

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
OCTOBER 13, 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 Tim Casey, and Councilman Gary Woodend. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Solicitor Jim Vogdes, Police Chief Frank Martine, and Colony representative Paul Weiss.

SPECIAL PRESENTATION

Police Department Lieutenant Steve Carbone and Officer Larry Yurkonis traveled to New Orleans as part of the Burlington County contingent of law enforcement volunteers following Hurricane Katrina. They were deployed for two weeks, in addition to two more days travel time. The voluntary duty demonstrates the department's commitment to the safety and well-being of residents, whether they be in Medford Lakes or New Orleans.

Lt. Carbone narrated a slide show of photos taken during the two weeks depicting the destruction in the area.

Following the slide show, Mayor Wasson presented each officer with a Mayoral Proclamation of gratitude.

PROCLAMATION

A PROCLAMATION ACKNOWLEDGING LIEUTENANT STEPHEN A. CARBONE FOR SERVICE ABOVE AND BEYOND THE CALL OF DUTY

WHEREAS, On August 29, 2005, the Gulf Coast of these United States was ravaged by Hurricane Katrina; and

WHEREAS, the city of New Orleans was devastated by the storm and the city police requested assistance from fellow police officers from New Jersey to perform search and rescue operations and assist in securing the city from further damage; and

WHEREAS, Lieutenant Stephen A. Carbone willingly and unselfishly offered himself to respond to the needs of the residents and to assist his fellow police officers without prejudice; and

WHEREAS, this honorable act of service deserves recognition; and

WHEREAS, Lieutenant Stephen A. Carbone is being awarded the POLICE STAR, by Police Chief Frank Martine, for his act of service, bravery and dedication to the victims of Hurricane Katrina and his fellow police officers;

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 we hereby thank and congratulate Lieutenant Stephen A. Carbone for a job well done.

PROCLAMATION

A PROCLAMATION ACKNOWLEDGING OFFICER LAWRENCE A. YURKONIS FOR SERVICE ABOVE AND BEYOND THE CALL OF DUTY

WHEREAS, On August 29, 2005, the Gulf Coast of these United States was ravaged by Hurricane Katrina; and

WHEREAS, the city of New Orleans was devastated by the storm and the city police requested assistance from fellow police officers from New Jersey to perform search and rescue operations and assist in securing the city from further damage; and

WHEREAS, Officer Lawrence A. Yurkonis willingly and unselfishly offered himself to respond to the needs of the residents and to assist his fellow police officers without prejudice; and

WHEREAS, this honorable act of service deserves recognition; and

WHEREAS, Officer Lawrence A. Yurkonis is being awarded the POLICE STAR, by Police Chief Frank Martine, for his act of service, bravery and dedication to the victims of Hurricane Katrina and his fellow police officers;

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 we hereby thank and congratulate Officer Lawrence A. Yurkonis for a job well done.

Each officer also received a commemorative plaque from the members of the Medford Lakes Police Officer's Association, expressing their pride in the officers.

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 of September 22, 2005.

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

ORDINANCES

Mayor Wasson made a motion, seconded by Councilman Casey, to remove Ordinance 510 from the table. Public comments indicated confusion concerning the use of commercial signs, political signs, and temporary banners. Mark Caira, Colony athletic representative, forwarded a letter to Council asking if the new ordinance would allow temporary banners to be hung during the course of a game on Colony fields.

ORDINANCE 510

AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, AMENDING ORDINANCE 452, AS AMENDED, THE BOROUGH OF MEDFORD LAKES LAND DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes that the Borough hereby amends Chapter One, Article V, section 519, of the Medford Lakes Land Development Ordinance, by deleting the language therein, and providing as follows:

I. **PURPOSE:** The purpose of this Ordinance is to amend Ordinance Number 452, as amended, to add a provision regarding commercial signs, and adding provisions regulating temporary signs.

