

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

The regular meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in the Denby Annex of the Medford Lakes Colony beginning at 7:40pm. 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

Ed Leggoe, 274 Chicagami Trail, stated he is not in favor of licensing cats, which the Council is considering.

PAYMENT OF BILLS

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

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

APPROVAL OF MINUTES

Mayor Casey made a motion, seconded by Councilman Aromando, to approve the revised minutes of the October 11, 2001, Executive Session.

VOTE TO APPROVE MINUTES

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

Mayor Casey made a motion, seconded by Councilman Woodend, to table approval of the minutes of the October 25, 2001, Executive Session, pending revision.

VOTE TO TABLE MINUTES

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

Mayor Casey made a motion, seconded by Councilman Woodend, to approve the minutes of the October 25, 2001, Regular Council Meeting.

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

RESOLUTIONS

Councilman Woodend made a motion, seconded by Mayor Casey, to table discussion of the following resolution:

RESOLUTION 124-01 A RESOLUTION AUTHORIZING AGREEMENT WITH PJ WHELIHANS

Council has not received the information needed to proceed The resolution will be scheduled for the Council meeting on November 29, 2001.

PUBLIC COMMENT: None

VOTE TO TABLE RESOLUTION 124-01
Ayes: Casey, Aromando, Woodend
Nays: None
Resolution tabled

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

RESOLUTION 126-01 A RESOLUTUION AUTHORIZING THE SALE OF BOROUGH PROPERTY NO LONGER NEEDED FOR PURPOSES PURSUANT TO NJSA 40A: 11-36.

WHEREAS, the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, is desirous of providing for sale at public auction items which are no longer needed for public purposes pursuant to Statute; and

WHEREAS, NJSA 40A: 11-36 provides for the notification of such auction and sale of such equipment;

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

1. Pursuant to NJSA 40A: 11-36, a public auction will be held at the Borough of Medford Lakes Municipal Garage on December 1, 2001, at 9:00am prevailing time.
2. All monies collected by such auction shall be deposited with the Treasurer of the Borough of Medford Lakes.
3. Legal notice of this sale shall be published in the official newspaper on November 21, 2001.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 126-01

Ayes: Casey Aromando, Woodend

Nays: None

Resolution passes

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

**RESOLUTION 127-01
A RESOLUTION AUTHORIZING CERTAIN BUDGETARY TRANSFERS**

WHEREAS, the Borough Council of the Borough of Medford Lakes did adopt a budget for the year 2001, in accordance with the Municipal Budget Law (N.J.S.A. 40A: 4 et. seq.); and

WHEREAS, it has become necessary to transfer certain funds among the various line items as contained within the aforementioned adopted Municipal Budget; and

WHEREAS, N.J.S.A. 40A: 4-58 allows for the transfer of funds among line items of an adopted Municipal Budget during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Medford Lakes, New Jersey, that the Chief Financial Officer of the Borough of Medford Lakes is hereby authorized to make the transfers as listed below among the various line items.

From:	Buildings & Grounds	\$1,500.00
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To:	Fire Department O&E	\$1,500.00
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The transfer of money to the Fire Department account is to pay for the repairs on the "Jaws of Life."

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 127-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution passes

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

**RESOLUTION 128-01
A RESOLUTION EXTENDING THE TAX GRACE PERIOD DUE TO THE DISRUPTION OF MAIL SERVICE AT THE BELLMAWR SORTING FACILITY**

Due to health scares, the Bellmawr Sorting Facility has not been collecting and delivering mail as normally scheduled. Therefore, Council opted to extend the grace period. This does not change the due date, only the grace period.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 128-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution passes

CORRESPONDENCE

In a letter sent to Manager Keizer by Philip Haines, Burlington County Clerk, he offered to schedule a meeting to provide information to local residents about the services offered by his office. Manager Keizer will give him the names of individuals or groups who might be interested.

