall be held on Thursday, November 20, 2008, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

VOTE TO ADJOURN TO EXECUTIVE SESSION

Ayes: Weiss, Lackey, Casey

Nays: None

Public Meeting adjourned

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

VOTE TO RECONVENE THE PUBLIC MEETING

Ayes: Weiss, Lackey, Casey

Nays: None

Public Meeting Opened

Mayor and Council direct Manager Urbanik to advertise a second time for the combined Wastewater and Public Works Superintendent position, look at hiring an engineer that is wastewater licensed and ask Pat to extend his retirement leave date into February 2009.

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

VOTE TO ADJOURN PUBLIC MEETING

Ayes: Weiss, Casey, Lackey

Nays: None

Public Meeting adjourned