II. **AMENDMENT:** Section 519, paragraph A, Chapter One, Article V, general zoning provisions, entitled "Signs," is hereby amended as follows:

i. Subsection A, paragraph 6, "commercial signs," is hereby amended by adding the following: commercial signs shall not be permitted in any area other than in the Lakes Commercial Zone. This includes signs or advertisements on any athletic or recreation field or facility.

ii. Subsection A, paragraph 7, "temporary signs," is hereby deleted.

iii. There is hereby added a new subsection 7, as follows, under A, 'Types of Signs':

7. Temporary Signs.

a) Definitions. As used in this subsection 7, the following terms shall have the meanings indicated:

PERSON – Any individual, partnership, association

profit or nonprofit corporation or other entity.

TEMPORARY SIGN – Any exterior poster, sign, billboard, handbill, advertisement or other material which is not intended to remain permanently at a particular location.

(b) Temporary signs shall be permitted only as hereinafter provided. All temporary signs are subject to the following requirements;

(1) Only one temporary sign shall be permitted at any time.

(2) The size of the sign shall not exceed six (6) square feet, and it shall not exceed four (4) feet in height.

(3) Said sign(s) shall not be illuminated, and shall have no moving parts.

(4) The sign shall be set so that same shall not encroach upon the municipal right-of-way.

(5) The sign shall be set back at least fifteen (15) feet from the roadway and fifteen (15) feet from the side property line.

(6) The period of time during which any such temporary sign is permitted shall not exceed 30 days.

(c) The following temporary signs shall be permitted:

(1) Temporary signs announcing any educational, charitable, civic, religious, community or like event.

(2) Election signs. Temporary election signs (political or community) shall not be erected prior to thirty (30) days before any election, and shall be removed not more than forty-eight (48) hours after the election. The name and address of the person or organization responsible for the sign shall be printed on the sign, in accordance with N.J.S.A.19: 34-38.1. Election signs shall not exceed 6 square feet in area. No permit or fee shall be required for their installation. The signs must be erected fifteen (15) feet from the roadway, and at least fifteen (15) feet from adjoining property.

(3) Garage and Yard Sale Signs, and Directional Signs

(a) Temporary directional signs shall be permitted providing directions to a garage or yard sale, real estate open houses, or other similar event.

(b) Such signs shall not exceed six (6) square feet in size, and shall only be displayed during a period beginning at 6:00 p.m. Friday to 5:00 p.m. Sunday, after which time they must be removed. Such signs shall not be permitted more than twice per year per property.

(c) There shall be no more than three (3) directional signs and one (1) sign at the garage or yard sale, or property location.

(d) Signs must be located on the property of persons who authorize same.

(e) Any garage or yard sale, or other directional sign not conforming to this article shall constitute prima facie evidence that the addressee shown on the sign has violated this article.

(4) Real Estate Signs

(a) Signs indicating premises for sale or rent shall be no larger than six square feet in area, set back at least 15 feet from the roadway, as well as fifteen (15) feet from the side yard, and shall not be illuminated.

(b) Such signs shall not remain for more than 30 days. Signs shall be removed within forty-eight (48) hours of a binding agreement of sale for the subject premises.

(5) Truck, automobile, and other vehicles or water craft for sale or rent signs, subject to New Jersey Motor Vehicle Code laws and regulations, shall be permitted for a period of time not exceeding 21 days. The signs must be affixed in the window of the vehicle. Such vehicles must be located on the property or the front portion of the owner's property. Such signs shall not be permitted more than twice per year per property.

(d) The Zoning officer shall have the discretion to prohibit the erection, and/or to remove or order the removal of any temporary sign he or she deems to present a hazard to the public, or to be in non-compliance with this Ordinance, and he or she shall have the authority to remove such sign.

(e) The Borough of Medford Lakes Police Department is given the authority, in addition to the Zoning Officer, to enforce the provisions of this Subsection relating to signs.

(f) Mobile signs of any kind are expressly prohibited.

