

**BOROUGH OF MEDFORD LAKES  
REGULAR COUNCIL MEETING  
DECEMBER 9, 2004**

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 7:30pm. Mayor Wasson presided. Following the Pledge of Allegiance, Mayor Wasson 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 Dave Wasson, Councilman Timothy Casey and Councilman Gary Woodend. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Colony Representative Paul Weiss, and Police Chief Frank Martine. Solicitor Vogdes was unable to attend the meeting; Solicitor Peter Nelson of Shamong Township substituted for him.

**PUBLIC COMMENT**

*There was no public comment at this time.*

**APPROVAL OF MINUTES**

Councilman Casey made a motion, seconded by Mayor Wasson, to approve the minutes of the Special Council Meeting on September 16, 2004.

Council discussed what they felt were inaccuracies in the minutes and decided not to approve them at this time.

Mayor Wasson made a motion, seconded by Councilman Casey, to table approval of the minutes for September 16, 2004.

VOTE TO TABLE APPROVAL OF MINUTES

Ayes: Wasson, Casey, Woodend

Nays: None

Motion is approved

Mayor Wasson made a motion, seconded by Councilman Woodend, to approve the minutes of the Regular Council Meeting on November 23, 2004.

VOTE TO APPROVE MINUTES

Ayes: Wasson, Casey, Woodend

Nays: None

Minutes are approved

**ORDINANCES**

Councilman Casey introduced Ordinance 503 on First Reading, seconded by Mayor Wasson.

**ORDINANCE 503**

**AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES CANCELLING APPROPRIATIONS OF \$38,841.87 FROM ORDINANCE 435, AND RE-APPROPRIATING THAT SUM TO ORDINANCE 488.**

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

**SECTION 1.**

**WHEREAS**, there is a need to cancel unused appropriations totaling \$38,841.87 from Ordinance No. 435, an Ordinance amending and supplementing Bond Ordinance No. 431 of the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, adopted June 12, 1997, authorizing the construction of various capital improvements and the acquisition of a fire truck and other vehicles and providing for an increase in the appropriation thereof and the amount of the authorization for the issuance of bonds or notes for financing such appropriation; and

**SECTION 2.**

**WHEREAS**, the Borough of Medford Lakes wishes to appropriate the cancelled sum of \$38,841.87 to Ordinance No. 488, a Bond Ordinance authorizing construction of a cell tower in the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, appropriating \$180,000.00 therefore and authorizing the issuance of \$171,000.00 of bonds or notes of the Borough for financing part of the cost thereof;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes that:

1. the sum of \$38,841.87 is cancelled from Ordinance No. 435 and is hereby re-appropriated to Ordinance No. 488; and
2. no additional debt is incurred by this Ordinance.

**SECTION 3. REPEALER.** All other ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

*PUBLIC COMMENT: Bud Wingert, 152 Askoran Trail, advised Council he felt the ordinance was fiscally sound, but questioned if the fire department would get the money back.*

VOTE TO APPROVE ORDINANCE 503 ON FIRST READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 503 is approved on First Reading

**RESOLUTIONS**

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

**RESOLUTION 161-04**

**A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO A CONTRACT WITH GLENN ROBBINS WATER WELL SERVICES, INC.**

**WHEREAS**, the Borough of Medford Lakes Wastewater Treatment facilities were damaged by flood waters from a flood that occurred on July 12, 2004; and

**WHEREAS**, the flood caused damage to the Beach Drive sewer main; and

**WHEREAS**, the most cost efficient and environmentally favorable repair is to construct a pump station at the intersection of Beach Drive and Chicagami Trail; and

**WHEREAS**, the NJDEP requires the pump station to supply wash down water; and

**WHEREAS**, the Borough of Medford Lakes received quotes from qualified water well installers and has awarded the project to the lowest qualified bidder;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that the Mayor and Manager of the Borough of Medford Lakes are hereby authorized to enter into an agreement with Glenn Robbins Water Well Services, Inc., P.O. Box 705, Egg Harbor City, NJ, 08215, for water installation services not to exceed \$4,345.00.

The implementation of this Resolution and execution of contract is conditioned upon certification of availability of funds pursuant to law.

The resolution provides funds for a well to operate the wash-down station needed at the new pumping station on Beach Drive.

