

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
FEBRUARY 8, 2001**

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 Manager Julie Keizer and Solicitor Vogdes.

PUBLIC COMMENT

Dick Thurber, 198 Chippewa Trail, asked about the two sewer bills he has received. He questioned whether or not builders in the area had paid their fees for sewer hookups. He was advised that two “chunks of money” had been received from builders. He was also advised that the sewer bill structure is being re-organized, which is why he received two quarters at one time.

Leslie Ferry, 39 Onondago Trail, asked if a drainage ditch would be built when McKendimen Road is re-surfaced. She is concerned about drainage into the Mirror Lakes. Mayor Casey advised her the road would be re-graded when it was resurfaced, he was unsure if there would be a ditch.

APPROVAL OF MINUTES

Councilman Woodend made a motion, seconded by Councilman Aromando, to approve the minutes of the January 25, 2001, Regular Council Meeting.

VOTE TO APPROVE MINUTES
Ayes: Casey, Aromando, Woodend
Nays: None
Motion carries

RESOLUTIONS

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

RESOLUTION 31-01

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO THE DEBORAH HOSPITAL FOUNDATION, MEDFORD CHAPTER

WHEREAS, the **DEBORAH HOSPITAL FOUNDATION MEDFORD CHAPTER** has qualified in the prescribed manner and application to hold an off premises merchandise raffle; and,

WHEREAS, Council has reviewed the findings and determinations and concur that the raffle is to be conducted according to law;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that a license to conduct the aforementioned raffle be and is hereby granted to the **DEBORAH HOSPITAL FOUNDATION MEDFORD CHAPTER**.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 31-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

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

RESOLUTION 32-01

A RESOLUTION DECLARING THE GYPSY MOTH A PUBLIC NUISANCE

WHEREAS, the Gypsy Moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in a section of the Borough of Medford Lakes; and

WHEREAS, continued destruction of foliage may result in the loss of valuable forest lands and trees; and

WHEREAS, the Borough Council of the Borough of Medford Lakes has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds be authorized.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, that the gypsy moth is declared a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare, and that all measures deemed necessary in compliance with the State of New Jersey Department of Agriculture recommendations is hereby authorized to suppress this forest and shade tree pest.

Councilman Aromando asked why a resolution had to be passed to approve the spraying. Solicitor Vogdes advised him the area to be sprayed borders on Medford Township, an aerial herbicide will be used, and the public must be given notice. The spraying will be advertised in the Central Record.

PUBLIC COMMENT: Mike Powers, 19 Onondago Trail, asked who would have to pay for the spraying. Manager Keizer advised him the Borough would have to pay, because larvae were found in Medford Lakes. The area to be sprayed is approximately 30 acres. Areas are sprayed only when larvae are found in that section.

VOTE TO APPROVE RESOLUTION 32-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution passes

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

RESOLUTION 33-01
A RESOLUTION APPROVING FREE TIRE DISPOSAL CREDIT PLAN

WHEREAS, the Burlington County Board of Chosen Freeholders has provided for awarding free tire disposal credits to municipalities to assist them in removing unwanted and abandoned scrap tires from public lands and residences; and

WHEREAS, the Borough of Medford Lakes desires said free tire disposal credits to undertake tire removal activities.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, in the County of Burlington, State of New Jersey that a tire collection plan will be submitted to the Burlington County Office of Waste Management detailing how the tires will be collected and the manner of their disposal.

BE IT FURTHER RESOLVED THAT, as a condition of accepting the free tire disposal credits and in accordance with the Statewide Mandatory Recycling and Source Separation Act P.L. 1987, c. 102, the Borough of Medford Lakes agrees to submit a recycling tonnage report to the NJDEP for material recycled during the year 2000.

The Borough of Medford Lakes hereby agrees to hold the County of Burlington harmless for any damages, losses and claims which may arise in the execution of this tire plan and the Borough accepts the terms and conditions and guidelines set forth in the Burlington County Free Tire Disposal Credit Program Guide.

