

BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
OCTOBER 25, 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 7:32pm. 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

Dave Wasson, 97 Wabun Trail, commended the Medford Lakes Department of Public Works for the exceptional job they did on the renovations of the trailers to be used by the Administration Department and the Police Department while the Oaks Hall facility is renovated. He also passed out red ribbons to commemorate Red Ribbon Week, October 23rd through the 31st, 2001. The week is in recognition of Enrico Cannaro, a DEA agent who was murdered in 1985. The red is for the blood he shed and also as a symbol of "Stop" drug use.

PAYMENT OF BILLS

Councilman Aromando made a motion, seconded by Councilman Woodend, to pay the bills listed on the Bills 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 the minutes of the Regular Council Meeting of September 27, 2001.

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 Special Council Meeting of September 27, 2001.

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 Regular Council Meeting of October 11, 2001.

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 Executive Session of October 11, 2001.

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

ORDINANCES

Mayor Casey introduced Ordinance 474, seconded by Councilman Aromando, on Final Reading.

Councilman Aromando felt the Borough wasn't borrowing money from outside, it is money the Borough already has, and only needs to pass an ordinance to spend. Solicitor Vogdes agreed, and the ordinance needs to be re-worded. Councilman Woodend asked why the need for an ordinance to spend the \$18,000. Manager Keiser explained that this money would come from the "capital fund", in previous years money for this type of purchase came from the "current fund."

VOTE TO APPROVE ORDINANCE 474, AS ORIGINALLY WRITTEN
Ayes: None
Nays: Casey, Aromando, Woodend
Ordinance fails

Mayor Casey made a motion, seconded by Councilman Aromando, to approve Ordinance 474 as amended.

ORDINANCE 474

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF THE SUM OF \$18,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR ACQUISITION OF A LEAF MACHINE IN THE BOROUGH OF MEDFORD LAKES, IN THE COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY.

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes, in the County of Burlington, and state of New Jersey, 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 eighteen thousand dollars (\$18,000.00) and now available in the General Capital Improvement Fund of the Borough of Medford Lakes.

SECTION 2. (a) The improvement hereby authorized is the acquisition of a leaf machine by the Borough of Medford Lakes, which is in accordance with the specifications therefore on file in the office of the Clerk and hereby approved.

(b) The estimated cost of said acquisition is eighteen thousand dollars (\$18,000.00), which sum is hereby appropriated from the General Capital Improvement Fund.

SECTION 3. The following matters are hereby determined, declared, recited and stated:

(a) The said purpose described in SECTION 2 of this Ordinance is not a current expense, and is property or improvement which the Borough may lawfully acquire or make as a general improvement.

(b) The period of usefulness of said purpose, within the limitations of said Local Bond Law, and according to the reasonable life thereof, is five (5) years for SECTION 2 above.

SECTION 4. The 2001 general 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.

SECTION 5. This Ordinance shall take effect after publication and final passage, according to law.

PUBLIC COMMENT: None

VOTE TO APPROVE ORDINANCE 474, AS AMENDED

Ayes: Casey, Aromando, Woodend

Nays: None

Ordinance passes

RESOLUTIONS

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

RESOLUTION 120-01

A RESOLUTION AUTHORIZING THE SUBMISSION OF THE GOVCONNECT GRANT

WHEREAS, the State of New Jersey has developed an internet site known as GovConnect in order to facilitate interaction and the exchange of information between and among State and local governments; and

WHEREAS, in order to participate in GovConnect, it is necessary to have certain computer equipment and Internet access; and

WHEREAS, the State has made funds available to eligible local units in order to enable those units to procure such computer equipment that is needed to participate in GovConnect; and

WHEREAS, in order to receive a GovConnect grant, an eligible local unit must submit an application; and

WHEREAS, it is hereby affirmed that the Borough of Medford Lakes is an eligible unit and is in need of funding to procure the necessary computer equipment;

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

1. That the Borough agrees to submit an application to the DCA for a GovConnect Grant in the amount of \$1,000, and
2. That the Borough agrees, if approved, to accept the grant and supplement the purchase for any amount over \$1,000, and
3. The Borough agrees to the terms set forth by the DCA for this grant.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 120-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

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

RESOLUTION 121-01

A RESOLUTION AUTHORIZING THE REFUND OF A TAX OVERPAYMENT

WHEREAS, an overpayment was made on Block 220005, Lot 98, assessed to O'Connell, Patrick J. and Colleen; and

WHEREAS, Patrick O'Connell was granted a Veteran deduction; and

WHEREAS, Transamerica paid on the original bill and not the adjusted bill showing the deduction; and

WHEREAS, the overpayment needs to be refunded to Transamerica Tax Service,

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 overpayment amount of \$75.00 be drawn to the order of Transamerica Tax Service.

