

BOROUGH OF MEDFORD LAKES, NJ
REGULAR COUNCIL MEETING
December 22, 2009

A 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 Regular Meeting – Change of Date was posted on the Administration Building bulletin board, published in the Central Record on December 17, 2009 and 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.

EXECUTIVE SESSION

Mayor Weiss motioned to adjourn the meeting to enter into an Executive Session to conduct interviews for the Borough Engineer position, seconded by Councilman Lackey.

Resolution Number: 182-09

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:

- *Borough Engineer Interview – Potential Employment*

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 APPROVE RESOLUTION NUMBER 182-09

Ayes: Weiss, Lackey, Casey

Nays: None

Resolution approved.

RETURN TO PUBLIC MEETING (8:15pm)

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

VOTE TO APPROVE MOTION

Ayes: Weiss, Lackey, Casey

Nays: None

Motion approved.

PUBLIC COMMENT

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

Mancer Cyr, 32 Trading Post Way:

- He distributed a letter to Council. He expressed concern with the proposed farmers market and the possible negative affects it may have on his coin-operation Laundromat. He stated that he is in favor of the concept but not the proposed location.

Council asked Mr. Cyr to forward copies of the letter that he received from the farmer's market research group and recommended that he forward his letter of concern to that group.

David Wasson, 97 Wabun Trail:

- Complimented Public Works and the First Responders for their service and sacrifice during the recent snow storm. He also thanked the staff that manned the firehouse with food and drinks, and gave special note to Firefighter/EMT Aimee Riley for her efforts in attending to all personnel. He stated that he would like to see the Public Works remove snow from the front-end of first responder's driveways in order to aid them when responding to calls during these types of storms.

Joe Aromando, 285 Shingowack Trail:

- He distributed to Council a revised draft of his proposed "driveway ordinance".

Bob McGowan, 18 Cochise Circle:

- Extended holiday wishes to those in attendance. He commended public works for the great job snow plowing of Cochise Circle. He also stated that he had received notice of revaluation inspection.

Mayor Weiss closed public comment

MINUTES

Councilman Casey motioned for approval of the Special Meeting and Budget Workshop minutes from December 1, 2009, seconded by Councilman Lackey

VOTE TO APPROVE MINUTES

Ayes: Casey, Lackey

Nays: None

Abstain: Weiss

Minutes Approved

Solicitor Lange reminded Council that he will be meeting with the Clerk to review the Executive Session minutes.

REPORTS

Manager Urbanik highlighted the following from his written report:

- Manager Urbanik stated that he provided Council with an end-of-year report from all departments and stated that this is his last meeting as Borough Manager.

Deputy Manager/Acting Clerk McIntosh highlighted the following from his written report:

- Provided council with the applications for membership to various boards. He noted that the Police Expedition was sold on Gov Deals for \$2,000 and the total Gov Deals revenue for the year 2009 was \$12,000. The pending PEOSHA violations are near abatement, the training has been completed for Confined Space and the stairs have been installed. There was one employee slip/fall injury related to the recent snow storm with no lost time.

Solicitor Lange highlighted the following:

- He is in the process of updating the traffic ordinance. He further discussed his concerns regarding the proposed Hydro Science contract including; insufficient insurance coverage, termination of contract language and payment procedures through an escrow program.

Council agreed with Solicitor Lange's recommendations and would like to see a performance bond or surety bond and would like the ability to file a lien against the property mortgage as an alternative.

RESOLUTIONS

Mayor Weiss introduced Resolution Number 178-09, seconded by Councilman Casey

Resolution 178-09

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A SUB GRANT AGREEMENT WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS FOR PARTICIPATION IN THE 2009 MUNICIPAL ALLIANCE GRANT IN THE AMOUNT OF \$10,000.00

WHEREAS, N.J.S.A 26:2BB-1 the New Jersey Governor's Council on Alcoholism and Drug Abuse has awarded a DEDR (Drug Enforcement Demand Reduction) grant to the Borough of Medford Lakes in the amount of \$10,000; and

WHEREAS, the Borough of Medford Lakes would like to participate in this grant program and adhere to the conditions under which the grant shall be administered; and

WHEREAS, the grant period is from January 1, 2009 through December 31, 2009.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, hereby authorizes the Mayor and Clerk to execute the attached agreement between the Burlington County Board of Chosen Freeholders and the Borough of Medford Lakes.

Mayor Weiss introduced Resolution Number 179-09, seconded by Councilman Casey

Resolution Number 179-09

A RESOLUTION APPROVING CERTAIN QUALIFIED ACTIVE MEMBERS OF THE FIRE DEPARTMENT APPLICATION FOR MEMBERSHIP INTO THE NEW JERSEY STATE FIREMAN'S ASSOCIATION

WHEREAS, certain qualified members of the Medford Lakes Fire Department are applying for membership in the New Jersey State Fireman's Association; and

WHEREAS, the governing body of the BOROUGH OF MEDFORD LAKES supports the application of qualified active members within the Fire Department admittance into the NJ State Fireman's Association; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the BOROUGH OF MEDFORD LAKES that the following qualified active member of the Medford Lakes Fire Department is approved to apply for membership in the New Jersey State Fireman's Association:

- Michael A. McCorriston
- Amanda K. McCorriston
- Joseph F. Gericke
- Janet M. Staples

Mayor Weiss introduced Resolution Number 180-09, seconded by Councilman Casey

Resolution 180-09

A RESOLUTION AUTHORIZING THE EXECUTION OF A GREEN ACRES PROJECT AGREEMENT BETWEEN THE STATE OF NEW JERSEY AND THE BOROUGH OF MEDFORD LAKES

WHEREAS, the Borough of Medford Lakes has submitted an application to the State of New Jersey for financial assistance under the Green Acres Program; and

WHEREAS, the Borough of Medford Lakes has agreed to hold and use the premises hereinafter described in accordance with the rules adopted by the State pursuant to N.J.A.C. 7:36-1 et seq; and

WHEREAS, the State has reviewed said application and has found it to be in conformance with the scope and intent of the Green Acres Program and has approved the Borough of Medford Lakes request for funding.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, hereby authorizes the execution of the attached agreement between the State of New Jersey and the Borough of Medford Lakes.

