

**BOROUGH OF MEDFORD LAKES  
REGULAR COUNCIL MEETING  
October 09, 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 and Deputy Manager/Acting Clerk Mark J. McIntosh.

**OATH OF OFFICE**

Mayor Weiss gave the Oath of Office to Medford Lakes Police Department Sergeant Robert J. Dugan who was promoted from Corporal to Sergeant.

**SPECIAL RESOLUTION**

Mayor Weiss motioned, seconded by Councilman Casey approval of Resolution Number 150-08  
Mayor Weiss read the full Resolution to the Public and presented Colony 2008 President Cindy Gallimore and Colony 2007 President Sarah Plasha with the framed resolution.

**Resolution Number 150-08**

**A RESOLUTION RECOGNIZING THE MEDFORD LAKES COLONY FOR THE HOSPITALITY  
AFFORDED TO THE BOROUGH OF MEDFORD LAKES**

**WHEREAS**, the Borough of Medford Lakes was in need of a facility to host meetings of the governing body; and

**WHEREAS**, the Medford Lakes Colony invited the governing body to utilize the meeting room of Demby Annex within Vaughan Community Hall; and

**WHEREAS**, this display of hospitality has continued since 2001.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, County of Burlington and State of New Jersey that the Medford Lakes Colony is commended for outstanding service to the residents of Medford Lakes.

**VOTE TO APPROVE RESOLUTION NUMBER 150-08**

Ayes: Weiss, Casey, Lackey

Nays: None  
Resolution 150-08 is hereby approved

**APPROVAL OF MINUTES**

Mayor Weiss motioned, seconded by Councilman Casey to approve the September 25, 2008 regular council meeting.

VOTE TO APPROVE SEPTEMBER 25, 2008 MINUTES

Ayes: Weiss, Lackey  
Nays: None  
Abstain: Casey  
Minutes are hereby approved

**REPORTS**

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

- Dave Crane (Code Enforcement) gave a verbal report on his activities.
- Tom Heck (Construction Official) and Sue Gardner (Construction Secretary) presented Mayor and Council with a log sculpture from the original “Oaks Hall” and photo album of the building stages of the new municipal offices.
- The status of incomplete items being performed by WJ Gross, Inc.
- RFP for reval is being mailed tomorrow.
- Our Green Acres grant application could use support from citizens by writing letters in support of our application.
- Budget Workshop scheduled for Saturday, October 11, 2008 at 8:00am
- Public Works site plan moving along.
- Sonitrol requesting a \$3,000.00 change order for key FOB system at front doors. The door does not have the required middle vertical post. Manager looking for guidance from council.

*Mayor/Council reject change order request and decide on key lock only.*

**CLERK/DEPUTY MGR. REPORT** – Mark McIntosh submitted a written report and highlighted the following:

- Planning Board was requesting time at future council meeting for a presentation on Land Use Ordinance. The presentation is scheduled for October 23, 2008.
- Municipal Cabin Lighting will consist of three lights @ 250 watts each. Roughly a \$75.00 month expense.
- The Borough has begun to accept applications for fall leaf cleanup crews.
- Cement rear steps installed by Public W at Municipal Cabin back door.

**SOLICITOR REPORT** – Peter C. Lange, Esq. was absent

**OLD BUSINESS**

**WASTE MANAGEMENT** – *Councilman Lackey gave a synopsis of decision facing council:*

- Not a simple decision
- Extracting expenses has proved challenging
- Fuel costs
- Current truck in disrepair
- Approx \$250,000 to purchase

- Ride-a-long done last Thursday, easy to see difficulty of route
- Burlington City, East Windsor and Allentown all spoke highly of Waste Management services
- Concerned that changes in driver may result in a lot of confusion with trails
- Ten year cost analysis submitted for Council review.

Mayor Weiss states one advantage to getting out of trash is to free up PW resources. The Mayor also inquired about what penalties are involved for missed stops or other breaches of service.

Manager Urbanik read off all penalties and fines as outlined in bid specifications.

Councilman Casey said we could save one employee by privatizing.