PRESENTATION ON SECOND-HAND SMOKE

Mayor Casey introduced Anne Barrone of the Burlington County Department. She presented her Department's information and position on smoking and second-hand smoke. Smoking has been determined to be as addictive as heroin. There is an increase in SIDS deaths in households with a smoker. A single cigarette has 4,000 ingredients or trace elements, 43 of which are toxic and carcinogenic. A person who smokes inhales 15% of the smoke, others around him inhale the other 85%. Only 25% of residents of New Jersey smoke. Medford Township has a comprehensive ordinance, but mainly enforces the sale and use by minors. All restaurants in New York City are smoke-free.

She advised Council that a Class Action settlement has been made with six major cigarette manufacturers, in 46 states, for victims stricken with smoke illnesses. New Jersey receives its funds into an escrow account, and draws and distributes money from it. New Jersey spent a large amount of money for affordable health care – the New Jersey Family Care initiative. The State also uses money for education. In Burlington County, the “Coalition Against Tobacco” works with local Municipal Alliances. They have created a youth movement called REBEL, which stands for “Reaching Everyone by Exposing Lies.” A second part of the program involves giving money to towns to locally promote the dangers of second-hand smoke. Her goal, as presented, is to have Council consider an ordinance limiting smoking in public buildings and making the public aware of second-hand smoke.

Council had comments and questions for Ms. Barrone. Solicitor Vogdes noted the State already regulates the sale of cigarettes to minors. Medford Lakes does not have an ordinance regulating cigarette racks in public businesses. The only cigarette rack in the Borough, at the present time, is located in the Country Club. Councilman Woodend felt it would be difficult to regulate smoking because the Colony owns most publicly used places. They appear to be avoiding the issue, as they have failed to respond to Council's request for input. Borough vehicles are already smoke-free; Manager Keizer suggested an incentive program to help employees who would like to stop smoking.

PUBLIC COMMENT:

Mike Powers, 19 Onondago Trail, reminded Council that smoking in public buildings is already restricted.

Dick Thurber, 198 Chippewa Trail, has been a smoker for 53 years. He is in favor of the ordinance.

Dave Wasson, 97 Wabun Trail, is a non-smoker. He supports the idea of collectively keeping teenagers from starting to smoke and enforcing existing laws.

Dave Carlson, 110 Lenape Trail, is a smoker. He feels Whelihans will not build and operate in the Borough if Council bans smoking in the building.

Ed Leggoe, 274 Chicagami Trail, is a smoker. He feels he is picked on as a minority. Auto emissions are worse. He is in agreement with the ban on smoking in public buildings, but is opposed to regulating outside smoking. He feels the state is already looking after residents' health.

On a personal note, Mayor Casey stated his father died in June of emphysema. During the last year of his life, \$150,000 in tax dollars was spent to treat him. Mayor Casey stated he does not think it is fair for the 75% of individuals who don't smoke to be taxed to pay for the illnesses of the 25% who do.

Mayor Casey concluded that feelings seemed to indicate a desire to consider some sort of ordinance and suggested a workshop to discuss it further.

NEW BUSINESS

FACILITIES REPORT – Manager Keizer met with the architects. Things are moving along. The survey shows a five-foot encroachment on Tregresser's property. Also, the placement of their second driveway is an issue, which Manager Keizer would like to resolve informally with them. Tom Heck raised some questions about doorways, especially the one to his office. Manager Keizer advised that, according the architect, changing the door opening would not be a problem. Councilman Woodend met with Paul Adison about the Public Works project. The plans should be completed and ready for review by January or February, even though the project will not begin until the Oaks Hall project is complete. Manager Keizer will obtain plans for each site and schedule a workshop. Councilman Aromando stated he wanted to have something it in writing, from both Wetlands and Pinelands, that there are no environmental issues with the site plan, which would hold up the project. Councilman Woodend explained that a finished site plan has to be presented to Wetlands and Pinelands and then they put their ok in writing. Manager Keizer advised Council that Lt. Martine felt the office space assigned to him on the site plans is too large. Council also felt the space assigned for Chief Scott's was too large and the remaining work area was too small. Councilman Aromando felt it would be easy to re-configure the plans for adequate workspace for everyone. Council discussed the addition of a lavatory for the judge. It is expensive to add the room, and Judge McNerny has stated he doesn't care if he has a lavatory or not. Manager Keizer stated Steve Traub, from the County Courts Facility, wants the lavatory in place. Council will submit the plans without it and see what the Administrative Office of the Courts says.

