

BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
JULY 8, 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, Solicitor Jim Vogdes, and Police Chief Frank Martine.

PUBLIC COMMENT

Rick Gunson, 131 Meeshaway Trail and Paul Rogers, 133 Meeshaway Trail, addressed Council about a problem on their trail. A fellow resident of Meeshaway Trail, feeds numerous stray cats, as well as the ones he owns. All the cats roam freely in the neighborhood. They destroy property and create a health issue. Both Mr. Gunson and Mr. Rogers spoke to the resident about the problem, but to no avail. They asked Council to pass an ordinance regulating cats and the actions of their owners. Both men were advised the Borough now has an ordinance to regulate the number of cats an owner may have and what constitutes harboring a stray animal. They met with Police Chief Martine, who advised them he would have an officer meet them at their residence to make a report of their complaint. (Note: Officer Langefeld met with both men and took their complaint. He next spoke with the residents daughter at that residence. She advised her father was away and she is in the process of getting rid of as many cats as she can.)

Mike Powers, 19 Onondago Trail, advised Council he is concerned with the growth of vegetation at several intersections in the Borough, particularly at Lenape and Hahiah Trails. The vegetation blocks views of oncoming traffic and creates a hazard. Manager Knight will visit the areas in question and ask Code Office Tom Heck to forward a letter to residents asking them to clear or cut back vegetation in question.

APPROVAL OF MINUTES

Mayor Wasson made a motion, seconded by Councilman Casey, to approve the minutes of the June 24, 2004, Regular Council Meeting, with one minor change.

VOTE TO APPROVE MINUTES

Ayes: Wasson, Casey, Woodend

Nays: None

Minutes are approved

Mayor Wasson made a motion, seconded by Councilman Casey, to approve the minutes of the July 1, 2004, Reorganization Meeting.

Councilman Casey thanked Mr. Woodend for his service to the community during his tenure as mayor.

VOTE TO APPROVE MINUTES

Ayes: Wasson, Casey

Nays: None

Abstain: Woodend

Minutes are approved

ORDINANCES

Mayor Wasson introduced Ordinance 498, seconded by Councilman Casey, on Second and Final Reading.

ORDINANCE 498

AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES AUTHORIZING THE USAGE OF NEETA TRAIL AS A ROAD OR TRAIL PROVIDING ACCESS FOR A SUBDIVISION REGARDING BLOCK 10002, LOTS 19, 21 and 23, PURSUANT TO N.J.S.A.40:55D-35, UNDER TERMS AND CONDITIONS AS SET FORTH IN AGREEMENTS WITH AARON AND HEATHER CAVE, AND AUTHORIZING THE EXECUTION AND RECORDING THEREOF

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

Section 1.

- A. **WHEREAS**, there exists within the Borough of Medford Lakes a public roadway, known as Neeta Trail, a portion of which is unimproved and not presently used by the public as a right-of-way; and
- B. **WHEREAS**, the Medford Lakes Land Use Board approved a subdivision for Block 10002, Lots 19, 21, and 23, creating four (4) conforming building lots owned by John and Heather Cave; and
- C. **WHEREAS**, Aaron and Heather Cave, as owners of real property abutting said unimproved portion of Neeta Trail, wish to enter into an agreement with the Borough to obtain subdivision access to Neeta Trail, a public right-of-way, in order to provide access to their properties, pursuant to N.J.S.A.40:55D-35; and
- D. **WHEREAS**, the Borough Council of the Borough of Medford Lakes hereby declares that it desires to grant access to the unimproved portion of Neeta Trail, as set forth on the Borough of Medford Lakes Tax Map, so that Aaron and Heather Cave, and/or their successor or successors, may have access to said real properties, for three (3) of the subdivided lots, as set forth in an agreement executed or to be executed between said parties, said trail being subject to certain recorded covenants and restrictions, said documents being on file with the Clerk of the Borough of Medford Lakes;

Section 2.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Medford Lakes the improvement of Neeta Trail as a public road, but declares that the Borough does not accept or acquiesce in the dedication of same, all as is more fully set forth in the Agreements on file with the Borough Clerk, which have or will have annexed thereto a metes and bounds description, which documents shall be recorded in the Office of the Burlington County Clerk, and, thereafter shall be kept on file in the Office of the Borough Clerk, available for inspection during normal business hours.

