

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
DECEMBER 28, 2000**

The regularly scheduled meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in Oaks Hall Council Chambers beginning at 7:30pm. Mayor Casey presided. Following the Pledge of Allegiance, Mayor Casey 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 to all persons who requested such notice according to the Clerk of the Municipality.

Answering Roll Call were: Mayor Timothy S. Casey, Councilman Joseph A. Aromando, and Councilman Gary F. Woodend. Also present were Solicitor Vogdes, Acting Manager Murray, and new Manager Julie Keizer.

WORKSHOP

Workshop scheduled for this date to discuss plans for the DPW complex could not be held. Ragan Design, the project architect, could not be present for the workshop. It was rescheduled for January 11, 2001.

PUBLIC COMMENT

None.

PAYMENT OF BILLS

Councilman Aromando made a motion, seconded by Mayor Casey, to pay the bills listed on the Bill List.

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

APPROVAL OF MINUTES

Councilman Aromando made a motion, seconded by Councilman Woodend, to approve the Minutes of the November 30, 2000, Regular Council Meeting.

VOTE TO APPROVE MINUTES

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

Councilman Woodend made a motion, seconded by Councilman Aromando, to approve the Minutes of the December 14, 2000, Regular Council Meeting.

VOTE TO APPROVE MINUTES

Ayes: Casey, Aromando, Woodend

Nays: None

Motion Carries

RESOLUTIONS

Mayor Casey introduced the following resolution, seconded by Councilman Aromando:

RESOLUTION 116-00

A RESOLUTION ESTABLISHING A DEDICATION BY RIDER FOR POLICE OFF DUTY EMPLOYMENT.

WHEREAS, from time to time, Borough of Medford Lakes Police Officers, during their off-duty hours, engage in police related activities for private persons or entities, such as serving as patrolmen to direct traffic at shopping centers, construction sites, or office complexes, as well as serving as security at construction sites, or office complexes, as well as serving as security at construction sites and other environments; and

WHEREAS, Attorney General Formal Opinion 1997-No. 23, made it clear that such activities are permissible for regular members of a police department only if an arrangement has been made between the private person or entities and the employing municipality; and

WHEREAS, it has been determined that a police officer is a police officer only when he or she is paid for services rendered through the payroll of the police agency – municipality; and

WHEREAS, private persons or entities must contract directly with and remit payment directly to the municipality for the services of police officers during their off-duty hours; and

WHEREAS, when entering into such agreements as the aforementioned, municipalities may set wage rates that are consistent with the Fair Labor Standards Act and recoup the costs for administering a Police Off-Duty Employment Program; and

WHEREAS, the revenues and expenses for such a Police Off-Duty Employment Program are not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A: 4-39 permits municipalities to establish a specific trust fund as a “Dedication by Rider” to the budget of the local unit for the sole purpose as stated above;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that such fees be received by the municipality be placed in a specific trust fund and such trust fund shall be considered a “Dedication by Rider” to the budget of the local unit per N.J.S.A. 40A: 4-39 for the sole purpose stated above.

Acting Manager Murray explained this would establish an escrow account, funded by a company who had off-duty work for a police officer. Officers would work at a site for a company, and would be paid from the escrow account. The Borough would return the unused balance to the company. Solicitor Vogdes stated this would satisfy a liability problem, with officers covered by insurance because they are working and being paid by the Borough (from funds in escrow paid by the company.) He added that this is now a State order, not a voluntary way of handling the outside work. Councilman Woodend suggested adding a 2% handling fee.

PUBLIC COMMENT:

Dave Wasson, Wabun Trail, asked if this would apply to the Colony for the Canoe Carnival expenditures. It will.

Ned Steele, Lenape Trail, Past President of the Colony, stated this would not be a problem.

VOTE TO APPROVE RESOLUTION 116-00

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution passes

Councilman Aromando introduced the following resolution, seconded by Councilman Woodend:

RESOLUTION 117-00

A RESOLUTION ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST REGULAR COUNCIL MEETING OF 2001.

WHEREAS, the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-1 et seq., requires that all public bodies provide advanced written notice of all their meetings; and

WHEREAS, the regularly scheduled meeting of the Borough Council is normally held on the second Thursday of each month; and

WHEREAS, it is the desire of the Borough Council to provide adequate advance public notice of the first regularly scheduled Council meeting in 2001; and

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 first regularly scheduled business meeting of the borough Council of the Borough of Medford Lakes for the year 2001 shall be held on Thursday, January 11, 2001, in the Oaks Hall Council Chambers, Cabin Circle, Medford Lakes, New Jersey, 08055, commencing at 7:30pm, prevailing time.
2. The Municipal Clerk is hereby directed to publish notice of the aforementioned meeting in the Burlington County Times and the Central Record in accordance with law.

