

**BOROUGH OF MEDFORD LAKES  
REGULAR COUNCIL MEETING  
NOVEMBER 4, 2004**

The regular meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in the upstairs meeting room of the fire house, 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 and Councilman Gary Woodend. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Solicitor Jim Vogdes, flood recover manager Jack Kaczur, Emergency Squad Chief Rosemary Countess, Court Administrator Rosa Henry, and former Fire Chief Bud Wingert. Councilman Casey, Colony representative Paul Weiss and minutes secretary Dianne Forster arrived late, having been at the Denby Annex site. Councilman Casey asked that, in the future, the place and time for each meeting be included on the agenda.

**PUBLIC COMMENT**

**APPROVAL OF MINUTES**

Mayor Wasson made a motion, seconded by Councilman Casey, to approve the minutes for the October 28, 2004, Regular Council Meeting.

VOTE TO APPROVE MINUTES

Ayes: Wasson, Casey

Nays: None

Abstain: Woodend

**RESOLUTIONS**

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

**RESOLUTION 147-04**

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

**WHEREAS**, Wachovia-Coll Agt/Sass Muni IV purchased a Tax Sale Certificate on B: 10004 L: 3 on April 16, 2004 and paid \$1, 679.15 plus \$8, 100.00 premium; and

**WHEREAS**, James & Carol Etue (the homeowner) redeemed the above Tax Sale Certificate on August 3, 2004; and

**WHEREAS**, Wachovia-Coll Agt/Sass Muni IV is entitled to the amount paid at tax sale plus additional interest and penalty through August 3, 2004 in the amount of \$11,498.60;

**THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that a Tax Title Lien Account check representing the redemption amount of \$11,498.60 for certificate number 04-0100 has been drawn to the order of Wachovia-Coll Agt/Sass Muni IV.

VOTE TO APPROVE RESOLUTION 147-04

Ayes: Wasson, Woodend  
Nays: None  
Absent: Casey  
Resolution 147-04 is approved

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

**RESOLUTION 148-04**

**A RESOLUTION A RESOLUTION AUTHORIZING THE ISSUANCE OF ADDITIONAL INTEREST FOR THE REDEMPTION OF A TAX SALE CERTIFICATE**

**WHEREAS**, it having been determined that additional interest in the amount of \$ 129.02 is due to CCTS, LLC, 141 Shreve Ave., Barrington, NJ 08007 for the redemption of Tax Sale Certificate # 040105 for property known as Block 30022, Lot 965;

**THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the sum of \$129.02, representing the additional interest due on Block 30022, Lot 965, Tax Sale Certificate #040105, shall be issued to CCTS, LLC.

VOTE TO APPROVE RESOLUTION 148-04

Ayes: Wasson, Casey, Woodend  
Nays: None  
Resolution 148-04 is approved

OLD BUSINESS

**PROJECT WORKSHEET** – Flood recovery project manager Jack Kaczur reported to Council. The soil borings at the public works department have been completed.

Councilman Casey asked Mr. Kaczur if plans for repair of the dams could proceed without the completed hydrologic studies. Mr. Kaczur advised Council that the Borough and the Colony should proceed with plans for repair of both the Upper and Lower Aetna Lake dams. He added that working on both dams at the same time would be beneficial and cost effective.

Mr. Kaczur advised Council that Alaimo is waiting for a Notice to Proceed for the conceptual designs for the two dams. The cost estimate is approximately \$25,000 to \$30,000 for the two dams.

Manager Knight has scheduled a meeting with representatives from FEMA, with encouragement from Representative James Saxton. Attendees will discuss who has responsibility for the dams, whether or not they belong to the Borough or to the Colony, which is a “not for profit” organization. Councilman Casey suggested funding a conceptual design for Upper Aetna Lake dam only, until ownership of the Lower Aetna Lake dam can

be determined. Councilman Woodend felt the estimated \$30,000 amount for the conceptual design drawings was too expensive. He suggested the Borough contract for the Upper Aetna Lake dam and the Colony contract for the Lower Aetna Lake dam.

Former Councilman Bud Wingert reported that, according to Dam Safety, the Colony owns the Lower Aetna Lake dam.

Council asked Mr. Kaczur to better define the scope of work for the proposed designs. He will have a revised scope of work for Council by the time they meet on November 11, 2004, at 7:30am in the firehouse.

The enclosure is in place on the Beach Drive pumping station. It is open at the top to provide for ventilation and the noise level is still high.

Temporary heaters have been ordered for the firehouse. They should be installed prior to the November 11, 2004, meeting.

The two temporary trailers in the public works lot are of concern. Manager Knight is investigating alternatives to the trailers, including moving the Department of Public Works and the Court office a building at the Wastewater department.

*PUBLIC COMMENT – Mike Powers, 19 Onondago Trail, asked if Council had any idea of how much money had been spent on flood damage repair and the impact it would have on resident's 2005 tax bill. He was advised Council expects a \$500 increase per household; a more definite amount is anticipated.*

**COURT MATTERS** - Court Administrator Rosa Henry reported there is concern from the Burlington County Superior Court about the length of time court has been held in Shamong Township. Originally, it was hoped the Borough would only utilize the Shamong Court building for approximately one year. It has already been over three years. Councilman Casey suggested sending a letter to the Superior Court, advising that the Borough hopes to be installed in the proposed new building by December 31, 2005. Mrs. Henry reported that certain wires are exposed in the trailer, and need to be enclosed. The state will fix the problem, once it has been decided where the court office will be until the new building is completed.

