

BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
MAY 26, 2005

The regular meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in the library of the Neeta School, 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 Tim Casey. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Solicitor Jim Vogdes, Police Chief Frank Martine, Peter Black for Dewberry Associates, and Jack Kaczur for Alaimo Engineering. Councilman Woodend arrived late.

SPECIAL PRESENTATION

Peter Black of Dewberry Associates updated Council and the public on the status of the dam recovery project. He met with the DEP on Monday, May 23rd, to review the hydrologic and conceptual designs. DEP requires Class 2 dams at both sites and is on board for fast-track approval of the permits, which allowed Mr. Black to present a completion timeline of 2007. Mr. Black provided drawings for the public's review. He explained his designs and the merits of his choices. Mr. Black does not think Pinelands Commission requirements will be an issue; he feels Pinelands will come in line with whatever the DEP requires.

Council, Mr. Black, and the public discussed the time line for the project and also Quogue Dam.

The soil boring tests and surveying have been given the green light by Council and funding is being prepared.

PUBLIC COMMENT: Joe Aromando, 285 Shingowack Trail, asked about the Beach Drive dam. Mr. Black suggested it be a one-lane traffic roadway with a walking lane. The Lower Aetna dam would be pedestrian only.

Matthew Bell, 11 Beach Drive, advised Council he is concerned about a possible traffic problem if the road over the Beach Drive Dam is one way only. Council will make decisions on the road at a later time; the road must comply with FEMA regulations.

Jennifer Warren, 262 Ojibway Trail, asked about the grading at the ends of the dams and how it would affect the neighboring properties; it will not.

Carl Pelligrino, 242 Chippewa Trail, asked about cost estimates and a comparison of roller compacted concrete versus an earthen dam. He also asked if the Lower Aetna dam could be repaired instead of replaced. Mr. Black advised Mr. Pellegrino that 40% of the Lower Aetna dam is gone and is not, in his opinion, salvageable.

Jim Walker, 251 Chicagami Trail, asked about DEP considerations a failed dam upstream. The State uses a "100 year flood" criteria when designing dams.

Claire Carlyle, 250 Chicagami Trail, asked Mr. Black's estimate of the amount of time it would be from the "first shovel to finish." The time frame depends on weather and other variables; however, if everything goes perfectly, it could be three months.

Terry Haas, 283 Chicagami Trail, asked Council to expedite the time line.

Paul Weiss, Colony representative, updated Council and the public about the Colony's involvement in the dam restoration project. Mr. Weiss was happy to announce that legislation for funding had passed the New Jersey Assembly and is on Acting Governor Codey's desk for signature. When signed, the DEP can begin processing loan applications.

The Colony is investigating three companies for the lake dredging work. The Colony will then be required to obtain permits, find the money, and choose one of the companies. If the cost is prohibitive, the lakes could be refilled without dredging. The Colony hopes to have a dredging company hired by the end of June.

PUBLIC COMMENT: Jim Walker advised Mr. Weiss that the lakebeds are littered with debris, including trees, BBQ grills, and other items. The lakebeds will have to be cleaned prior to dredging.

Jim Cottingham, 202 Tabernacle Road, asked if the Wastewater plant is up and running; it is fully operational.

John Tursi, 186 Chippewa Trail, asked about any lawsuits. Solicitor Vogdes advised they are proceeding through the court system; there is nothing new to report.

Councilman Casey reminded the public of the \$1,000,000 spent on recovery projects other than the dams, including the Beach Drive pumping station, the Wastewater plant, and the bike path (the cost of which was reimbursed by FEMA.) The DPW/Firehouse complex still needs to be repaired.

Council recessed for about 10 minutes following the presentation.

PUBLIC COMMENT

There was no public comment at this time.

VOTE TO APPROVE MINUTES

Mayor Wasson made a motion, seconded by Councilman Casey, to approve the minutes for the May 12, 2005, Regular Council Meeting.

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

ORDINANCES

There were no ordinances for discussion.

