

**BOROUGH OF MEDFORD LAKES  
REGULAR COUNCIL MEETING  
DECEMBER 14, 2006**

The Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held in the Denby Annex of the Medford Lakes Colony beginning at 7:30pm. Mayor Casey presided and 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 Tim Casey, Councilman Gary Woodend, and Councilman Paul Weiss. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, and Solicitor Peter Lange.

**PUBLIC COMMENT**

There was no public comment at this time.

**APPROVAL OF MINUTES**

Councilman Woodend made a motion, seconded by Mayor Casey, to approve the minutes of the November 16, 2006 Regular Council Meeting, with one change.

VOTE TO APPROVE MINUTES

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved

**RESOLUTIONS**

Mayor Casey introduced Resolution 148-06, seconded by Councilman Weiss.

**RESOLUTION 148-06**

**A RESOLUTION AUTHORIZING PARTICIPATION IN APPLYING FOR A GRANT FOR THE PURPOSE A FIRE, RESCUE AND EMS SERVICES FEASIBILITY STUDY**

**WHEREAS**, the Borough Council of the Borough of Medford Lakes and the Township of Tabernacle, the Township of Shamong and the Tabernacle Board of Fire Commissioners, District 1, have agreed to apply for a SHARE (Sharing Available Resources Efficiently) Program Grant through the State of New Jersey SHARE Program in the amount of \$20,000.00; and

**WHEREAS**, the Tabernacle Fire District #1 has agreed to be the lead agency in this program; and

**WHEREAS**, the State of New Jersey has made SHARE grants available to assist local units to study, develop and implement new shared and regional services; and

**WHEREAS**, the purpose of this grant is to promote shared services between our local units through the sharing of Fire, Rescue and EMS services that would be beneficial to all local units;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey that Borough of Medford Lakes does hereby join with Tabernacle Fire District #1 in applying for a grant for the purpose of a Fire, Rescue and EMS feasibility study of such an endeavor; and

**BE IT FURTHER RESOLVED** that the Borough of Medford Lakes agrees to provide a portion (1/3) of the required local matching funds in the amount of \$3,333.33 as its contribution to the study's costs.

VOTE TO APPROVE RESOLUTION 148-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 148-06 is approved

Mayor Casey introduced Resolution 149-06, seconded by Councilman Woodend.

**RESOLUTION 149-06**

**A RESOLUTION AUTHORIZING THE REFUND OF AN OVERPAYMENT**

**WHEREAS**, a refund is due an overpayment of 2006 property taxes as the result of both the homeowner and the mortgage company paying the same fourth quarter installment; and

**WHEREAS**, the property is located at 210 Migazee Trail, Medford Lakes, New Jersey, also known as B: 30081, L: 3193; and

**WHEREAS**, a refund in the amount of \$1,749.99 should be granted to the property owner Erol Y. Wray;

**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 check representing the overpayment amount of \$1,749.99 be dispensed to:

Erol Y. Wray, 210 Migazee Trail, Medford Lakes, NJ 08055

VOTE TO APPROVE RESOLUTION 149-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 149-06 is approved

Mayor Casey introduced Resolution 150-06, seconded by Councilman Woodend.

**RESOLUTION 150-06**

**A RESOLUTION AUTHORIZING CERTAIN BUDGETARY TRANSFERS**

**WHEREAS**, the Borough Council of the Borough of Medford Lakes did adopt a budget for the year 2006 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, HEREOFRE 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:

**TRANSFER TO:**

Construction S&W	\$ 200.00
Police – O.E.	10,000.00
Postage	500.00
Sanitation/Recycling O.E.	6,000.00
Vehicle Maintenance – O.E.	3,800.00
Wastewater – O.E.	<u>14,000.00</u>
<b>TOTAL TO:</b>	<b>\$ 34,500.00</b>

**TRANSFER FROM:**

A&E – O.E.	\$ 1,500.00
Buildings & Grounds – O.E.	3,200.00
Police S & W.	10,000.00
Emergency Management – S&W	1,500.00
Fire Official – S&W	1,000.00
Public Works – O.E.	3,300.00
Wastewater – S&W	<u>14,000.00</u>
<b>TOTAL FROM:</b>	<b>\$ 34,500.00</b>

**VOTE TO APPROVE RESOLUTION 150-06**

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 150-06 is approved

Mayor Casey introduced Resolution 151-06, seconded by Councilman Weiss.

