

BOROUGH OF MEDFORD LAKES

JUNE 22, 2006

SPECIAL WORKSHOP

A workshop 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 6:30pm. Mayor Wasson presided. The agenda for the meeting was to continue review of the proposed employee handbook.

In attendance were Mayor Dave Wasson, Councilman Tim Casey, Manager Rich Knight, Solicitor Peter Lange, and employee representative Dianne Forster

Before the handbook can be approved and implemented by Council, information such as employee rights and obligations, workplace policies, paid and unpaid time off policies, employee benefits policies, managerial and supervisory procedures, and forms is being examined by those present.

Those in attendance at this meeting reviewed each page of pages 30 through 34 of the boilerplate handbook provided by the MEL, offering suggestions or corrections and considering ways to integrate the different handbooks.

The committee will meet again prior to the Regular Council Meeting on July 13, 2006, at 6:30pm.

REGULAR COUNCIL MEETING

The Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, began as usual in the Denby Annex of the Medford Lakes Colony beginning at 7:30pm. Mayor Wasson presided. 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 Peter Lange and Councilman elect Paul Weiss.

PUBLIC COMMENT

Mike Powers, 19 Onondago Trail, thanked Mayor Wasson for his years of service to the Borough as a councilman and mayor.

APPROVAL OF MINUTES

There were no minutes for approval at the meeting.

ORDINANCES

Councilman Casey introduced Ordinance 520 on Second and Final Reading, seconded by Mayor Wasson.

ORDINANCE 520

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, PROVIDING FOR THE MAINTENANCE OF SAID CODE, REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN, ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE, AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADLPTED ORDINANCES.

Be it ordained and enacted by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, as follows:

§ 1-2. ADOPTION OF CODE

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of Medford Lakes of a general and permanent nature adopted by the Mayor and Council of the Borough of Medford Lakes, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 231, together with an Appendix, are hereby approved, adopted, ordained and enacted the “Code of the Borough of Medford Lakes,” hereinafter known and referred to as the “Code.”

§ 1-3. CODE SUPERSEDES PRIOR ORDINANCES

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-4. WHEN EFFECTIVE

This ordinance shall take effect immediately upon passage and publication according to law.

§ 1-5. COPY OF CODE ON FILE

A copy of the Code in loose-leaf form has been filed in the office of the Borough Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Borough of Medford Lakes by impressing thereon the Seal of the Borough, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Borough, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-6. AMENDMENTS TO CODE

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the “Code of the Borough of Medford Lakes” shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-7. PUBLICATION; FILING

The Clerk of the Borough of Medford Lakes, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Borough. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-8. CODE BOOK TO BE KEPT UP-TO-DATE

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-9. SALE OF CODE BOOK

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by the Mayor and Council. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. ALTERING OR TAMPERING WITH CODE; PENALTIES FOR VIOLATION

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Borough of Medford Lakes to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$1,250, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-11. SEVERABILITY OF CODE PROVISIONS

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-12. SEVERABILITY OF ORDINANCE PROVISIONS

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-13. REPEALER

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance which are not included in the Code are hereby repealed as of the effective date of this Adopting Ordinance.

§ 1-14. ORDINANCES SAVED FROM REPEAL.

The adoption of this Code and the repeal of ordinances provided for in § 1-13 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to 6-23-2005;
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability;
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result there from;
- D.

- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision;
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred;
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof; and
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Borough's indebtedness;
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation;
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget;
- J. The dedication of property or approval of preliminary or final subdivision plats;
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees;
- L. Any ordinance adopting or amending the Zoning Map;
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees;
- N. The following ordinances: Nos. 1, 13, 61, 406 and 486;
- O. Ordinance No. 434 (Vehicles and Traffic Ordinance) and all amendments thereto.

§ 1-15. CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Mayor and Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

- B. The following nomenclature changes have been made throughout the Code:
 - (1) Magistrate has been changed to Judge;
 - (2) References to the Board of Adjustment have been either deleted or changed to Planning Board, as appropriate;
 - (3) References to the Board of Health have been deleted or changed to Division of Health, as appropriate;

(4) Superintendent of Public Works and Road has been changed to Superintendent of Public Works;

C. Violations and penalties. In the following sections, penalties have been amended (or added) to provide that the punishment for violation shall be one or more of the following: a fine not exceeding \$1,250 or by imprisonment not exceeding 90 days, or by a period of community service not exceeding 90 days: §§ 60-9, 70-26, 100-14, 117-10, 127-5, 127-21, 145-84A, 145-101, 145-117A, 150-28, 154-4, 163-4, 171-15, 175-8, 181-7, 185-5, 185-14, 190-3, 190-18, 190-29, 201-10, 206-13, 217-12A, 231-5.

