

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
JULY 12, 2001**

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

Pat Stevens, 120 McKendimen Road, asked Council if they had any control over the length of time construction would take for the proposed Whelihans Restaurant. Mayor Casey stated the work has to start within a time frame, after permits are issued. He also advised Mr. Stevens that the issue is on the agenda for the next Planning Board meeting on July 19, 2001.

Joanne Tregressor-Kessner, 6 Minnetonka Trail, advised Council she had not been contacted yet (concerning the new building and proximity to her property.) Also, she stated minutes of previous meetings had not been posted on the Medford Lakes Web Site since March 8, 2001. Manager Keizer will post them on the site.

PAYMENT OF BILLS

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

VOTE TO APPROVE PAYMENT OF 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 June 28, 2001, Councilman Meeting.

Councilman Woodend asked for a correction on page 2, advising he voted no on Ordinance 469. Also, he asked that verbiage be added to reflect a cost maximum of \$250 for the purchase of four Have-a-Heart animal traps. Corrections to the minutes were made and amended copies given go Manager Keizer.

VOTE TO APPROVE MINUTES

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

ORDINANCES

There were no ordinances for discussion or vote.

RESOLUTIONS

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

RESOLUTION 86-01

A RESOLUTION AUTHORIZING TEMPORARY PARKING REGULATIONS

WHEREAS, Section 4.C of Borough of Medford Lakes Ordinance Number 434, as finally adopted on September 25, 1997, provides for temporary parking regulations; and,

WHEREAS, the foregoing temporary regulations may be implemented by declaring an emergency as the result of: weather conditions, accidents, fires or public celebrations and,

WHEREAS, the annual Canoe Carnival celebration will be held this year on Saturday, August 4, 2001; and,

WHEREAS, due to the large number of people who normally attend this event, it is necessary in the interest of public safety that temporary parking regulations be implemented;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that the temporary parking regulations, which are attached hereto and made part hereof, be and are hereby approved.

Mayor Casey explained these temporary parking resolutions are effective for both the Canoe Carnival on Saturday night, and also for the Festival of Lights on the previous Friday night.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 86-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution passes

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

RESOLUTION 87-01

A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE MUNICIPAL BUDGET FOR THE YEAR 2001

WHEREAS, N. J. S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, the Borough of Medford Lakes has received notice from the County of Burlington that it has been awarded funds from a Recycling Grant and wishes to amend its 2001 Budget to include this amount as a revenue;

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 requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2001, in the sum of \$5,730.91, which is now available as revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services

State and Federal Revenues Off-Set with Appropriations: Recycling Grant

BE IT FURTHER RESOLVED that a like sum of \$5,730.91 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% CAP

Public and Private Programs Offset by Revenues

Recycling Grant

BE IT FURTHER RESOLVED, that the Clerk of the Borough of Medford Lakes forward two copies of this resolution to the Director of Local Government Services.

Mayor Casey explained this is an annual grant, with the total for this year being \$5,730.01.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 87-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution passes

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

RESOLUTION 88-01

A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE MUNICIPAL BUDGET FOR THE YEAR 2001

WHEREAS, N. J. S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, the Borough of Medford Lakes has received notice from the Department of Law and Public Safety that it has been awarded funds from a the Make It Click Grant and wishes to amend its 2001 Budget to include this amount as a revenue;

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 requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2001 in the sum of \$13,137.00, which is now available as revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations: Make It Click 2001

BE IT FURTHER RESOLVED that a like sum of \$13,137.00 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% CAP

Public and Private Programs Offset by Revenues

Make It Click 2001

BE IT FURTHER RESOLVED, that the Clerk of the Borough of Medford Lakes forward two copies of this resolution to the Director of Local Government Services.

Mayor Casey explained this is the Make-it-Click program for seat belt enforcement, with a grant amount of \$13,173. Chief Scott added this is the second phase of a three-phase program, which also includes an education segment.

