

BOROUGH OF MEDFORD LAKES, NJ
WORKSHOP COUNCIL MEETING
August 26, 2009

A 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 had been provided to allow publication 48 hours in advance and was (1) posted on the Administration Building bulletin board, (2) emailed to The Central Record, Medford, NJ, (3) emailed to the Burlington County Times, Willingboro, NJ, (4) emailed to the Courier Post, (5) posted on the Borough Web Site and (6) 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.

PUBLIC COMMENT #1 (in bullets)

Mayor Weiss opened the meeting to public comment of items not listed on the agenda.

Dave Wasson, 97 Wabun Trail: (comments are in bullets)

- Thanks to all of the Borough departments for outstanding work during the recent storm and the current clean-up efforts.
- Medford's public safety department messed up the works that evening by taking the bus away to Medford leaving our Police without being able to answer calls properly until the Borough Fire Department was able to hook up a generator at the police offices to provide limited abilities. At the post Emergency Management meeting the Burlington County representative stated that it shouldn't have happened and adjustments were being made to see that it doesn't happen again.
- A past Central Record article spoke about Medford Lakes having their own police department and that Councilman Casey is quoted as saying that our own force provides a service designed for a small town environment that knows its public well.
- The night of the storm Councilman Lackey even commented that this is why the Borough needs its own police force.
- I don't fault the Mayor for his actions in pursuing the process, but there are two deciding votes. The fate of Medford Lakes is in the hands of Councilman Casey and Councilman Lackey.

Bob McGowan, 18 Cochise Circle: (comments are in bullets)

- What is the status on the clean-up?
- There is a lot of dredging debris on the hill in front of Municipal Cabin.
- Do we ever get updates from the Emergency Management Coordinator?
- How is the Shared Service Study going?

Mayor Weiss stated that the Borough Engineer had been at the last meeting and provided an update related to storm debris cleanup, and it along with the status on the study would be addressed by the manager in his report.

Manager Urbanik stated that appeared the County and the State were not likely to recognize the storm as a "State of Emergency" and thus the Borough would not receive any reimbursement for costs of cleanup. The Borough's Emergency Coordinator had requested that the County and State recognize the event but could do no more than formally request it.

Dick Thurber, 198 Chippewa Trail: (comments are in bullets)

- What is the status on the Beach Drive ponding issue?

The Mayor and Manager stated that it was being evaluated.

Joe Aromando, 285 Shingowack Trail: (comments are in bullets)

- Does Council have any intention of looking into alternative trash collection options?

Mayor Weiss stated that other options had been explored and now the voters will decide if the Borough purchases a trash truck. The other options are to repair the current truck and then re-examine the whole process again.

Councilman Lackey stated that Public Works is currently concentrating on the post storm clean-up.

- Recommend that Council look into moving the trash cans to one side of the street as an option to reduce collection costs.

Mayor Weiss closed public comment #1.

MINUTES

Mayor Weiss motioned approval for approval, not release of Executive Session minutes dated July 8, 2009, seconded by Councilman Lackey

VOTE TO APPROVE CONTENT/NOT RELEASE OF 7/9/09 EXECUTIVE SESSION MTG. MINUTES

Ayes: Weiss, Lackey, Casey

Nays: None

Minutes Approved

Mayor Weiss motioned approval of Regular Council Meeting Minutes dated July 22, 2009, seconded by Councilman Casey

VOTE TO APPROVE CONTENT/RELEASE OF 7/22/09 REGULAR COUNCIL SESSION MINUTES

Ayes: Weiss, Casey, Lackey

Nays: None

Minutes Approved

REPORTS

Manager Urbanik highlighted the following from his written report: (comments are in bullets)

- The Public Works department is collecting approximately 1500 yards of brush per week related to storm clean-up
- The current estimate for full town cleanup once is 3-4 weeks.
- The cost for a rental excavator is \$6,000
- The original timeline projected for cleanup is 6 weeks
- The Police Study group has met with each of the Council members individually and will meet with Chief Martine next week.
- Council needs to choose a location for the public presentation of the study.

