

BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
AUGUST 9, 2001
AMENDED

The regular 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 for Borough Council were: Mayor Timothy S. Casey, Councilman Joseph A. Aromando, and Councilman Gary F. Woodend. Also present were Manager Julie Keizer and Solicitor Vogdes.

PUBLIC COMMENT

Adrienne Bruce, 118 Manhasset Trail, advised Council her property has become a storm water retention area for the neighborhood following a storm. It is becoming worse with each rain. She put stone in the area, but it was washed away by the most recent storm. Public Works has looked at the property and advised her they will put a lip on the roadway. She would like the lip put back and made bigger. Mayor Casey advised her that Manager Keizer would discuss possible solutions with Public Works and determine what action should be taken.

PAYMENT OF BILLS

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

VOTE TO PAY BILLS

Ayes: Casey, Aromando, Woodend
Nays: None
Motion carries

APPROVAL OF MINUTES

Mayor Casey made a motion, seconded by Councilman Aromando, to approve amended minutes of the July 26, 2001, Regular Council Meeting.

VOTE TO APPROVE MINUTES

Ayes: Casey, Aromando, Woodend
Nays: None
Motion carries

Mayor Casey made a motion, seconded by Councilman Woodend, to approve the minutes of the July 26, 2001, Executive Session.

VOTE TO APPROVE MINUTES

Ayes: Casey, Aromando, Woodend
Nays: None
Motion Carries

ORDINANCES

Mayor Casey introduced the following ordinance on first reading, seconded by Councilman Woodend:

ORDINANCE 472

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 214 OF THE BOROUGH OF MEDFORD LAKES ENTITLED “AN ORDINANCE ESTABLISHING A POLICE DEPARTMENT OF THE BOROUGH OF MEDFORD LAKES, IN THE COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY,” ADOPTED AUGUST 28, 1985, AS AMENDED.

WHEREAS, the Supreme Court of New Jersey has ruled in Reuters v. Borough Council Borough of Fort Lee, that positions within a police department must be designated by Ordinance,

NOW, THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes, in the County of Burlington, and State of New Jersey, that:

- A. SECTION 1 of Ordinance 214, as amended, is hereby amended by adding the following provision:
 - (b) Designation of Positions. There is hereby established the position of Police Chief, Lieutenant (1), Corporal (1), Sergeant (2), and Patrol Officers (5.)
- B. The language presently existing in said Section shall remain, and be designated as subsection (a) Establishment of Department.
- C. All other terms and provisions are hereby ratified.
- D. This Ordinance shall take place upon passage and publication to law.

Solicitor Vogdes advised Council he had added the Chief of Police and Corporal positions to the ordinance, but that the Special Police Officers are not required to be listed in the Ordinance. Also, the number of officers in each rank is required to be listed. If changes need to be made in the Police Department, the ordinance can be re-introduced. Mayor Casey advised the public hearing on the ordinance will be September 13, 2001.

Public Comment: None

Mayor Casey made a motion, seconded by Councilman Woodend, to adopt Ordinance 472 on First Reading.

VOTE TO APPROVE ORDINANCE 472 ON FIRST READING

Ayes: Casey, Aromando, Woodend

Nays: None

Ordinance passes

RESOLUTIONS

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

RESOLUTION 95-01

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS FOR PARTICIPATION THE YEAR 2001 MUNICIPAL ALLIANCE GRANT PROGRAM IN THE AMOUNT OF \$10,500.00.

WHEREAS, N.J.S.A. 26:2BB-1, the New Jersey Governor’s Council on Alcoholism and Drug Abuse has awarded a grant to the Borough of Medford Lakes in the amount of \$10,5000; 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;

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

Manager Keizer explained this resolution authorizes the Borough to spend money, and then be re-imbursed by the grant. It is not an “up front” grant.

Public Comment: None

VOTE TO APPROVE RESOLUTION 95-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

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

RESOLUTION 96-01

A RESOLUTION APPOINTING A PUBLIC AGENCY COMPLLIANCE OFFICER

WHEREAS, the Borough of Medford Lakes, pursuant to N.J.S.A. 10:5-31 provided for the appointment of a Public Agency Compliance Officer; and

WHEREAS, the Public Agency Compliance Officer will ensure that all contractors for both construction and service contracts comply with the Equal Employment Opportunity Act;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, hereby appoints Julie Keizer as the Public Agency Compliance Officer for the Borough of Medford Lakes.

BE IT FURTHER RESOLVED, that the Clerk of the Borough of Medford Lakes forward a copy of this resolution to the Department of Treasury, Division of Contract Compliance and Equal Employment Opportunity Public Contracts.

Mayor Casey explained the Public Agency Compliance Officer is responsible for some contracts, and Manager Keizer is being appointed.

Public Comment: None

VOTE TO APPROVE RESOLUTION 96-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

CORRESPONDENCE

None at this time.

