

**BOROUGH OF MEDFORD LAKES  
REGULAR COUNCIL MEETING  
OCTOBER 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 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 – FLOOD RECOVERY UPDATE**

Peter Black of Dewberry presented Council and the public with exhibits, featuring renderings of an RCC foundation, dam, and spillway. He will provide a set of the plans for use at the Borough office and will forward a PDF set to Councilman Casey for the Borough's website.

Mr. Black gave a detailed explanation of the proposed dam, including layers, steps, processes and the end result. Mr. Black advised Council the dam must be built to fit the DEP's hazard calculation; the DEP has essentially agreed to Dewberry's concept. Mr. Black hopes to submit the final plans for the permit application by Thanksgiving and advised not to start cleanup until that time. He answered numerous questions from Council, and they discussed stream flow, elevations, beaches, and bids and their deadlines. It would not be a monetary benefit to bid separately for the two Aetna dams. Colony representative Paul Weiss discussed the dam construction from the Colony's perspective. Solicitor Vogdes added his comments and suggestions.

Councilman Woodend called Carol Latti and questioned her about the canal-way behind her property and where it empties. They discussed the need for easements. Councilman Casey suggested forwarding a letter to residents who would be affected by the easement process.

Mayor Wasson thanked Mr. Black for attending the meeting.

**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 October 13, 2005.

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

**ORDINANCES**

There were no ordinances for discussion.

**RESOLUTIONS**

Councilman Casey introduced Resolution 127-05, seconded by Councilman Woodend.

**RESOLUTION 127-05**

**A RESOLUTION PERMITTING THE TAX COLLECTOR TO CANCEL DEBIT AND CREDIT BALANCES UNDER \$3.00 FOR THE YEAR 2004**

**WHEREAS**, the Medford Lakes Tax Collector has requested and recommended to the Borough Council that all debit and credit balances, (for sewer and tax) that remain in the amount up to and including \$3.00 for the year 2004, be canceled if such balances remain at the close of the 2005 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, and State of New Jersey, as follows:

1. that 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 2004 debit and credit balances, (for sewer and tax); up to and including \$3.00; and
2. that a certified copy of this resolution be forwarded to the Borough Tax Collector and Borough Auditor.

*PUBLIC COMMENT: None*

**VOTE TO APPROVE RESOLUTION 127-05**

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 127-05 is approved

Councilman Woodend introduced Resolution 128-05, seconded by Mayor Wasson.

**RESOLUTION 128-05**

**A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE REGIONAL “BUCKLE UP SOUTH JERSEY” MOBILIZATION, NOVEMBER 14-18, 2005**

**WHEREAS**, the Borough of Medford Lakes Police Department has applied for the regional “Buckle Up South Jersey” Mobilization, November 14-18, 2005, 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 \$2,000.00; and

**WHEREAS**, the grant will pay for police officers to work overtime to enforce laws affecting 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**, the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, hereby authorizes the Mayor and Clerk to sign the Grant Acceptance Conditions. By accepting the Grant, the Borough recognizes this Stat-wide lifesaving opportunity, and proclaims support for the “Buckle Up South Jersey” Mobilization November 14-18, 2005, 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 128-05**

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 128-05 is approved

Mayor Wasson introduced Resolution 130-05, seconded by Councilman Casey.

**RESOLUTION 130-05**

**A RESOLUTION AUTHORIZING EMERGENCY REPAIR OF THE SEWER LINE ON HIAWATHA TRAIL**

**WHEREAS**, an emergency arose, which occurred on or about October 18, 2005 at which time the Hiawatha 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 October 18, 2005, attached hereto, an emergency is created, which does not permit time to bid out; and

**WHEREAS**, the contractor, MAC-ROSE Contractors Inc. is the best contractor available to do the work rapidly and in accordance with the Engineering (Alaimo Associates) letter dated October 26, 2005, and there is not time to engage the bidding process, although quotes have been obtained, and MAC-ROSE Contractors Inc. 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 Stokes Road, itself; and

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and 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 MAC-ROSE Contracting Inc., 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 \$26,300.00.