Manager Keizer explained the Borough already uses this plan, but needs the resolution. It is funded through the Mosquito Control Program.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 33-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

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

**RESOLUTION 34-01
A RESOLUTION APOINTING A PLANNING BOARD MEMBER**

WHEREAS, pursuant to New Jersey Statute (N.J.S.A. 40:55D-23) the Borough of Medford Lakes has established a nine (9) member Planning Board; and

WHEREAS, a vacancy has occurred in the membership of the Medford Lakes Planning Board;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, that the following appointment(s) be made to the Planning Board:

<u>Appointee</u>	<u>Class Designation</u>	<u>Commencement of Term</u>	<u>Expiration of Term</u>
David Crane	II	2/8/01	12/31/01

Mayor Casey stated he was appointing Dave Crane, 143 Wahwahtaysee Trail, as a member of the Planning Board. Mr. Crane is currently a member of the Historic Commission. His term length will be determined and will be announced at the next Council meeting. According to Solicitor Vogdes, Mr. Crane will be appointed as a Class II member of the Planning Board. Mayor Casey stated he would make the appointment on this date and it would be memorialized by resolution.

PUBLIC COMMENT: Dave Wasson, 97 Wabun Trail, asked if it would be a conflict of interest form Mr. Crane to sit on both the Historic Commission and the Planning Board. Mayor Casey stated he didn't think it would be, that the Historic Commission is a recommending body only.

VOTE TO APPROVE RESOLUTION 34-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

ORDINANCE ON FIRST READING

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

**ORDINANCE by TITLE ONLY
AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES REGULATING ALARM SYSTEMS
AND PROVIDNG PENALTIES FOR THE VIOLATION THEREOF.**

Councilman Woodend stated he had several substantial changes he wanted to make to the ordinance. (1) Under "False Alarm" response, he would like the section stricken which deals a fine for alarms caused by an external source. Mayor Casey agreed with Councilman Woodend. (2) Under the "Registration" section, he would like the names of the owner or adults who reside in the home, and where to reach them in case of an alarm. (3) Councilman Woodend asked to strike Section D, which deals with audible alarms which silence themselves after 30 minutes. (4) Councilman Woodend felt the eight false alarms allowed was too many. Councilman Aromando stated he did not want this ordinance to be a revenue item, it was only intended to prevent numerous false alarms. Chief Scott asked if three alarms in one day at one residence would be counted as three incidents or one continuing incident. Solicitor Vogdes stated he felt it should be counted as one alarm each time. Chief Scott stated he felt four was too few, unless they were differentiated as burglar or fire alarms. Solicitor Vogdes reminded Council that discretion was still available to those investigating the alarms. (5) Councilman Woodend wanted to define whether the owner or occupier of the residence would be responsible. Solicitor Vogdes replied the ordinance should read "owner/occupier."

Mayor Casey suggested rewording the ordinance to define the number of false alarms allowed to be two in a 30-day period, three in a six-month period, and six in a one-year period, with a minimum fine of \$25.00.

PUBLIC COMMENT

Sandy Wasson, 97 Wabun Trail, advised Council that she felt six alarms in a one year period is too many for paid workers who are pulled away from their jobs, and also for volunteers who must get up in the middle of the night. She also reminded Council that, whenever the Fire Department responds to an alarm, EMS also responds. She felt the ordinance should exclude activations caused by weather conditions.

Mike Powers, Onondago Trail, felt Council should be more lenient with the number of false alarms allowed.

Peggy Kantner, 131 Nokomis Trail, suggested making the regulations time sensitive, as to the number per quarter or year.

Dave Wasson, 97 Wabun Trail, asked how the ordinance would be advertised if no number had been assigned. Solicitor Vogdes advised him it would not need to be advertised, the amended version would be advertised.

Ed Leggoe, 274 Chicagami Trail, asked if car alarms would be included in the ordinance. They would not be. He also asked about fire alarms and smoke detectors. Mayor Casey stated he felt they should be limited to external, audible alarms only.