Section 3.

This Ordinance shall take effect upon its final passage and publication in accordance with the law

Councilman Casey asked about the changes made to the ordinance since the first reading. They include a clarification of the lots impacted by the ordinance and the agreement, numbers 19, 21 and 23. Also, some terminology was changed. The Agreement will prohibit deed restrictions with the approval of Borough Council.

The three lots are different from any others in the Borough; each owner will pay one-third of upkeep for the long driveway the ordinance creates.

Police Chief Martine advised Council he had used the traffic counter on Cree Trail on the day prior to the meeting. Between 8:00am and 8:15am, 125 vehicles passed over the counter. Council has received no input from the members of the Medford Lakes School Board, although they were advised of the pending ordinance and the sub-division it creates.

PUBLIC COMMENT: Mike Powers, 19 Onondago Trail, asked if the Agreement addressed public safety issues. Solicitor Vogdes advised Mr. Powers that the ordinance will create a "super driveway", not a street.

VOTE TO APPROVE ORDINANCE 498 ON SECOND AND FINAL READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 498 is approved

Councilman Woodend introduced Ordinance 499 on First Reading, seconded by Councilman Casey.

ORDINANCE 499

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR THE POLICE CHIEF AND POLICE LIEUTENANT OF THE BOROUGH OF MEDFORD LAKES AND SPECIFYING THE METHOD OF PAYMENT THEREOF.

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

Section 1.

The following salaries designated herein are fixed on an annual basis respective to the position listed below. All employees may be paid weekly, bi-weekly, or semi-monthly.

POLICE DEPARTMENT

	<u>Not to Exceed</u>
Chief of Police	\$91,300.00
Lieutenant	\$82,000.00

Section 2.

Members of the Police Department entitled to additional compensation for authorized duty in excess of the hours of ordinary duty or for allowances of expenses and promotion of officers shall be paid for such excess hours, expenses and promotions in accordance with the agreement made between the Borough of Medford Lakes and the Medford Lakes Police Officers Association. Such compensation however, shall not be less than permitted by applicable State and Federal Law.

Section 5.

The salaries fixed by the foregoing section of this Ordinance shall respectively in lieu of any and all fees which the respective incumbents of said office might otherwise be entitled by Statute or otherwise by virtue of said office, which fees shall immediately upon collection thereof be paid over to the Chief Finance Officer of the Borough.

Section 6.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7.

This Ordinance shall take effect immediately upon its final adoption and publication according to law, but the rate of compensation provided for herein shall become effective as of January 1, 2004.

PUBLIC COMMENT: None

VOTE TO APPROVE ORDINANCE 499 ON FIRST READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 499 is approved on First Reading

RESOLUTIONS

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

RESOLUTION 95-04

A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE BURLINGTON COUNTY SHARED SERVICES FORUM

WHEREAS, the 40 municipalities within Burlington County are interested in providing cost effective and efficient delivery of governmental services to their citizens; and

WHEREAS, it is believed that jointly shared services provided by various municipalities and school districts will be cost effective and efficient; and

WHEREAS, there is a need to facilitate shared services;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Medford Lakes that the Borough does actively two representatives of the Borough of Medford Lakes, Richard J. Knight and Mark J. McIntosh, are hereby authorized and encouraged to participate in all meetings of the Burlington County Shared Services Forum and/or its subcommittees for the purpose of reaching a consensus on the best opportunities for Shared Services among these governmental agencies; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Burlington County of Chosen Freeholders and the Township Manager of Maple Shade.

The resolution authorizes Manager Knight and Deputy Clerk McIntosh to research ways in which the Borough can share services with other municipalities.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 95-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 95-04 is approved

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

RESOLUTION 96-04

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS FOR THE FESTIVAL OF LIGHTS ON FRIDAY, AUGUST 6, 2004.