The implementation of this Resolution and execution of the contract is conditioned upon certification of availability of funds pursuant to law.

*PUBLIC COMMENT: None*

**VOTE TO APPROVE RESOLUTION 130-05**

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 130-05 is approved

Mayor Wasson introduced Resolution 131-05, seconded by Councilman Casey.

**RESOLUTION 131-05**

**A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH DEWBERRY-GOODKIND INC.**

**WHEREAS**, the Borough of Medford Lakes received significant infrastructure damage as the result of flood waters from a flood that occurred on July 12, 2004; and

**WHEREAS**, the flood caused damage to both Upper Aetna, Lower Aetna and Quogue Dams; and

**WHEREAS**, the restoration of Upper Aetna, Lower Aetna and Quogue Dam sites require engineering services completed for future repair determination; and

**WHEREAS**, these services require knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study and meet the statutory requirements of N.J.S.A. 40A: 11-2(6).

**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 Mayor and Manager of the Borough of Medford Lakes are hereby authorized to enter an Agreement with Dewberry- Goodkind Inc., 600 Parsippany Road, 3<sup>rd</sup>. floor, Parsippany, NJ 07054-3715 ,not to exceed \$277,600.00.

The implementation of this Resolution and execution of the contract is conditioned upon certification of availability of funds pursuant to law.

*PUBLIC COMMENT: None*

**VOTE TO APPROVE RESOLUTION 131-05**

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 131-05 is approved

## **OLD BUSINESS**

**DAM RESTORATION** – discussed earlier in the meeting.

**MUNICIPAL BUILDING** – Councilman Woodend advised Council the project was on hold, due to Project Manager Jim Madden having had brain surgery. There is an issue as to how the foundation wall should be built; Code Official Tom Heck has concerns about Mr. Madden's plan.

Manager Knight advised the current schedule is: prepare bid specs for the walls, go out for bid, do grading, prepare bid specs for mechanicals, and go to bid on mechanicals.

Council directed Manager Knight to forward to them copies of a sealed letter from the structural engineer and drawings from the architect, indicating the current status of the project.

**BOB MEYER COMMUNITIES** – Councilman Woodend asked why the contract, signed by Bob Meyer Communities, had not been signed by the Borough. Solicitor Vogdes had four areas of concern with the contract; Councilman Woodend explained his understanding of the agreement and Council discussed the points. Everyone agreed the agreement was sound, with the exception of the use of the word "exclusive."

Mayor Wasson reminded the public about safety on Halloween and about the parade Saturday night, October 29, 2005, in Medford.

Mr. Wasson encouraged residents to vote in the upcoming election.

Fall leaf collection begins Monday, November 7, 2005. Three additional Public Works employees will begin work on November 21, 2005, with their assignment being leaf collection. They will be on the payroll until the end of the year.

## **NEW BUSINESS**

Councilman Woodend discussed his concerns about the sewer collapse on Hiawatha Trail. He sent an e-mail to other Council members containing an analysis of how sewer lines break. He would like to begin a pro-active approach to the sewer system, instead of doing repair work after a break when costs can be higher due to an emergent situation. Mr. Woodend suggested going out for bids for a pre-fixed cost estimate for repairs; using a different method of making the repairs; and the use of the camera for preventative maintenance. Councilman Woodend briefly explained how New York City makes sewer repairs.

Council discussed alternatives for making repairs.

## **CORRESPONDENCE**

Mayor Wasson received a letter from FEMA relative to flood map revisions and scheduling a meeting at the Burlington County Emergency Services facility on November 3, 2005, at 10:30am.

Keith Patterson sent a form letter to the Borough asking for support for cable competition. Mayor Wasson contacted the League of Municipalities for input.

**REPORTS**

**MANAGER' REPORT** – Mr. Knight has completed budget meetings with the heads of the police department, fire department, and public works. He is scheduled to meet with the wastewater superintendent.

Manager Knight has not yet completed the title search for Lower Aetna Dam as requested by Council; but has it on his pending list.

Mr. Knight formalized registration for the League of Municipalities convention in Atlantic City. Of special interest to Council is the insurance seminar.