**RESOLUTION 151-06**

**A RESOLUTION APPROVING CHANGE ORDER NO. 1, FOR THE PROJECT KNOWN AS RECONSTRUCTION OF LOWER AND UPPER AETNA DAMS, AMENDING THE CONTRACT WITH NORTHEAST REMSCO FROM \$8,238,613.00 TO \$8,278,498.45, A INCREASE OF \$39,885.45**

**WHEREAS**, Change Order No. 1 for the project known Reconstruction of Lower and Upper Aetna Dams, was developed to provide for quantity adjustments and other materials to complete the project; and

**WHEREAS**, Change Order No. 1, dated November 28, 2006, amends the contract with Northeast Remsco from \$8,238,613.00 to \$8,278,498.45, a increase in the contract of \$39,885.45; and

**WHEREAS**, the Borough Engineer, Richard A. Alaimo Association recommends approval of said change order; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds;

**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; and

**BE IT FURTHER RESOLVED** that Change Order No. 1 hereby amends the contract price from \$8,238,613.00 to \$8,278,498.45, an increase in the contract of \$39,885.45; and

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

The additional funds are for re-engineering of the stream by-pass at Lower Aetna Dam. The Change Order eliminates the need for large easements and saves the Borough from lengthy negotiations, especially with the Lattis and the Fishmans. Another Change Order is forthcoming for Upper Aetna Dam.

VOTE TO APPROVE RESOLUTION 151-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 151-06 is approved

Councilman Woodend introduced Resolution 152-06, seconded by Mayor Casey.

**RESOLUTION 152-06**

**A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE A POLICE VEHICLE ON STATE CONTRACT**

**WHEREAS**, the Police Department of the Borough of Medford Lakes is in need of purchasing a police vehicle; and

**WHEREAS**, the Governing Body has agreed to purchase the vehicle using funds from the Police O&E Current Fund; and

**WHEREAS**, the Police Department has identified the vehicle to be available through the State of New Jersey's Division of Purchase and Property program as #67129; and

**WHEREAS**, the Governing Body must authorize award of this contract by resolution and pursuant to law; and

**WHEREAS**, the CFO has issued a Certification of Availability of Funds;

**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:

The Police Department is authorized to purchase a vehicle from Warnock Fleet & Leasing, 175 Route 10, P.O. Box 524, East Hanover, NJ, 07936, as identified as a 2007 Ford Crown Victoria, under State Contract #67129 for \$21,075.44.

VOTE TO APPROVE RESOLUTION 152-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 152-06 is approved

Council discussed how to make use of the old fire chief's car and the old police car, both of which are stored on the Borough lot.

Council directed Manager Knight / Fire Chief McIntosh to secure estimates for repairs to the two vehicles.

Mayor Casey introduced Resolution 153-06, seconded by Councilman Woodend.

**RESOLUTION 153-06**

**A RESOLUTION TO CANCEL UNSPENT FUNDS RELATIVE TO A NJ TRANSPORTATION TRUST FUND GRANT**

**WHEREAS**, the 2005 audit reveals a reserve balance from a NJ Transportation Trust Fund Grant for a project prior to 2004; and

**WHEREAS**, the CMFO has investigated this reserve balance and notes the Borough of Medford Lakes has received the total grant allocation as there is no receivable on the Balance Sheet;

**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 reserve balance in the amount of \$63,399.39 from a NJ Transportation Trust Fund Grant is hereby canceled to surplus; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the CMFO upon adoption.

VOTE TO APPROVE RESOLUTION 153-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 153-06 is approved

Mayor Casey introduced Resolution 154-06, seconded by Councilman Woodend.

**RESOLUTION 154-06**

**A RESOLUTION AUTHORIZING THE REFUND OF A TAX PAYMENT**

**WHEREAS**, a refund is due a payment of 2005 Property Taxes as the result of both the homeowner and the lien holder paying prior to the tax certificate being printed for the 2005 outstanding balance; and

**WHEREAS**, the property is located at 108 Setauket Trail, Medford Lakes, New Jersey, also known as B: 30091, L: 2240; and

**WHEREAS**, a refund in the amount of \$319.62 should be granted to the lienholder, Life Center Academy;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that a check representing the payment amount of \$319.62 be dispensed to:

Life Center Academy, 2045 Columbus Road, Burlington, NJ, 08016.

