

BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
OCTOBER 14, 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 Vogdes, Police Chief Frank Martine, Colony representative Paul Weiss, and Oaks Hall Project Manager Jim Madden.

On Wednesday, October 13, 2004, Oaks Hall was demolished by Hargrove Demolition. Many residents in attendance at this Council meeting had issues concerning the building project and the repair of dams destroyed in the flood of July 12, 2004.

Council advised those in attendance that re-building the dams will be a slow process, possibly two years or more. Nineteen dams in Burlington County have to be repaired or rebuilt. Agencies are overworked and paperwork is overwhelming. It could take up to one year for the engineering study and the application processes to government agencies.

PUBLIC COMMENT

Jennifer Warren, 262 Ojibway Trail, expressed her concern that the Borough now has two large projects, a new municipal building and repair of the dams. As tax dollars are limited, she asked Council to delay the municipal building and concentrate on the repair of the dams. Council explained to Mrs. Warren that the Oaks Hall project had been in planning for at least seven years; the building and dam repairs are two separate issues. The \$1.2 million bonded for the Oaks Hall project cannot arbitrarily be used for dam repair.

Tom Watters, 269 Chicagami Trail, stated the Borough is "in shambles" and also asked Council to delay the municipal building.

Jim Walter, 251 Chicagami Trail, agreed that the lakes deserve priority in the Borough, not a municipal building. It will be at least two years before the dams are repaired and operational; Borough employees have already been in the "temporary" trailer three years and are operating without problem.

Sue Mattio, 246 Chippewa Trail, asked Council if the State of New Jersey determines a maximum amount that the Borough can borrow towards the \$11.2 million dollars needed to repair the dams. The Borough is allowed to borrow up to 3.5% of the value of the town; the Borough can still borrow up to \$7.5 million without obtaining a waiver.

Kristen Mansfield, 230 Chippewa Trail, asked if the Borough is limited as to how much debt it can hold: it is, but extraordinary circumstances allow for extra debt.

Joe Aromando, 285 Shingowack Trail, asked if the Borough's bond rating would be affected and asked Council to ask Auditor Bob Stewart to provide a Financial Impact Statement to be mailed to residents. Mr. Aromando was also concerned that the new "NO PARKING" signs on Trading Post Trail are not facing the correct way for drivers to be able to see them. Chief Martine explained the placement of the signs to Mr. Aromando.

Phyllis Grever, 149 Algonquin Trail, observed that the estimated \$1.2 million cost of the new administration building seems high and asked if Council had considered a pre-fabricated log package. Ms. Grever advised those at the meeting that singer and former Medford Lakes resident Robert Hazzard would be performing a benefit concert at the Lenape Regional Performing Arts Center at Cherokee High School. She had tickets still available for the concert.

Joe Urban, 190 Chippewa Trail, dislikes the conditions under which Administration and Police Department employees must work in the temporary trailer in the Public Works lot. He asked Council to continue with the Oaks Hall building project.

Mike Powers, 19 Onondago Trail, observed that he has seen signs of action being taken to repair the dams and re-build Oaks Hall. He supports Council in their efforts. Mr. Powers also asked if the Borough's control of the recovery process was limited due to having been declared a Federal disaster area; not totally.

Sue Mattio, 246 Chippewa Trail, agreed the working conditions are unacceptable in the trailers, and asked why Council was determined to build on the lakefront site and not on the current site where the trailers are. The Oaks Hall site on Ballinger Lake is deed restricted for municipal use only.

Ron Kyle, 26 Shinnecock Trail, voiced his concern about the roadway over Beach Drive Dam (Upper Aetna Dam.) Without it, he is concerned that fire vehicles would not be able to protect the homes in the area of Upper Aetna Lake. Fire Chief McIntosh assured him the fire trucks could handle calls in the area; a decision about re-building the roadway across the dam is not imminent.