Councilman Casey recommended a special meeting at Neeta School to allow for a larger attendance. The best date is September 21, 2009 with an alternate of September 17, 2009.

Both Mayor Weiss and Councilman Lackey agreed with Councilman Casey's dates. Manager will check dates with Salmon Ventures Limited.

Mayor Weiss directed the Clerk to advertise the meeting in the Colony News in addition to required sources.

- The revaluation process has started.
- The Manager will be scheduling budget workshops in October.

Deputy Manager/Acting Clerk McIntosh highlighted the following from his written report: (comments are in bullets)

- The Borough is having a public auction on 8/29 at 11:00am of found bikes and some miscellaneous items no longer needed to be kept by the Borough
- Attended a really good presentation in Trenton this morning by the NJ General Records Council regarding Open Public Records Act laws.
- Notice sent to the Burlington County Clerk for a public question to be placed on the November 3, 2009 ballot regarding a bond ordinance.
- Mr. Tom Heck (Construction Official) will be attending the Council meeting on September 9th to discuss Ordinance 566 (driveway) with Council.
- Met with Mr. Cottingham regarding ADA issues with the pea-gravel walkway lakeside at Municipal Cabin.

Solicitor Lange reported the following items: (comments are in bullets)

- The driveway Ordinance will be more formally addressed at the September 9th meeting.
- The police advisory group draft is pending further discussion with Chief Martine.
- A draft Underground Storage Tank (UST) Ordinance is being provided to Council tonight. One item of importance is for Council to decide if the Borough is going to be proactive and require testing of all UST's.

Councilman Casey asked if it is legal to prohibit all UST's.

- The market place is driving most of them out on its own.
- We should get great feedback from the Borough Engineer and Tom Heck at the 9/9 meeting.

- A draft Fertilizer Ordinance is being provided to Council tonight that provides regulations. Will delete reference to commercial farming and add a twenty-five foot phosphorous free buffer zone from bodies of water.

Councilman Lackey asked if this draft is a compilation of many ordinances.

- It is direct from the NJ Department of Community Affairs.
- Working with Borough Engineer on Traffic Ordinance.

CONSENT AGENDA RESOLUTIONS

Mayor Weiss motioned introduction of Resolutions Numbered 136, 137 and 138-09, seconded by Councilman Casey

RESOLUTION NUMBER 136-09

A RESOLUTION AUTHORIZING THE FIRST HALF REFUND OF A STREET OPENING PERMIT FOR 129 TUCKERTON ROAD, ALSO KNOWN AS BLOCK #30048, LOT #1819

RESOLUTION NUMBER 137-09

A RESOLUTION AUTHORIZING SPECIAL TRAFFIC REGULATIONS FOR A BLOCK PARTY PERMIT APPLICATION

RESOLUTION NUMBER 138-09

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR THE MEDFORD LAKES MUNICIPAL ALLIANCE GRANT FOR CALENDAR YEAR 2010 IN THE AMOUNT OF \$11,250

VOTE TO APPROVE INTRODUCTION OF CONSENT AGENDA RESOLUTIONS

Ayes: Weiss, Casey, Lackey

Nays: None

Motion carries.

RESOLUTIONS

Councilman Casey motions to untable Resolution Number 130-09, seconded by Mayor Weiss

RESOLUTION NUMBER 130-09 (Tabled at August 12, 2009 meeting)

A RESOLUTION AUTHORIZING THE REJECTION OF BIDS PURSUANT TO THE LOCAL PUBLIC CONTRACTS LAW

VOTE TO UNTABLE RESOLUTION NUMBER 130-09

Ayes: Casey, Weiss, Lackey

Nays: None

Motion carries.