WHEREAS, on August 6, 2004, the Medford Lakes Colony will be hosting their annual “Festival of Lights” event; and

WHEREAS, N.J.R.S. 39:4-197.3 provides that “the governing body of any municipality may, upon the adoption of a resolution, declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1 to 8); and

WHEREAS, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the above events are to be held;

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. There will be SPECIAL TRAFFIC REGULATIONS in effect in the following areas between the hours of 6:00pm, August 6, and 2:00 am, August 7, 2004. Violators will be issued traffic citations and vehicles will be towed at the owner’s expense.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 96-04

Ayes: Wasson, Casey, Woodend
 Nays: None
 Resolution 96-04 is approved

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

RESOLUTION 97-04

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS FOR CANOE CARNIVAL ON SATURDAY, AUGUST 4, 2004.

WHEREAS, on August 7, 2004, the Medford Lakes Colony will be hosting their annual “Canoe Carnival” event; and

WHEREAS, N.J.R.S. 39:4-197.3 provides that “the governing body of any municipality may, upon the adoption of a resolution, declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1 to 8); and

WHEREAS, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the above events are to be held;

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. There will be no parking in the following areas between the hours of 4:00 pm, August 7, and 4:00 am, August 8, 2004. Violators will be issued citations and vehicles will be towed at owner’s expense.

Apache Trail	No Parking the entire length on the west side.
Beach Drive	No Parking the entire length on either side.
Beach One Park Lot	No Public Parking, reserved for VIP, handicapped and emergency vehicles.
Bowker Road	No Parking the entire length on the north side.
Cabin Circle	No Parking in Borough Lot (Construction)
Cherokee Trail	No Parking southbound (Beach One side.)
Chippewa Trail	No Parking the entire length opposite Upper and Lower Aetna Lakes.
Comanche	No Parking the entire length on either side.
Comanche Trail	No Parking from Stokes Road to Timbo Trail on the lakeside.
Hunter Road	No Parking the entire length on the golf course side.
Huron Trail	No Parking the entire length on either side.
Iroquois Trail	No Parking between Sagamore Trail and Powhatan Trail on the Beach One side.
McKendimen Road	No Parking on the northbound side between Tabernacle Road and Oak Drive.
Minnetonka Trail	No Parking the entire length on the Church side.
Navajo Trail	No Parking the entire length on the west side.
Oak Drive	No Parking the entire length on either side.
Omaha Trail	No Parking the entire length on the north side.
Pawnee Trail	No Parking the entire length on the north side.
Powhatan Trail	No Parking the entire length on either side.
Sagamore Trail	No Parking between Iroquois Trail and Tabernacle Road on the Powhatan side.

Stokes Road	No Parking on either side between Lenape Trail and Bowker Road.
Stokes Road	No Parking on the northbound side, south of the Bowker/Comanche intersection.
Tabernacle Road	No Parking on either side between Stokes Road and Oak Drive.
Timbo Trail	No Parking the entire length on either side.
Tonkawa Trail	No Parking the entire length on the Lower Aetna side.
Trading Post Trail	No Parking the entire length on either side.

- NOTE: On all trails within the Borough of Medford Lakes, vehicles parked so as to interfere with traffic flow will be cited and towed at the owner's expense.
- All illegally parked vehicles will receive a traffic citation and will be towed to various impound areas throughout Burlington County. Towing and storage fees will be substantial according to law.
- There will be special traffic regulations in effect in the following areas between the hours of 7:30 pm Saturday, August 7, 2004 and 2:00 am Sunday, August 8, 2004. At 7:30pm, the entire area bounded by Lower and Aetna Lake, McKendimen Road and Hunters Road will be closed to motor vehicle traffic.