Jennifer Warren, 262 Ojibway Trail, is also concerned about a fire in her neighborhood, especially now that the lakes are empty. She wonders if the firefighters, who are all volunteers, will be able to find the area. Fire Chief McIntosh assured her the trucks would be able to negotiate the trails and find her home. The Medford Lakes Fire Department does continuing training and driver capability tests. Chief McIntosh also asked Mrs. Warren and other residents in attendance to take the necessary steps to protect themselves and their families, including practicing escape routes and regularly replacing smoke detector batteries. Retired Fire Chief Wingers explained the fire alarm and mutual aid systems.

Joe Aromando, 285 Shingowack Trail, asked is there is any truth to the rumor that the State is delaying permit approval because of pending lawsuits; there is no truth to the rumor. Mr. Aromando also asked if Council would attempt to re-claim the grant monies previously received for Oaks Hall. Council assured him they would apply for all available loans and grants.

Temma Fishman, 210 Chippewa Trail, asked if the noise emanating from the pumping station could be muffled in some manner. Manager Knight reported he ordered a \$2,000 structure this date. It will be erected over the pump and should lower the noise considerably.

Bud Wingert, 152 Askoran Trail, is a long-time resident of Medford Lakes, having grown up in the Borough. He presented Council with a check for \$300, to be used for the relief fund. The money was donated by Mr. Wingert and other individuals with long-time ties to the town.

COUNCIL COMMENTS

Members of Council responded to the public's comments concerning dam repair and the Oaks Hall building project. They urged residents to avoid the "rumor mill."

Councilman Woodend will schedule a meeting with real estate agencies in the area, to explain the Borough's position and answer any questions they may have concerning real estate and it's value in the Borough.

The Joint Insurance Fund (JIF) is defending the Borough against lawsuits relative to the flood. Medford Lakes has been named, but not yet served.

Council assured residents that everything that can be done, is being done concerning the lakes and dams. They are also ready to proceed with re-building Oaks Hall.

APPROVAL OF MINUTES

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

VOTE TO APPROVE MINUTES

Ayes: Wasson, Casey, Woodend

Nays: None

Minutes are approved

PAYMENT OF BILLS

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

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Wasson, Casey, Woodend

Nays: None

Payment is approved

ORDINANCES

There are no ordinances for consideration at this time.

RESOLUTIONS

There are no resolutions for consideration scheduled at this time.

OLD BUSINESS

FLOOD RECOVERY – Manager Knight and flood recovery project manager Jack Kaczur are coordinating flood-related bills to forward to FEMA. The initial wire transfer of funds should arrive on 10-15-04, per State Senator Martha Bark. The delay has been the route the funds must take. The funds originated at FEMA, were sent to the New Jersey State Treasurer, then to the New Jersey Attorney General, and then to the New Jersey Department of Law & Public Safety. They have remained stagnate at that level.

Council discussed several items on the project worksheet for flood recovery. The temporary generators at the Medford Lakes Wastewater Plant are scheduled to be returned, which will save approximately \$7,000 per week in rental fees.

Council discussed how to restructure the pumping station at Beach Drive. Borough engineering firm Alaimo and Associates provided Council with a comparative cost estimate between the proposed submersible pumping station (\$651,000) and a gravity sewer (\$500,000.)

Councilman Casey made a motion, seconded and amended by Councilman Woodend, to request at least two RFPs on conceptual drawings as provided.

PUBLIC COMMENT: Jennifer Warren, 262 Ojibway Trail, advised Council of a bad experience she had with a company and suggested they not use the company.

VOTE ON MOTION

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

OAKS HALL – Jim Madden is the project manager for the Oaks Hall building. He reported the demolition of the building went without problems. Safes from the administration office were removed and are being stored.

An old underground oil tank will have to be removed; a permit is required to remove the tank. The concrete pad upon which the old building sat will not be broken up; however, it will be opened to remove the oil tank. Mr. Madden wants a paper trail to document the removal of the tank.

Council discussed the problems with the DPW complex. They are considering doing the planned renovations there at this time, rather than wait until the Oaks Hall project is completed. The building is non-habitable at the current time; Council is waiting for soil borings to determine if the building is structurally sound. There doesn't appear to be damage to the building's foundation.