Councilman Casey motions to retable Resolution Number 130-09, seconded by Councilman Lackey

VOTE TO RETABLE RESOLUTION NUMBER 130-09

Ayes: Casey, Lackey, Weiss

Nays: None

Motion carries

Mayor Weiss motions to untable Resolution Number 120-09, seconded by Councilman Casey

RESOLUTION NUMBER 120-09 (Tabled at July 22, 2009 meeting)

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO WHITE & WILLIAMS FOR LEGAL SERVICES RELATED TO FEMA REIMBURSEMENT OF THE BEACH DRIVE PUMP STATION

VOTE TO UNTABLE RESOLUTION NUMBER 120-09

Ayes: Weiss, Casey, Lackey

Nays: None

Motion carries.

Mayor Weiss motions introduction of Resolution Number 120-09, seconded by Councilman Casey

RESOLUTION NUMBER 120-09

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO WHITE & WILLIAMS FOR LEGAL SERVICES RELATED TO FEMA REIMBURSEMENT OF THE BEACH DRIVE PUMP STATION

VOTE TO INTRODUCE RESOLUTION NUMBER 120-09

Ayes: Weiss, Casey, Lackey

Nays: None

Motion carries.

Mayor Weiss states that the Borough needs a law firm that understands FEMA administration law, NJ rulings and nationwide rulings.

Councilman Lackey asked if the Borough had exhausted all lobbying efforts.

Mayor Weiss stated that we had not, the borough recently sent a timeline of events to Senator Menendez's office and Congressman Adler's office continued to help the Borough.

Mayor Weiss motions for introduction of Resolution Number 139-09, seconded by Councilman Casey

RESOLUTION NUMBER 139-09

A RESOLUTION AMENDING A PROFESSIONAL SERVICES CONTRACT FOR LEGAL SERVICES

VOTE TO INTRODUCE RESOLUTION NUMBER 139-09

Ayes: Weiss, Casey, Lackey

Nays: None

Motion carries.

Acting Clerk McIntosh explains that the vote on this resolution should be held until after Executive Session if Council agrees to Solicitor's recommendation.

Mayor Weiss motions for introduction of Resolution Number 140-09, seconded by Councilman Casey

RESOLUTION NUMBER 140-09
A RESOLUTION REAPPOINTING PLANNING BOARD MEMBERS

Councilman Casey states that this is a Mayoral appointment yet historically the Borough has passed a resolution memorializing the appointment.

Mayor Weiss requested that the Clerk advertise the vacant Alternate II position in the Colony News.

Mayor Weiss motions for introduction of Resolution Number 141-09, seconded by Councilman Lackey

RESOLUTION NUMBER 141-09
A RESOLUTION APPROVING THE PLANNING BOARDS UPDATED VARIANCE APPLICATION PACKAGE

VOTE TO INTRODUCE RESOLUTION NUMBER 141-09

Ayes: Weiss, Lackey, Casey

Nays: None

Motion carries.

Councilman Lackey was concerned that he can't see the changes from the original application.

Solicitor Lange stated that it appears that the entire form is new and probably mirrors Mr. Cox's model that the State of NJ recommends.

Councilman Casey asked that the new form should provide a checklist to aide in the submission process.

Dave Wasson, ML Planning Board Member:

- In the past the applicants didn't understand the checklist so it was removed.
- New application was refined to simplify the process for both applicant and Planning Board.

OLD BUSINESS

Mayor Weiss opened discussion of old business

Health Benefits:

Mayor Weiss asked how we get enough information to make an informed decision in 2010.

Manager Urbanik reported that he met with the HIF and provided information that will be used to compare what the HIF can offer to that of the State. He also met with brokers who will only offer a pre-made plan.

Mayor Weiss asked if we can combine with another entity (i.e. school, town, utility).

Manager Urbanik stated that he met with the Medford Lakes School Superintendent and according to their broker it wouldn't make a difference. He also thinks that we can work with the HIF, first year without savings. He needs to project out three to five years and see where the State and the HIF will be.

Mayor Weiss agreed that we need to review different scenarios and with the current State program near broke we will need to make educated assumptions with our scenarios.

Councilman Lackey stated that we should reach out to other towns and see what they are doing.