Councilman Aromando asked for what the grant money is used. Chief Scott stated it covers the cost of child car seats, overtime, and education.

PUBLIC COMMENT: Pat Stevens, 120 McKendimen Road, asked from where the grant money comes. Chief Scott answered that the State of New Jersey pays police officers to enforce the seat belt law. This is money from a Federal Grant for the States, which funnels to the municipalities. Mr. Stevens asked if the fine money received from these violations stays within the Borough, Chief Scott stated it does.

VOTE TO APPROVE RESOLUTION 88-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution passes

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

RESOLUTION 89-01

A RESOLUTION OF THE BOROUGH GOVERNING BODY OF THE BOROUGH OF MEDFORD LAKES AUTHORIZING AN APPLICATION TO THE NEW JERSEY CONFERENCE OF MAYORS, GOVERNMENTAL LOAN POOL PROGRAM, IN ORDER TO RECEIVE FUNDING FOR CERTAIN CAPITAL IMPROVEMENTS OR REFINANCES.

WHEREAS, the New Jersey Conference of Mayors, Governmental Loan Pool Program, is funded by a bond issue through the New Jersey economic Development Authority (N.J.E.D.A.); and

WHEREAS, pursuant to the New Jersey Economic Development Authority Act constituting Chapter 80 of the Pamphlet Laws of 1974 as amended and supplemented, this financing will maintain or provide employment opportunities within and for the people of the State and/or maintain or increase the tax base of the State or of any political subdivision of the State; and

WHEREAS, this loan pool permits each municipal borrower to have its own series of bonds to be sold to the N.J.E.D.A., secured by its own bond and loan agreement with N.J.E.D.A.; and

WHEREAS, each municipality will be responsible for its own bond and can select a loan term commensurate with its own needs; and

WHEREAS, the Borough is in need of the Capital Improvements or Refinancings; and

WHEREAS, an application to the New Jersey Conference of Mayors, Governmental Loan Pool Program, would be a way in which to effectuate this goal;

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

- I. The Chief Financial Officer is hereby authorized to make an application to the New Jersey Conference of Mayors, Governmental Loan Pool Program, in order to secure appropriate funding to assist the Borough of Medford Lakes to finance capital improvements/refinancing.
- II. The Borough Clerk is hereby directed to forward a duly certified copy of this resolution to the following persons:
 - (a) New Jersey Conference of Mayors, Governmental Loan Pool Program
 - (b) New Jersey Economic Development Authority
 - (c) Bond Counsel

Manager Keizer explained the resolution. Several municipalities and Boards of Education pool together for bonding needs. The Borough can then go through the Economic Development Authority of New Jersey and sell bonds for the Oaks Hall and DPW construction. It saves money on bonding costs. It would allow the Borough to sell bonds and have the money in place by late September. It isn't a loan through EDA, the bonds will be sold on the open market. The rates are currently coming in at 3.70%, up to 4.20%, and now is a good time to buy. This resolution would authorize Ms. Keizer to proceed and provides EDA and Commerce Capital with the information they need. The next bond sale is at the end of August, so the issue is time sensitive. The time-period for the Borough to participate has been extended, because it missed the 20-day extople period.

Councilman Aromando asked if there was any way to refinance the existing Borough debt at the sewer plant, which is at 9.70%, and roll it into this bond. Manager Keizer stated she had spoken with Auditor Stewart about it, and will research to see if the Borough can refinance those bonds into this one. Councilman Woodend agreed, so as to take advantage of the current low rates.

PUBLIC COMMENT: Dick Thurber, 198 Chippewa Trail, stated he remembered when the sewer bonds were reduced from \$124 to \$119. At that time, he asked if the Borough could keep the higher rate and pay down the debt faster. He was told there was a penalty for early payout. Mayor Casey advised him Council would investigate the problem of early payout.