*PUBLIC COMMENT: None*

**VOTE TO APPROVE RESOLUTION 161-04**

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 161-04 is approved

Councilman Casey introduced the following resolution for discussion, seconded by Mayor Wasson:

**RESOLUTION 162-04**

**A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH JERSEY PROFESSIONAL MANAGEMENT FOR TEMPORARY MANAGEMENT CONSULTANT SERVICES TO BE PROVIDED BY JOHN D. MIDDLETON**

**WHEREAS**, the Borough Council has appointed John D. Middleton, an associate of the firm of Jersey Professional Management, as a financial consultant to serve in this capacity at the pleasure of the Borough Council or until a permanent person assumes the position; and

**WHEREAS**, there exists a need for specialized and qualitative services Consulting services and performing various Borough finance functions that require expertise, extensive training and proven reputation in this field of endeavor; and

**WHEREAS**, John D. Middleton has extensive experience, training and proven reputation in the area of municipal administration and has offered his services as an Associate of the firm of Jersey Professional Management; and

**WHEREAS**, the maximum amount of the contract in question is \$19,000.00 and sufficient funding is available; and

**WHEREAS**, it is important that the person serving as the Financial Consultant have the legal authority granted in the Code of Ordinances of the Borough of Medford Lakes, as well as the liability protection offered to employees of the Borough of Medford Lakes; and

**WHEREAS**, the agreement with Financial Consultant John D. Middleton provides that he will serve as the financial consultant and the firm of Jersey Professional Management will be paid on an hourly basis for his services, plus a one time placement fee of \$500; and

**WHEREAS**, the designation of John D. Middleton of Jersey Professional Management as a management consultant, is specifically designed and intended to be a temporary appointment and contract; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) requires that the resolution authorizing the award of contracts for “Extraordinary, Unspecifiable Services” without competitive bids and the contract itself must be available for public inspection; and

**WHEREAS**, the contract with Jersey Professional Management meets the statutes and regulations governing the award of said contracts, as per the attached Certification;

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

1. the Mayor and the Clerk are hereby authorized and directed to execute the attached agreement with Jersey Professional Management for management consultant services; and

2. this contract is awarded without competitive bidding as an “Extraordinary, Unspecifiable Services” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services requested are specialized municipal administrative consulting services that require expertise, substantial experience and proven reputation in the multi-faceted aspects of overseeing municipal functions. These qualifications require an individual whose background includes substantial experience and training in administration, finance, budget and purchasing, personnel, State and federal grants, management and oversight of municipal employees and general government administration and governmental relations. Knowledge and familiarity of applicable Borough and State laws and regulations are also required. John D. Middleton has satisfied all of these requirements, and his services are required to permit the Borough to maintain critically important managerial oversight and administrative services pending the commencement of services by a duly appointed Finance Officer. Precise specifications are not feasible because the services are multi-faceted and dependent on evolving day to day operational needs of the Borough, emergent needs and unanticipated matters that will require the services of the management consultant. Likewise, it is not possible to delineate the specific knowledge or tasks required of the person providing this assistance since this will vary according to the work

being undertaken. In general, this work is common to most developing communities of comparable size and structure to the Borough of Medford Lakes. These factors as well as critical time constraints in securing the immediate services of a Financial Consultant do not permit the formulation of precise specifications; and

3. funding shall be paid from budget account Adm./Exec. O&E in an amount not to exceed \$19,000.00 at the rate of \$95 per hour, plus a one-time placement fee of \$500; and

4. a notice of this action shall be published in the official newspaper authorized to publish notices for the Borough of Medford Lakes within 20 days after passage of this resolution; and

5. a copy of this Resolution and executed contract shall be filed in the Office of the Borough Clerk.

Mr. Middleton has already been assisting in the Borough office with year-end transfers, budget preparation, and other financial matters. He will be paid at a rate of \$95.00 per hour, with a \$500.00 placement fee. He will work two-to-three days per week, for no more than ten weeks. He can be terminated with one week's notice.

Councilman Woodend felt the \$19,000 amount was excessive to spend and asked if it was the best way to proceed; Manager Knight assured him it was. Mr. Woodend also expressed concern about whether or not other clerical work in the administration office is being completed.

Councilman Casey asked what Mr. Middleton would do during his hours at the Borough office. He will help prepare the 2005 budget, do money transfers and help with other financial matters. Mr. Casey suggested proceeding with the resolution to hire Mr. Middleton, on the condition that Council can terminate him with one week's notice.

Councilman Casey asked Manager Knight to have Mr. Middleton attend the next Regular Council Meeting and provide work product from other jobs he has held.