Councilman Lackey stated that he was still investigating Monday bulk trash pickup and Saturday drop-off

Mayor/Council directed Manager/Clerk to advertise via web site and bulk mailing for public discussion at the October 23, 2008 meeting.

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

No Ordinances

***Mayor Weiss announced two consent agenda resolutions:***

Resolution Number 147-08 – Block Party Authorization for Apache Trail

Resolution Number 148-08 – Block Party Authorization for Manhasset Trail

***Mayor Weiss announced one regular resolution:***

Resolution Number 149-08 – Authorizing an Interlocal Agreement for fuel with the MLBOE

***Mayor Weiss asked whether fuel tank is secure and whether we can account for all usage.***

Clerk McIntosh confirmed that only certain employees have access to the tank, and that all usage is logged.

### **NEW BUSINESS**

No new business

### **PUBLIC COMMENT**

Mayor Weiss opens the meeting to public comment.

Mike Powers, 19 Onondago Trail:

- Council should survey the residents first
- Talk to the Fire Department about driving trails
- Why doesn't Heartbilt fix problems with building
- Cancel the "OPEN" house, building not ready yet, wait until Christmas for opening.

Dave Wasson, 97 Wabun Trail:

- Good feeling to be in new building
- Commend past and current councils on Oaks Hall

Joe Aromando, 285 Shingowack Trail:

- Green Acres looking for letters of support or just public input

***Councilman Casey responded support letters.***

- The Waste Management bid should be based on a apple to apple comparison
- Going from four bulk pickups to one bulk pickup per month punishes the residents
- Can we weigh the WM trucks to make sure they don't comingle our trash with other contracts and thus pay a higher tipping fee
- The new zoning official has a new title and should be proactive in community
- What hours are actually spent on the street?
- What are the regulations regarding absentee ballots

***Clerk McIntosh responded the County must receive 7days by mail prior to election or 3:00pm in person the day before election***

- Any retainage left on Heartbilt contract

***Manager Urbanik states yes approx. \$85,000***

- Please change the meeting format back to allowing greater public comment

**CLOSE PUBLIC COMMENT**

***Mayor Weiss closed public comment***

**ACTION ON RESOLUTIONS**

***Mayor Weiss motioned, seconded by Councilman Casey approval of Consent Agenda Resolutions Numbers 147-08 and 148-08***

**RESOLUTION 147-08**

**A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS**

**WHEREAS**, on October 18, 2008, the residents of Apache Trail will hold a block party; and

**WHEREAS**, said residents would like to close a specified trail within the Borough to enable safe pedestrian passage; and

**WHEREAS**, N.J.R.S. 39:4-197.3 provides that "the governing body of any municipality may, upon the adoption of a resolution declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1) b through h, (2) and (3) revised Statutes 39:4-197"; and

**WHEREAS**, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the block parties are to be held;

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

1. the Borough Council of the Borough of Medford Lakes does hereby find and declare that a temporary condition dictates adoption of special traffic regulations within the scope of N.J.R.S. 39:4-197(1)e; and
2. pursuant to N.J.R.S. 39:4-197(1)e, the following trail shall be closed to vehicular traffic:

**Apache Trail between Pawnee Trail and Bowker Road; and**

3. the aforementioned street closing shall be between 12:00pm and 8:00pm; and
4. block party contact person #1 is Sandy Newhall, 152 Apache Trail, and contact person #2 is Anne Pauly, 145 Apache Trail, Medford Lakes, shall be responsible for contacting the Medford Lakes Department of Public Works to obtain and return barricades; and

5. the Chief of Police of the Borough of Medford Lakes is hereby ordered and directed to take all actions appropriate and necessary for the implementation of the foregoing temporary traffic regulations.

