

BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
JANUARY 27, 2005

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, Squad representative Sandy Wasson, Colony representative Paul Weiss, and Police Chief Frank Martine.

PUBLIC COMMENT

Councilman Casey advised that a town meeting concerning flood recovery will be held in the Neeta School all-purpose room on February 10, 2005, at 7:30pm.

Jim Walker, 251 Chicagami Trail, advised Council that the formation of a citizens task force is being considered by residents who want to help speed up the dam rebuilding project. They would like to meet with Council and Colony representatives once a week to discuss and implement ideas. Councilman Casey advised Mr. Walker that having all three councilmen present would require advertising to comply with the Sunshine Law. Also, the process does not move forward rapidly enough to sustain a meeting every week. Council and Mr. Walker discussed what tasks the group could tackle and what to do.

Betty Reiss, Colony President, asked that the town meeting panel on February 10th include members of the Colony as well as Council.

Chris Myles, 16 Tahtepay Trail, is also anxious to help with the rebuilding project for the dams. He will work to update the Borough's website, in an effort to keep residents informed.

APPROVAL OF MINUTES

Mayor Wasson made a motion, seconded by Councilman Woodend, to approve the minutes of the Regular Council Meeting on January 13, 2005.

VOTE TO APPROVE MINUTES
Ayes: Wasson, Casey, Woodend
Nays: None
Minutes are approved

ORDINANCES

Councilman Casey introduced Ordinance 505, seconded by Mayor Wasson, on Second and Final Reading.

ORDINANCE 505

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EUQAL TO OR LESS THAT 2.5 PER CENT PER NJSA 40A: 4-45-14

WHEREAS, the Local Government Cap Law, N.J.S.A 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% or the Cost Of Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, NJSA 40A: 4-45.14 provides that a municipality may, in any year in which the COLA is equal or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and

WHEREAS, the COLA for the Calendar Year 2005 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5%; and

WHEREAS, NJSA 40A: 4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$22,774.81 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council hereby determines that any amount authorized herein above, that is not appropriated as part of the final budget, shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes, County of Burlington, that a majority of the full authorized membership of this governing body affirmatively concurring that, in the 2005 budget year, the final appropriations of the Borough of Medford Lakes shall, in accordance with this ordinance and NJSA 40A: 4-45.14, be increased by 3.5% amounting to \$76,521.09, and that the 2005 municipal budget for the Borough of Medford Lakes be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced upon adoption, with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five days after such adoption.

Solicitor Vogdes advised Council that all municipalities are adopting this ordinance, allowing for flexibility in the budget.

PUBLIC COMMENT: Joe Aromando, 285 Shingowack Trail, asked what the 3.5% figure represented in actual money, which is \$76,520 for the 2005 municipal budget. This is a one-time adoption.

VOTE TO APPROVE ORDINANCE 505 ON SECOND AND FINAL READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 505 is approved on Second and Final Reading

RESOLUTIONS

Councilman Casey introduced the following resolution, seconded by Councilman Woodend:

RESOLUTION 14-05

A RESOLUTION AUTHORIZING THE REFUND OF AN OVERPAYMENT

WHEREAS, Weichert Title Agency and First American Real Estate Tax Service both made the fourth quarter 2004 tax payment in the amount of \$1,941.29 on Block: 20029.01, Lot: 14 also known as 45 Cochise Circle; and

WHEREAS, this has created an overpayment on the afore-mentioned property; and

WHEREAS, Weichert Title Agency is entitled to the refund of the overpayment;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that a Borough check representing the amount of \$1,941.29 be drawn to the order of Weichert Title Agency.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 14-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 14-05 is approved

Councilman Casey introduced the following resolution, seconded by Councilman Woodend:

RESOLUTION 15-05

A RESOLUTION PERMITTING THE TAX COLLECTOR TO CANCEL DEBIT AND CREDIT BALANCES UNDER \$3.00 FOR THE YEAR 2003

WHEREAS, the Medford Lakes Tax Collector has requested and recommended to the Borough Council that all debit and credit balances under \$3.00 for the year 2003 be canceled if such balances remain at the close of the 2004 tax year; and