Beach Drive	Closed to vehicle traffic.
Chippewa Trail	Closed to vehicle traffic between McKendimen Road and Beach Drive.
Sagamore Trail	One-way southbound.
Tonkawa Trail	One-way southbound.
Comanche Trail	Closed to vehicle traffic; entire length.
Oak Drive	Closed to vehicle traffic between McKendimen Road and Chippewa Trail.
Tabernacle Road	Closed to vehicle traffic between Stokes Road and Oak Drive.
McKendimen Road	Closed to westbound traffic between Tabernacle Road and Oak Drive.

- Alcoholic Beverages: The Possession Of Alcoholic Beverages On Public Areas And On Colony Property Is Prohibited. All violators will be prosecuted to the fullest extent of the law.
- No Containers of any sort may be carried onto Beaches One or Two during the evening of Friday, August 6, 2004, Festival of Lights or Saturday, August 7, 2004, Canoe Carnival.
- Loitering and littering will be prosecuted.
- The Chief of Police of the Borough of Medford Lakes is hereby ordered and directed to take all actions appropriate and necessary for the implementation of the foregoing temporary traffic regulations.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 97-07

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 97-04 is approved

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

RESOLUTION 98-04

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS FOR PARTICIPATION IN THE MUNICIPAL ALLIANCE GRANT IN THE AMOUNT OF \$10,500.00.

WHEREAS, N.J.S.A 26:2BB-1 the New Jersey Governor's Council on Alcoholism and Drug Abuse has awarded a DEDR (Drug Enforcement Demand Reduction) grant to the Borough of Medford Lakes in the amount of \$10,500.00; and

WHEREAS, the Borough of Medford Lakes would like to participate in this grant program and adhere to the conditions under which the grant shall be administered; and

WHEREAS, the funding period is from January 1, 2004 through December 31, 2004 and a 25% cash match and 75% in-kind match are required;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, hereby authorizes the Mayor and Clerk to execute the attached agreement between the Burlington County Board of Chosen Freeholders and the Borough of Medford Lakes.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 98-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 98-04 is approved

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

RESOLUTION 99-04

A RESOLUTION DIVIDING BOROUGH GOVERNMENT INTO DEPARTMENTS AND DESIGNATING MEMBERS OF BOROUGH COUNCIL TO CHAIR COMMITTEES OVERSEEING SAID DEPARTMENTS

WHEREAS, it is desirable for the conduct of its business to organize Council into Departmental standing committees and designating a Member of Council as Chairperson of each Department;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, New Jersey, that the same is hereby organized as follows:

1. David Wasson is hereby designated Chairperson for the Committee on Public Works, which such Committee shall have jurisdiction over roads, highways, dams and the maintenance/cleaning and drainage thereof; the collection of rubbish and garbage and the maintenance of all equipment used in and necessary to said Department and all municipally owned property, including maintenance and repairs to the same, and in all matters pertaining to the operation and maintenance of the municipally owned sewerage treatment plant and the sewer mains and extensions thereof.

2. Gary F. Woodend is hereby designated Chairperson for the Committee on Public Safety, Health and Welfare, which such Committee shall have jurisdiction over matters pertaining to: Police, Fire, Emergency Medical Services, Emergency Management and the local Board of Health;
3. Timothy Casey is hereby designated Chairperson for the Committee on Administration, which such Committee shall have jurisdiction over all financial matters including the assessment and collection of Taxes, both current and delinquent, the funds of the Borough, and custody and investment of same, and all matters of insurance coverage.

BE IT FURTHER RESOLVED, that the jurisdiction and actions of the Chairpersons of the various Committees overseeing the various Departments be and they hereby are made subject at all times to the control, supervision and veto of Borough Council acting as a whole; it being the intent of this resolution that the Chairpersons of the various Departments act primarily in an advisory capacity to expedite the transaction of the business of Council as a whole in its complete control and supervision over the affairs of the municipality.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 99-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 99-04 is approved

OLD BUSINESS

Council members discussed a plan to prioritize their pending items and forward them to Manager Knight for inclusion on the next meeting's agenda. The intent is to complete at least one item on the list per month.

Council would like Borough Tax Assessor Kolton and Mr. Vituschi of the Burlington County Tax Board to attend a meeting in September to discuss re-valuation.