Council requested the Solicitor review the agreement prior to its execution. Council wants to research any dates that council must adhere to in order to accept and/or decline the funding.

Councilman Casey motioned to table Resolution Number 180-09 until the second meeting in January 2010, seconded by Councilman Lackey

VOTE TO TABLE RESOLUTION NUMBER 180-09

Ayes: Casey, Lackey, Weiss

Nays: None

Resolution Tabled

Mayor Weiss introduced Resolution Number 181-09, seconded by Councilman Casey

Resolution 181-09

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH OF MEDFORD LAKES AND HYDROSCIENCE, INC.

WHEREAS, the Borough of Medford Lakes owns and operates a Wastewater Treatment Plant for the treatment of sanitary sewage and associated collection system; and

WHEREAS, Hydroscience, Inc. desires to discharge pre-treated groundwater at 18 Lenape Trail to the Borough for collection and treatment; and

WHEREAS, in agreeing to transport its pre-treated discharge to the Borough for treatment, Hydrosience will guarantee the discharge will not harm the Borough's facilities or treatment efforts.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, hereby authorizes the execution of the attached agreement between the Borough of Medford Lakes and Hydrosience, Inc..

Councilman Casey requested that the resolution be amended to state that it is subject to review and approval by the Solicitor. Mayor Weiss amended his motion accordingly.

OLD BUSINESS

Manager Urbanik advised council that the discussion on the Underground Storage Tanks will have to be tabled until a later date since both the Environmental Chairman Carl Pellegrino and Jack Crosby of Harriett's Oil were unable to attend tonight as planned. Council agreed.

NEW BUSINESS

Council discussed the proposed 2010 schedule of council meetings. All were in favor of keeping the second and fourth Wednesday s with the exception of March 24th which will be moved to March 31st.

Council will also hold a Special Meeting on Tuesday, January 5, 2010 at 7:30pm to adopt a temporary budget.

PUBLIC COMMENT

Mayor Weiss opened meeting to public comment

Joe Aromando, 285 Shingowack Trail:

- Raised his concern regarding Resolution Number 181-09 and believes that Council should review the agreement before its execution. He further questioned pursuing the Green Acres Grant funding since it was not cost neutral.

David Wasson, 97 Wabun Trail:

- Questioned the petitioning process?

CONTINGENCY'S

Clerk McIntosh presented 2009 Budget transfer requests from two Borough departments.

1. Office of Emergency Management - \$82.00 from contingency to other expenses due to the July storm
2. Public Works - \$6,000.00 from Gasoline to New Equipment to purchase a new sander for the big dump truck and a new tool storage/mechanics box.
3. Public Works - \$500.00 from Storm drains to Supplies & Tools to cover general purchases for the remainder of 2009
4. Public Works - \$6,100.00 from OE Contingency to Vehicle Maintenance to cover general vehicle maintenance costs for the remainder of 2009

Council expressed concern over the purchase of a \$2,000 toolbox.

Councilman Casey motioned for approval of all transfers but #2, seconded by Councilman Lackey

VOTE TO APPROVE TRANSFERS #1, 3 AND 4

Ayes: Casey, Lackey, Weiss

Nays: None

Transfers approved.

Councilman Casey motioned for approval of transfer #2 sander as requested and the toolbox upon receipt of three competitive bids and awarding purchase to the lowest bidder, seconded by Councilman Lackey.

VOTE TO APPROVE TRANSFER #2

Ayes: Casey, Lackey, Weiss

Nays: None

Transfers approved.

ACTION ON RESOLUTIONS

Mayor Weiss called the vote for Resolution Number 178-09.

VOTE TO ADOPT RESOLUTION NUMBER 178-09

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution is approved.

Mayor Weiss called the vote for Resolution Number 179-09.

VOTE TO ADOPT RESOLUTION NUMBER 179-09

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution is approved.

Mayor Weiss called the vote for Resolution Number 181-09 as amended.

VOTE TO ADOPT RESOLUTION NUMBER 181-09 AS AMENDED

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution is approved.

EXECUTIVE SESSION

Councilman Casey motioned to adjourn the meeting to enter Executive Session to discuss the Borough Manager position, seconded by Mayor Weiss.

Resolution Number: 183-09

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:

2. 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:

- *Borough Manager Position – Employment Matters*

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 APPROVE RESOLUTION NUMBER 183-09

Ayes: Casey, Weiss, Lackey

Nays: None

Resolution approved.

RETURN TO PUBLIC MEETING (10:30pm)

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

VOTE TO APPROVE MOTION

Ayes: Weiss, Lackey, Casey

Nays: None

Motion approved.

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

December 22, 2009 Minutes: MJM