Councilman Casey stated that he would recues himself from any voting on the matter since he is employed in the insurance industry

Solicitor Lange also stated that Councilman Casey must recues himself from the discussion also.

Mayor Weiss asked if Councilman Casey can educate the Borough Manager in private.

Solicitor Lange stated, yes.

Manager Urbanik commented on recent events in Medford Township regarding insurance and stated that they went self insured but the Borough was too small and thus not eligible. He will explore attaching to the Townships insurance.

Mayor Weiss believes that the HIF is probably modeling the State situation and looking at all future trends.

Councilman Lackey asked what the drop-dead date is.

Manager Urbanik stated he hoped to have everything by October 2009 and he is working with Greg Rimaldi from the HIF.

NEW BUSINESS

None

PUBLIC COMMENT #2 (in bullets)

Joe Aromando, 285 Shingowack Trail: (comments are in bullets)

- We need to send to the Environmental Commission the draft of the UST.
- Need to identify and register the UST's.
- The Ordinance should include placement of the tanks and it should encourage removal of all tanks.
- The Borough Engineer was going to do a mock analysis of an average conforming lot. Did he?

Clerk McIntosh stated that he did submit one.

- What is Resolution 139-09 about?

Mayor Weiss states that it is related to litigation with WJ Gross, Inc.

- What are we trying to accomplish with litigation?

Solicitor Lange states that the Borough is being sued in excess of \$80,000

- Didn't we already engage White & Williams in a contract?

Mayor Weiss states not on this FEMA issue but on a separate FEMA issue.

- Is the contract with the lobbyists still active?

Council states yes it is still active.

- Who is moving up in the Planning Board and has Council reviewed member attendance?

Council stated that there were two terms expiring and they were reappointed but changed status due to a vacancy that occurred on the board.

- What is going on with the Oaks Hall sound system and are there legal requirements that the public has to be able to easily hear at the meetings?

Clerk McIntosh states that he is working to get the system enhanced.

Bob McGowan, 18 Cochise Circle: (comments are in bullets)

- Need a headset to hear at these meetings.
- What is new with COAH?

Solicitor Lange stated that it is complex issue and that towns zoning laws must allow for low-income housing. They have established 1st, 2nd and 3rd round rules. The third round rules are being reviewed by the Superior Court and that may take a few years. Medford Lakes has no COAH plan and no builder’s remedy which makes the Borough exposed to a suit. The golf course could turn into low income housing.

Joe Aromando, 285 Shingowack Trail: (comments are in bullets)

- Council should work with the Colony regarding storm drains and also should research grant monies.

Councilman Lackey stated that it is a high priority with Public Works and would be addressed as soon as possible.

Mayor Weiss closed public comment

Manager Urbanik stated that the HIF renewal of the dental and prescription plan needs to be acted on prior to October1, 2009

Council authorized the Manager to proceed with the renewal.

VOTE ON ORDINANCES

None

VOTE TO ADOPT CONSENT RESOLUTIONS

Mayor Weiss motions for adoption of Consent Agenda Resolutions Number 136, 137 and 138-09, seconded by Councilman Casey.

RESOLUTION NUMBER 136-09

A RESOLUTION AUTHORIZING THE FIRST-HALF REFUND OF A PLUMBING AND STREET OPENING PERMIT FOR 129 TUCKERTON ROAD ALSO KNOWN AS BLOCK #30048, LOT #1819, 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 August 13, 2009 the Borough Engineer 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>
Scott Strong 129 Tuckerton Road Medford Lakes, NJ 08055	\$750.00	129 Tuckerton Road

RESOLUTION 137-09

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS

WHEREAS, on September 11, 2009, the Medford School of Music would like to hold a block party; and

WHEREAS, said business 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:

Trading Post Way between Stokes Road and the entrance of PJ Whelihan’s; and

3. the aforementioned street closing shall be between 6:00pm and 8:00pm on September 11, 2009; and
4. block party contact person #1 is Medford School of Music, 3B Trading Post Way, (609) 975-8286, and contact person #2 is Jim and Michelle Riddle, (609) 894-4808, Pemberton, NJ, 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 No. 138-09