DPW and court employees are currently working in two rented temporary trailers. The cost is \$600 each per month. Borough Safety Coordinator Mark McIntosh advised Council that he has received complaints from employees concerning the working conditions in the three trailers. He asked Council not to rush through a temporary fix of the trailers. Police Chief Martine commented that the two trailers at DPW are not secured and could blow over during winds of 35 mph or more.

Mr. Madden offered several suggestions for making limited repairs to the DPW structure as a temporary fix, in order for employees to be able to work in them for the current time. After that, the building would be permanently repaired.

Council asked Mr. Madden to develop an estimate for his work as the project manager for the DPW complex, in addition to his current work on Oaks Hall. He was asked to examine the structure with architect Paul Adison.

PUBLIC COMMENT: Sandy Wasson, 97 Wabun Trail, suggested asking the JIF to study the mold problem in the administration trailer; Chief Martine asked for an independent study.

Bud Wingert, 152 Askoran Trail, asked Council to look at the big picture for repairing both the Oaks Hall and the DPW building projects. He does not want money spent on a temporary fix of the DPW building; but rather less-expensive repairs to the trailers until both projects are completed.

VOLUNTEER LOSSES FROM FLOOD – the Borough has received \$24,369 in donations; by law it must be used to help reimburse volunteers for their losses.

To date, losses total \$40,000 for vehicles, \$3,600 for personal possessions, and \$4,500 for insurance deductibles.

Councilman Casey made a motion, seconded by Mayor Wasson, to reimburse volunteers for deductibles and out-of-pocket expenses, pending review by Auditor Stewart.

A RESOLUTION AUTHORIZING THE MANAGER TO EXPEND FUNDS FROM THE MEDFORD LAKES FLOOD RELIEF FUND IN DETERMINED AMOUNTS RELATED TO PERSONAL PROPERTY LOSS CLAIMS BY MEMBERS OF THE MEDFORD LAKES FIRE COMPANY

WHEREAS, the Borough of Medford Lakes was adversely affected by a catastrophic flood that occurred on July 12, 2004; and

WHEREAS, members of the Medford Lakes Fire Company were responding to numerous calls for emergency service related to the flood throughout the date of July 12 and July 13, 2004; and

WHEREAS, the Borough Firehouse, located at 10 Stokes Road, was effected by the flooding which occurred on July 12, 2004; and

WHEREAS, some of the members incurred personal property losses as a result of the flood; and

WHEREAS, it is the desire of Borough Council of Medford Lakes to reimburse members of the Medford Lakes Fire Company for all insurance deductibles and out of pocket personal property losses;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough Medford Lakes, New Jersey that the Borough Manager is authorized to expend funds from the Medford Lakes Relief Fund to support this resolution.

PUBLIC COMMENT: None

VOTE ON MOTION

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 134-04 is approved

CORRESPONDENCE

Manager Knight reported that the MEL is asking employees to attend a training session. MEL will give a \$250 credit for each Borough official who attends.

REPORTS

MANAGER'S REPORT – Manager Knight reported that, during the last week, a blockage occurred at a sewer drain on Lenape Trail; it was remedied when Police Chief Martine cleaned out the storm drain by removing leaves. Also last week, a problem with the sewer plant pump caused chlorinated liquid to be released into Birchwood Lake. Wastewater personnel are investigating the matter.

Mansur Cyr, owner of the public laundromat on Trading Post Trail, had previously asked Council to consider waiving the sewer fees for his building, as it has not been in use since the flood in July.

Mayor Wasson made a motion, seconded by Councilman Casey, to reduce the sewer tax on the property to a pro-rated fee of \$560 per year, effective this date.