Councilman Woodend asked why the payment was to be paid to Transamerica; they made the overpayment.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 121-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

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

RESOLUTION 122-01

A RESOLUTION AUTHORIZING THE REFUND OF A TAX OVERPAYMENT

WHEREAS, an over payment was made on Block 30107, Lot 3796, assessed to McCrum, Richard and Noelle; and

WHEREAS, Richard McCrum was granted a Veteran deduction in the amount of \$150.00; and

WHEREAS, Transamerica paid on the original bill and not the adjusted bill showing the deduction; and

WHEREAS, the overpayment needs to be refunded to Transamerica Tax Service,

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 overpayment amount of \$150.00 be drawn to the order of Transamerica Tax Service.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 122-01

Ayes: Casey, Aromando, Woodend

Nays: None

Resolution carries

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

RESOLUTION 123-01

A RESOLUTION AUTHORIZING THE REFUND OF A DUPLICATE TAX PAYMENT

WHEREAS, a duplicate fourth quarter tax payment was made on Block 30068, Lot 2850, assessed to Casey, Timothy and Rhonda; and

WHEREAS, Transamerica Real Estate Tax Service and Trident Title made the payment for fourth quarter taxes in the amount of \$1,588.65 each; and

WHEREAS, this property was sold and Transamerica made the payment for the former owners; and

WHEREAS, the overpayment needs to be refunded to Transamerica Tax Service;

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 duplicate payment amount of \$1,588.65 be drawn to the order of Transamerica Tax Service.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 123-01

Ayes: Aromando, Woodend

Nays: None

Abstain: Casey

Resolution carries

RESOLUTION 124-01

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, AUTHORIZING MAYOR AND CLERK TO ENTER INTO AN AGREEMENT WITH P.J. WHELIHAN'S RESTAURANT GROUP

WHEREAS, the Borough of Medford Lakes wishes to enter into an Agreement with P.J. Whelihan's Restaurant Group to utilize the Borough lot for overflow parking and provide for the improvement and maintenance of the lot;

BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the mayor and clerk of the Borough of Medford Lakes are hereby authorized to enter into an agreement with Robert Platzer, C/O P.J. Whelihan's Restaurant Group, a copy of which is attached hereto.

Council discussed the draft of 124, which is a memorialization with PJ Whelihan's. Councilman Aromando had concerns about the size of parking lot spaces, which he said was brought to him as a concern by the other business owners on Trading Post Trail. Currently, Borough spaces are 9'x20', Whelihan's plans to use 9'x18'; he would like Whelihan's to use the larger spaces. Manager Keizer will research the space sizes. Alan Barnes, Medford Lakes Planning Board, stated the final plan has been approved.

CORRESPONDENCE

Camden Sharks Community Day – the baseball team will be hosting a Community Day during the 2002 year. If Medford Lakes would like to be involved, participation would include a color guard from town, a little league team presented as a “dream team”, singing of the National Anthem, and other activities. Manager Keiser will forward the information to D.A.R.E. Officer Tammy Tiver.

Community Development Block Grant – the application process has begun for grant money. A workshop will be held on November 1, 2001, and the deadline for application is December 17, 2001.

NEW BUSINESS

Facilities Report

Manager Keizer is scheduled to meet with the architects and engineers, both on October 30, 2001, to review preliminary plans. A farewell sendoff to Oaks Hall will be held on November 3, 2001, in Oaks Hall from 7:00pm to 9:00pm. Everyone is welcome. Funds from the Bond sale have been received and invested in a 30-day CD at 3%. Proposals from lenders have been forwarded to Auditor Stewart. Tonight's meeting is the last to be held in Oaks Hall, future meetings will either be held in Denby Annex or Vaughan Hall. Court will be held in the Shamong Municipal Building. The November 6, 2001 election will be held in Oaks Hall, then it will be permanently vacated.

PUBLIC COMMENT: Mike Powers, 19 Onondago Trail, had questions about the bond rate, and possible effect on taxes.

The bond rates are set, they won't change. The unused portion of the bond will draw interest. The investment rate is down, but should only affect taxes about \$2 to \$3 dollars.

