

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
NOVEMBER 10, 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 James Vogdes, and Colony representative Paul Weiss.

PUBLIC COMMENT

There was no public comment at this time.

APPROVAL OF MINUTES

Mayor Wasson made a motion, seconded by Councilman Casey, to approve the minutes of the Regular Council Meeting held on October 27, 2005.

VOTE TO APPROVE MINUTES

Wasson, Casey, Woodend

Nays: None

Minutes are approved

RESOLUTIONS

Councilman Casey introduced Resolution 129-05, seconded by Mayor Wasson.

RESOLUTION 129-05

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR BOND COUNCIL

WHEREAS, the Borough of Medford Lakes is empowered under N.J.S.A. 40A: 11-2(6) to retain and engage Bond Counsel; and

WHEREAS, the Contract attached shall be active for the period of January 1, 2005, until December 31, 2005;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, that a professional services contract for "Bond Counsel" is awarded to:

1. Thomas Coleman, III, of Raymond & Coleman, LLP, 325 New Albany Road, Moorestown, NJ 08057; and
2. the agreed to contract attached shall be for the period of 1/1/05 to 12/31/05; and
3. the Clerk shall publish once in the Official Newspaper a legal notice stating the nature, duration, type of service and amount of contract.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 129-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 129-05 is approved

Mayor Wasson introduced Resolution 135-05, seconded by Councilman Casey.

**RESOLUTION 135-05
A RESOLUTION APPOINTING A DEPUTY MAYOR**

WHEREAS, N.J.S.A. 37:1-13 provides that both a Mayor and a Deputy Mayor are authorized to perform weddings; and

WHEREAS, Councilman Woodend has been requested to perform a wedding ceremony in the month of December; and

WHEREAS, the Borough Of Medford Lakes desires to appoint a Deputy Mayor;

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

Councilman Gary F. Woodend is appointed Deputy Mayor of the Borough of Medford Lakes; said appointment expires on December 31, 2005.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 135-05

Ayes: Wasson, Casey

Nays: None

Abstain: Woodend

Resolution 135-05 is approved

Councilman Woodend introduced Resolution 136-05, seconded by Councilman Casey.

**RESOLUTION 136-05
A RESOLUTION DESIGNATING THE WEEK OF NOVEMBER 6 THROUGH NOVEMBER 12, 2005,
AS "NATIONAL VETERANS AWARENESS WEEK"**

WHEREAS, tens of millions of Americans have served in the armed forces of the United States during the past century; and

WHEREAS, hundreds of thousands of Americans have given their lives while serving in the armed forces during the past century; and

WHEREAS, the contributions and sacrifices of the men and women who served in the armed forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States; and

WHEREAS, the advent of the all volunteer armed forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the armed forces; and

WHEREAS, this reduction in familiarity with the armed forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the armed forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations; and

WHEREAS, the system of civilian control of the armed forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

WHEREAS, on November 9, 2004, President George W. Bush issued a proclamation urging all the people of the United States to observe November 7 through November 13, 2004, as "National Veterans Awareness Week";

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

1. designate the week of November 6, 2005, through November 12, 2005, as "National Veterans Awareness Week"; and
2. encourage the people of the United States to observe the week with appropriate educational activities; and
3. a copy of this resolution will be forwarded to various local veterans' organizations.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 136-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 136-05 is approved

Mayor Wasson introduced resolution 137-05, seconded by Councilman Woodend.

RESOLUTION 137-05

A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE CITY BUDGET FOR THE YEAR 2005, TO INCLUDE A STATE OF NEW JERSEY SOLID WASTE ADMINISTRATION RECYCLING TONNAGE GRANT IN THE AMOUNT OF \$915.97.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Medford Lakes has received notice from the New Jersey Department of The Treasury that it has been awarded funds from the State Recycling Fund and wishes to amend its 2005 Budget to include this amount as a revenue;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Medford Lakes, in the County of Burlington, and State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2005 in the sum of \$915.97, which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations:
RECYCLING TONNAGE Grant; and

BE IT FURTHER RESOLVED that a like sum of \$915.97 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% "CAPS"
Public and Private Program's Off-Set by Revenues
RECYCLING TONNAGE Grant; and

BE IT FURTHER RESOLVED that the Clerk of the Borough of Medford Lakes forward two copies of this resolution to the Director of Local Government Services.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 137-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 137-05 is approved

Councilman Casey introduced Resolution 138-05, seconded by Mayor Wasson.