PUBLIC COMMENT:

None.

VOTE TO APPROVE RESOLUTION 117-00

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

Mayor Casey introduced the following resolution, seconded by Councilman Aromando:

RESOLUTION 118-00

A RESOLUTION ESTABLISHING A TEMPORARY APPROPRIATION FOR THE PAYMENT OF DEBT SERVICE.

WHEREAS, N.J.S.A. 40A:4-19 provides the authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year provided that such resolution is not made earlier than December 20 of the year preceding the beginning of the fiscal year; and

WHEREAS, the date of this resolution is subsequent to December 20, 2000; and

WHEREAS, interest will be due as of January 1, 2001, on sundry bonds issued and outstanding;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the following appropriations be made to cover the period of January 1, 2001, until the final adoption of the 2001 municipal budget inclusive:

DEBT SERVICE – BOROUGH OF MEDFORD LAKES

Interest on Bond Anticipation Notes: \$35,069.22

DEBT SERVICE – SEWER UTILITY

Interest on Bonds: \$67,019.00

Mayor Casey explained the bond anticipation notes represent a principal reduction of \$15,013.00.

PUBLIC COMMENT:

None

VOTE TO APPROVE RESOLUTION 118-00

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

Mayor Casey introduced the following resolution, seconded by Councilman Woodend:

RESOLUTION 119-00

A RESOLUTION AUTHORIZING AN AGREEMENT WITH METRICOM FOR USE OF THE BOROUGH RIGHT-OF-WAY.

WHEREAS, Metricom of 920 Madison Avenue, Norristown, Pennsylvania, 19403 is a provider of mobile data networking technology; and

WHEREAS, Metricom has requested authorization to sue the municipal right-of-way for the installation of equipment used in the provision of Metricom's mobile data network; and

WHEREAS, Borough Council desires to grant its approval for use of the municipal right-of-way to Metricom; and

WHEREAS, the aforementioned approval is to be memorialized in the form of a written agreement containing the rights and responsibilities of each of the two parties, one to the other, which such agreement is attached hereto and made part hereof;

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

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1. That an agreement by and between the Borough of Medford Lakes and Metricom of 920 Madison Avenue, Norristown, Pennsylvania, 19403, for use of the municipal right-of-way, which such agreement is attached hereto and made part hereof, be and is hereby authorized and approved.
2. The Mayor and Borough Clerk are hereby authorized and directed to affix their signatures and seals to any and all documents necessary as evidence of this approval.

Mayor Casey explained this is a wireless Internet service. If it is approved tonight, before the end of the year 2000, the Borough receives a \$500 bonus. Solicitor Vogdes stated he had received an original final contract, which is a State of the Art Contract. Acting Manager Murray stated the Borough also receives 10 free subscriptions. Councilman Aromando questioned whether or not the 10 terms of the contract could be negotiated. Solicitor Vogdes suggested five years, Metricom responded with seven years for the term of the contract. Councilman Woodend stated he would like to delete the 10-year term of the contract on the original and write in seven years and approve it.

Mayor Casey moved to rewrite and approve the contract with Metricom. Councilman Woodend seconded.

PUBLIC COMMENT:

None

VOTE TO APPROVE RESOLUTION 119-00

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

Councilman Woodend introduced the following resolution, seconded by Mayor Casey:

RESOLUTION 120-00

A RESOLUTION AUTHORIZING CERTAIN BUDGETARY TRANSFERS

WHEREAS, the Borough Council of the Borough of Medford Lakes did adopt a budget for the year 2000 in accordance with the Municipal Budget Law N.J.S.A. 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, N.J.S.A. 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;

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 on the attached schedule among the various line items.

<u>AMOUNT</u>	<u>FROM</u>	<u>TO</u>
\$2,000	Administration S&W	Code Enforcement O/E
\$100	Data Processing O/E	Code Enforcement O/E
\$10,000	Wastewater O/E	Wastewater S&W
\$2,000	Buildings & Grounds O/E	Diesel Fuel

Councilman Woodend explained this was a year-end transfer of money to make necessary payments. Councilman Aromando asked why there appeared to be a \$10,000 shortfall in the amount budgeted for Salaries and Wages in the Waste Water Budget. Acting Manager Murray explained he felt this was due to the sewer line break on MisheMokwa Trail.