VOTE TO APPROVE RESOLUTION 154-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 154-06 is approved

**OLD BUSINESS**

**OAKS HALL** – bids were opened this date for roofing for the new Oaks Hall building. The specs included shingles, trusses, and sheathing. Architect Rick Ragan sent a letter of recommendation for the company submitting the lowest bid, D.A. Nolt, at just under \$199,000.

Mr. Ragan and Manager Knight will meet with Mr. Nolt next week to discuss the project.

Council directed Manager Knight to forward an update to Council following his meeting with Mr. Ragan and Mr. Nolt.

Mayor Casey made a motion, seconded by Councilman Woodend, to award a contract for roof finishing to D.A. Nolt, pending a satisfactory review of the bid by the solicitor.

**RESOLUTION 155-06**

**A RESOLUTION AWARDED A BID FOR OAKS HALL ROOF TRUSSES, SHEATHING, PENETRATIONS, ET. AL. FOR THE BOROUGH OF MEDFORD LAKES MUNICIPAL BUILDING**

**WHEREAS**, the Borough of Medford Lakes, pursuant to the public contract law, received bids for roof trusses, sheathing, penetrations, et. al. for the Borough of Medford Lakes Municipal Building ,on December 14, 2006; and

**WHEREAS**, D. A. Nolt, Inc., 53 Cross Keys Road, Berlin, NJ, 08009-2318, was the lowest bidder received by the Borough, with a bid in the amount of \$198,860.00; and

**WHEREAS**, the bid of D.A. Nolt, Inc., complied with the bid specifications as prepared by Ragan Design Group and the Borough; and

**WHEREAS**, the Borough Council agrees to award the contract pending the Solicitor's review and acceptance of the Bid Package submitted by D. A. Nolte, Inc.; and

**WHEREAS**, the CFO certifies that funds are available for this purpose;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Medford Lakes this 14<sup>th</sup> day of December, 2006, that D. A. Nolt, Inc., be and is hereby awarded the bid for roof trusses, sheathing, penetrations, et. al. for the Borough of Medford Lakes Municipal Building; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized and directed to execute the contract as proposed and included in the Borough's bid package and any other related document with D. A. Nolt, Inc., in order to complete said Contract.

Council directed Solicitor Lange to prepare a contract for the award of the bid.

VOTE TO APPROVE RESOLUTION 155-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 155-06 is approved

Manager Knight and Mr. Ragan are scheduled to talk with Dwayne Hansen, president of Heartbilt, the company that is preparing the log structure. There is not timetable for delivery at this time. Windows for the building will be sold directly to the Borough, which reduces the cost of a middleman.

At the present time, approximately \$800,000 to \$900,000 has been committed for the project.

CFO Donna Condo will attend the Regular Meeting on December 28, 2006, to discuss funds for the building and the funding Bond Ordinance.

**EMPLOYEE HANDBOOK** – the handbook that Council has been deliberating over is actually a “policies and procedures” book. An actual employee handbook will be adopted following completion of the policies book. Council will meet at 6:30pm prior to the Regular Meeting on December 28, 2006, in an attempt to complete discussions.

**EMS DISCUSSIONS** – Fire Chief McIntosh advised that Medford Public Safety Director Steve Addezio has been invited to attend the Borough’s Regular Council Meeting on January 25, 2007. He will be discussing Medford’s abilities in EMS services and what they could offer the Borough. Chief McIntosh will notice the public of the meeting via the Colony News.

**LARGE TRASH PICKUP** – Solicitor Lange suggested that Council members review the method in which Lumberton handles bulk trash pickup. He has supplied them with copies of Lumberton’s procedures.

**TAX ASSESSOR REPORT** – Council received a report from Tax Assessor Doug Kolton. Since January 1, 2006, he has inspected 80 properties and re-assessed 42 of them.

### **NEW BUSINESS**

**DRUG FREE SCHOOL ZONES** – Manager Knight reported the Burlington County Prosecutor’s Office has requested updated maps of the Drug Free School zones in the Borough.

Council directed Manager Knight to obtain quotes for the new maps.

