

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
JUNE 28, 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

None at this time.

PAYMENT OF BILLS

Councilman Woodend made a motion, seconded by Mayor Casey to approve the bills listed on the Bills List.

Councilman Aromando questioned a bill for \$5,400, paid to Johnson and Towers. Manager Keizer explained this was to repair the transmission on the garbage truck; it was the first repair for this truck in 18 months.

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

APPROVAL OF MINUTES

Councilman Aromando made a motion, seconded by Mayor Casey to approve the Minutes of the June 14, 2001, Regular Council Meeting.

VOTE TO APPROVE MINUTES

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

Mayor Casey made a motion, seconded by Councilman Aromando, to approve the Minutes of the June 14, 2001, Executive Session

VOTE TO APPROVE MINUTES

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

ORDINANCES

Mayor Casey introduced the following ordinance on second and final reading, seconded by Councilman Aromando:

ORDINANCE 469 – SECOND AND FINAL READING

AN ORDINANCE AMENDING ORDINANCE 457, “A CAPITAL ORDINANCE PROVIDING FOR THE EXTENSION OF THE NAHMA TRAIL SEWER LINE BY THE BOROUGH OF MEDFORD LAKES, AND APPROPRIATING THEREFOR THE SUM OF \$70,000.00 FROM THE SEWER UTILITY CAPITAL IMPROVEMENT FUND,” ADOPTED June 8, 2000.

WHEREAS, the Borough adopted Ordinance No. 457 on June 8, 2000, regarding improvements to Nahma Trail; and,

WHEREAS, the Borough wishes to amend said Ordinance;

NOW, THEREFOR BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, as follows;

A. SECTION 1 is amended as follows:

SECTION 1. The improvement described in SECTION 2 of this Ordinance is hereby authorized as general improvements to be made by the Borough of Medford Lakes, New Jersey. For said improvements or purposes stated in SECTION 2, there is hereby appropriated the sum of one hundred three thousand, four hundred and eighty dollars (\$103,480.00), and now available in the Sewer Utility Capital Improvement Fund of the Borough of Medford Lakes.

B. SECTION 2(b) is amended as follows:

(b) The estimated cost of said purpose is one hundred three thousand, four hundred and eighty dollars (\$103,480.00), which sum is hereby appropriated from the Sewer Utility Capital Improvement Fund.

C. SECTION 4 is amended as follows:

SECTION 4. The 2001 Sewer Utility Capital Budget of the Borough of Medford Lakes is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith.

D. IMPLEMENTATION:

This Ordinance shall take effect after publication and final passage, according to law.

PUBLIC COMMENT: None

VOTE TO APPROVE ORDINANCE 469 ON SECOND AND FINAL READING

Ayes: Casey, Aromando

Nays: Woodend

Ordinance passes

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

ORDINANCE 470 – FIRST READING

AN ORDINANCE AMENDING ORDINANCE 467, “AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR EACH EMPLOYEE AND OFFICER OF THE BOROUGH OF MEDFORD LAKES FOR THE YEAR 2001, AND SPECIFYING THE METHOD OF PAYMENT THEREOF, ADOPTED JUNE 14, 2001.

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

- A. Ordinance 467 is hereby amended by adding the following to POLICE DEPARTMENT in Section 1:

POLICE DEPARTMENT

Sergeants	\$53,024.00	to	\$66,450.00
Patrolmen/women	\$23,690.00	to	\$57,629.00

- B. All other provisions of Ordinance 467 are affirmed and ratified.
- C. This ordinance shall take effect upon passage and publication according to law, and the rate of compensation provided for herein shall be effective as of January 1, 2001.

The second and final reading and public hearing will be held at the Regular Council meeting on July 26, 2001.

PUBLIC COMMENT: None

VOTE TO APPROVE ORDINANCE 470 FIRST READING

Ayes: Casey, Aromando, Woodend

Nays: None

Ordinance passes

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

ORDINANCE 471

AN ORDINANCE AMENDING AND SUPPLEMENTING THE MEDFORD LAKES BOROUGH LAND DEVELOPMENT ORDINANCES IN RESPONSE TO THE JULY, 2000, AMENDMENTS TO THE PINELANDS COMPREHENSION MANAGEMENT PLAN

WHEREAS, the Borough Council of the Borough of Medford Lakes desires to comply with the requirements of the Pinelands Protection Act and the Pinelands Comprehension Management Plan, as amended; and

WHEREAS, all land use ordinances of the Borough of Medford Lakes must be amended in conformance with the Pinelands Comprehension Management Plan, as amended, to comply with the Pinelands Protection Act;

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

Section 1. This ordinance amends Chapter 1, Zoning, and Chapter 3, Land Subdivision, of the Land Development Ordinances of the Borough of Medford Lakes.