VOTE TO APPROVE RESOLUTION 89-01

Ayes: Aromando, Woodend

Nays: None

Abstain: Casey

Resolution carries

Councilman Woodend made a motion, seconded by Councilman Aromando, to include the bond anticipation note into this pool program and take it to the same sale.

Discussion ensued as to debt reduction, front loading debt, structure of payoff, and the Borough's ability to lock in a low rate. Council was in agreement to lock in a low rate and pay off the bond anticipation note.

PUBLIC COMMENT: Pat Stevens, 120 McKendimen Road, asked Council to explain the debt and anticipation notes. Councilman Aromando explained that the Borough has approximately \$800,000 left on a previous debt. Every year the Borough purchases a bond anticipation note, makes the one payment for the year, and raises the money through taxes.

VOTE TO INCLUDE THE BOND ANTICIPATION NOTE IN POOL PROGRAM

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

Councilman Woodend made a motion, seconded by Mayor Casey, to include the sewer bond note into this pool program and take it to the same sale.

Councilman Aromando stated the Borough owes three million dollars for the new sewer plant facility, and is making payments over a 20-year period at an interest rate of 9.70%, which is a high rate. Councilman Woodend agreed; adding that, even if there was a penalty for early payoff, as suggested by Mr. Thurber, it might still be worth it to the Borough.

PUBLIC COMMENT: None

VOTE TO INCLUDE THE SEWER PLANT FACILITY DEBT IN THE POOL PROGRAM

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

CORRESPONDENCE

Closure of sewer dry out beds – Manager Keizer explained the process is progressing. The Borough has filed for a Certification of Closure, and she expects an answer within the next two weeks.

Grant Application – Superintendent Hayden has submitted a request for consideration for a grant in the amount of \$240,000, to be used to upgrade the Sanitary Sewer Overflow Prevention Program. The grant is funded by the State. Councilman Aromando asked if the land, now being used, could then be used in any manner the Borough wanted. Manager Keizer stated she was not sure if any conditions would be attached to the grant.

Service sharing – Manager Keizer advised Council the Borough would receive \$13,550, which was money realized by the Borough for shared fire and brush re-cycling services with Medford Township. She will discuss a trash pickup issue with Al Feit, Medford Manager.

League of Municipalities Convention – Will be held in Atlantic City on November 13, 14, 15, and 16, 2001. Ms. Keizer advised Council she will need to know who plans to attend the Convention.

NEW BUSINESS

1. Voice Stream Presentation – Mike Kelly and Rita Hill, representing Voice Stream, advised Council of their proposition to erect a 150-foot cell tower in Medford Lakes, in the area of the DWP or the Sewer Plant. The area has been designated by the Pinelands Commission as a possible site for a tower. The area behind the 7-11 is not a possible site, as there is a wetlands issue due to the stream running there. The tower would be in a 7-8 foot fenced compound, on a concrete pad, with a 5x5x2 cabinet. The standard lease agreement for such a tower is 25 years, and the company would remove the tower and return the area to its original state at the termination of the lease, if asked to do so. Council may view a tower erected on private property by Voice Stream at the intersection of Route 70 and 72. Mayor Casey proposed putting the illustration of the tower on the Borough's web site, publicizing the proposed tower, and announcing a public hearing. He would also like a large scale rendering on display in the Borough office for the public to examine. Ms. Hill stated she would provide information and post it 15 days in advance of the meeting. Also, she will prepare renderings of both a mono pole and a tree pole. Councilman Aromando asked Voice Stream to float balloons to help everyone visualize the two tower heights. Balloons will be installed at heights of both 150 feet and 180 feet. Also, any tower under 200 feet in height does not require a light on top. Councilman Aromando also suggested posting a sign indicating the tower site, and indicating what the balloons are being displayed for. The Public Hearing has been scheduled for September 27, 2001.

