

**BOROUGH OF MEDFORD LAKES  
REGULAR COUNCIL MEETING  
APRIL 14, 2005**

The Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in the all-purpose room at the Neeta School, beginning at 7:35pm. 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. Councilman Tim Casey was absent. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Borough Auditor Bob Stewart, Borough CMFO Donna Condo, Alaimo representative Wayne Simpson, and Colony representative Paul Weiss. Solicitor Vogdes was absent; Denis Germano, Esq., substituted for him.

**PUBLIC COMMENT**

Mayor Wasson asked those present to limit their public comments to items not listed on the agenda. There was no other public comment at this time.

**APPROVAL OF MINUTES**

Councilman Woodend made a motion, seconded by Mayor Wasson, to approve the minutes of the Regular Council Meeting on March 24, 2005.

**VOTE TO APPROVE MINUTES**

Ayes: Wasson, Woodend

Nays: None

Absent: Casey

Motion carries

**ORDINANCES**

Mayor Wasson introduced Ordinance 507, seconded by Councilman Woodend on First Reading.

**ORDINANCE 507**

**AN ORDINANCE AUTHORIZING THE APPROPRIATION OF \$74,000 FROM THE RESERVE FOR PUBLIC WORKS EQUIPMENT FUND, FOR THE ACQUISITION OF CERTAIN EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE BOROUGH OF MEDFORD LAKES, IN THE COUNTY OF BURLINGTON, AND THE STATE OF NEW JERSEY**

**BE IT ORDAINED**, by the Borough Council of the Borough of Medford Lakes, 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 the said improvements or purposes stated in Section 2, there is hereby appropriated the sum of seventy four thousand dollars and 00/100 (\$74,000), which is now available in the Reserve for Public Works Equipment of the Borough of Medford Lakes.

**SECTION 2.** (a) The improvement hereby authorized is for the acquisition of a Replacement Cab and Chassis brush truck for use by the Borough of Medford Lakes Public Works Department.

(b) The estimated cost of said acquisition is seventy four thousand dollars (\$74,000) for the improvements described in Section 2 (a) above, which sum is hereby appropriated from the Reserve for Public Works Equipment 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 2005 General Capital Budget of the Borough of Medford Lakes is hereby amended to conform to 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.

Second reading for Ordinance 507 will be at the Regular Council Meeting on April 28, 2005.

*PUBLIC COMMENT: None*

**VOTE TO APPROVE ORDINANCE 507 ON FIRST READING**

Ayes: Wasson, Woodend

Nays: None

Absent: Casey

Ordinance 507 is approved on First Reading

**RESOLUTIONS**

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

**RESOLUTION 40-05**

**A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS**

**WHEREAS**, on April 24, 2005, the residents of Manhasset Trail will hold a Block Party; and

**WHEREAS**, said residents would like to close a specified trail within the Borough to enable safe pedestrian passage; 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) b through h, (2) and (3) revised Statutes 39:4-197”; 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 block parties 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. The Borough Council of the Borough of Medford Lakes does hereby find and declare that a temporary condition dictates adoption of special traffic regulations within the scope of N.J.R.S. 39:4-197(1) e.
2. Pursuant to N.J.R.S. 39:4-197(1)e, the following trail shall be closed to vehicular traffic:

**Manhasset Trail between Hiawatha Trail and Hahiah Trail;**

3. The aforementioned street closing shall be between the hours of 2:00pm and 9:00pm.
4. Block party contact persons; Rose Price, 41 Manhasset Trail and/or Gene Malpass, 44 Manhasset Trail, shall be responsible for contacting the Medford Lakes Department of Public Works to obtain and return barricades.
5. 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 40-05

Ayes: Wasson, Woodend

Nays: None

Absent: Casey

Resolution 40-05 is approved

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

**RESOLUTION 41-05**

**A RESOLUTION ALLOWING THE 2005 MUNICIPAL BUDGET TO BE READ BY TITLE**

**WHEREAS**, the Municipal Budget of the Borough of Medford Lakes, County of Burlington, State of New Jersey, for the year 2005, was introduced on March 10, 2005; and

**WHEREAS**, a complete copy of the approved budget was made available at least one (1) week prior to April 14, 2005, for public inspection in the Borough Clerks office; and

**WHEREAS**, a complete copy of the approved budget was delivered to the Medford Branch of the Burlington County Library;

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the law has been met, allowing the budget to be read by title.

