

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
October 23, 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.

SPECIAL RESOLUTION PRESENTATION

Mayor Weiss read the following Resolution into the record and presented it to Ms. Suzanne Frank.

Resolution Number 151-08

A RESOLUTION COMMENDING SUZANNE FRANK FOR HER SERVICE TO THE BOROUGH OF MEDFORD LAKES

WHEREAS, Suzanne Frank has been a resident of Medford Lakes for many years during which time she has served as Recycling Coordinator and member of the Environmental Commission since its beginning in 1979; and

WHEREAS, Suzanne was the driving force behind holding the underground oil tank information sessions which resulted in getting grant information on state assistance for cleanups and pre-emptive tank removals to around 150 residents in the two sessions which we held; and

WHEREAS, Suzanne was also instrumental in a variety of community education pieces including the "Please Don't Feed The Lakes" brochure done by the Borough and numerous environmental related news items which have appeared in the Colony News over her many years of service.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington and State of New Jersey that Suzanne Frank is commended for her outstanding service to the community she lives in and the environment she has worked tirelessly to protect.

BE IT FURTHER RESOLVED that the Borough of Medford Lakes is honored to have had her as a resident and Suzanne will be remembered as the model for citizen involvement in the Borough.

Mayor Weiss led the audience in a round of applause for Suzanne Frank

APPROVAL OF MINUTES

Mayor Weiss reported that minutes from the previous meeting were not available and asked the Clerk to make sure they were submitted for approval at the next meeting.

REPORTS

Manager Urbanik submitted a written report and highlighted the following:

- Punch list items identified with Oaks Hall, walk through with architect and contractor being scheduled
- Reval bids had been received and being reviewed for later presentation to Council
- Combined position of Wastewater Operator/Public Works Superintendent had been advertised

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

- RFP's were received and opened October 22nd
- Preparation for General Election underway
- New Backhoe has been delivered and is in operation
- Stuccoing of side walls of FD and PW underway
- Myself and Public Works crew picked up numerous furniture and shelving items from Sarah Plasha's company, Lehigh Press that was donated to borough.
- I will be attending a Joint Insurance Fund seminar on 10/29 related to transitional duty for workman's compensation claims

Solicitor Lange reported on the following:

- Discussion of POD and Home Occupation Ordinances at November meetings
- Awaiting signed release from Medical Mission Sisters to finalize the bulkhead repair issue

NEW BUSINESS

Mayor Weiss introduced Planning Board Chairperson Debbie Klemas

Chairperson Klemas introduced fellow members Paul Adison and Joe Adamson and their PowerPoint presentation on the Land Use Ordinance review that they have been working on. After introductions an approx. one-half hour PowerPoint presentation was shown to the public and Council (copy available with Clerk)

Mayor Weiss thanked the Planning Board members for their presentation and the time and effort put into the review of the Land Use Ordinance. Council would review what was presented and advise the Board at a later date.

OLD BUSINESS

Councilman Lackey provided a brief overview of why Council was looking into privatization of residential solid waste pickup and how the cost analysis spreadsheet was developed.

Councilman Casey stated that elimination of an employee is where the Borough could find savings.

Mayor Weiss reiterated the importance of this discussion and why public input had been solicited.

Mayor Weiss opened the Solid Waste pickup and disposal discussion to the public:

Bob Hanold, 45 Natchez Trail:

- How old is the current trash truck
- Safety and security is a key concern

Bob Lesko, Shingowack trail:

- First year is cheap , Second year costs shoot up
- In Pennsauken the private company they had would ask for holiday tips

Bob Britain, 29 Osage Trail:

- After five years Borough owns truck
- After five years we don't know Waste Management costs
- Like knowing employees, security, keep in house

Councilman Casey stated in five years of private hauling, nothing preventing us from going back to public hauling. Councilman Lackey reminded everyone that it was a choice between three or five year contracts.

Charlotte Garrison, 114 Wabun Trail:

- Happy with current program

Ed Anderson, 142 Meeshaway Trail:

- Private industry can get one-year solid waste contracts why not Borough

Manager Urbanik stated not allowed by NJ State Law.

Marie Haas, 283 Chicagami Trail:

- Trash cans remain Borough's
- Fuel costs in 10 years

Councilman Casey stated that fuel was a fixed cost within the bid, even if the fuel costs went to \$20.00 per gallon the contractor would have to pay it.

- Luxury to get weekly bulk trash pickup, encourage Counsel to look at monthly pickups

Dave Wasson, 97 Wabun Trail:

- Same concerns about security as others
- Employees are like family, they take value in their workmanship
- Tighten/enforce all trash rules
- Has the Borough looked into leasing

Councilman Lackey stated that he would look into a leasing and sharing a truck with other towns

Jeff Fitzpatrick, 147 Nahma Trail:

- Unknown costs after five years
- Is Waste Management unionized
- Public Works crew is like family, keep in-house

Joe Powell, 175 Nahma Trail:

- Shared service needs to be considered
- Non-housed trucks take a beating from the environment
- No one knows what happens in five years

Councilman Lackey states that meetings have been held with Medford Township.