WHEREAS, the Borough Council of the Borough of Medford Lakes deems such recommendation to be appropriate and in order;

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 Mayor and Council hereby authorize the Tax Collector, in accordance with NJSA 40A:5-17.1 and P.L. 1996 C.113, to cancel certain 2003 tax credits under \$3.00; and
2. a certified copy of this resolution be forwarded to the Borough Tax Collector and Borough Auditor.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 15-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 15-05 is approved

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

**RESOLUTION 16-05
A RESOLUTION AUTHORIZING A TEMPORARY BUDGET**

WHEREAS, N.J.S.A. 40A:4-19 requires the Governing Body to make appropriations to provide for the period between January 1, 2005 and the adoption of the Budget; and

WHEREAS, the total appropriation shall not exceed 26.25 % of the total of the appropriations for the preceding fiscal year, less the appropriations for interest and debt redemption charges capital improvement fund and public assistance. The amount allowable for the Current Fund is \$708,778.00 and the amount for the Wastewater Utility Operating Fund is \$250,176.00;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the following appropriations constitute the 2005 Temporary Budget for the Borough of Medford Lakes:

| <u>APPROPRIATION</u> | <u>AMOUNT</u> |
|---------------------------------------|---------------|
| ADMINISTRATION & EXECUTIVE | |
| Salaries & Wages | \$17,342.00 |
| Other Expenses..... | 8,421.00 |
| MAYOR & COUNCIL | |
| Salaries and Wages ... | 1,326.00 |
| Other Expenses | 124.00 |
| CLERK | |
| Salaries and Wages ... | 9,844.00 |
| Other Expenses | 5,616.00 |

FINANCE ADMINISTRATION

| | |
|--------------------------|----------|
| Salaries and Wages | 7,059.00 |
| Other Expenses..... | 741.00 |

AUDIT

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|---------------------|----------|
| Other Expenses..... | 5,460.00 |
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DATA PROCESSING

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|---------------------|----------|
| Other Expenses..... | 2,470.00 |
|---------------------|----------|

COLLECTION OF TAXES

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|-----------------------------|----------|
| Salaries and Expenses | 9,078.00 |
| Other Expenses..... | 964.00 |

ASSESSMENT OF TAXES

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|-------------------------|----------|
| Salaries and Wages..... | 4,112.00 |
| Other Expenses..... | 741.00 |

LEGAL SERVICES

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|-------------------------|----------|
| Salaries and Wages..... | 6,760.00 |
|-------------------------|----------|

ENGINEERING SERVICES

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|---------------------|----------|
| Other Expenses..... | 2,470.00 |
|---------------------|----------|

HISTORIC

| | |
|-------------------------|--------|
| Salaries and Wages..... | 643.00 |
| Other Expense..... | 124.00 |

PLANNING BOARD

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|-------------------------|----------|
| Salaries and Wages..... | 1,222.00 |
| Other Expenses..... | 2,594.00 |

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|---------------------------|--------|
| UNEMPLOYMENT | 260.00 |
|---------------------------|--------|

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|---------------------------|--------|
| SURETY BONDS | 650.00 |
|---------------------------|--------|

POLICE

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|-------------------------|------------|
| Salaries and Wages..... | 183,900.00 |
| Other Expenses..... | 15,132.00 |

OEM

| | |
|-------------------------|--------|
| Salaries and Wages..... | 649.00 |
| Other Expenses..... | 173.00 |

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| Contribution to First Aid Organization | 3,211.00 |
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FIRE

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|---------------------|-----------|
| Other Expenses..... | 15,964.00 |
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FIRE OFFICIAL

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|-------------------------|----------|
| Salaries and Wages..... | 2,652.00 |
| Other Expenses..... | 371.00 |

PROSECUTOR

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|-------------------------|----------|
| Salaries and Wages..... | 1,498.00 |
|-------------------------|----------|

STREETS AND ROADS

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|-------------------------|-----------|
| Salaries and Wages..... | 93,029.00 |
| Other Expenses..... | 18,493.00 |

SOLID WASTE

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|-------------------------|-----------|
| Salaries and Wages..... | 19,840.00 |
| Other Expenses..... | 8,460.00 |