NEW BUSINESS

Engineering for the Municipal Complex – Manager Keizer explained that, at Council’s request, she sent an RFP to four engineers to make their proposals more easily comparable. The proposals were asked to cover boundary and topography survey, site plan, storm water report, specifications and bid documents, soil borings, Pinelands Commission application, Burlington County Planning Board application, Medford Lakes Planning Board application, Burlington County Soil Conversation application, cost estimate, plan revisions, and meetings. Each was asked to submit a total for these items.

All four firms responded, with bid proposals as follows:

Environmental Resolutions - \$14,800.00

Remington & Vernick - \$14,835.00

Richard Alaimo - \$16,500.00

Everland, Shourds - \$16,950.00

Mrs. Keizer discussed the bids with architect Rick Ragan, who would be agreeable to working with any of the engineers who responded.

Councilman Woodend questioned why three of the engineers included a dollar figure to appear at a Planning Board meeting. He felt the engineers would not have to appear at a meeting, Manager Keizer stated she thought they would appear as a courtesy. Mark Shourds, from Everland Shourds, advised engineers from his firm had appeared at Planning Board meetings under capital review for municipal projects, but that no resolution for approval had ever been required. Councilman Aromando asked if either firm present at the meeting anticipated any problems with the Pinelands Development Application Plan. Both Mr. Shourds and Jim Conway, Remington & Vernick, stated they did not think there would be a problem with the Pinelands. The site plan has not been shown to the engineers, only a footprint prepared by the architects. Mr. Shourds advised Council that his firm had experience and a proven track record when dealing with the Pinelands Commission, and felt the

work with them could be accomplished for approximately \$500, not the original \$2,500 they had proposed. Mayor Casey stated that he had seen projects previously presented to the Planning Board by Everland Shourds, and always finds their work to be exemplary. Councilman Aromando questioned why Mr. Shourds would be allowed to bid the project. He informed Council that, while Mr. Shourds sat on the earlier Facilities Committee, he had signed an agreement with the Borough not to profit from any project the Borough would accept. Mr. Shourds answered that he did sign the agreement, but he did not feel the project under discussion was the same in any way as what was discussed at the time he was on the Facilities Committee. Manager Keizer stated she felt any of the four companies would do an outstanding job for the Borough; she was unsure if there was a conflict of interest with Mr. Shourds. Solicitor Vogdes advised Council that, if they felt it was a conflict, they should not award the project to Everland Shourds; however, if they did not see this as a problem, they could legally award the project to them.

Public Comment: Dave Wasson, 97 Wabun Trail, advised that past Councils had allowed for application to the Planning Board as a courtesy.

Mayor Casey made a motion, seconded by Councilman Woodend for discussion, to award the municipal project to Everland Shourds.

VOTE TO AWARD CONTRACT TO EVERLAND SHOURDS

Ayes: Casey

Nays: Aromando, Woodend

Motion fails

Councilman Woodend made a motion, seconded by Mayor Casey for the purpose of discussion, to award the contract to Everland Shourds if the proposal could be negotiated down to \$12,735.

Councilman Aromando disagreed, stating he wanted to do what was best for the Borough, not what was best for the engineers. He asked why the Borough did not try to save taxpayers money and award the contract to the lowest bidder. Councilman Woodend stated he preferred to award the contract to a resident, but was concerned that the resident's bid was higher. Mayor Casey advised this is a professional services contract and does not have to be awarded to the lowest bidder; Solicitor Vogdes added that Council can award the contract by resolution to select a company, but that it is not final until the contract is signed. He agreed that the process was not a competitive bid, that Council was free to award the professional services contract to the best company.

Public Comment: Ed Leggoe, 274 Chicagami Trail, stated he felt it would not be appropriate to negotiate, that all four were competitive proposals, and Council should accept the lowest bid.

Dave Wasson, 97 Wabun Trail, stated that, as far as he was concerned, the bid was in and it was too late to negotiate with a company about the fee.

VOTE TO AWARD NEGOTIATED CONTRACT TO EVERLAND SHOURDS

Ayes: Woodend

Nays: Casey, Aromando

Motion fails

Councilman Aromando made a motion, seconded by Mayor Casey, to award the contract to Remington & Vernick, at an amount not to exceed \$12,735.00

Public Comment: None

VOTE TO AWARD CONTRACT TO REMINGTON & VERNICK

Ayes: Casey, Aromando

Nays: Woodend

Motion passes

Vehicle Use Policy – Postponed until September 13, 2001.

Cell Tower – Manager Keizer will send a letter to Voice Stream asking for information for use at a public hearing. Dave Wasson will provide her with the address.

Second Hand Smoke – Manager Keizer sent a letter to the Colony, asking for their review and input, she has not received an answer.

Zoning Changes – Postponed until September 25, 2001.