PUBLIC COMMENT:

None

VOTE TO APPROVE RESOLUTION 120-00

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

Mayor Casey introduced the following resolution, seconded by Councilman Aromando:

RESOLUTION 121-00

A RESOLUTION A MUNICIPAL CLERK TO A THREE –YEAR TERM

WHEREAS, there exists, or will exist as of January 1, 2001, a vacancy for the office of MUNICIPAL CLERK;

WHEREAS, the Borough desires to appoint JULIE L. KEIZER as MUNICIPAL CLERK;

WHEREAS, JULIE L. KEIZER is certified by the State of New Jersey as an R.M.C.;

WHEREAS, the term for said office is established by N.J.S.A.40A:9-133.5;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that JULIE L. KEIZER, be and is hereby appointed as MUNICIPAL CLERK for the Borough of Medford Lakes for a three (3) year term commencing January 1, 2001, and terminating December 31, 2003.

Mayor Casey announced the appointment of Julie Keizer to a three-year term as Municipal Clerk, commencing on 1-1-01, and ending on 12-31-03. Councilman Woodend asked where the salary appropriation would come from, Acting Manager Murray said Council would have to pass a temporary budget at the meeting on January 11, 2001, for a three-month period, until the adoption of the official budget. Mrs. Keizer did not receive the letter concerning salary. She indicated this was not a problem.

PUBLIC COMMENT:

None

VOTE TO APPROVE RESOLUTION 121-00

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

Councilman Woodend introduced the following resolution, seconded by Mayor Casey:

RESOLUTION 122-00

A RESOLUTION APPOINTING A MUNICIPAL MANAGER FOR A ONE-YEAR TERM

WHEREAS, there exists a vacancy for the office of MUNICIPAL MANAGER;

WHEREAS, the Borough desires to appoint JULIE L. KEIZER as MUNICIPAL MANAGER;

WHEREAS, JULIE L. KEIZER can serve as MUNICIPAL MANAGER;

WHEREAS, the term for said office is established by N.J.S.A.40:82-3;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that JULIE L. KEIZER, be and she hereby is appointed as MUNICIPAL MANAGER for the BOROUGH OF MEDFORD LAKES commencing JANUARY 1, 2001. The salary for same, as well as for Clerk and Chief Financial Officer, shall be established by salary ordinance.

Solicitor Vogdes stated the appointment could be made with tenure at Council's pleasure. Per State Statute, the appointment would be "pursuant to the statute for the Medford Lakes form of Government."

PUBLIC COMMENT:

None

VOTE TO APPROVE RESOLUTION 122-00

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

Mayor Casey introduced the following resolution, seconded by Councilman Woodend:

RESOLUTION 123-00

A RESOLUTION APPOINTING A CHIEF FINANCIAL OFFICER FOR A FOUR-YEAR TERM

WHEREAS, there shall exist a vacancy for the office of CHIEF FINANCIAL OFFICER, as of January 1, 2001;

WHEREAS, the Borough desires to appoint JULIE L. KEIZER as CHIEF FINANCIAL OFFICER;

WHEREAS, JULIE L. KEIZER is qualified to serve as CHIEF FINANCIAL OFFICER, and has been so certified by the State of New Jersey;

WHEREAS, the term for said office is established by N.J.S.A.40A:9-140.10;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that JULIE L. KEIZER, be and she

hereby is appointed as CHIEF FINANCIAL OFFICER for the Borough Of Medford Lakes for a four (4) year term commencing JANUARY 1, 2001, and terminating December 31, 2004.

PUBLIC COMMENT:

None

VOTE TO APPROVE RESOLUTION 123-00

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

ORDINANCES INTRODUCED ON FIRST READING

None

ORDINANCES ON SECOND READING

None. The Alarm Ordinance will have its first reading at the Council Meeting on January 11, 2001.

ADDITIONAL COMMUNICATIONS RECEIVED

Acting Manager Murray advised he had already distributed all communications he had received. Included in this was a letter from State Senator Martha Bark, and Bond Anticipation Notes financial quotes of 4.44% from Commerce Bank and 4.45% from Summit Financial Services Group.

Councilman Woodend asked if it were possible to make the correspondence public, and list it on the agenda. Mayor Casey said it could be done that way, and the word "additional" could be struck from the agenda. New Manager Keizer stated she would include all correspondence on future agendas.