Manager Knight spoke with Joanne Winzinger about the Jersey barriers being rented from her company and the cost to buy them outright. The Borough has already paid \$5,400 to rent them, with a balance due as of this date of \$1,350. Ms. Winzinger quoted a price of \$3,000 to buy the ten barriers. Mr. Knight reported he can obtain ten barriers under state contract for \$2,500.

Councilman Woodend made a motion, seconded by Councilman Casey, to authorize Manager Knight to negotiate with Winzinger to purchase the Jersey barriers, for a price of up to \$1,250, in addition to what has already been paid.

**RESOLUTION 132-05**

**A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO PURCHASE JERSEY BARRIERS**

**WHEREAS**, the Borough Council has determined that barriers are needed along Trading Post Way to protect bicyclists and pedestrian traffic; and

**WHEREAS**, the Borough has been renting concrete barriers from Winzinger, Inc., since the flood that occurred last year; and

**WHEREAS**, the rental cost has exceeded the purchase cost;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, New Jersey, that the Borough Manager is authorized to purchase the concrete barriers from Winzinger, Inc. at a price not to exceed \$1,250.

**VOTE TO APPROVE RESOLUTION 132-05**

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 132-05 is approved

Manager Knight reported he received a letter from DEP, relative to a five-year inspection that just occurred. One of the items on their list of recommendations was the purchase of a new jet-vac truck to replace the Borough's existing one. Council discussed specifications for a new machine. In addition, the County has offered a loaner to the Borough; Medford has offered any assistance they can.

DEP also advised the Borough of the need for new manhole covers. Council discussed when and how they are replaced.

A Capital Ordinance will be needed for the purchase.

Mayor Wasson made a motion, seconded by Councilman Casey, to authorize Manager Knight to prepare bid specs in anticipation of going out for bids for a new jet-vac truck.

**RESOLUTION 133-05**

**A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO SOLICIT BIDS FOR A SEWER DEPARTMENT JET VACUUM TRUCK**

**WHEREAS**, the Borough Council has determined that the Medford Lakes Wastewater Department requires the use of a Jet Vacuum Truck to maintain the Sewer Collection system;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, New Jersey, that the Borough Manager is authorized to solicit bids for the purchase of a Sewer Department Jet Vacuum Truck.

VOTE TO APPROVE RESOLUTION 133-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 133-05 is approved

**SOLICITOR'S REPORT** – more interviews are scheduled with regard to flood litigation.

Mr. Vogdes forwarded copies of sex-offender ordinances from other municipalities for Council's consideration. A State Bill may be pending concerning sex offenders; the Borough may not have to enact it's own legislation.

AT&T and Cingular are combining companies, which will affect the Borough's cell tower revenue. Council discussed financial issues with regard to the tower and concerns about other potential mergers.

Mr. Vogdes provided Council with a municipal storm-water management plan from New Hanover, for their perusal.

**COUNCIL'S REPORTS** – Police Chief Frank Martine discussed the Borough's FCC license for a municipal band that would allow for much better communication between Borough departments. The license has not been used, which caused the FCC to threaten to rescind it. Two years ago, Council approved funds to build a shed at the cell tower site to house a repeater and to attach an antenna on the tower. Chief Martine advised Council that the FCC wants the municipal band to be in use by January 16, 2006, or the Borough will lose the license.

Councilman Casey asked for cost projections and future expenditures. He suggested CMFO Donna Condo investigate budget transfers to cover the cost. Chief Martine advised Council that he has under-spent on his 2005 budget and could cover the initial cost.

**PAYMENT OF BILLS**

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

VOTE TO PAY BILLS

Ayes: Wasson, Casey, Woodend

Nays: None

Bills approved for payment

**ADJOURNMENT TO EXECUTIVE SESSION**

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

**RESOLUTION 134-05**

**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 negotiations

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 Councilman Casey, 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 Councilman Casey, to adjourn.

VOTE TO ADJOURN

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries, meeting adjourned

Respectfully submitted,

Richard Knight  
Borough Manager