RESOLUTIONS

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

**RESOLUTION 67-05
A RESOLUTION AUTHORIZING THE REFUND OF AN OVERPAYMENT**

WHEREAS, First American Real Estate Tax Service and Trident Land Transfer Company, NJ, both made the second quarter 2005 tax payment in the amount of \$2,173.78 on Block: 30068 Lot:2842 known as 31 Natchez Trail owned by Daniel & Roberta Sullivan; and

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

WHEREAS, First American Real Estate Tax Service 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 \$2,173.78 be drawn to the order of First American Real Estate Tax Service.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 67-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 67-05 is approved

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

**RESOLUTION 68-05
A RESOLUTION AUTHORIZING THE REFUND OF AN OVERPAYMENT**

WHEREAS, First American Real Estate Tax Service and Trident Land Transfer Company, NJ, both made the second quarter 2005 tax payment in the amount of \$1,521.75 on Block: 30026.02 Lot:991 known as 194 Cayuse Trail, owned by Jeffery C. Wightman; and

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

WHEREAS, First American Real Estate Tax Service 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 \$1,521.75 be drawn to the order of First American Real Estate Tax Service.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 68-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 68-05 is approved

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

RESOLUTION 69-05
A RESOLUTION AUTHORIZING A TEMPORARY CHIEF FINANCIAL OFFICER

WHEREAS, there exists a vacancy for the office of Chief Financial Officer, following a vacancy in said office created by the expiration of the appointment of Richard J. Knight as Temporary Municipal Finance Officer, on or about May 31, 2004; and

WHEREAS, under N.J.S.A 40A:9-140.13, (f) a municipality may appoint a temporary Chief Financial Officer for a period not to exceed one (1) year, commencing on the date of the vacancy; and for an additional one year upon approval of the Director, Division of Local Government Services, and

WHEREAS, the Borough has requested one additional year be granted by the State under N.J.S.A. 40A:9-140.13; and

WHEREAS, the Borough desires to appoint Donna A. Condo as temporary Chief Financial Officer; and

WHEREAS, Donna A. Condo is qualified to serve as temporary Chief Financial Officer;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that:

1. Donna A. Condo is hereby appointed as temporary Chief Financial Officer for the Borough of Medford Lakes terminating May 31, 2006.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 69-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 69-05 is approved

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

RESOLUTION 70-05
A RESOLUTION APPROVING CHANGE ORDER NUMBER 1 FOR THE PROJECT KNOWN AS BEACH DRIVE SEWER IMPROVEMENTS, AMENDING THE CONTRACT WITH ROBERT WINZINGER, INC., FROM \$ 372,507.00 TO \$348,659.00, A DECREASE OF \$23,848.00.

WHEREAS, the attached Change Order No. 1 for the project known as Beach Drive Sewer Improvements, was developed to provide for quantity adjustments and other materials to complete the project; and

WHEREAS, Change Order No. 1 dated May 4, 2005, amends the contract with Robert T. Winzinger, Inc. from \$372,507.00 to \$348,659.00, a decrease in the contract of \$23,848.00; and

WHEREAS, the Borough Engineer, Richard A. Alaimo Associates, recommends approval of said change order in their letter dated May 9, 2005;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that Change Order No. 1 be and is hereby approved for Beach Drive Sewer Improvements; and

BE IT FURTHER RESOLVED, that Change Order No. 1 hereby amends the contract price from \$372,507.00 to \$348,659.00, a decrease of \$23,848.00; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the necessary documents relative to this change order.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 70-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 70-05 is approved

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

RESOLUTION 71-05

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, 2005, through December 31, 2005, 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, and 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 71-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 71-05 is approved

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

RESOLUTION 72-05

A RESOLUTION AMENDING 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, 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 for third and fourth quarters of 2004; and

WHEREAS, the amended rate is \$2,100.00 per quarter for third and fourth quarters of 2004; and

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

WHEREAS, interest in the amount of \$428.52 shall be waived through the resolution date;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and 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 72-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 72-05 is approved

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

RESOLUTION 73-05

A RESOLUTION AUTHORIZING A REDUCTION OF SEWER TAXES FROM \$2,100.00 PER QUARTER TO \$2,030.00 PER QUARTER FOR 32 TRADING POST WAY, ALSO KNOWN AS BLOCK #10035.01, 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 \$2,100.00 per Quarter for first and second quarters of 2005; and

WHEREAS, normal operations have been reduced to 29 (twenty-nine) washers at this location; and

WHEREAS, interest in the amount of \$59.85 shall be waived through the resolution date;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and 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 \$2,030.00 per quarter unless there is a change in washer machine quantities.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 73-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 73-05 is approved

OLD BUSINESS

OAKS HALL – The bid packages for the log exterior have been given out. Medford Lakes DPW employees did additional work at the site.