**RESOLUTION 148-08**

**A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS**

**WHEREAS**, on October 25, 2008, the residents of Manhasset Trail will hold a block party; and

**WHEREAS**, said residents would like to close a specified trail within the Borough to enable safe pedestrian passage; and

**WHEREAS**, N.J.R.S. 39:4-197.3 provides that “the governing body of any municipality may, upon the adoption of a resolution declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1) b through h, (2) and (3) revised Statutes 39:4-197”; and

**WHEREAS**, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the block parties are to be held;

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

1. the Borough Council of the Borough of Medford Lakes does hereby find and declare that a temporary condition dictates adoption of special traffic regulations within the scope of N.J.R.S. 39:4-197(1)e; and
2. pursuant to N.J.R.S. 39:4-197(1)e, the following trail shall be closed to vehicular traffic:

**Manhasset Trail between 41 Manhasset Trail and 59 Manhasset Trail; and**

3. the aforementioned street closing shall be between 3:15pm and 6:15pm; and
4. block party contact person #1 is Brian Meakim, 41 Manhasset Trail, and contact person #2 is Rose Meakim, 41 Manhasset Trail, Medford Lakes, shall be responsible for contacting the Medford Lakes Department of Public Works to obtain and return barricades; and
5. the Chief of Police of the Borough of Medford Lakes is hereby ordered and directed to take all actions appropriate and necessary for the implementation of the foregoing temporary traffic regulations.

**VOTE TO APPROVE RESOLUTION NUMBERS 147-08 & 148-08**

Ayes: Weiss, Casey, Lackey

Nays: None

Resolutions 147-08 & 148-08 are hereby approved

***Mayor Weiss motioned, seconded by Councilman Casey approval of Regular Resolution Number 149-08***

**Resolution No. 149-08**

**A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO  
AN INTERLOCAL SERVICES AGREEMENT FOR FUEL WITH THE  
MEDFORD LAKES BOARD OF EDUCATION**

***WHEREAS***, the *BOROUGH OF MEDFORD LAKES* has two (2) fuel dispensing stations, one (1) for unleaded and one (1) for diesel; and

***WHEREAS***, the *Medford Lakes Board of Education* has the need to fuel small gas appliances and one (1) buildings and grounds vehicle on occasion; and

**WHEREAS**, the Borough of Medford Lakes is agreeable to providing the service of fuel as needed; and

**WHEREAS**, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq. permits local units of this State to enter into a contract with any other local unit for such services; and

**WHEREAS**, the Borough of Medford Lakes agrees to provide fuel services to the Medford Lakes Board of Education on the terms and conditions in this agreement.

**NOW, BE IT RESOLVED** that the BOROUGH OF MEDFORD LAKES authorizes the Mayor and the Clerk to enter into an interlocal service agreement for Fueling Services with the Medford Lakes Board of Education.

1. This agreement shall be in effect for twelve (12) months effective January 1, 2008 and ending December 31, 2008

**VOTE TO APPROVE RESOLUTION NUMBERS 149-08**

Ayes: Weiss, Casey, Lackey

Nays: None

Resolutions 149-08 are hereby approved

**CORRESPONDENCE**

None requiring 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, Casey

Nays: None

Bills are approved for payment

**EXECUTIVE SESSION (CLOSED)**

**Mayor Weiss motioned to adjourn public portion of the meeting to go into a closed session for the purpose of discussing contract negotiations with Dewberry Engineering, Inc. related to the FEMA appeal. Councilman Casey seconded the motion.**

**VOTE TO ADJOURN PUBLIC MEETING AND CONVENE A CLOSED SESSION**

Ayes: Weiss, Casey, Lackey

Nays: None

Meeting adjourned

**Resolution No. 152-08**

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.
- \_\_\_\_\_ (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 or 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.
- Xxxxxxx (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, October 9, 2008, that an Executive Session closed to the public shall be held on Thursday, October 9, 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.*

**EXIT CLOSED SESSION AND REOPEN PUBLIC MEETING**

***Mayor Weiss motioned to exit closed session and return to public meeting, Seconded by Councilman Lackey***

**VOTE TO REOPEN PUBLIC MEETING**

**Ayes: Weiss, Casey, Lackey**

**Nays: None**

Meeting reopened

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

**ADJOURNMENT**

VOTE TO ADJOURN

Ayes: Weiss, Casey, Lackey

Nays: None

Meeting adjourned

October 9, 2008 Minutes: MJM