*PUBLIC COMMENT: None*

VOTE TO APPROVE RESOLUTION 41-05

Ayes: Wasson, Woodend

Nays: None

Absent: Casey

Resolution 41-05 is approved

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

**RESOLUTION 42-05**

**A RESOLUTION APPOINTING AN ENVIRONMENTAL COMMISSION MEMBER**

**WHEREAS**, there exists a vacancy on the Environmental Commission; and

**WHEREAS**, it is the desire of the Borough Council to appoint a qualified individual to fill the position on the Commission;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, that the following appointment(s) be made to the Environmental Commission:

<u>Appointee</u>	<u>Class Designation</u>	<u>Commencement of Term</u>	<u>Expiration of Term</u>
Toni Frary	Alternate 1	April 1, 2005	December 31, 2006

*PUBLIC COMMENT: None*

VOTE TO APPROVE RESOLUTION 42-05

Ayes: Wasson, Woodend

Nays: None

Absent: Casey

Resolution 42-05 is approved

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

**RESOLUTION 43-05**

**A RESOLUTION AUTHORIZING A DEFERRAL OF SCHOOL TAXES**

**WHEREAS**, regulations provide for the deferral of not more than 50% of the annual levy when school taxes are raised for a second year and have not been requisitioned by the school district; and

**WHEREAS**, the Division of Local Government Services requires that a resolution be adopted by a majority of the governing body prior to the introduction of the municipal budget of the year subsequent to the deferral, authorizing an increase in the amount of the deferral; and

**WHEREAS**, the Borough of Medford Lakes is permitted to increase the deferral of Local School Taxes up to \$2,306,062.50, which represents 50% of the annual levy of \$4,612,125.00; and

**WHEREAS**, it is the desire of the Governing Body of the Borough of Medford Lakes, County of Burlington, to increase the amount of local school deferred taxes by \$750,000.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes that the amount of deferred local school taxes be increased to \$1,266,689.81

Council explained that the resolution allowed the Borough to defer up to 50% of the school tax levy. The \$750,000 amount would be repaid over a five-year period, at \$150,000 per year.

*PUBLIC COMMENT: None*

VOTE TO APPROVE RESOLUTION 43-05

Ayes: Wasson, Woodend

Nays: None

Absent: Casey

Resolution 43-05 is approved

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

**RESOLUTION 44-05**  
**A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS**

**WHEREAS**, on May 15, 2005, the Medford Lakes Cub Scouts will be holding their annual "Cubmobile" Derby; 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, declare that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1) b. through h., (2) and (3) revised Statutes 39:4-197"; 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 "Cubmobile" Derby is 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. The Borough Council of the Borough of Medford Lakes does hereby find and declare that a temporary condition dictates adoption of special traffic regulations within the scope of N.J.R.S. 39:4-197 (1) c. and e.

2. Pursuant to N.J.R.S. 39:4-197 (1) e, Nantucket Trail between its intersection with Lenape Trail and Mishemokwa Trail shall be closed to motor vehicle traffic from 7:00 a.m. to 1:00 p.m. on Sunday, May 15, 2005.
3. 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 44-04**

Ayes: Wasson, Woodend

Nays: None

Absent: Casey

Resolution 44-05 is approved

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

**RESOLUTION 45-05**

**A RESOLUTION AUTHORIZING THE MEDFORD LAKES FIRE DEPARTMENT TO APPLY FOR 2005 FEDERAL DEPARTMENT OF HOMELAND SECURITY ASSISTANCE FOR FIREFIGHTERS GRANT PROGRAM**

**WHEREAS**, the Borough of Medford Lakes Fire Department has the opportunity to apply for the 2005 Federal Department of Homeland Security Assistance for Firefighters Grant; and

**WHEREAS**, Council supports the application for the grant and acknowledges that the Borough would be responsible for a 5% cash match;

**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 Medford Lakes Fire Department to apply for the Assistance for Firefighters Grant.