*PUBLIC COMMENT: None*

VOTE TO APPROVE RESOLUTION 162-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 162-04 is approved

**OLD BUSINESS**

**DAM REPAIR** – Manager Knight reported he has asked engineer Wayne Simpson of Alaimo to provide information on why the previously completed hydrological and hydraulic studies aren't satisfactory to the DEP. Mr. Knight has not received a response from Mr. Simpson. Paul Weiss reminded Council that the Colony had done the original hydrological and hydraulic studies. They were expensive at that time.

Councilman Casey asked Manager Knight to have Mr. Simpson obtain a written statement from the DEP as to why the agency will not accept the previously completed studies.

Council discussed ownership of the Lower Aetna Lake dam, which could affect eligibility for public funding for repairs. Councilman Woodend asked if a project worksheet had been submitted; it was not. Bud Wingert reported that FEMA completed a project worksheet for the dam, but it hasn't been filed.

Mr. Weiss advised the Colony has not sent anything to FEMA; the organization registered for public assistance but was denied. The Colony has filed an appeal.

Quogue Pond should be lowered within a few days; no time frame has been set for the repairs.

**TABERNACLE ROAD** – the guardrail is not complete along the portion of Tabernacle Road where the school children pass. All other work is finished.

**WASTEWATER PLANT** – work has begun on repairs to the plant. Electrical work is 50% complete. Fencing has been erected, a partial bill from Falcon Fencing appears on the Bill List for payment.

**PUMPING STATION** – the Beach Drive island has been readied for work there. The pump is expected to be delivered within the next week.

**DPW & FIRE BUILDINGS** – the Department of Public Works office will move to the existing trailer at the Wastewater site. This will limit public access to the office. Two trailers have been purchased to store files, equipment and other items for DPW. Following the move, the temporary court office trailer will be re-located.

Architect Paul Addison is preparing a proposal for inspection next week for the repairs/construction of the DPW building. He will also provide a structural engineer's report.

**VOLUNTEER/EMPLOYEE LOSS** – Department heads are compiling lists of personal losses incurred by volunteers and employees during the flood. Commerce Risk Management has offered to help and has provided Council with information on action to be taken and established values for vehicle losses. Commerce will also instruct Fire Chief McIntosh on how to help the Fire Company obtain more insurance.

Council directed Manager Knight and Fire Chief McIntosh to meet with each person who suffered a vehicle loss or damage, to discuss reimbursement amounts.

**OAKS HALL** – Project Manager Madden is completing the information needed, prior to obtaining bids. Soil located away from the building – not under it – may be contaminated and will have to be tested.

Council directed Manager Knight to have Mr. Madden attend the next Regular Council Meeting on December 23, 2004, and to have him bring a time line for the project, including start date, end date, and all relevant event dates in between.

**LIGHTING** – a letter will be faxed to Design Line concerning the lighting at the municipal end of the Whelihan's lot.

**CODIFICATION** – Council is waiting for input from Solicitor Vogdes.

**EMPLOYEE HANDBOOK** – Council is waiting for input from Solicitor Vogdes.

## **NEW BUSINESS**

Manager Knight discussed a “Rural USDA Program” which provides grant money for rural areas that have issues concerning water. Initially, it appeared as though the Borough was not eligible for any of the funds; however, now the Borough may qualify. Mr. Knight will investigate the funds available.

The Medford Lakes Fire Department completed a “Holiday Safety Check-list” which will be printed in local newspapers.

## **CORRESPONDENCE**

Councilman Casey asked about a letter the Borough received in November from Alaimo concerning storm water management. **Manager Knight will work with Solicitor Vogdes to prepare a draft ordinance concerning the storm water.** Solicitor Nelson advised Council that some sample ordinances that the League of Municipalities made available are in conflict with Pinelands regulations. He suggested that Solicitor Vogdes investigate the Pinelands conflicts before the April 1, 2004, deadline.

Councilman Casey also asked about a letter sent to Council from Court Administrator Rosa Henry. **Council is waiting to hear from Manager Knight concerning her trailer. Also, Mr. Knight will send a letter to the Superior Court, advising them that the Council hopes to have the new facility completed by December 31, 2005, at which time the court will permanently move there.**

Councilman Woodend received a letter from crossing guard Cliff Brass. Mr. Brass suggested the Borough could save money on crossing guard salaries if the two middle shifts (of the four per day) were eliminated. Council and Police Chief Martine discussed the suggestion. The elimination of the two shifts is not possible; the two middle ones are for crossing kindergarteners going home from the morning session and to school for the afternoon one. Also, the reduction in pay for the guards would cause many to seek jobs elsewhere.