RESOLUTION 138-05

A RESOLUTION AUTHORIZING CERTAIN BUDGETARY TRANSFERS

WHEREAS, the Borough Council of the Borough of Medford Lakes did adopt a budget for the year 2005, in accordance with the Municipal Budget Law (N.J.S.A. 40A:4 et seq.); and

WHEREAS, it has become necessary to transfer certain funds among the various line items as contained within the aforementioned adopted municipal budget; and

WHEREAS, N.J.S.A. 40A:4-58 allows for the transfer of funds among line items of an adopted municipal budget during the last two months of the fiscal year; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, New Jersey, that the Chief Financial Officer of the Borough of Medford Lakes is hereby authorized to make the transfers as listed below among the various line items.

FROM	TO	AMOUNT
1. Employee Group Insurance	Planning Board-OE	\$ 4,250.00
2. Employee Group Insurance	Vehicle Maintenance- OE	\$10,000.00
		Total \$14,250.00

Manager Knight explained the budget shortfall to Council.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 138-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 138-05 is approved

Councilman Casey introduced Resolution 139-05, seconded by Councilman Woodend.

RESOLUTION 139-05

A RESOLUTION AUTHORIZING THE TRANSFER OF AN OVERPAYMENT

WHEREAS, Statewide Title Company and First American Real Estate Tax Service both made the fourth quarter 2005 tax payment in the amount of \$1,421.36 on Block: 30025 Lot:938 known as 191 Mohawk Trail owned by Shawn Grubb; 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 \$1,421.36 be drawn to the order of First American Real Estate Tax Service.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 139-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 139-05 is approved

Councilman Casey introduced Resolution 141-05, seconded by Councilman Woodend.

RESOLUTION 141-05
A RESOLUTION AUTHORIZING THE TRANSFER OF AN OVERPAYMENT

WHEREAS, Countrywide Tax Service and Duane Clark, homeowner both made the fourth quarter 2005 tax payment in the amount of \$173.17 on Block: 30106 Lot: 3717 known as 60 Kosoto Trail; and

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

WHEREAS, Duane Clark 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 \$173.17 be drawn to the order of Duane Clark.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 141-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 141-05 is approved

Mayor Wasson introduced Resolution 142-05, seconded by Councilman Casey.

RESOLUTION 142-05
A RESOLUTION SUPPORTING THE RECYCLING ENHANCEMENT ACT

WHEREAS, recycling saves America's natural resources for generations to come while significantly reducing solid waste disposal costs and preserving landfill space; and

WHEREAS, the State of New Jersey's municipal recycling rate has dropped from 45% to 33% over the last nine years; and

WHEREAS, the New Jersey State Recycling Tax, which provided a funding source for municipal recycling grants, county planning and educational outreach effort expired on December 31, 1996; and

WHEREAS, this significant source of funding is no longer available to municipalities and counties; and

WHEREAS, the passage of the proposed New Jersey Recycling Enhancement Act (S2615/A4075) would restore funding critical to the continued success and growth of recycling programs in New Jersey; and

WHEREAS, the tax reinstated under the New Jersey Recycling Enhancement Act would be collected from all generators of solid waste in New Jersey and also would be assessed on all solid waste imported into the state, and would not exceed \$3.00 per ton of solid waste generated; and

WHEREAS, 60% of the total raised by the tax would be appropriated to municipalities in the form of annual recycling grants, which would be significantly higher than the amounts awarded to municipalities prior to the expiration of the recycling tax in 1996;and

WHEREAS, municipal recycling grants are essential to ensure the sustainability of mandatory municipal recycling programs;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, supports the passage of the New Jersey Recycling Enhancement Act which shall include the conditions set forth in this resolution; and

BE IT FURTHER RESOLVED, that the Borough of Medford Lakes governing body urges both the houses of the New Jersey Legislature to pass the Recycling Enhancement Act and further urges all New Jersey Legislators to offer their support for such legislation.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 142-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 142-05 is approved

Mayor Wasson introduced Resolution 143-05, seconded by Councilman Woodend.