OLD BUSINESS

Waste Water Inspections & Procedures – Paul Hayden, Medford Lakes Superintendent of Waste Water Treatment, addressed Council. He stated his department has been operating under Sewer Ordinance #74, which was adopted in 1965. A lot has changed since that time, and he requested that Council review the ordinance. There are issues which could possibly be a liability for the Borough. Mr. Hayden presented a list of the issues he wanted to address. The sewer plant is now in its 7th year of use. It is at 75% capacity. He does not advocate the sale of remaining available capacity to surrounding towns. He advised Council that the Borough is underpaid by Shawnee High School for use of the Medford Lakes Sewer system. This is due to increased school population, and the Borough has assumed the increased cost. He would like the increase to be passed on to the Lenape School District. Councilman Woodend's preference was to have the Lenape District pay the same amount to the Borough for Shawnee as it pays to Medford for Lenape High School. Mr. Hayden added that any possible metering of water use would have to be for water use, which runs into the sewer, not other uses, such as irrigation.

Mr. Hayden also discussed inspection of homes at the time of sale, to determine if the home has a sump pump or a garbage disposal. He felt the inspections could be performed by in-house personnel. Discussion ensued as to the problems and associated costs to inspect home. Councilman Woodend felt the time of sale of a home was the appropriate time to determine if the home has a sump pump. Medford Township inspects for sump pumps at the time of sale; such pumps can only empty into the yard of the homeowner, they may not empty into the sewer drain. There was discussion as to garbage disposals, and whether or not they offer the same problem as a sump pump, and whether a discount could be offered to those residences that don't have either a garbage disposal or a sump pump. Councilman Aromando did not feel it would be appropriate to penalize residents for having either one, especially after the Borough had included Medford Pines and Shawnee High School onto the system. Mr. Hayden agreed, saying it was not his intention to penalize the residents, only to be able to pay the bills and maintain the plant. Mayor Casey felt Council was in agreement that there is a need to regulate sump pumps.

Manager Keizer will prepare a letter for the Planning Board for the water re-use issue and ask them to put it on their agenda.

With regard to backflow, Mr. Hayden advised Council that Medford Township has an ordinance which addresses backflow. It prevents the homeowner from suing if there is a problem.

Mr. Hayden advised Council he was still in the planning stage for “cameraing” Stokes Road.

Mayor Casey summarized that there were several points to be considered: the possibility of the inspection program, the insertion of language concerning below grade plumbing, and the addition of liability language into the existing ordinance. He asked Solicitor Vogdes to draft an inspection plan for the time of sale of a home, and to check the current rate paid by Shawnee High School to determine if it is based on headcount. Also, could a meter be used at Shawnee after the students begin to attend the new proposed Seneca High School.

Public Comment: Dave Wasson, 97 Wabun Trail, explained that Moorestown operates under the assumption that each home has a sump pump, and the resident is billed for it. It is then the residents obligation to prove there is not a sump pump in use at the residence, at which time they receive a rebate.

Ed Leggoe, 274 Chicagami Trail, concurred with Mr. Wasson, and advised Council to mirror Moorestown’s plan, in which the residents are billed for a sump pump.

Sample Ordinances from the County Board of Health – postponed to September, 2001

Animal Ordinance – postponed to September, 2001

REPORTS

Solicitor’s Report – Solicitor Vogdes reported he had received a reply from Tim Prime, the attorney for Whelihan’s. They have agreed to the time change for the renewals.

Tom Heck, Borough Zoning Officer, would like the Oaks Hall building to be vacated by October 31, 2001. Solicitor Vogdes advised Council of the 20-day time frame to appeal the lockout. Councilman Woodend asked if Mr. Heck would postpone the lockout until after the election.

Solicitor Vogdes reported the sample smoking ordinance was heavy handed. He will try to resolve the issue by the September Council meeting.

Other issues about which Council was concerned, to include the development ordinance and fence height issue, will be addressed at a future Council meeting.

Manager’s Report – In addition to the items listed on her written report, Manager Keizer also advised Council about the continuing Conawaga Trail swimming pool problem. She stated the homeowner was under the incorrect impression that the Borough would simply give him the land in question. Manager Keizer advised Council that the Borough departments scored well on the Right-to-Know inspection. Some valves at the Sewer Plant need to be labeled, as does any hazardous materials stored there. The inspector will re-visit the Borough in September. Manager Keizer related she plans to apply for three grants for various Borough projects, to include historic preservation and insect spraying.

The Borough has received a request from the Public Works Association for nominations for awards to be presented at the League of Municipalities convention. Manager Keizer will nominate the Medford Lakes Department of Public Works.

Interviews are scheduled for the Court Administrator position. (Council will return following the executive session to take action on the position.)

ADJOURNMENT

Mayor Casey made a motion, seconded by Councilman Woodend, to adjourn to Executive Session.

RESOLUTION 97-01 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 in 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 is as follows:

PERSONNEL MATTERS COURT ADMINISTRATOR POSITION

2. That the Borough Council hereby declares that it's discussion of the aforementioned subject(s) may be made public at a time when the Borough Solicitor advised 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.

Public Comment: None

VOTE TO ADJOURN

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

Meeting adjourned to Executive Session at 9:50pm

Respectfully submitted,

Julie Keizer, RMC
Borough Clerk