REPORTS FROM OFFICERS AND DEPARTMENTS

MANAGER

Acting Manager Murray stated he had received the two quotes for the Bond Anticipation Notes, Commerce Bank had submitted the lowest quote.

Councilman Aromando asked about the Incentive Awards given out to Borough Departments, and wanted a list from all Department heads as to the amount each individual received. Acting Manager Murray stated this was private information. He added that the firefighters could use the incentive award to buy items at stores, and that Waste Water and DPW received additional pay. Each individual received an amount, which was not necessarily equal to that of anyone else. He stated again that Mr. Aromando was not entitled to the information concerning the awards. Solicitor Vogdes stated Mr. Murray was in error, that the amounts paid were a benefit, were considered a salary issue, and were a matter of public record.

SOLICITOR

See OLD BUSINESS

OLD BUSINESS

A, B, & D. Mr. Vogdes stated the Alarm Ordinance is being refined and simplified. It will be in line with other "Quality of Life" ordinances, such as the Noise Ordinance and the Animal Ordinance. Mayor Casey suggested establishing sub-committees to study the ordinances and provide workable ones.

C. Mr. Murray advised the next Workshop would be on Tuesday, January 2, 2001, to discuss plans for the DPW project. Architect Adison will be at the meeting and other Department heads will also be present.

E. Council has chosen a new municipal court judge, Dennis McInerney. He will be appointed by resolution at the Council meeting on January 11, 2001. The January court session will be on Monday, January 22, 2001, and Judge McInerney will be on the bench. After January, court sessions will be held on the fourth Monday of every month. Solicitor Vogdes advised Council that, while the Administrative Office of the Court has some authority over the Medford Lakes Municipal Court, Council has authority to set dates and some requirements. Judge Bonnie Goldman advised Mr. Murray that Council has most of the control over the Court, not the AOC. In effect, Mrs. Leber, the Court Administrator works for the Borough, not for the AOC, as she has previously stated. Councilman Woodend questioned if the ordinance would specify the number of court sessions required per year. It was decided to word the ordinance to stipulate 16 court sessions, with any additional sessions to be held without compensation.

Solicitor Vogdes advised he was continuing to work with the MLPOA Bargaining Unit. There are still some things to be resolved. Their next meeting together will be on January 8, 2001, at 5:30pm. Mr. Vogdes hopes to present a tentative contract to Council at the meeting on January 11, 2001. Their final meeting is on January 29, 2001. Councilman Woodend asked about the negotiations with Lt. Martine. Mayor Casey stated Lt. Martine had decided to wait until after Council's negotiations with the MLPOA are completed. Solicitor Vogdes stated the MLPOA officers would continue to work under the old contract until the new one can be completed.

NEW BUSINESS

Councilman Aromando stated he was against appointing new Borough Manager Keizer to the Planning Board, as is custom. He would like to appoint a member of the Historic Committee or the School Board to the

Planning Board, while Ms. Keizer settles in to her job. Solicitor Vogdes stated the Land Use Act sets the rules, and he would study the statute. He will also review the term length, at Mayor Casey's request.

Councilman Woodend stated he feels the minutes taken at Council meetings are too detailed, and questioned the need for such detail. He feels they could be briefer. Mayor Casey stated he did not feel they were too detailed and stated new Borough Clerk Keizer could decide how to handle the minutes.

PUBLIC COMMENT:

Dave Wasson, Wabun Trail, stated the detailed minutes are a benefit to the residents, who can get a clear picture of what discussions take place during a council meeting.

Kristen Mansfield, Chippewa Trail, questioned the appointment of Susan Shourds to the Planning Board, without any advertisement or announcement of the vacancy. Councilman Woodend explained to her that this was simply a re-appointment of an existing. He agreed Council would make known any future vacancies.

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John Sederat, Cayuse Trail, reminded Council of an earlier discussion of the need to communicate to residents on what actions Council was taking on existing matters. He asked why Council had not made good on its promise to keep residents apprised of events. Mayor Casey advised Mr. Sederat he should introduce his question at the January 11, 2001, Council meeting, which he will.

ADJOURNEMNT

Councilman Aromando made a motion, seconded by Councilman Woodend, to adjourn the meeting at 8:35pm.

VOTE TO ADJOURN

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

Respectfully submitted,

Julie Keizer, RMC
Borough Clerk