Councilman Woodend does not want to expend too much money at this time; changes may be coming that would make the expense unnecessary.

Council directed Solicitor Lange to investigate the request at the County level or the Attorney General’s office to determine whether or not the Borough should spend money at this time for new maps.

Council discussed the legality of the Borough’s drug free ordinance as it pertains to parks and beaches, which are private property in Medford Lakes.

Council directed Manager Knight to obtain RFPs from Alaimo and Environmental Resolutions for designating the 1000 foot drug free zones.

**FLOOD LITIGATION** – Manager Knight has depositions on Monday, December 18, 2006, for the litigation.

**2007 BUDGET** – Department budgets have been submitted. CFO Condo will prepare a document for review by Council prior to December 31, 2006. Budget workshops will then be scheduled for January of 2007. The Borough will apply for extraordinary aid again for 2007, which delays the budget approval and requires the use of a temporary budget through July.

**EASI PROPERTY** – Council discussed at length the future of the property. Police Chief Martine is in the process of applying for a Safe Routes to School grant for the purchase of the property and upgrades to it. If the grant is received, it would eliminate the need for the referendum vote. The cost of the Phase II audit is approximately \$8,000 to \$10,000 and is needed for soil borings on and off the property.

Councilman Woodend made a motion, seconded by Councilman Weiss, to notify Mr. Easi that the Borough is withdrawing the current purchase agreement and will enter into a new agreement for the purchase price of \$225,000, subject to the Borough obtaining a *Brownsfield Grant* to cover the cost of acquisition and cleanup, with the Right of First Refusal, and with a closing date of June 30, 2007.

VOTE ON MOTION

Ayes: Casey, Weiss, Woodend

Nays: None

Motion carries

**CORRESPONDENCE**

The Borough has received a grant in the amount of \$145,000 for pedestrian safety improvements along Stokes Road.

Council directed Planner Joe Augustyn to design the project.

Council also directed Manager Knight to ask Planner Augustyn to prepare the bid packets for two separate contracts, one for the Trading Post Way intersection re-configuration and one for work along Stokes Road leading up to the intersection. Work will be done over the summer of 2007.

**REPORTS**

**PUBLIC SAFETY** – the Fire Department responded to two major fires in November. Chief McIntosh has sent the Colony a notice for the Colony News, reminding residents to install smoke detectors and to keep batteries in proper working order.

Mayor Casey suggested to Chief McIntosh that he implement a program of door to door visits in the Borough to check smoke detectors and batteries.

Mayor Casey suggested that Chief McIntosh prepare a proposal for the Medford Lakes Lion's Club, requesting funding to help in the door to door program and the cost of smoke detectors and batteries to be dispersed to homes that need them.

**ADMINISTRATION** – a reminder that CFO Condo will attend the December 28, 2006 Regular Council Meeting to discuss the 2007 budget.

**PUBLIC WORKS** – four temporary workers with fraudulent Social Security numbers were confronted and then immediately resigned. Six temporary workers in Medford resigned at the same time after being confronted about their Social Security numbers.

Public Works employees will try to do a second turn of the Borough for collection of leaves.

**SOLICITOR** – Mr. Lange's comments are for Executive Session.

**PAYMENT OF BILLS**

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

**VOTE TO APPROVE PAYMENT OF BILLS**

Ayes: Casey, Weiss, Woodend

Nays: None

Bill List is approved for payment

**ADJOURNMENT TO EXECUTIVE SESSION**

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

**RESOLUTION 156-06**

**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. the Borough Council hereby declares that the general nature of the subject(s) to be discussed by the Borough Council in closed session is Madden litigation and Saipe Lake litigation; and
2. 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; and
3. 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: Casey, Weiss, Woodend

Nays: None

Resolution 89 -06 is approved

**RETURN TO REGULAR COUNCIL MEETING**

Mayor Casey made a motion, seconded by Councilman Woodend, to return to the Regular Council Meeting. No official action will be taken.

VOTE TO RETURN TO REGULAR COUNCIL MEETING

Ayes: Casey, Weiss, Woodend

Nays: None

Motion carries

**ADJOURNMENT**

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

VOTE TO ADJOURN

Ayes: Casey, Weiss, Woodend

Nays: None

Meeting adjourned

Respectfully submitted,

Richard Knight  
Borough Manager