PUBLIC COMMENT: Joe Aromando asked how the bid specs differed from the old ones; bids for three different construction styles are outlined.

Jim Cottingham complimented Council for going the extra step to save money on the project.

BOB MEYER PROPERTY – Councilman Woodend announced a proposed agreement is in the works.

SIGN ORDINANCE – Council received a recommendation from the Planning Board asking them not to alter or re-write the sign ordinance. However, Solicitor Vogdes advised Council that much of the existing ordinance is not enforceable and should be re-written, regardless of the Planning Board's position.

Council directed Deputy Clerk McIntosh to forward information to the Colony News, the Central Record, and the Borough's web site advising residents of public discussion on the ordinance on June 23, 2005.

NEW BUSINESS

No new business was introduced at the meeting.

CORRESPONDENCE

CMFO Donna Condo forwarded a memo to Council advising she would prepare the resolution adopting the audit correction plan and have it ready for the next meeting.

Council received a letter from Freeholder Vince Farias thanking the two officers from the Medford Lakes Police Department who accompanied military veterans who traveled by bus to Washington, D.C. to visit the World War II memorial.

REPORTS

MANAGER'S REPORT - Manager Knight reminded Council and the public of the Memorial Day Parade on Monday, May 30th, at 10:00am.

Mr. Knight thanked Paul Weiss for the donation of a printer/scanner/fax machine for use in the construction trailer at the Oaks Hall site.

COUNCIL REPORTS – Councilman Woodend asked Police Chief Martine to elaborate on the ProCops dinner he attended. Chief Martine attended the dinner and presented an award to the Medford Lakes Lions Club acknowledging their effort during the flood in July, 2004. Medford Police Chief Ed Wood presented a similar award to the Rotary Club.

Chief Martine answered Council's questions concerning any problems at P.J. Whelihan's restaurant, since the opening. The rumor of 30 arrests for drunk driving is totally untrue. As of this date, there have been no drunken driving arrests associated with the restaurant. Only two minor altercations have taken place inside the building, and both were immediately handled by Whelihan's employees.

Council and Chief Martine discussed parking problems on Tabernacle Road where it abuts with the restaurant parking lot. Chief Martine suggested a survey be done and then an amendment be made to the traffic ordinance.

Councilman Casey made a motion, seconded by Mayor Wasson, to direct the Borough engineer to investigate parking on Tabernacle Road. The motion was withdrawn following discussion.

Council directed Manager Knight to discuss the parking problem with representatives of Whelihan's and ask them to consider erecting "NO PARKING" signs on Tabernacle Road.

Council also directed Mr. Knight to contact Tim Prime, Esq., who was the attorney of record for Whelihan's during the negotiations with the Borough. Mr. Knight is to locate the agreement between Whelihan's and the Medford Lakes Planning Board with regard to parking spaces.

Council directed Chief Martine to conduct traffic counts at the intersection of Trading Post Trail and Tabernacle Road with regard to the possibility of making the intersection a three-way stop. Chief Martine will conduct the count, but disagrees with establishing the three-way stop.

Councilman Woodend suggested waiting until business at the restaurant calms down before making any decisions concerning parking.

PAYMENT OF BILLS

Council directed Manager Knight to investigate the cost of buying the Jersey Barriers being used on Trading Post Trail. Currently, the Borough is renting them.

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

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Wasson, Casey, Woodend

Nays: None

Payment of Bill List is approved

PUBLIC COMMENT

Jim Cottingham asked Council to discuss the water reclamation project. He asked Council to consider four actions he feels are important and need to be addressed:

1. request an analysis of effluent for all types of chemicals; and
2. consider reverse osmosis; and
3. contract with the Medford Lakes Country Club for responsibility for any damage to wells in the area; and
4. purchase an insurance policy to protect the Borough and add the cost for the policy into the contract with the MLCC.

VOTE TO ADJOURN

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

VOTE TO ADJOURN

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned at 10:35pm

Respectfully submitted,

Richard Knight
Borough Manager