PUBLIC COMMENT: Dave Wasson, 97 Wabun Trail, stated he felt the Borough was overdue in having a tower erected, and would appreciate the revenue. He asked if Council would consider other companies, he was aware that Comcast had contacted the Borough in 1991 or 1992 about erecting a tower. Also, he asked if Voice Stream could disguise the tower in some way. Ms. Hill advised Council the tower could be erected to resemble a pine tree, which had been done in other areas.

Pat Stevens, 120 McKendimen Road, asked about the amount of revenue the Borough could expect to receive. Mr. Kelly advised Council that \$2,000 to \$2,500 annually was an average revenue. He added this figure depends on the co-locators on the tower. Per the 1996 Federal Communications Act, a 150-foot tower can accommodate four co-locators. The revenue amount depends upon what the individual carriers are paying.

Ed Leggoe, 274 Chicagami Trail, asked if the tower would assist police communications. Mayor Casey stated the Borough would investigate co-locating some of the Borough's communications on the tower. Chief Scott stated the Police Department won't need the use of the tower.

Joanne Tregressor-Kessner, 6 Minnetonka Trail, asked if the tower could hold more than four of them. Mr. Kelly answered that a 150-foot tower could only hold four co-locators. A 180-foot tower can accommodate six co-locators. Council asked to have balloons installed at both heights for residents to observe.

Peggy Kantner, 131 Nokomis Trail, stated she felt residents wouldn't notice the tower, or will call the Borough and ask about it, which is a good way to get the information to the public.

2. Sample Ordinances – the Burlington County Board of Health would like to attend a Council meeting to discuss second hand smoke. They forwarded copies of two different ordinances which have been enacted in some jurisdictions for Council's review. Councilman Woodend stated he felt existing legislation already addressed the issue, but he felt Council could adopt an amended version of the ordinance. Solicitor Vogdes stated it would be difficult to regulate smoking out of doors, and also places like Vaughan Hall, which is private Colony property. Also, "GASP" will send out statistic and information to anyone who requests it. Mayor Casey stated he wanted to keep the issue on the agenda for the next Council meeting, under old business. Council members should review the sample ordinances and direct questions or comments to the Manager. Solicitor Vogdes will draft an ordinance and submit it to the Colony for review.

3. Vehicle Review – Manager Keizer stated the JIF (Joint Insurance Fund) had sent her a policy for vehicle use by Borough employees. Also, Commerce Insurance Company has information concerning vehicle use. The League of Municipalities has policies on its web site.

3. Engineering for Municipal Complex – as directed, Manager Keizer has received quotes from three firms for professional services for engineering for the municipal complex. The quotes have not been reviewed by the architects. Alaimo has not submitted a quote as of this time, but is planning to do so. Manager Keizer will prepare a spread sheet comparing all the quotes and will also send all quotes to Ragan Design. She will also determine if the quotes can be fairly compared, or if Council needs to issue an RFP to provide a proposal of specific items of work to be done.

OLD BUSINESS

1. Review of P.J. Whelihans – Solicitor Vogdes advised he received correspondence from Tim Prime, solicitor for Whelihans. They have agreed to two changes: specificity of the term and an insurance issue. Councilman Woodend advised Council that he had spoken informally with Mr. Prime. At that time, Mr. Prime advised him that Whelihans had decided not to apply for a use variance, and will build the restaurant as a one-story structure. It is not simply a use variance issue, but also eliminates the need at the restaurant for a second kitchen. Whelihans will now have to revisit the Historic Commission.

2. Animal Ordinance – Councilman Aromando and Solicitor Vogdes have not met to discuss the issue.

3. Fire Company and First Aid Squad – will meet with Council at the July 26, 2001 meeting,

4. Review Waste Water Inspection Procedure – Manager Keizer advised Council the Fire Company has adopted Standard Operating Procedures. Also, the First Aid Squad has adopted Standard Operating Procedures. Mayor Casey stated that, since both the Fire Company and Squad had adopted the procedures, there was no need to meet with them at the next Council meeting, as stated above.