NEW BUSINESS

General Code forwarded information to Council concerning new ordinances for fee schedules.

Council has received a draft ordinance from Comcast for the lease renewal. The League of Municipalities has reported their concern that a 15-year lease is too long. However, per Comcast, if the lease is less than 15 years in length, the technical grants are not available.

CORRESPONDENCE

Wednesday, August 11, 2004, will be Medford Lakes Night at the Pine Barrens Festival. Mayor Wasson will select three names of deserving residents; the Festival committee will choose one person to honor on that night.

The American Red Cross has asked all municipalities to sponsor a blood drive. Blood supplies are extremely low, due in part to the ongoing war in Iraq.

The JIF has proposed settling the class action suit concerning fee schedules. Each municipality would contribute \$1,700 to cover legal fees. Medford Lakes can opt out of the settlement; however, the JIF would not represent the Borough in the suit. Solicitor Vogdes will present his recommendation on July 22, 2004.

REPORTS

MANAGER'S REPORT – The Medford Lakes Board of Education has been updating and replacing equipment. They offered the used equipment to the Borough; Mr. Knight was able to procure a video camera and tables.

Medford Lakes will receive a reduction in the school tax levy, of just under \$114,000. The tax bills for August 1, 2004, will be adjusted and a grace period given, since the bills will go out late.

The Medford Lakes Planning Board has recommended that the Borough review a “community design standards” plan, which would address cabins, lighting, signage, and other items. Borough Planner Joe Augustyn provided Council with a draft proposal for their review.

The permits have been issued to PJ Whelihan's for footings and foundations. They have applied to the Medford Lakes Planning Board for changes to the plans, which include among others a reduction in size of the building, the deletion of the basement, a change in the elevation, the deletion of the loading area, and the deletion of the handicapped ramp.

There has been no new information from the Alcohol Beverage Control Commission and their license expires on July 30, 2004. The Borough can oppose the renewal of the license and force Whelihan's to either build or sell the license. Members of Council discussed their views on opposing the renewal.

PUBLIC COMMENT: James Cottingham, 202 Tabernacle Road, suggested having Whelihan's pay taxes based on a finished building, not the empty lot.

Sandy Wasson, 97 Wabun Trail, asked if Whelihan's could sell the liquor license; it belongs to whomever owns the site.

Councilman Woodend made a motion, seconded by Mayor Wasson, to direct Manager Knight to notify the ABC that the Borough will oppose the renewal of the liquor license and would like a hearing.

VOTE ON MOTION

Ayes: Wasson, Woodend

Nays: Casey

Motion carries

Manager Knight advised Council that Tax Collector Patty Gallo had resigned, effective July 31, 2004. He has scheduled interviews for her replacement; the position is statutory and the person hired must have certification. Ideally, he would like to have Ms. Gallo's replacement hired by the time she leaves.

SOLICITOR'S REPORT – the Second and Final Reading for the towing ordinance will be at the July 22, 2004, meeting.

Mr. Vogdes is working on codification and zoning ordinance. He will prepare an ordinance to allow the annexed property at the point of Tabernacle and Dixontown roads to hook up to the Medford Lakes sewer.

There has been no official decision on the only tax appeal.

COUNCIL REPORTS – Councilman Woodend is the new liaison to The Department of Public Safety. He had nothing new to report at this time.

Councilman Casey is the new liaison to the Administration Department. He met with Manager Knight concerning the Tax Collector position and is working on the Borough Handbook.

Mayor Wasson continues to be the liaison to the Public Works Department. He reported that Wastewater Superintendent Paul Hayden was in a car accident. He was not seriously injured and is recovering at home.

The dumpster has arrived for housing pressure treated lumber collected during trash pickup.

PAYMENT OF BILLS

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

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Wasson, Casey, Woodend

Nays: None

Payment of bills is approved

WORKSHOP

At 9:00pm, Council entered into a workshop session to discuss the sign ordinance.

ADJOURNMENT

Following the workshop session, Council adjourned the meeting. There was no executive session.

Respectfully submitted,

Rich Knight
Borough Manager