PUBLIC COMMENT:

Dave Wasson, 97 Wabun T rail, asked how Oaks Hall would pass ADA without a public bathroom.

Dave Carlson, 110 Wabun Trail, asked if the Borough is exempt from Pinelands Encroachment. Councilman Woodend advised him the Borough is trying to avoid it by using the original footprint.

Ed Leggoe, 274 Chicagami Trail, asked if the mezzanine has handicapped access. There will be no access by anyone to the mezzanine.

HISTORIC ORDINANCE REVIEW – postponed to the November 29th meeting. Planning Board member Alan Barnes stated the issues to be considered are:

- (1) community-wide or district
- (2) definition and standards for logs
- (3) demolition of a house

Mr. Barnes stated the Planning Board has not heard from the Historic Commission. Councilman Woodend stated he would like representatives of both the Historic Commission and the Planning Board to be at the meeting on November 29th.

ZONING CHANGES – postponed to January, 2002. Mayor Casey explained that issues arise out of problems. The Planning Board makes a report of problems to Council once a year. Solicitor Vogdes discussed BOCA codes for Building and Maintenance.

PUBLIC COMMENT:

Dave Carlson, 110 Lenape Trail, stated the BOCA book gets updates every month. If Council is operating with a five year old book, it is significantly out of date.

Chief Scott's Contract - Councilman Woodend reminded Council that the review of Chief Scott's contract is due on the anniversary date of December 1st. Solicitor Vogdes will do an analysis of the contract and recent court cases. Council will gather information, and then decide how to proceed.

OLD BUSINESS

SUMP PUMP ORDINANCE – following discussion at the workshop this date, Council will introduce the ordinance at the Council Meeting on November 29, 2001.

NOISE ORDINANCE – following discussion at the workshop this date, Council will introduce the ordinance at the Council meeting on November 29, 2001. It only needs some re-wording at this time.

ANIMAL ORDINANCE – following discussion at the workshop this date, Council decided the finalization of the ordinance should be postponed, and will have another workshop. Council agreed there exists a need to advise the public what they are considering.

PUBLIC COMMENT:

Dave Carlson, 110 Lenape Trail, asked where the regulation of barking dogs would be included. Mayor Casey advised him it would be in the Noise Ordinance, and referenced in the Animal Ordinance.

TABERNACLE & STOKES INTERSECTION – postponed to January, 2002.

Mutual Aid Finances - Councilman Aromando asked about the agreement with the Medford Fire Department and how much the Borough had received in mutual aid fees. Manager Keizer is working on the Voucher for the first three quarters of the year.

REPORTS

SOLICITOR

Cell Tower – Solicitor Vogdes received a letter from Voice Stream, acknowledging the next step will be to go out to public bids. Moorestown has information on how to “fast track” the process and will forward it to Solicitor Vogdes. Manager Keizer added that other companies had shown interest in the bidding process and have requested specs.

MANAGER

Trading Post Trail – Manager Keizer announced the Borough had received a DOT grant in the amount of \$130,000 for improvements to Trading Post Trail.

CDBG Grant – a public hearing is scheduled for the next Council meeting.

Whelihans – the questions about parking spaces are still being researched.

Nahma Trail Sewer Extension – the fee to hook up to the sewer line is currently \$500. Councilman Woodend felt that amount was too low. Council discussed raising the amount, and possibly amortizing it over a period of years. Solicitor Vogdes informed Council that the hook-up fee is set, in a sense. In the past, anyone hooking into the sewer line paid \$500. The law won’t allow large fees. Councilman Woodend will meet with Solicitor Vogdes to further discuss the fee.

ADJOURNMENT

Councilman made a motion, seconded by Councilman Aromando, to adjourn the meeting,

VOTE TO ADJOURN

Ayes: Casey, Aromando, Woodend

Nays: None

Meeting adjourned at 9:35pm

Respectfully submitted,

Julie Keizer, RMC
Borough Clerk