BUILDINGS

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|---------------------|----------|
| Other Expenses..... | 6,052.00 |
|---------------------|----------|

VEHICLE

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|---------------------|-----------|
| Other Expenses..... | 12,480.00 |
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ENVIRONMENTAL

| | |
|-------------------------|--------|
| Salaries and Wages..... | 973.00 |
|-------------------------|--------|

UNCLASSIFIED

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|------------------|-----------|
| Electricity..... | 5,070.00 |
| Street Lights .. | 2,028.00 |
| Telephone..... | 3,640.00 |
| Natural Gas .. | 3,120.00 |
| Gasoline .. | 10,400.00 |
| Printing .. | 1,170.00 |
| Landfill .. | 33,800.00 |

CONSTRUCTION CODE OFFICIAL

| | |
|-------------------------|----------|
| Salaries and Wages..... | 7,495.00 |
| Other Expenses..... | 2,388.00 |

ZONING CODE ENFORCEMENT

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|-------------------------|----------|
| Salaries and Wages..... | 1,217.00 |
| Other Expenses..... | 185.00 |

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| CONTINGENT | 124.00 |
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| OASI | 31,460.00 |
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| EMP PENSION | 572.00 |
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MUNICIPAL COURT

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|-------------------------|----------|
| Salaries and Wages..... | 7,165.00 |
| Other Expenses..... | 2,388.00 |

PUBLIC DEFENDER

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|-------------------------|--------|
| Salaries and Wages..... | 666.00 |
|-------------------------|--------|

INSURANCE

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|------------------------------------|-----------|
| Liability Insurance | 56,600.00 |
| Group Insurance for Employees..... | 66,936.00 |

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| PFRS | 2,136.00 |
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| BOND PRINCIPAL | \$ |
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| BOND INTEREST | \$ |
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|--------------------------|----|
| BAN PAYMENT | \$ |
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| TOTAL | \$708,778.00 |
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WASTEWATER UTILITY

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|--------------------------------|-----------|
| Salaries and Wages..... | 70,728.00 |
| Other Expenses..... | 89,950.00 |
| Capital Fund..... | 7,875.00 |
| Bond Principal..... | 50,000.00 |
| Bond Interest | 25,123.00 |
| OASI..... | 6,250.00 |
| Unemployment Compensation..... | 250.00 |

| | |
|--------------------|---------------------|
| TOTAL | \$250,176.00 |
|--------------------|---------------------|

The Borough is allowed to appropriate up to 26.25%, or \$708,778, to cover the first three months of the year until the official budget is approved.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 16-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 16-05 is approved

OLD BUSINESS

The Borough has not received any additional re-imburements for flood damage.

The new Beach Drive pumping station is almost complete and was inspected this date. Council discussed camouflage for the pump.

The court trailer was moved into the parking lot at the administration building. All utilities have been connected and Ms. Henry is working from the office.

The guardrail along Tabernacle Road is complete.

PUBLIC COMMENT: Joe Aromando, 285 Shingowack Trail, addressed problems with the brush truck. He asked if Manager Knight had contacted Medford to discuss a shared services agreement for the brush trucks. Mr. Knight reported Medford offered their leaf truck when they are finished with leaf collection.

Manager Knight is scheduled to meet with Auditor Bob Stewart on Friday, January 28, 2005, to discuss the cap fund and what is money is available.

Mr. Knight advised Council that he and Superintendent McCorriston researched the New Jersey State Police web site for available equipment; nothing is available at this time that the Borough could use.

The Borough spent \$11,000 to renovate parts of the wastewater trailer to accommodate public works employees who are moving there.

PUBLIC COMMENT: Joe Aromando, 285 Shingowack Trail, asked about the estimated cost for the Oaks Hall building project. At the present time, \$950,000 has been appropriated for the project.

NEW BUSINESS

Council discussed the 2005 Borough budget, which should be introduced by March 10, 2005. Councilman Casey suggested having two budget meetings, one with the department heads and one for Council review.