## **REPORTS**

**MANAGER’S REPORT** – Mr. Knight apologized to Council and the public for the lagging leaf pickup, which is attributed to personnel issues and equipment problems. Mr. Knight has authorized overtime to the public works employees who collect leaves; the department is down due to resignations. The brush truck is out of service. Councilman Casey advised the he had spoken with Auditor Bob Stewart, who advised the Borough could use some of the \$1,000,000 bonded for emergency use following the flood for repairs on the brush truck. **Mr. Casey asked Manager Knight to obtain recommendations and estimates from Public Works Superintendent McCorriston and have them available for the next meeting.**

*PUBLIC COMMENT: Bud Wingert, 152 Askoran Trail, suggested a good public relations service would be to put a notice in the Colony News advising residents of the delay. Mr. Wingert also suggested buying only a chassis for the brush truck instead of a new truck, which would save money.*

*Paul Wiess, Colony representative, advised Council he felt the delays were unacceptable; repairs or purchases should have been made in a timelier manner in the five months since the flood.*

Manager Knight will swear in the two new police hires on Monday, December 13, 2004, at 9:00am.

Councilman Woodend questioned the status of the temporary CMFO. Jennifer Hernandez will sit for the CMFO test on December 10, 2004. Pending her satisfactory completion of the exam, Manager Knight hopes she will continue in the Borough as a part-time tax collector, working on Fridays.

**COUNCIL’S REPORTS**

**Emergency Management** - Police Chief Martine advised Council he had received a request from Scibel Insurance for all police department incident reports for the day of the flood. He asked whether he should forward them to the manager or the solicitor. He was told to send the reports to Solicitor Vogdes, who would then forward them to Brown and Connery, attorneys representing the Borough in lawsuits related to the flood. **Councilman Casey directed Manager Knight to catalog items requested as discovery and to work with Solicitor Vogdes to inventory what the Police, Fire, and Administration have and what is being sent out. All work should be through Mr. Vogdes.**

Fire Chief McIntosh advised the Fire Department and Emergency Squad are doing “ride-alongs,” which is going well. The hose testing has been completed. The department has received it’s second thermal imaging camera. Chief McIntosh reminded those in attendance that the months of December, January and February are the worst months for house fire fatalities.

Emergency Squad representative Sandy Wasson reported the squad responded to 27 calls during November, 19 of which were in the Borough. She echoed Fire Chief McIntosh’s statement that the “ride-alongs” are going well.

Lou Potter, Squad member, discussed a potential problem. During a recent cardiac call, the house the squad was responding to did not have lights and the house number was hard to see. He asked Council if the Borough has an ordinance that requires houses to display visible, reflective numbers. Police Chief Martine advised there is not an ordinance requiring reflective numbers. He suggested that, if police, fire, or squad personnel observe a house not effectively numbered, they should notify him and he will make notification.

Councilman Woodend discussed a situation with the court. Currently, Medford Lakes uses the Shamong Township court facility, once a month, for a fee of \$100 per month. Mr. Woodend appreciates the cooperation shown by Shamong Township. Mr. Woodend asked Police Chief Martine about the possibility of Medford Lakes’ officers running radar in Shamong Township when the opportunity presented itself. Chief Martine advised Councilman Woodend that Shamong has New Jersey State Police coverage, a traffic safety committee and a speed sign. He cautioned that the State Police might not be receptive to the idea. Solicitor Nelson, who is the mayor of Shamong, thanked Medford Lakes for the cooperation and for being good neighbors. He will contact the State Police to determine their feelings on the matter.

**Administration** – Councilman Casey did not have anything to add.

**Public Works** – Mayor Wasson did not have anything to add.

**PAYMENT OF BILLS**

Manager Knight reported he is tracking re-imbursements and flood related vouchers; to ensure they funds are encumbered in the flood account. He has created a database to accomplish this. To date, he has tracked hundreds of invoices. Mr. Knight thanked the employees for their help in accomplishing this.

Mayor Wasson made a motion, seconded by Councilman Casey, to pay the bills on the Bill List.

VOTE TO PAYS BILLS ON BILL LIST

Ayes: Wasson, Casey, Woodend

Nays: None

Bills on Bill List are approved for payment

**ADJOURNMENT**

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

VOTE TO ADJOURN

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned

Respectfully submitted,

Richard Knight  
Borough Manager