(g) Sandwich board or small freestanding signs of any type are expressly prohibited in all zones.

(h) The provisions of this ordinance shall be enforceable against the owner of the property bearing a non-conforming sign, the person responsible for erecting a non-conforming sign, and the person or persons advertising the subject matter of a non-conforming sign.

(i) Signs shall not be affixed to any tree or utility pole. They shall be mounted on their own stakes or stanchions along any public street in a safe manner, without projecting over the Borough right-of-way. Said signs shall not be located in a sight triangle.

III. Effective Date. This Ordinance shall become effective upon passage and publication according to law.

IV. Violations and Penalties. Any person, association or corporation installing any temporary or permanent sign without being properly licensed therefore, or who or which shall violate any of the other terms and regulations of this Subsection 7 shall, upon conviction, be fined no less than fifty dollars (\$50.00), nor more than one thousand dollars (\$1,000.00) for each violation. Each day that such installation of any temporary or permanent sign shall continue without being duly licensed shall be considered a separate violation.

The existing sign ordinance is out of date, somewhat unconstitutional, and not easily enforceable by police. This ordinance contains some errors and needs to be reformatted. The Medford Lakes Planning Board has "no position" on the ordinance. The Colony regulates its own property but remains subject to Borough Ordinances.

Councilman Woodend made a motion, seconded by Mayor Wasson, to table the vote to October 13, 2005, to allow for public input.

PUBLIC COMMENT: Greg Lackey, 138 Paupukkeewis Trail, asked Council to make the new sign ordinance as restrictive as possible and to postpone action until the Colony could comment. He understands the difficulty in enforcing sign regulations, but suggested Council approve a restrictive ordinance and then defend it in court if challenged.

Council directed Manager Knight to forward a copy of Ordinance 510 to the Colony for their input and a copy to Mark Caira, for his input concerning signs at athletic fields

Councilman Casey made a motion, seconded by Mayor Wasson, to table Ordinance 510, to the Regular Council Meeting on December 8, 2005.

VOTE TO TABLE MOTION
Ayes: Wasson, Casey, Woodend
Nays: None
Motion to table is approved

RESOLUTIONS

Mayor Wasson introduced Resolution 124-05, seconded by Councilman Woodend.

**RESOLUTION 124-05
A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT TO FUND STORM WATER ACTIVITIES**

WHEREAS, the governing body of Borough of Medford Lakes desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$6,822.00 to fund storm water activities as described in the Scope of Services;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes that David D. Wasson or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State and (c) to execute [] any amendments thereto [] any amendments thereto which do not increase the Grantee's obligations; and

BE IT FURTHER RESOLVED, that the Grantee agrees to comply with all applicable federal, State and municipal laws, rules, and regulations in its performance pursuant to the agreement.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 124-05
Ayes: Wasson, Casey, Woodend
Nays: None
Resolution 124-05 is approved

Mayor Wasson introduced resolution 125-05, seconded by Councilman Casey.

RESOLUTION 125-05

A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR FROM THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BOROUGH BUDGET FOR THE YEAR 2005, TO INCLUDE A STORMWATER MANAGEMENT GRANT IN THE AMOUNT OF \$6,822.00.

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 Environmental that it has been awarded funds from the Storm water Management 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, 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 \$6,822, 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:

Storm water Grant; and,

BE IT FURTHER RESOLVED that a like sum of \$6,822 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

Storm water Grant;

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 125-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 125-05 is approved

Councilman Woodend introduced Resolution 126-06, seconded by Mayor Wasson.