RESOLUTION 143-05

A RESOLUTION AUTHORIZING THE SALE OF PROPERTY NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, N.J.S.A. 40A:11-36 allows for the sale or other disposition of property; and

WHEREAS, the Borough of Medford Lakes wishes to include the sale of property no longer needed for public use as part of specifications to offset the price of a new purchase;

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 are no longer needed for public use and will be used to offset the price of a new purchase:

1. 1983 International Truck S-1900
Two 50 gallon fuel tanks
DT 466 Engine
Miles 18482.5
Power Steering
5 speed manual transmission
Split ratio rear axle
Air Brakes

2. Vactor Jet/Vacuum
Fan Driven by Deutz Diesel Year 1999
1000 Gallon water tank
60 GPM @ 2000 psi
9 yard debris body

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 143-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 143-05 is approved

Councilman Woodend introduced Resolution 144-05, seconded by Mayor Wasson.

RESOLUTION 144-05

A RESOLUTION AUTHORIZING THE MANAGER TO ENTER INTO AN AGREEMENT WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS TO UTILIZE THE BURLINGTON COUNTY ANIMAL SHELTER

WHEREAS, stray animals are sometimes found in the Borough; and

WHEREAS, the Board owns and operates the Burlington County Animal Shelter (the “Shelter”) a facility for the care of domesticated animals; and

WHEREAS, the Borough does not have a pound or other facility to care for stray animals and wishes to have stray animals found within its borders housed at the Shelter; and

WHEREAS, the Board is agreeable to taking custody of the Borough’s Stray animals in accordance with the terms and conditions of this Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, in accordance with the terms and conditions of this Agreement;

I. EFFECTIVE DATE AND TERM OF AGREEMENT

This Agreement shall be effective on execution by both parties and adoption of resolutions or other proper authorizing instrument by both parties. This agreement shall expire on December 31, 2005, unless the parties agree to extend its term.

II. COUNTY COMMITMENTS The County shall be responsible for the following:

2.1 STRAY ANIMALS

Accept, at any time and any day of the week, the following animals found to be stray in the Borough: feral cats; domesticated cats; dogs; domesticated rabbits; domesticated birds and domesticated ferrets. The County may agree to accept other domesticated animals, but does not guarantee that it will do so. The Shelter will hold all animals for the periods of time specified in N.J.A.C. 8:23-1.10 (the “holding period”) and provide them with appropriate care, as determined by the Shelter.

2.2 **ADOPTION OF ANIMALS.** The Board will establish appropriate public hours for the Shelter so that people who have lost a pet can look for said pet and so that people can adopt animals once the holding period has expired.

2.3 **SURRENDER OF OWNED ANIMALS.** The Shelter will accept the animals described in section 2.1 from their owners who are Borough residents on presentation of proper identification and if Shelter cage space, as determined by the County.

2.3.1 **SURRENDER OF NON-OWNED ANIMALS.** If a Borough resident certifies that the animal he/she has delivered to the Shelter is a stray or lost animal, the Shelter personnel will enter it in Shelter records in the same way as animals received from Borough Officials.

2.4 **REDEMPTION OF ANIMALS.** The Shelter will allow redemption of pets if the Shelter finds that a person claiming to be the owner provides identification and satisfactory proof of ownership.

2.5 **FEES.** The Shelter shall have the right to establish and collect appropriate charges and fees for reclaimed animals and for persons adopting an animal from the shelter. The Shelter shall have the right to modify its charges at any time.

2.6 **REPORTS.** Each month the County will send a report to the Borough of animals received from the Borough and Borough citizens.

III. **BOROUGH RESPONSIBILITIES** The Borough shall be responsible for the following:

3.1 **ANIMAL CONTROL OFFICERS.** The Borough shall be responsible for retaining and compensating one or more certified Animal Control (“ACO”) Officers for the purpose of collecting and transporting animals to the Shelter. The Borough is responsible for providing the County with a copy of each Animal Control Officer’s credentials and contact information.

3.2 **COMPLIANCE WITH COUNTY RULES.** The Borough and Borough’s Animal Control Officers shall comply with rules and regulations adopted by the County for delivery of animals to the Shelter. The County shall have the right to suspend the Borough’s right to deliver animals to the Shelter if the Borough’s ACO’s are noncompliant with Shelter rules.

3.3 **SICK/INJURED STRAY ANIMALS.** If a stray animal is sick or injured at the time of pickup, the Borough shall provide for necessary veterinarian care for stray animals prior to delivery to the Shelter facility. A veterinarian shall be provided to monitor and approve all shelter operations involving animals.