*PUBLIC COMMENT: None*

**VOTE TO APPROVE RESOLUTION 45-04**

Ayes: Wasson, Woodend

Nays: None

Absent: Casey

Resolution 45-05 is approved

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

**RESOLUTION 46-05**

**A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE CLICK IT OR TICKET MAY 23 TO JUNE 5, 2005 SEAT BELT CAMPAIGN ENFORCEMENT GRANT**

**WHEREAS**, the Borough of Medford Lakes Police Department has applied for the 2005, “Click it or Ticket” seat belt campaign from the New Jersey Division of Highway Traffic Safety; and

**WHEREAS**, the State has awarded a grant to the Borough of Medford Lakes in the amount of \$4,000.00; and

**WHEREAS**, the grant will pay for police officers to work overtime to enforce laws effecting the safety and welfare of the streets of Medford Lakes and to encourage the public on the benefits of safety belt and child passenger seat restraint use; and

**WHEREAS**, through continued public awareness, education and enforcement of safety belt laws to increase usage, death and serious injury can be significantly reduced;

**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 sign the Grant Acceptance Conditions. By accepting this Grant, the Borough recognizes this State wide lifesaving opportunity, and proclaims support for the 2005, “Click it or Ticket” Seat Belt Campaign for the efforts of the Police Department to increase awareness through enforcement and to increase compliance with the State occupant protection laws within our community.

*PUBLIC COMMENT: None*

**VOTE TO APPROVE RESOLUTION 46-04**

Ayes: Wasson, Woodend

Nays: None

Absent: Casey

Resolution 46-05 is approved

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

**RESOLUTION 48-05**

**A RESOLUTION AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION IN ANTICIPATION OF THE ADOPTION OF THE 2005 MUNICIPAL BUDGET, IN ACCORDANCE WITH NJSA 40A:4-20**

**WHEREAS**, the Borough Council of the Borough of Medford Lakes introduced the 2005 Municipal Budget on March 10, 2005; and

**WHEREAS**, the Public Hearing was held on April 14, 2005, in accordance with proper notice; and

**WHEREAS**, the Borough of Medford Lakes has applied for Extraordinary Municipal Aid and must wait for an award announcement prior to adopting the 2005 budget: and

**WHEREAS**, the Chief Financial Officer has recommended approving an emergency temporary appropriation to meet the expenses of the municipality until the 2005 Budget can be adopted; and

**WHEREAS**, NJSA 40A:4-20 authorizes a municipality to make emergency temporary appropriations for any purposes for which appropriations may lawfully be made from the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year; and

**WHEREAS**, it is the desire of the Governing Body to adopt such emergency temporary budget up to 75% of the introduced municipal budget;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Medford Lakes that, pursuant to NJSA 40A:4-20, an emergency temporary budget is hereby approved in the amount of 75% of the 2005 Introduced Municipal Budget; and

**BE IT FURTHER RESOLVED** that, upon adoption of this resolution, a certified copy be transmitted to the Director of the Division of Local Government Services.

*PUBLIC COMMENT: None*

VOTE TO APPROVE RESOLUTION 48-04

Ayes: Wasson, Woodend

Nays: None

Absent: Casey

Resolution 48-05 is approved

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

**RESOLUTION 49-05**

**A RESOLUTION AUTHORIZING THE CREATION OF AN EMERGENCY TEMPORARY APPROPRIATION IN THE SUM OF ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00) TO COVER EMERGENCY EXPENSES**

**WHEREAS**, an emergency has arisen with respect to extraordinary, immediate and emergent expenses required as the result of a sewer line collapse occurring on April 1, 2005, and no adequate provision was made in the budget for the aforesaid purpose, and N.J.S.A.40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