RESOLUTION 126-05

A RESOLUTION APPROVING CERTAIN QUALIFIED ACTIVE MEMBERS OF THE FIRE DEPARTMENT APPLICATION FOR MEMBERSHIP INTO THE NEW JERSEY STATE FIREMAN’S ASSOCIATION

WHEREAS, certain qualified members of the Medford Lakes Fire Department are applying for membership in the New Jersey State Fireman’s Association; and

WHEREAS, the governing body of the Borough of Medford Lakes supports the application of qualified active members within the Fire Department admittance into the NJ State Fireman’s Association;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lake that the following qualified active members of the Medford Lakes Fire Department are approved to apply for membership in the New Jersey State Fireman’s Association: Alex Capps, Patty Dyremose, Rich Igo, Paul Molonari, Matthew Naisby, Jack Rabozcay, Ariel Rodney, and Kathleen Staples.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 126-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 126-05 is approved

OLD BUSINESS

DAM REPAIR – work is on target; the current objective is to forward the permit application to the DEP in December. Peter Black of Dewberry and representatives of Alaimo will attend the Regular Council Meeting on October 27, 2005 to update Council and the residents on the progress.

Council directed Manager Knight to forward a letter to Acting Governor Codey concerning the funding available for dam repair.

Council also directed Mr. Knight to perform a title search on Lower Aetna Dam.

OAKS HALL – Manager Knight met with architect Rick Ragan concerning changes made to the plans. Council discussed scissor trusses and the roofline. There would be no additional cost to go to HeartBilt for scissor trusses. Chris Noll checked the elevations of the footings and determined they are not level.

Council directed Manager Knight to forward the window designs to the Historic Commission for review.

Councilman Casey made a motion, seconded by Mayor Wasson, to assign Councilman Woodend as project liaison.

VOTE ON MOTION

Ayes: Wasson, Casey

Nays: None

Abstain: Woodend

Motion carries

CODIFICATION – Council members were each given a copy of the book and asked to sign for receipt of it. The Land Use, Traffic, and Historic sections are still being under consideration.

JERSEY BARRIERS – the Borough has spent approximately \$5,000 to rent the barriers from Winzinger since the flood in July, 2004. Winzinger has offered to sell the barriers to the Borough for an additional \$3,000.

Council directed Manager Knight to investigate how much it would cost to buy barriers from another company, including Hillman Concrete and L&L Redi-Mix.

TRADING POST TRAIL – the Borough was awarded a grant in the amount of \$125,000 for upgrades to the roadway and the intersection with Stokes Road.

NEW BUSINESS

PUBLIC COMMENT: Joe Powell, 175 Nahma Trail, asked Council if there are any plans to adopt an ordinance regulating registered sex offenders living in the Borough. Medford and Shamong have both recently adopted such an ordinance, which regulates how close a registered offender may reside to a school, park, and other public places.

Solicitor Vogdes advised such an ordinance may not be legal in Medford Lakes, due to size limitations.

Council asked Solicitor Vogdes to forward to them a sample ordinance for their perusal.

REPORTS

SOLICITOR – advised Council to straighten out the construction manage situation; Mr. Madden is currently in the hospital. The footings are in place and the foundation will be poured within the next few weeks.

COUNCIL – Mark McIntosh reported a Hazardous Communication (HAZCOM) course will be given in Medford on Tuesday, October 18, 2005. The course is mandatory for all employees.

The MLPOA contract is not settled.

The fire department purchased two new defibrillators using funds from a State grant.

It is time to begin the 2006 budget process. Manager Knight has scheduled a meeting with department heads for Thursday, October 20, 2005.

Flu vaccines will be available for Borough employees in November.

Council directed Manager Knight to determine if the County has a plan to deal with avian flu if it becomes a problem in the region.

CORRESPONDENCE

Council received a memo from CMFO Donna Condo concerning the sale of bond anticipation notes. Commerce Bank submitted a rate of 2.96% and Citizen's Bank submitted a rate of 3.35%. Commerce Bank was chosen for the bonds.

PAYMENT OF BILLS

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

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Wasson, Casey, Woodend

Nays: None

Payment of bills is approved

ADJOURNMENT

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

VOTE TO ADJOURN

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned at 10:05pm

Respectfully submitted,

Richard Knight
Borough Manager