REPORTS

SOLICITOR'S REPORT – was previously sent to Council.

1. Sewer Fee Collections – Council discussed changing the delinquent sewer fee collections. Manager Keizer reported to Council that, presently, there is a 10-day grace period for taxes, with a 30-day grace period for sewer fees. Also, after a \$1,500 delinquency for taxes, the rate becomes 18%, not the original 8%. However, after a 41,500 delinquency for sewer fees, the rate remains at 8%. She stated that the grace period in other towns where she has worked have always mirrored each other. Councilman Aromando stated he was not in favor of changing the sewer dates to mirror those for taxes, but he would agree to changing the rate. He feels this will create more delinquent fees, and could create a hardship for some residents. He feels the Borough can afford the 30-day delinquent rate.

PUBLIC COMMENT: Joanne Tregressor, 6 Minnetonka Trail, advised Council she was in favor of raising the rate to 18% after \$1,500 due, but wanted to maintain the 30-day grace period for sewer.

Councilman Woodend made a motion, seconded by Mayor Casey, to amend the current ordinance to change delinquency dates for sewer fees from 30 to ten days, and to change the delinquency rate from 8% to 18% following a \$1,500 delinquency, to begin in 2002.

VOTE TO APPROVE MOTION TO AMEND DELINQUENCY RATE AND DATE

Ayes: Casey, Woodend

Nays: Aromando

Motion carries

2. Deed Transfer – Councilman Aromando stated he became aware that a parent in Medford Lakes was transferring two lots to his daughter, and asked if the daughter planned to build on it. Solicitor Vogdes advised he has written a letter to the resident, asking what the daughter plans to do with the lots, and advising the resident that it is inappropriate to sub-divide the property. He has not received any correspondence from him.

MANAGER'S REPORT

1. Sharing of Services – Manager Keizer advised Council that Tabernacle Township requests a meeting with Mayor Casey to discuss sharing services. Mayor Casey agreed and asked Ms. Keizer to set up the meeting.

2. Mapping – Manager Keizer advised Council that Waste Water Superintendent Hayden was preparing his recommendations to present to Council at the Council meeting on July 26, 2001.

3. Nahma Trail – Councilman Aromando asked if the work could be finished before the start of school. Manager Keizer advised him it probably would not be finished by that time. At the present time, work is being done on the specs and surveying is under way. Once the specs are complete, bids must be received within 30 days, and the bid must be awarded within 60 days.

4. Resignation - Councilman Woodend asked Chief Scott to explain why the Borough had paid to send a Special Officer to the Police Academy and, upon graduation, he had resigned to accept a job in Springfield Township. Chief Scott explained that Officer Lure had been hired as a Special and had the appropriate training for that job. He was then sent to the Academy to train as a full-time officer one of the regular Department officers indicated she was applying for work at another department. She then decided to remain with the Medford Lakes Police Department and Officer Lure was hired as a full-time officer by Springfield after he finished the Academy. The Borough will not be reimbursed by Springfield because Officer Lure was only a part-time employee here.

5. Trailer - Councilman Woodend asked Chief Scott if he felt the Police Department would have enough space in the trailer when everyone moved in there. Chief Scott stated it would be crowded, but that the Department would make due. He hopes to destroy old records which are not designated as permanent files. He added that storage space would be the biggest problem. Manager Keizer agreed that storage space would be a problem for Administration as well.

6. Court Administrator – Manager Keizer advised Council she is receiving resumes for the vacancy caused by the resignation of Dru Leber. She plans to meet with Judge McNerny to select the best ones for recommendation to Council for interviews. The advertisement for the vacancy was advertised throughout the State.

ADJOURNMENT

Councilman Woodend made a motion, seconded by Mayor Casey, to adjourn the meeting.

VOTE TO ADJOURN

Ayes: Casey, Aromando, Woodend

Nays: None

Meeting adjourned

Respectfully submitted

Julie Keizer, RMC
Borough Clerk