**WHEREAS**, the total amount of emergency temporary appropriation(s) created including the appropriation to be created by this resolution is one hundred forty thousand dollars (\$140,000.00);

**NOW, THEREFORE, BE IT RESOLVED** in accordance with N.J.S.A. 40A: 4-20, that

1. An emergency temporary appropriation be and is hereby made for all emergent expenses incurred due to the sewer line collapse, in the amount of \$140,000.00;
2. That said emergency appropriation shall be provided in full in the 2005 Sewer Budget;
3. That said emergency appropriation shall include engineering costs and allow for change orders;
4. That two certified copies of this resolution be filed with the Director of Local Government Services.

*PUBLIC COMMENT: None*

**VOTE TO APPROVE RESOLUTION 49-05**

Ayes: Wasson, Woodend  
Nays: None  
Absent: Casey  
Resolution 49-05 is approved

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

**RESOLUTION 47-05**

**A RESOLUTION AUTHORIZING EMERGENCY REPAIR OF A SEWER LINE ON OSAGE TRAIL**

**WHEREAS**, an emergency arose, which occurred on or about April 1, 2005, at which time the Osage Trail sewer line broke and needed to be repaired; if the work was not immediately done, serious damage could have resulted; and

**WHEREAS**, the potential lack of sewer service to the citizens of the Borough creates a dangerous condition; and

**WHEREAS**, based on the engineering statement of Alaimo, attached hereto, an emergency is created, which does not permit time to bid out; and

**WHEREAS**, the contractor, Giberson, is the best contractor available to do the work rapidly, and there is not time to engage the bidding process, although quotes have been obtained, and Giberson is the lowest; and

**WHEREAS**, it is extremely important to the Borough's sewer system to repair the sewer line, as an exigency, since there is danger to the sewer system and Osage Trail, itself;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that, in accordance with N.J.S.A. 40A:11-6 and the New Jersey Administrative Code, N.J.A.C. 5:34-6.2, an exigency is hereby declared to exist; and

**BE IT FURTHER RESOLVED**, that the Borough of Medford Lakes enter into an emergency agreement with Giberson for the work necessary to restore the sewer line, and does hereby ratify and confirm the agreement that the cost for same shall not exceed one hundred thirteen thousand dollars (\$113,000.00.)

Borough Engineer Wayne Simpson advised those present that the resolution allows Council to award a contract without competitive bidding; the sewer break threatens the public safety and health. Giberson presented a repair quote of \$113,000; Winzinger's repair quote was \$223,000.

*PUBLIC COMMENT: Joe Aromando, 285 Shingowack Trail, asked if the break were in the same location as a previous break in 1998; it is in a different location.*

**VOTE TO APPROVE RESOLUTION 47-05**

Ayes: Wasson, Woodend  
Nays: None  
Absent: Casey  
Resolution 47-05 is approved

**OLD BUSINESS**

**2005 BUDGET** – Council presented the following Municipal Budget Message:

**The 2005 Budget for the Borough of Medford Lakes is \$3.9 million dollars, or approximately \$700,000 more than the 2004 budget. This year, the Borough is challenged with the financial implications of last summers devastating flood. While the Borough incurred nearly \$1 million dollars in emergency expenses to “clean up” immediately following the flood, the financial impact to restore three dams must now be planned for in this budget and in future budgets.**

**The budget reflects a \$375,000 reserve, which will enable the Borough Council to put in place the necessary financing to restore the dams. This amount translates into a \$240 increase in local purpose tax to the average property owner whose home is assessed at \$150,000. The Borough will continue to pursue every source possible to seek out grants and reimbursements to offset this financial burden.**

**Further, the budget reflects additional operating expenses including employee salaries (\$52,000), insurance costs (\$34,000), pension payments (\$20,000), and increased costs for fuel (\$20,000.) The effect of these costs will impact the average taxpayer \$90 in 2005.**