Vehicle Use Policy

Council discussed the latest draft of the policy. The current draft addresses a limitation of distance traveled in a municipal vehicle and requirements for drivers of municipal vehicles. Councilman Aromando wants employees to provide driver abstracts. Council discussed an "after hours" policy, Chief Scott felt it was not necessary. Councilman Woodend advised the policy could be changed if use of Borough vehicles after hours becomes a problem. Mayor Casey asked that the word "only" be inserted at the beginning of the first sentence, which limits use of Borough vehicles. Solicitor Vogdes stated the Borough does not need an ordinance, which would make any violation of the policy a disorderly persons offense. This is not the direction the Borough wants to go.

PUBLIC COMMENT: Dave Wasson, 97 Wabun Trail, asked if the JIF has a policy for vehicle use. He also asked about the blue, unmarked fire car. He feels it looks like a police car, and asked if it could be painted white, to mirror other Borough fire vehicles.

JIF (Joint Insurance Fund) does have a vehicle use policy. Mayor Casey explained the cost to paint the blue car white is prohibitive, and Council had previously decided not to spend the money.

Councilman Woodend made a motion, seconded by Mayor Casey, to approve the Vehicle Use Policy, as amended.

VOTE TO APPROVE VEHICLE USE POLICY

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

Cell Tower

Manager Keizer advised Council that Voice Stream had put notice in the Burlington County Times and the Central Record of the day and time the crane would be at the Waste Water lot. The balloons were flown at heights of 150' and 180 feet. The crane was only at the site for one day, due to financial constraints. Notice was also posted on the Fire Department sign.

Voice Stream Presentation

Will Robinson, Senior RF Engineer, discussed the lack of cell coverage in Medford and Medford Lakes. A cell tower is warranted in the Waste Water lot, which would coordinate area coverage. He exhibited a map showing current and proposed towers, needed to make and maintain quality cell phone calls. Mr. Robinson selected the current proposed site.

Mike Bohlinger, engineer at KM Engineers, specializes in wireless communication. He discussed plans for a mono-pole at either 150' or 180'. It could handle multiple carriers, i.e. Sprint, Police, or NexTel. The pole and its use will be governed by Borough Code. It will be totally grounded and safe. The tower would require a 5' diameter shaft which would be embedded 30' or more into the ground.

Damian Amie, engineer for communications services companies, explained the history of the project, from August 2000 to the present. The FCC requires "seamless coverage", with no "dropped calls." There is not a structure in Medford Lakes currently of significant height to hold the tower. He added that a tower was going to be constructed in this area, if not in Medford Lakes, then immediately across the street in an adjacent area. The Borough would not realize the financial gain. Mr. Amie stated typical rent for tower placement by a company can run between \$800 and \$1,700, per month. The tower can support four carriers. Carrier fees can run between \$600 and \$1,200 per month, per company. Total tower revenue for the Borough could run \$2,700 per month.

Dr. Kenneth Foster, Expert in Human Exposure to Electro-magnetic Fields, explained that levels of radio frequency emissions are well within FCC standards, by a margin of 2,000 times what they are legally allowed to be. The base station meets the legal limits of both Federal and State governments,

Council Questions

Mayor Casey:

1. **Does the tower require external lighting?** Not if it is under 200' in height. Voice Stream will submit all tower information to the FAA for a final decision.
2. **Was the fire tower considered?** It is too far away from the search ring and too low.
3. **What other sites were considered?** Other businesses have been approached which are in a ¼ to ½ mile radius of the Waste Water site.
4. **Can you compare tower emissions to other produces which produce emissions?** Actual transmitted power is 30 to 40 watts. A standard microwave operates at 600 watts.

Councilman Aromando:

1. **Are you currently in any negotiations with Medford?** Not yet. Backup sites have been selected, but not in negotiations.
2. **How well do you work with the Pinelands Commission?** They have a plan, we try to follow it. This is an approved Pinelands location.
3. **How do you determine if it is safe?** The tower complies with all FCC regulations.

Councilman Woodend:

1. **If the tower becomes obsolete, how would it be removed?** Voice Stream would remove it.
2. **Are the tower and emissions similar to high tension wires?** No.

Public Comment

Andrew Vermeesch, 33 Osage Trail, doesn't want the tower in Medford Lakes. He presented a petition signed by 97 residents, who are also against having the tower in Medford Lakes. He feels it would be unsightly and

would lower curb appeal for homes on the market. He asked Council to take a good look at what they were planning.