Manager Knight reported that Pat McCorriston, Superintendent of Public Works, is against moving his offices to the building at Wastewater, as it would inhibit public access to his office. However, Council and Manager Knight agreed they do not feel it is necessary for the public to have access to the office. Councilman Casey hopes for a meeting of the minds, in order to move forward.

**LITIGATION** - Solicitor Vogdes met with representatives from Brown and Connery, the law firm that represents the Borough in pending law suits. Borough resident Lou Potter is preparing discovery materials requested by Brown and Connery. Council will hold an Executive Session following the 7:30am meeting on November 11, 2004, to discuss insurance issues. Solicitor Vogdes asked for clarification as to how Council wants him to proceed.

### **CORRESPONDENCE**

**FIRE DEPARTMENT EQUIPMENT** - Fire Chief McIntosh sent a memo to Manager Knight with a plan for housing fire department equipment if the ground underneath the building proves to be unstable.

Mr. Knight received a letter from the Department of Public Works, elaborating on equipment problems stemming from the July flood. The leaf machine is out of service and the brush truck was towed today, with repairs estimated at \$3,500.

Councilman Casey made a motion, seconded by Mayor Wasson, to authorize the purchase of a new leaf machine and to have Superintendent McCorriston obtain quotes for a new brush truck.

*PUBLIC COMMENT: None*

VOTE ON MOTION

Ayes: Wasson, Casey

Nays: Woodend

Motion carries

**COURT ADMINISTRATOR** - Medford Lakes Court Administrator Rosa Henry asked to address Council about a personnel matter. Ms. Henry stated she had contacted Manager Knight about issues concerning her employment, and to date had not received a response. In addition, she stated her attorney has sent numerous letters to Manager Knight, which also have been ignored.

Ms. Henry outlined several issues, including the following:

1. agreements made concerning her employment when she was hired
2. benefits other department heads receive that she is not receiving
3. disparity between her salary and the previous court administrator's salary
4. manager's lack of response to her communications

Manager Knight reported that he does not respond to communications from attorneys and has not seen anything in writing concerning promises made to Ms. Henry by the previous manager.

Solicitor Vogdes advised the issues Ms. Henry has raised are all "manager's discretion" issues; he is charged with the day-to-day operation of the Borough.

Councilman Casey suggested that Ms. Henry ask former Manager Keizer to forward a memo on her recollections of agreements made with Ms. Henry at the time of her hire.

**VOLUNTEER LOSS COMPENSATION** - Council discussed the vouchers that have been submitted for reimbursement of expenses incurred by volunteers during the flood in July. Two volunteers have not returned their vouchers. The submitted vouchers are on the current bill list for payment. The JIF does not cover these types of expenses. The value of each loss is in question, replacement value as opposed to book value for vehicles.

**OAKS HALL** – Council discussed Jim Madden's contract as the project manager for the building project. A point of contention is the "errors and omissions" insurance.

Mr. Knight is waiting for the report from Harriett's Oil Company on the oil tank soil test.

**REPORTS**

**SOLICITOR’S REPORT** – Mr. Vogdes reported he has spent considerable time working on Mr. Madden’s contract.

Ordinance 502 was approved on First Reading. It provides for the renewal of the Borough’s cable contract with Comcast. Comcast was not happy with some of the numbers in the ordinance; the amended ordinance will be presented for Second and Final Hearing on November 23, 2004.

Mr. Vogdes has examined the Police Department Superior Officer’s contract with Manager Knight.

The Medford Lakes Police Officer’s Association has started their negotiations; their contract expires December 31, 2004. The MLPOA attorney has requested numerous items from the Borough to assist in their negotiations.

**MANAGER’S REPORT** – Mr. Knight advised members of Council about the times and dates for the League of Municipalities seminars in Atlantic City.

The collection rate for taxes is at 98.2%.

**COLONY REPORT** – Paul Weiss advised Council that the Colony had presented two communication sessions concerning the proposed assessment to cover the Colony’s obligation for all flood repairs, with the exception of the dam. They are proposing a fee of \$175 for residents, \$125 for seniors, and \$100 for those residents on a fixed income. The special assessment would last for 20 years. The Colony will hold a vote of the membership on November 8, 2004, and November 9, 2004. A quorum of 147 households must be present on the 8<sup>th</sup> for the vote to be binding.

The Colony is obtaining quotes and evaluating the cost for fencing across Beach 1 and around Jackson Park.

**ADJOURNMENT TO EXECUTIVE SESSION**

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

**RESOLUTION 119 -04**

**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:

**LEGAL ADVICE ON PENDING LITIGATION  
LIABILITY CLAIMS AGAINST BOROUGH  
RE-IMBURSEMENT CLAIMS FROM FEMA & INSURANCE COMPANIES**

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.

Councilman Casey recused himself from the Executive Session due to a conflict of interest.

**VOTE TO ADJOURN TO EXECUTIVE SESSION**

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned to Executive Session at 10:00pm

**ADJOURNMENT**

Following the Executive Session, Council returned to the open public meeting. No business was discussed and no action was taken. The meeting was adjourned.

Respectfully submitted

Richard Knight  
Borough Manager