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR THE MEDFORD LAKES MUNICIPAL ALLIANCE GRANT FOR CALENDAR YEAR 2010 IN THE AMOUNT OF \$11,250

WHEREAS, the Borough of Medford Lakes Council recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Borough of Medford Lakes Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough of Medford Lakes Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Burlington.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the BOROUGH OF MEDFORD LAKES, County of Burlington, State of New Jersey the following:

1. The Borough of Medford Lakes Council does hereby authorize submission of an application for the Medford Lakes Municipal Alliance grant for the calendar year 2010 in the amount of \$11,250.
2. The Borough of Medford Lakes Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

VOTE TO ADOPT CONSENT AGENDA RESOLUTIONS 136, 137 AND 138-09

Ayes: Weiss, Casey, Lackey

Nays: None

Resolutions are adopted

VOTE TO ADOPT RESOLUTIONS

Mayor Weiss motions for adoption of Resolution Number 120-09, seconded by Councilman Casey

Resolution Number: 120-09

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO WHITE AND WILLIAMS LLP

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

WHEREAS, White and Williams LLP has the required NJ State licenses; and

WHEREAS, the anticipated term of this contract is in the range of \$4,500 to \$6,000; and

WHEREAS, White and Williams LLP will complete and submit a Business Entity Disclosure Certification which certifies that White and Williams 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 White and Williams from making any reportable contributions through the term of the contract; and

WHEREAS, the 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 a NJ State Licensed Law Firm to represent the on-going efforts of the Borough to obtain public assistance from FEMA for the construction of the Beach Drive Pump Station; 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 White & Williams LLP be and is, hereby appointed to:

1. Represent the Borough in its on-going efforts to obtain reimbursement from FEMA for the construction of the pump station in lieu of a sewer pipe through the Upper Aetna Dam
2. The contract amount is not to exceed \$6,000.00

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.

This contract is effective August 26, 2009 and meets all Pay to play requirements of the State of New Jersey.

A copy of this resolution shall be published in The Central Record as required by law.

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

VOTE TO ADOPT RESOLUTION 120-09

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution is adopted

Mayor Weiss motions for adoption of Resolution Number 140-09, seconded by Councilman Casey

Resolution No. 140-09

A RESOLUTION TO REAPPOINT AN ALTERNATE CLASS TWO MEMBER TO A ALTERNATE CLASS ONE POSITION ON THE PLANNING BOARD AND TO REAPPOINT AN ALTERNATE CLASS ONE MEMBER TO A REGULAR CLASS FOUR POSITION ON THE PLANNING BOARD

WHEREAS, the Planning Board has two (2) members; Walt Lyons and Tom Cranston whose appointments are scheduled to expire on September 13, 2009; and

WHEREAS, current Alternate Class One (1) member Walt Lyons is willing to be reappointed to the recently vacated Regular Class Four (4) position; and

WHEREAS, this reappointment creates a vacancy in an Alternate Class One (1) position; and

WHEREAS, Tom Cranston an Alternate Class Two (2) member is willing to be reappointed to the position of Alternate Class One (1) position.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the BOROUGH OF MEDFORD LAKES that the following appointments be made to the Planning Board:

<u>Appointee</u>	<u>Class Designation</u>	<u>Commencement of Term</u>	<u>Expiration of Term</u>
Walt Lyons	Class Four (4)	August 26, 2009	August 26, 2013
Tom Cranston	Alternate Class One (1)	August 26, 2009	August 26, 2011

VOTE TO ADOPT RESOLUTION 140-09

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution is adopted

Councilman Casey motions to table Resolution Number 141-09, seconded by Mayor Weiss

Resolution No. 141-09

A RESOLUTION APPROVING THE PLANNING BOARDS UPDATED VARIANCE APPLICATION

WHEREAS, the Planning Board has reviewed their existing variance application; and

WHEREAS, the Planning Board has made updates to the application to include its availability electronically; and

WHEREAS, the Planning Board requests Borough Council approval to use the updated variance application from this day forward.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the BOROUGH OF MEDFORD LAKES approve of use of the Planning Board Variance Application attached hereto.