Rudy Levak, 77 Onondago Trail, wants the tower erected in Medford or Shamong. He feels it would still cover Medford Lakes if erected in one of those areas.

Dave Wasson, 97 Wabun Trail, is 100% in favor of the tower and cited his reasons as:

1. Police, Fire and EMS vehicles currently have blind spots, which would be eliminated.
2. The Borough will benefit from the revenue collected.
3. The pole could be erected to look like a pine tree, to fit in with the feel of Medford Lakes.

Mati Reinfeldt, 20 Manhasset Trail, is not against having a cell tower in Medford Lakes, but he doesn't want it this close to his residence. He would like it placed somewhere else in the Borough. He is concerned about the devaluation of his home, and the safety of children on a nearby playground in the area.

Mike Powers, 19 Onondago Trail, **What exactly is the proposed site?** Where the crane was located at the Waste Water lot.

Dave Nolan, 36 Manhasset Trail, is concerned with health issues. He was advised that using a cell phone creates a bigger risk to his health than the tower would.

Debra Rentz, 182 Wabasso Trail, complimented Voice Stream on their presentation, and expressed her agreement with Mr. Wasson on the need for the tower. She would like the Borough to gain the revenue.

At the conclusion of the public comment, Mayor Casey stated he was prepared to make a motion for Council to enter into negotiations with Voice Stream. Solicitor Vogdes suggested Council prepare specs and go out for bids. Manager Keizer advised Council that the League of Municipalities has guidelines for bids.

PUBLIC COMMENT: Andrew Vermeesch, 33 Osage Trail, asked Council where it stood at the current time. Mayor Casey advised him they would be in the process of getting bids for the tower.

Mayor Casey made a motion, seconded by Councilman Aromando, to prepare a bid document to secure bids for a cell tower to be erected at the Waste Water site.

VOTE TO APPROVE MOTION FOR BID DOCUMENT

Ayes: Casey, Aromando, Woodend

Nays: None

Motion carries

Historic Ordinance Review – postponed to November 29, 2001.

Zoning Changes – postponed to January, 2002.

Grievances – Councilman Aromando would like information on grievances filed against elected officials. Manager Keizer will do the research.

OLD BUSINESS

Animal Ordinance – postponed to November 8, 2001, with a special meeting at 6:00pm.

No Smoking Ordinance – postponed to November 8, 2001.

Sump Pump Ordinance – postponed to November 8, 2001, with a special meeting at 6:00pm.

Noise Ordinance – postponed to November 8, 2001, with a special meeting at 6:00pm. Some discussion as to whether or not the Borough was planning to measure noise decibels for determination of noise violation. Solicitor Vogdes will research for findings of challenge of noise ordinances in other towns.

Tabernacle and Stokes Intersection – postponed to January, 2002.

James Playford – Councilman Woodend updated the information of James Playford, a 14-year old Medford Lakes resident who underwent a leg amputation due to cancer. A benefit was held at Vaughan Hall, with approximately 200 people attending. It was a huge success. Playford was presented with the plaque from Council. Chief Scott announced that the Medford Lakes Lions Club will pay the heating bill for the family for the coming winter.

REPORTS

SOLICITOR'S REPORT

Litigation matters will be discussed in Executive Session for Leggoe and Grimes.

MANAGER'S REPORT

An inventory of trees that may need to be sprayed for gypsy moths has been completed. The Borough is waiting for a map of areas that need to be sprayed.

Councilman Aromando had questions about the money needed to renovate the intersection at Stokes Road and Trading Post Trail, and also the bike path.

Manager Keizer explained that REAP funds would not be available for shared services between the Medford Lakes Court and Shamong Court. Services must be shared for at least seven years, which is longer than the anticipated time for the Oaks Hall renovation.

Councilman Woodend advised he attended a seminar hosted by the League of Municipalities. He felt the only usable information he received concerned monthly reports, especially the one submitted by the Police Department. Council would like to have more comparisons included, especially for previous months. Councilman Aromando complained that reports for some departments are three or four months behind. Manager Keizer assured him they would be received in a more timely manner in the future.

ADJOURNMENT

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

RESOLUTION 125-01 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:

Litigation with Ed Leggoe and Ken Grimes
Personnel Matters
Martine Contract

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 11:10pm

Respectfully submitted,

Julie Keizer, RMC
Borough Clerk

11-5-01:Dianne Forster