3.4 **PAYMENT.** The Borough agrees to pay the County in accordance with the Fee Schedule attached to this agreement. The Borough shall pay each County billing within 40 days of the Borough’s receipt thereof.

PUBLIC COMMENT: Mike Powers, 19 Onondago Trail, asked about the fee schedule. It is in line with Garden State. Costs are funded from annual licensing fees.

VOTE TO APPROVE RESOLUTION 144-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 144-05 is approved

OLD BUSINESS

DAM RESTORATION – Dewberry and Mayor Wasson signed the applications for permits to be submitted to the Pinelands Commission. Work is being completed on the bid specs. FEMA has stated that Medford Lakes in the lead in dam repairs. Dredging the lake beds is a Colony project, not a Borough one.

OAKS HALL – Jim Madden is back at work following surgery. He is reviewing construction drawings in order to put the bid packets together. The footings have been approved by Lippincott Structural Engineers; however, Borough Code Official Tom Heck disagrees with the approval. Lippincott was hired to examine the footings as they are wider than expected. Information is on the Borough's web site.

HIAWATHA TRAIL SEWER COLLAPSE – repairs are complete, with the exception of the final paving, which will be completed in the spring. The entire system may have to be checked for weak spots.

Council directed Manager Knight to discuss strategy and grant options with Wayne Simpson.

PAY PERIODS – Council has previously discussed changing the pay schedule from every two weeks to twice a month. Borough Financial Officer Donna Condo has reservations about the change; the first month would be the most difficult.

MISCELLANEOUS - Flu shots will be available to Borough employees on Monday, November 21, 2005, between 3:00pm and 7:00pm at the firehouse. There is no cost to employees.

During the flood, Wastewater lost the sewer line video inspection camera, an expensive and important part of preventive maintenance on the Borough's sewer lines.

Manager Knight is in negotiations with Winzinger concerning the Jersey barriers.

CORRESPONDENCE

Manager Knight included information about the scheduled seminars at the League conference in Council's packets.

REPORTS

SOLICITOR – Mr. Vogdes submitted to Council a draft ordinance for an inter-local services agreement for the Myers property. He asked Council members to note any comments or changes and return to him. The pending project will now go before the Pinelands Commission for approval.

Mr. Vogdes received specs from Mrs. Condo for the proposed jet vac purchase. Mr. Vogdes complimented Mrs. Condo on her work.

Mr. Vogdes met with Manager Knight to discuss several topics, including the Employee Handbook.

The Pinelands Commission sent new storm water regulations to Solicitor Vogdes; he can now finish codification on Land Use ordinances.

COUNCIL – Negotiations are ongoing concerning the Medford Lakes Police Officers contract.

Leaf collection started on Monday and will run through the end of November. Three additional Public Works employees have been added to help with the collection.

Council directed Manager Knight to obtain more signs for notification of the collection areas.

The Medford Lakes Municipal Alliance recently presented a Senior Citizens Safety Program and Dinner at the Medford Lakes Country Club. Jack Smith was the speaker, with a presentation by a bomb sniffing dog.

PAYMENT OF BILLS

Mayor Wasson made a motion, seconded by Councilman Casey, to pay the bills on the Bill List, with an amendment. Council questioned the expenditure for three EMS workers to attend a conference in upstate New York. The funds are encumbered from the EMS Operations budget.

VOTE TO PAY BILLS

Ayes: Wasson, Casey

Nays: None

Abstain: Woodend

Payment of bills is approved

ADJOURNMENT TO EXECUTIVE SESSION

Councilman Woodend made a motion, seconded by Mayor Wasson, to adjourn to Executive Session. No official action will be taken.

RESOLUTION 145 -05

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:

MLPOA CONTRACT

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 ADJOURN TO EXECUTIVE SESSION

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

RETURN TO REGULAR MEETING

Councilman Woodend made a motion, seconded by Mayor Wasson, to return to the Regular Meeting.

VOTE TO RETURN TO REGULAR MEETING

Ayes: Wasson, Casey, Woodend
Nays: None
Meeting adjourned

ADJOURNMENT

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

VOTE TO ADJOURN

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

Respectfully submitted,

Richard Knight
Borough Manager