**It is important to acknowledge the contributions of Borough personnel for their ongoing efforts to provide services to our residents at a reasonable cost and continuing to look for ways to operate more efficiently. The 2005 Budget reflects no reduction in services, despite the challenges facing municipalities on a daily basis.**

*PUBLIC COMMENT: Joe Aromando asked numerous questions concerning the budget, which Auditor Stewart and CMFO Condo were able to answer. The Borough enjoys a tax collection rate of 98.75%. One of Mr. Aromando’s suggestions was to reduce the anticipated 3% salary increase for Borough employees to 1%.*

*Frank Martine, 100 Lenape Trail, asked Council not to consider Mr. Aromando’s suggestion for a reduced salary increase for employees, who already work under deplorable conditions. The percentage reduction would net approximately \$15,000; employees should not have to shoulder any responsibility for repair of the dams.*

*Judy Evangelista, 212 McKendimen Road, asked Council to explain the difference between “reserve” and “surplus” when discussing the budget. Councilman Woodend addressed her question.*

Councilman Woodend made a motion, seconded by Mayor Wasson, to close the public hearing on the 2005 Budget.

**VOTE TO CLOSE PUBLIC HEARING**

Ayes: Wasson, Woodend  
Nays: None  
Absent: Casey  
Motion carries

**DAM REPAIR** – Council reported that the task force, established to assist with the repair of the dams, has been actively working toward that end.

*PUBLIC COMMENT: Joe Aromando asked numerous questions about funding for the project. Manager Knight explained the funding options, and advised Mr. Aromando that all avenues for funding are being explored.*

*Jim Walker, 251 Chicagami Trail, asked if the new pumping station on Beach drive were too big, and approximately how many homes it serves. Council discussed the issue, as compared to the pumping station at the intersection of Chickasaw Trail and Dixontown Road. The Beach Drive station serves approximately 50 homes and cost \$150,000.*

*Carl Pellegrino, 242 Chippewa Trail, asked if FEMA were reimbursing the Borough for damage to the sewer plant from the flood. It is unknown at this time; the plant has been definitively determined to be in a flood plane. Mr. Pellegrino asked if the public would have access to plans for dam repair; which they would. Mr. Simpson advised that the conceptual drawings will be completed soon and then would be ready for review by the DEP.*

*Frank Martine asked if the State owns the lake water, as he has been led to believe. If so, has the State been approached concerning any culpability in the flood damage expenses? A definitive answer has not been established concerning ownership of the water in the lakes; however, the Colony owns the lake beds.*

*Ed Leggoe, 274 Chicagami Trail, asked if the new dam between Upper and Lower Aetna Lakes would be “portageable” as the previous one was, if there would be a location where residents could watch Canoe Carnival, and if the lakes would be re-stocked. Council and Mr. Weiss answered his questions.*

**OAKS HALL PROJECT** - Walt Cox, 263 Chicagami Trail, asked about the status of the building project. The Borough is moving ahead; bid packets should be ready in May.

**P. J. WHELIHAN’S** – representatives of the restaurant had hoped to open on April 18, 2005; however, they will be unable to do so. The water tank used for the sprinkler system has not been filled as workers are waiting for the delivery of a pump to be used to fill the tank.

### **PAYMENT OF BILLS**

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

#### VOTE TO APPROVE PAYMENT OF BILL LIST

Ayes: Wasson, Woodend

Nays: None

Absent: Casey

Motion carries

### **REPORTS**

Manager Knight reminded residents that school elections are Tuesday, April 19, 2005.

The Medford Lakes Department of Public Works has begun brush collection. A new DPW employee will begin work on Monday, April 18, 2005.

The new truck authorized by Council will be purchased and converted; it will not be road-ready for approximately two months.

The concrete from the building slab at Oaks Hall will be removed on Saturday, April 16, 2005.

**ADJOURNMENT**

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

VOTE TO ADJOURN

Ayes: Wasson, Woodend

Nays: None

Absent: Casey

Motion carries, meeting adjourned at 9:35pm

Respectfully submitted,

Richard Knight  
Borough Manager

..