Solicitor Vogdes advised Council to introduce the ordinance as amended, and have the second reading with the changes at the meeting scheduled for March 8, 2001.

Mayor Casey made a motion, seconded by Councilman Aromando, to amend the ordinance to reflect the changes discussed and agreed upon.

VOTE TO APPROVE MOTION
Ayes: Casey, Aromando, Woodend
Nays: None
Motion carries

CORRESPONDENCE

Council received an invitation for the Troup 48 Blue and Gold Dinner, to be held on February 25, 2001. Mayor Casey and Councilman Aromando will be attending.

OLD BUSINESS

Communication with the Public – Mayor Casey asked Council about the possibility of producing a periodic newsletter. Councilman Woodend asked if the agenda for meetings could be posted on the Medford Lakes Borough web page and that, coupled with items in local newspapers, would suffice without a newsletter. Councilman Aromando pointed to the success of the Colony newsletter in keeping the public informed about its activities. He feels the need for a newsletter because he believes the public wants to know what Council is doing. He pointed to the newsletter, which Medford Township publishes, as an ideal way to keep the public informed. Mayor Casey asked Manager Keizer to review newsletters published by other towns. He does not want it to become a forum for political ideas, but agreed it is a good way to make the public aware.

PUBLIC COMMENT: Leslie Ferry, 39 Onondago Trail, stated she sits on the Colony Board of Directors. She stated the Colony Club is looking into other options for publishing their newsletter, such as software sharing. She suggested checking with other groups, such as the Girl Scouts, to see what ideas they have. She agreed the newsletter should not be a political forum.

Peggy Kantner, 131 Nokomis Trail, stated she had been a past editor of the “Trail News”. She stated the project was very labor intensive and expensive. She also stated they were accused on many occasions of politicizing issues, and were abused by residents who took exception to an article. Councilman Aromando responded that the scope of what Council was discussing was much broader than he had intended, he only wanted a small, Xeroxed sheet for the public to read.

Ragan Design Group Proposal – Mayor Casey asked if Council had received a “ballpark” figure for Phase I from the Ragan Design Group. Councilman Woodend advised him they had planned to submit one, but had not done so as of this date. He added that Paul Adison has seen the Public Works yard, but is unsure at this time what direction Council wants to take for his part of the project. Adison proposes (1) eliminating the pole barn office and turning it into three bays and (2) building a new structure in the storage yard, putting the office there and one bay for the squad. Councilman Woodend stated that, as a taxpayer, he is in favor of this plan. Manager Keizer stated Mr. Adison would have Schedule A and Schedule B plans ready for the meeting on March 8th. Mayor Casey suggested inviting Mr. Adison to the next meeting as a workshop and also inviting the department heads to attend to discuss concepts. He would like Mr. Adison to bring a rough draft to give the department heads and Council a broad conceptual idea of his plans. Mayor Casey stated he would like to present the Ragan proposal and the Adison proposal to the public at the same time, probably in April. He added that the projects would be bonded together and should be considered one project, with different architects.

NEW BUSINESS

Animal Ordinance – Solicitor Vogdes advised Council he has a workable draft, and requested a meeting to finalize it before presenting it for a vote. It was decided that Mayor Casey, Chief Scott, and Solicitor Vogdes would meet at 5:30pm on Tuesday, February 27, 2001, to discuss the ordinance.

Noise Ordinance – Council postponed discussion of this ordinance until after the Animal Ordinance is passed.

Incentive Program – Manager Keizer advised Council she is reviewing the program for discussion at a later time.

Planning Board Member Appointment – Discussion concerning the term length of appointee Dave Crane. Solicitor Vogdes advised Council the term of a Class I or Class II member is usually one year. He suggested amending the resolution to make the term for one year or concurrent with the present Historic Commission term, to expire 12 31-02.

Mayor Casey made a motion, seconded by Councilman Aromando, to amend resolution 34-01 to set the term length.