CHAPTER 1 (ZONING)

Section 2. Section 200B (Definitions) is hereby amended by adding a definition of "Institutional Use" as follows:

INSTITUTIONAL USE: Any land used for the following public or private purposes: educational facilities, including universities, colleges, elementary and secondary and vocational schools, kindergartens and nurseries; cultural facilities such as libraries, galleries, museums, concert halls, theaters and the like; churches; cemeteries; public office buildings; hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; medical and health service facilities, including nursing homes, rehabilitation therapy centers and public health facilities; law enforcement facilities; military facilities; and other similar facilities. For purposes of this ordinance, institutional use shall not include medical offices, which are not associated with hospitals or other medical or health service facilities, nor shall it include assisted living facilities.

Section 3. Section 528.B is hereby amended to read as follows:

B. Any municipal variance or other approval for the development of a residential use in a zone in which residential uses are not permitted shall require that Pinelands Development Credits be used for 50 percent of the authorized units for parcels under 10 acres in size; for 75 percent of the authorized units for parcels between 10 and 20 acres in size and for 100 percent of the authorized units for parcels over 20 acres in size.

Section 4. Section 2101.H is hereby amended to read as follows:

H. No development involving the use of Pinelands Development Credits shall be approved until the developer has provided the Pinelands Commission and the Borough approving authority with evidence of his ownership and redemption of the requisite Pinelands Development Credits; provided, however, that the Borough approving authority may grant general development plan, preliminary subdivision or preliminary site plan approval conditioned upon such evidence being presented as a prerequisite to final subdivision or site plan approval. For such a final subdivision or site plan, the developer shall provide evidence of Pinelands Development Credit ownership and redemption to secure the same proportion of lots or residential units as was approved for Pinelands Development Credit use in the preliminary approval or, as appropriate, the general development plan. Notification of any such development approval shall be made to the Pinelands Commission pursuant to Section 313 of this Ordinance and to the New Jersey Pinelands development Credit Bank in accordance with N.J.A.C. 3:42-3. Redemption of the requisite Pinelands development Credits shall occur in accordance with N.J.A.C. 3:42-3.6, prior to the memorialization of the resolution granting final subdivision or site plan approval, or if no such approval is required, prior to the issuance of any construction permits.

Section 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 7. This ordinance shall take effect immediately upon due passage, publication according to law, and approval by the Pinelands Commission.

Mayor Casey explained this occurs periodically, it endorses the Rules and Definitions adopted by the Pinelands Commission in July of 2000. Solicitor Vogdes added this largely has nothing to do with Medford Lakes due to lack of “buildable” land. Manager Keizer will codify it into the Land Use Ordinance.

PUBLIC COMMENT: None

VOTE TO APPROVE ORDINANCE 471
Ayes: Casey, Aromando, Woodend
Nays: None
Ordinance passes

RESOLUTIONS

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

RESOLUTION 82-01

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MEDFORD LAKES POLICE OFFICERS ASSOCIATION, NEW JERSEY FRATERNAL ORDER OF POLICE LABOR COUNCIL.

WHEREAS, the Borough of Medford Lakes wishes to enter into a Collective Bargaining Agreement for the years 2001, 2002, 2003, and 2004, with the Medford Lakes Police Officers Association, New Jersey Fraternal Order of Police Labor Council, for services to be rendered within its own jurisdiction; and

WHEREAS, the parties deem it appropriate to enter into a Collective Bargaining Agreement for the years 2001, 2002, 2003, and 2004, to provide such services as outlined in said Agreement, a copy of which is on file with the Borough Clerk;

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

1. The Mayor and Clerk are hereby authorized to execute a contract between the Borough of Medford Lakes and the Medford Lakes Police Officers Association, New Jersey Fraternal Order of Police Labor Council, for the years 2001, 2002, 2003, and 2004.

Councilman Woodend had two corrections: on page nine, the last sentence should read pagers, not pages. Also, on page 14, he asked what constituted “retirement”, and if it coordinated with State statute. Sgt. Steve Carbone of the Medford Lakes Police Department advised Council retirement comes after 20 years of service, or sooner if there is a medical clearance. Councilman Aromando wanted this better clarified in the contract, and Mayor Casey agreed that it should conform with State policy. Solicitor Vogdes advised Council the contract should be amended to read “... upon retirement, as defined by New Jersey Police and Fire Retirement System.”