Mayor Weiss stated that Medford bids were to be opened at month-end

Linda Estacio, 86 Pocahontas Trail:

- Can we use a temporary shelter until new building is built

Rudy Levak, 77 Onondago Trail:

- What type of truck, what costs (repairs) were highest

Manager Urbanik states the same as current style

Superintendent McCorrison states the walking floor was/is most costly

Tom Cranston, 190 Chippewa Trail:

- Appreciate Council's efforts and research

- Analysis doesn't show clear enough reason to jump ship now

Joe Aromando, 285 Shingowack Trail:

- Last time this was looked at the spreadsheet looked real good but didn't pan out in the long run
- What do we want the public works department to do
- Current public works employees could go union any time
- Not aware of any crimes committed in the Lakes by County recycling employees
- Privatize now

Councilman Lackey states that Waste Management has twice extended their bid request

Greg Reinhart, 175 Comanche:

- How many public works employees do we save

Councilman Casey explains savings of shifting one person from sanitation to road crew

Don Wolf, 41 Hahiah Trail:

- Keep in-house

Mike Brown, 170 Conawaga Trail:

- Like having Borough control
- Ordinarily not in favor of big government

Councilman Lackey has spoken to other communities regarding follow-up three/five year contracts but they didn't have results because they were still out to bid.

Mayor Weiss stated that post five year contract it is a risk and an unknown.

Bob Britain, 29 Osage Trail:

- Any change to leaf collection

Mayor Weiss stated no, leaf collection is not associated with the solid waste issue but is a significant issue with the borough's storm water management plan.

Lou Potter, 64 Mohave Trail:

- Where do we go from here

Bob Hanold, 45 Natchez Trail:

- Shamong pays \$75.00 per quarter
- Security is a big deal

Mike Keating, 141 Nantucket Trail:

- Like to keep in-house

Ed Anderson, 142 Meeshaway Trail:

- No fuel surcharge

Councilman Lackey states no, fixed price within bid

Linda Estacio, 86 Pocahontas Trail:

- Can you purchase under state contract

Manager Urbanik states no

Mayor Weiss closes public comment, returns to council comment

Councilman Lackey does not see any significant economic savings, recommends keeping in-house

Councilman Casey recommends further investigation of shared services

Mayor Weiss believes that there may be opportunities with Medford and the public works department would be more efficient if not in the business of solid waste pickup and disposal.

Councilman Casey motioned, seconded by Councilman Lackey to reject the Waste Management bid

VOTE TO APPROVE MOTION ON FLOOR

Ayes: Weiss, Casey, Lackey

Nays: None

Motion is hereby approved

DISCUSSION OF PENDING ORDINANCES AND RESOLUTIONS

Mayor Weiss motions, seconded by Councilman Casey approval of Resolution Number 151-08

PUBLIC COMMENT

Mayor Weiss opens the meeting to public comment.

Don Wolf, 41 Hahiah Trail:

- Is the trash truck used as a plow truck

Superintendent McCorrison responds no, too large a vehicle

Maxine Rogers, 156 Apache Trail:

- How does Trenton's COAH affect the borough

Solicitor Lange states that COAH will be discussed in closed session, once fully reviewed the public will be made aware.

Ed Anderson, 142 Meeshaway Trail:

- The Borough is currently job hunting for a combination Wastewater and Public Works manager

Mayor Weiss states yes

Bob Hanold, 45 Natchez Trail:

- Hold off on trash business
- Put off revaluation until market stabilizes

CLOSE PUBLIC COMMENT

Mayor Weiss closed public comment

ACTION ON RESOLUTIONS

VOTE TO APPROVE RESOLUTION NUMBER 151-08

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution 151-08 is hereby approved

CORRESPONDENCE

None requiring discussion

Mayor Weiss motioned for approval of Bill List as presented with one amendment of a postage purchase order, seconded by Councilman Casey

VOTE TO APPROVE PAYMENT OF THE BILL LIST with AMENDMENT

Ayes: Weiss, Casey, Lackey

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 potential litigation involving the tenant fit-out contract with WJ Gross, potential litigation related to COAH requirements, pending contract negotiations with the MLPOA and pending contract negotiations with the Superior Officers. 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. 153-08

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.

- xxxxxxx (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.
- 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 23, 2008, that an Executive Session closed to the public shall be held on Thursday, October 23, 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 23, 2008 Minutes: MJM