VOTE TO APPROVE AMENDED RESOLUTION 34-01

Ayes: Casey, Aromando, Woodend

Nays: None

Motion passes

Solid Waste Collection – Manager Keizer advised Council she had opened the two bids which were received. The lowest bidder was Waste Management, which presented two proposals: (1) a three year contract at \$76,500 per year, (2) a five year contract at \$76,500 for the first three years, \$78,500 for the fourth year, and \$80,500 for the fifth year. It was decided Manager Keizer would prepare a spreadsheet for Council, to include cost of Saturday trash collection, cost of itemized collection, time spent by employees, loss of personnel through attrition, cost of replacing a trash truck, and other general comparisons of services. The report will be presented to the public at the March 8, 2001 Council meeting.

Alternate Prosecutor – Councilman Woodend has spoken with Attorney Frank Capalbo, with Parker, McKay, who is interested in the position. Mr. Woodend wanted to get more names of interested attorneys. It was decided that Manager Keizer would talk with Medford Lakes Municipal Prosecutor Mark Tarantino to determine if he had any suggestions.

Other – Manager Keizer asked about a “blue light permit.” Mayor Casey advised her they are for emergency personnel and he signs the authorization after it has been reviewed by Mrs. Keizer.

REPORTS

SOLICITOR

Solid Waste Collection - Mr. Vogdes advised Council they have 60 days to respond to the lowest bidder for the trash collection. He will contact Waste Management to clarify that Council is only considering privatization at this time. He suggested having them attend a Council meeting to explain their proposal and answer questions.

P.J. Whelihans – Councilman Woodend stated he had received a letter from Tim Prime, attorney for Whelihans, advising of their use of the lot in their calculations. They want the Borough to vacate the little alley behind the businesses on Trading Post Trail. He questioned whether Council had agreed to this. Solicitor Vogdes stated it was the decision of the Planning Board, that Council could only grant easements. Mayor Casey asked if there would be enough parking for the business. Mr. Vogdes advised this came under the province of the Planning

Board. Also, he suggested the Planning Board would discuss this and other issues with the businesses along Trading Post Trail.

Other – Councilman Aromando asked Solicitor Vogdes if the approved alcohol ordinance had been accepted and added to ACS. It has. He also stated he had received a copy of the contract with Medford Township for the inter-local service agreement for fire service, but he did not feel it was what Council had agreed to. Manager Keizer will discuss the agreement with Medford Manager Feit to clarify it.

MANAGER

Nahma Trail Sewer – Manager Keizer advised Council she had received an estimate from Alaimo, which included a pumping station. She will asked them to also submit a cost estimate without a pumping station, so Council could compare the two. Councilman Aromando stated Council had asked for an estimate on 1,2000 feet of pipe and a gravity feed, not a pumping station. Manager Keizer will also ask Alaimo if the project can be completed without a pumping station.

Dam Safety – Manager Keizer stated she has met with the engineer and now has a working knowledge of the dams. The engineer will prepare a status report of the dams.

Budget Workshop – scheduled for 6:00pm, February 22, 2001, prior to the Council meeting at 7:30pm. Manager Keizer will have the budget revisions prepared and to Council by Wednesday, February 15th. Council will then return them to her by Tuesday, February 20th, with their comments.

Other – Discussion as to the preparation and delivery of the information packets which Council receives. Mayor Casey praised Manager Keizer for the prompt and early presentation of the packets on the Friday before the Council meeting.

PAYMENT OF BILLS

Councilman Aromando made a motion, seconded by Councilman Woodend, to approve the payment of the bills on the Bill List.

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

ADJOURNMENT

Mayor Casey made a motion, seconded by Councilman Woodend, to adjourn to executive session.

RESOLUTION 35-01

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 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:

Personnel issues with regard to Council

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 35-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

Meeting adjourned to Executive Session at 9:55pm

Respectfully submitted,

Julie Keizer, RMC
Borough Clerk