Mayor Casey made a motion, seconded by Councilman Aromando, to table discussion until the corrections could be made.

VOTE TO TABLE

Ayes: Casey, Aromando, Woodend

Nays: None

Motion passes

Council took a 10 minute recess while Manager Keizer made the corrections.

Mayor Casey made a motion, seconded by Councilman Aromando, to remove the resolution from the table.

VOTE TO REMOVE FROM TABLE

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

Councilman Aromando asked if each employee could sign off on the sidebar concerning sick time, and Sgt. Carbone agreed it would be ok. A signature line will be added. Mr. Aromando expressed his appreciation to the officers, mayor, and council for a job well done in negotiation the contract.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 82-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution passes

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

RESOLUTION 83-01

A RESOLUTION RENEWING MEMBERSHIP IN THE CAMDEN COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Borough of Medford Lakes is a member of the Camden County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2001, unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Borough desires to renew said membership;

NOWHERE, BE IT RESOLVED, as follows:

1. The Borough of Medford Lakes agrees to renew its membership in the Camden County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.

2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Camden County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Mayor Casey stated that, due to a conflict, he would abstain from the vote on this resolution. Manager Keizer advised Council that Camden County offered better rates than did Burlington County.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 83-01

Ayes: Aromando, Woodend

Nays: None

Abstain: Casey

Resolution passes

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

RESOLUTION 84-01

A RESOLUTION AUTHORIZING THE REFUND OF A LIEN HOLDER FOR REDEEMED TAX SALE CERTIFICATE

WHEREAS, Mr. Josef Hoffman purchased a lien on Block: 20010-, Lot 249 on June 26, 2001, and paid \$147.09 at an 10% interest rate; and

WHEREAS, the owner of the above property came to the office after the tax sale was concluded to redeem said lien; and

WHEREAS, Mr. Hoffman is entitled to the amount paid at tax sale plus interest for three days, totaling \$147.31;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that a Borough check representing the redemption amount of \$147.31 be drawn to the order of Mr. Josef Hoffman.

Councilman Aromando questioned to whom the money would be dispersed. Manager Keizer explained that it is dispersed to the lien holder on the property sold at tax sale.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 84-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution passes

CORRESPONDENCE

Memo from Pat Gallo, Tax Collector, Re: Sewer Ordinance – Manager Keizer explained to Council that Tax Collector Gallo wanted Council to be aware of a difference in the time frame for sewer and tax payments. For a tax sale, there is a 10-day grace period, with interest of 8% on the first \$1,500, and 18% thereafter. For delinquent sewer fees, the grace period is 30 days, with the same interest rates. She questioned the 10/30 day differences. Councilman Aromando wanted to keep the 30-day grace period, while Councilman Woodend felt they should both be the same.

Letter from Department of Labor, Census 2000 Question Resolution – Manager Keizer explained this is a process whereby Council may question the results of the 2000 census, which shows the Borough to have 432 fewer residents. This will affect aid and grants the Borough may obtain.

PUBLIC COMMENT: David Wasson, 97 Wabun Trail, asked if the Census Bureau could provide a list of the residences in Medford Lakes which did not respond to Census form. He will contact someone to find out about a list.

Memo from Pat Gallo, Tax Collector, Re: Tax Sale – Manager Keizer stated that the tax sale was a success. All tax liens were sold and the Borough is in possession of the funds.

NEW BUSINESS

Manager's Evaluation – Mayor Casey stated Manager Keizer received an excellent review from Council.

Mayor Casey made a motion, seconded by Councilman Woodend, to increase the manager's salary from \$55,000 to \$57,000 for the current year, or a total of \$2,000.00.

PUBLIC COMMENT: None

VOTE TO INCREASE MANAGER KEIZER'S SALARY

Ayes: Casey, Aromando, Woodend

Nays: None

Motion passes

Fire Vehicle Review – Manager Keizer advised Council that the personal use of Borough vehicles needs to be reviewed. Commerce National has a standard guideline for such use, by which operators should be abiding. The discussion of this item will be put on the agenda for the next Council Meeting under Old Business.

Domestic Violence Grant – Lt. Frank Martine explained the grant to Council. The Attorney General has mandated that each police agencies have a volunteer Domestic Violence Team to respond to certain domestic situations. These teams would consist of up to 25 people, who would be required to be trained. Grant money is available from the Division of Criminal Justice. Medford Lakes Police Department has joined with Medford Township and Evesham Township to form the committee. The team will receive a \$20,000 grant to train volunteers and purchase equipment. Medford Lakes will receive 1/3 of this amount. The money will be put in a trust account and drawn on as needed. There is no expense to the Borough. Evesham Township will be the grant administrator. The volunteers will be trained and will then be used in any of the three towns, which should keep them involved and interested. Lt. Martine added that there should be policy guidelines for volunteers, to guarantee the safety of the volunteers and limit liability to the Borough.