Manager Knight was directed to contact each department head to determine his or her availability for a meeting on February 12, 2005, at 9:00am in the Medford Lakes Fire House. Each department head should plan on approximately 45 minutes for discussion on his or her proposed budget.

Manager Knight reported he would include a progress report on each highlighted item from previous meeting minutes in the packet that goes out to Council on the Tuesday, before a meeting.

Dr. Mitler, FEMA representative, will be in Burlington County on February 22, 23, and 24, 2005. He is scheduled to attend the Borough Council meeting on the 24th.

Council asked that the agenda be kept to a minimum for this meeting.

Solicitor Vogdes advised Council he has what he thinks is the final version of the sign ordinance.

REPORTS

MANAGER'S REPORT - Council discussed the recent snowstorm, which caused New Jersey to be declared in a state of emergency. The New Jersey State Police Office of Emergency Management wants the total costs for snow removal in the Borough. Some financial reimbursement may be available.

Manager Knight advised Council the financial statement would be ready on Monday, February 14, 2005.

Commerce has a packet of information concerning the flood, which needs to be forwarded to the Borough's insurance company, Scibel Insurance.

Council directed Manager Knight to forward the packet to Mr. Harvey at Scibel Insurance.

SOLICITOR'S REPORT – Mr. Vogdes reminded Council that the deadline for applications to FEMA for relief for the repairs of the Lower Aetna Lake dam is February 9, 2005.

Council discussed ways in which the Colony might qualify as a “Central Government Functions” organization, to help prove it's case to FEMA. Solicitor Vogdes advised that case law exists from the early 1990's concerning Mishemokwa Dam, that describes it as a “Central Government Functions” project.

Mr. Vogdes advised Council he has the integrated document for Mr. Madden, which includes the contract and amendments.

Council directed Solicitor Vogdes to investigate the non-funded State mandate for leaf pickup, with regard to storm water drains.

COUNCIL REPORTS –

Fire Chief McIntosh reported to Council he is seeking grant money to augment his proposed budget. He has conditional approval for a 2004 Homeland Security Grant. His budget reflects the anticipated grant money.

Chief McIntosh advised Council of a rescue this date of a dog from a lake. The dog had been in the water for several minutes. The owner was very grateful and gave Chief McIntosh a check, to be spent by the Fire Department. He will use it to buy lunch for the firefighters.

PUBLIC COMMENT: Joe Aromando, 285 Shingowack Trail, asked if Council or Manager Knight had contacted Medford Farms Fire Department, in Tabernacle, to discuss the cost of their building and any suggestions they may have. They used the same architect as the Borough plans to, Holberg & Adison.

Police Chief Martine has presented his 2005 proposed budget to Manager Knight. The total amount is less than last year's Police Department budget.

Officers Yurkonis and Thompson are approximately two weeks from being able to work alone on shifts.

Chief Martine discussed the difficulty in working in the trailer for the last three years; Manager Knight complimented all the employees for their work ethic in making the best of a bad situation. The air ducts will be cleaned on January 29, 2005.

Council discussed the necessity of establishing negotiating dates for Council and the Medford Lakes Police Officer's Association.

Council directed Manager Knight to ask the MLPOA for a list of their proposals.

Council directed Manager Knight to give the MLPOA attorney all relevant information that was requested for negotiations.

Council directed Manager Knight to have the Superior Officer's contract prepared for signatures.

PAYMENT OF BILLS

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

VOTE TO PAY BILLS
Ayes: Wasson, Casey, Woodend
Nays: None
Bill List is approved for payment

ADJOURN TO EXECUTIVE SESSION

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

RESOLUTION 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 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 as follows:

- *Possible Contract Negotiation*

2. That the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at time when the Borough Solicitor advises 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 ADJOURN TO EXECUTIVE SESSION

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned to Executive Session at 8:55pm

RETURN TO REGULAR MEETING

Councilman Woodend made a motion, seconded by Mayor Wasson, to return to the Regular Meeting. No official action was taken at this time.

VOTE TO RETURN TO REGULAR MEETING

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

ADJOURNMENT

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

VOTE TO ADJOURN

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned

Respectfully submitted,

Richard Knight
Borough Manager