VOTE TO TABLE RESOLUTION 141-09

Ayes: Casey, Weiss, Lackey

Nays: None

Resolution is tabled

CORRESPONDENCE

Council noted that they received a resignation letter from Planning Board Chairperson Debbie Klemas and asked that the Clerk prepare an Official Resolution recognizing her community service.

Council also congratulated the Borough employees on receiving a positive Loss Control visit report from the Borough's insurance carrier

EXECUTIVE SESSION

Mayor Weiss motioned to close the public meeting to enter a closed session to discuss litigation matters regarding WJ Gross, Inc, seconded by Councilman Casey.

Resolution Number: 142-09

A RESOLUTION EXCLUDING THE PUBLIC FROM A PUBLIC MEETING

WHEREAS, Section 7.a of Chapter 231, Public Law 1975, otherwise known as the "Open Public Meetings Act" states that except as provided by Section 7.a, all meetings of a public body, such as the Borough Council, shall be open to the public at all times; and,

WHEREAS, Section 7.b provides that the Borough Council may exclude the public only from the portion of a meeting at which Borough Council discusses certain subjects which are listed in the aforementioned Section; and,

WHEREAS, the Borough Council desires to discuss certain subject(s) which are listed in the aforementioned section and desires to exclude the public from the portion of the meeting at which the Borough Council will discuss said subject(s); and,

WHEREAS, Section 8 of Chapter 231, Public Law 1975 states that no public body shall exclude the public from any meeting to discuss any matter described in Section 7.b until the public body shall, at a meeting to which the public shall be admitted, first adopt a resolution making certain statements with respect to the subject(s) to be discussed;

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

1. That the Borough Council hereby declares that the general nature of the subject(s) to be discussed by the Borough Council in closed session as follows:
 - *WJ Gross, Inc. – litigation*

2. That the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at time when the Borough Solicitor advises the Borough Council that the disclosure will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

3. That the Borough Council for the aforementioned reasons hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

VOTE TO ADOPT RESOLUTION 142-09

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution is adopted

Councilman Casey motioned to return to the public meeting, seconded by Mayor Weiss

VOTE TO APPROVE MOTION

Ayes: Casey, Weiss, Lackey

Nays: None

Motion is approved

Mayor Weiss motioned adoption of Resolution Number 139-09, seconded by Councilman Casey

Resolution Number: 139-09

A RESOLUTION AMENDING A PROFESSIONAL SERVICES CONTRACT FOR LEGAL SERVICES

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

WHEREAS, legal services resolution number 82-09 amended resolution number 15-09 from a not to exceed (NTE) cost of \$30,000 to a NTE cost of \$55,000; and

WHEREAS, there now exists in the Borough of Medford Lakes a need for additional Legal Services for the Borough in connection with pre-litigation related to the WJ Gross, Inc. Tenant Fit Out Contract; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey hereby amends Resolution Number 82-09, a resolution amending Resolution Number 81-09, a Resolution amending Resolution Number 15-09 appointing Peter C. Lange, Jr., Esq. as Borough Solicitor for a one year contract with additional appointment as legal counsel for certain pre-litigation for a cost NTE \$55,000 and is now amended to include appointment as Legal Counsel for additional pre-litigation matters related to the WJ Gross, Inc. Tenant Fit Out Contractor a fee NTE \$15,000.

Resolution Number 82-09 is now amended to a NTE contract of \$70,000, an increase of \$15,000.

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.

VOTE TO ADOPT RESOLUTION 139-09

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution is adopted

Mayor Weiss motions for adjournment of the public meeting, seconded by Councilman Casey

VOTE TO ADJOURN MEETING

Ayes: Weiss, Casey, Lackey

Nays: None

Motion carries, meeting adjourned.