Review of Corrective Action Plan – Manager Keizer explained this is a process performed by Tax Assessor Doug Kolton, to reconcile information from his files and the County computer.

OLD BUSINESS

Review of Whelihan’s Agreement – Solicitor Vogdes advised Council he sent a letter to Mr. Timothy Prime, attorney for Whelihan’s, on June 15, 2001, following the last meeting. He indicated the Borough had two modifications to be made. He has not received a response from Mr. Prime.

Animal Ordinance – Solicitor Vogdes advised Council he felt there were two possibilities to consider for a possible ordinance: does Council want to include cat registration in the ordinance, or does Council want to include cat registration and at-large violations in the ordinance. He suggested adopting a protocol, which would not be too difficult to enforce. Dianne Forster, who is responsible for the Unlicensed Dog Survey for the Borough, explained procedures for registration of cats in other jurisdictions. She advised Council she felt it would be almost impossible to regulate at-large cats, even if residents obtained a registration, due to the “outside cat” mentality which many people have. She also suggested Council consider purchasing a Have-A-Heart trap for residents to use for at-large cats. Mayor Casey suggested visiting the animal ordinance currently in place to look at the problems of the numerous amendments to it.

PUBLIC COMMENT: David Wasson, 97 Wabun Trail, advised Council he was in favor of registration for cats, as the registration fee currently in place for dogs helps to pay for the free rabies clinic, which the Borough provides. He is in favor of the purchase of a trap. He agreed with Ms. Forster that it would be impossible to stop at-large cats from roaming, as they are a different breed from dogs.

Councilman Woodend made a motion, seconded by Councilman Aromando, to purchase four Have-a-Heart Traps for use by Borough residents.

VOTE TO APPROVE PURCHASE OF TRAPS

Ayes: Casey, Aromando, Woodend

Nays: None

Motion passes

Meeting with Fire Company and First Aid – Hold for July 26, 2001 meeting

Review of Wastewater Inspections and Procedures – Hold for July 26, 2001 meeting

REPORTS

Solicitor’ Report – Mr. Vogdes stated he had spoken with Paul Adison, Holberg & Adison, with regard to the contract with them for the renovations to the DPW facility. Also, after speaking with Ragan Design, they are amenable to mirroring the contract negotiated with Holberg & Adison, for their part of the renovation project.

Manager’s Report – Manager Keizer asked for a volunteer to attend the meeting of the School Board Facilities Committee, on July 13, 2001, at 3:00pm. Mayor Casey advised her Council members had agreed to attend the regular School Board meetings on a rotating schedule, not the Facilities Committee meetings. It was decided that Manager Keizer will attend the meeting for one hour.

Drying Beds – Manager Keizer received a letter this date from the State, advising the Borough the drying beds could be closed in one month. The State will advise how to complete the process. The soil has to be tested in three cubic foot increments before it is removed.

ABC License for Whelihan’s – Lt. Martine explained he is in the process of the background investigation and the fingerprint checks. Whelihan’s has applied for a plenary retail license.

Mapping – Manager Keizer has received quotes from Alaimo and ERI.

Trailer – The water and sewer lines have been run to the trailer at the DPW lot. The Fire Inspector has advised the Borough will have to add a second exit door in the Borough side. Also, a bathroom will be added to the Police Department section of the trailer. The trailer should be ready about August 1 for departments to start moving in. Lt. Martine stated the Police Department would start moving after Canoe Carnival.

Engineers Meeting – Manager Keizer met with representatives from three engineering firms: Remington & Vernick, Everland & Shourds, and ERI. To date, she has received only one proposal, and expects the other two to be returned by next week.

Councilman Aromando asked if a running total of sick time being used was currently kept by Department Heads. Manager Keizer stated she had information from all department heads, with the exception of Chief Scott for Lt. Martine and himself. Sick and vacation time used will appear on the payroll checks beginning July 15, 2001.

ADJOURNMENT

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

RESOLUTION 85-01

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:

**McGarvey Health Insurance
Contract for Lt. Martine
Court Administrator Position
Performance Review for Department Heads
Manager's Responsibilities when Dealing with Department Heads**

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 9:10pm

Respectfully submitted,

Julie Keizer, RMC
Borough Clerk