RESOLUTION 135-04

A RESOLUTION AUTHORIZING A REDUCTION OF SEWER TAXES FROM \$1,875.00 PER QUARTER TO \$140.00 PER QUARTER FOR 32 TRADING POST WAY, ALSO KNOWN AS BLOCK #10035.01, AND LOT #2

WHEREAS, the Borough of Medford Lakes was adversely affected on July 12, 2004, by a catastrophic flood; and

WHEREAS, the impact of the flood has caused property and structural damage with short and long term financial concerns to property and business owners; and

WHEREAS, the property at 32 Trading Post Way was categorized as a laundromat and by Ordinance Number 497 was charged a sewer tax at the rate of \$1875.00 per Quarter; and

WHEREAS, all normal operations have seized at this location pending reconstruction;

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the property at B: 10035.01, L: 2 also known as 32 Trading Post Way, owned and operated by STC PROPERTIES, INC. be future billed at \$140.00 per quarter until a return of operation as a laundromat or other type use.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 135-04

Ayes: Wasson, Casey

Nays: Woodend

Resolution 135-04 is approved

Councilman Casey made a motion, seconded by Mayor Wasson, to prorate the tax reduction for the laundromat back to the third quarter, based on \$560, until the business is back in operation.

RESOLUTION NUMBER 136-04

A RESOLUTION AUTHORIZING A REFUND OF SEWER TAXES FOR 32 TRADING POST WAY ALSO KNOWN AS BLOCK #10035.01, LOT # 2 IN THE AMOUNT OF \$3,470.00

WHEREAS, the Borough of Medford Lakes was adversely affected on July 12, 2004, by a catastrophic flood ; and

WHEREAS, the impact of the flood has caused property and structural damage with short and long term financial concerns to property and business owners to include 32 Trading Post Way; and

WHEREAS, the property at 32 Trading Post Way was categorized as a laundromat and by Ordinance Number 497 was charged a sewer tax at the rate of \$1,875.00 per quarter; and

WHEREAS, the sewer taxes have already been paid in full for 32 Trading Post Way also known as B: 10035.01 L: 2 for the tax year 2004; and

WHEREAS, the effective date for this exemption granted was July 1, 2004; and

WHEREAS, the amount of property taxes that need to be refunded in accordance with this resolution for STC Properties, LLC operating at 32 Trading Post Way also known as B: 10035.01, L: 2 is \$3,470.00 which represent a period from July 1 thru December 31, 2004;

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 amount of \$3,470.00 be drawn to the order of STC Properties, INC.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 136-04

Ayes: Wasson, Casey

Nays: Woodend

Resolution 136-04 is approved

Manager Knight advised Council that Brown and Connery is the legal firm being used by the JIF to defend the Borough in law suits filed about the flood. The firm has requested 28 discovery reports from the Borough concerning the dams and the flood. The firm would like the files by October 20, 2004. The list includes records dating back 50 years or more and will be difficult to find. Paul Weiss reported that the Colony has been asked for the same type of records and is only providing them back five years. Councilman Woodend asked Mr. Weiss to prepare an estimate of what he would charge to find and prepare the Borough's discovery items in conjunction with preparing the Colony's.

COUNCIL REPORTS – Councilman Woodend is the liaison to the Departments of Emergency Service.

Police Chief Martine advised Council that he is in the process of interviewing candidates for the two vacancies within the department. All candidates at this level of the search are certified.

The County computer contract will expire and be up for renewal at the end of October.

The New Jersey Attorney General has ordered that, in the future, all custodial interviews will be required to be videotaped. Provisions will have to be made to set up the system.

Fire Chief McIntosh reported that Fire Prevention Week was successful; the department reported a “good turnout” for the open house at the fire station.

Councilman Casey is the liaison to the Administration Department. He reported that Manager Knight and Council will begin a new search for a Certified Municipal Financial Officer.

An interim audit has been approved and will be scheduled.

Mayor Wasson is the liaison to the Departments of Public Works and Sewer.

The two new probationary hires at DPW will not be offered a full time position; the positions will be re-advertised.

ADJOURNMENT TO EXECUTIVE SESSION

Councilman Casey made a motion, seconded by Mayor Wasson, to adjourn to executive session.

**RESOLUTION 137 -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:

INSURANCE
PERSONNEL ISSUES
CONTRACT WITH PROJECT MANAGER

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.

VOTE TO APPROVE RESOLUTION 137-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 137-04 is approved, Council adjourned to Executive Session at 10:50pm

ADJOURNMENT

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

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

VOTE TO ADJOURN

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

The Regular Council meeting was adjourned.

Respectfully submitted,

Richard Knight
Borough Manager