D. In addition, the changes, amendments or revisions as set forth below in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

**BOROUGH OF MEDFORD LAKES, NJ
SCHEDULE A**

CHAPTER 6. CLAIMS APPROVAL

SECTION 6-1 is amended to add "as permitted by N.J.S.A. 40A:5-16 and" in the second sentence.

SECTION 6-3 is amended to delete the last sentence reading as follows: "All claims shall also be approved by the Chairman of the Department of Revenue and Finance prior to final consideration by Borough Council."

SECTION 6-4 is amended to delete the following language from the first sentence: "...said resolution to be signed by the members of Borough Council subsequent to the adoption thereof."

SECTION 6-7 is amended as follows:

After the Borough Clerk has certified that the claims have been approved, he shall turn the same over to the Treasurer or other Chief Financial Officer of the Borough, who shall forthwith prepare the necessary checks for the payment thereof. The checks shall be signed by the Mayor and the Borough Clerk and thereafter countersigned by the Treasurer or other Chief Financial Officer. In the event the Treasurer and Borough Clerk shall be one and the same person, only one signature shall be required provided both capacities are shown on the check. Subsequently, the checks shall be recorded in the proper books of account and thereafter mailed or otherwise distributed to the claimants.

CHAPTER 11. COURT

CHAPTER 11, COURT is amended in its entirety to read as follows (replacing Ord. Nos. 21, 335 and 443):

CHAPTER 11. COURT, MUNICIPAL

§ 11-1. ESTABLISHMENT

A Municipal Court for the Borough is established as of April 22, 1949, pursuant to the provisions of N.J.S.A. 2B:12-1 et seq., as amended and supplemented.

§ 11-2. NAME

The name of the Court shall be the "Municipal Court of Medford Lakes, Burlington County, New Jersey."

§ 11-3. SEAL

The Municipal Court shall have a Seal which shall bear the impress of the name of the Court.

§ 11-4. POWERS AND DUTIES

The Municipal Court and the Judge thereof shall have, possess and exercise all the functions, powers, duties and jurisdiction conferred by the provisions of N.J.S.A. 2B:12-1 et seq., as amended and supplemented, or by any other law.

§ 11-5. JUDGE

There shall be a Judge of the Court who shall be appointed by the Mayor, with the advice and consent of the Council, who shall serve for a term of three years from the date of his appointment and until his successor is appointed and qualified.

§ 11-6. MUNICIPAL COURT ADMINISTRATOR

A. There shall be a Municipal Court Administrator who shall serve for a term of three years from the date of his appointment and until his successor is appointed and qualified. He shall perform such functions and duties as are prescribed for him by law, the rules of the courts and the Judge.

B. The Judge of a Municipal Court may designate, in writing, an Acting Administrator or Deputy Administrator to serve temporarily for an absent Administrator or Deputy Administrator until the absent Administrator or Deputy Administrator returns or a new Administrator or Deputy Administrator is appointed. The Acting Administrator or Acting Deputy Administrator shall be paid at a rate established by the Judge but not exceeding that established for the Administrator or Deputy Administrator.

§ 11-7. HOLDING OF COURT

The Court shall be held as the business of the Court may require, subject to the rules applicable to Municipal Courts.

§ 11-8. MUNICIPAL PROSECUTOR

A. There shall be a Municipal Prosecutor for the Municipal Court of the Borough of Medford Lakes who shall be appointed by the Mayor and Borough Council for a term of one year commencing January 1. The Municipal Prosecutor shall be an attorney at law in good standing in the State of New Jersey.

B. The Municipal Prosecutor shall be responsible for the prosecution of crimes and offenses cognizable in the Municipal Court of the Borough of Medford Lakes.

§ 11-9. MUNICIPAL PUBLIC DEFENDER

A. There shall be a Municipal Public Defender for the Municipal Court of the Borough of Medford Lakes who shall be appointed by the Mayor and Council for a term of one year commencing January 1.

B. It shall be the duty of the Municipal Public Defender to represent any defendant charged with an offense of magnitude in the Municipal Court who is an indigent. All necessary services and facilities of representation, including both expert and lay investigation and testimony, as well as other preparations, shall be provided in every case. The Municipal Public Defender shall be responsible for handling all phases of the defense in the Municipal Court.

C. The Municipal Court of the Borough of Medford Lakes shall require every person applying for representation by the Municipal Public Defender to pay an application fee of \$200. The Municipal Court may waive any part of the application fee to the extent that it is determined, by a clear and convincing showing, that the application fee represents an unreasonable burden on the person seeking representation.

CHAPTER 21. FIRE DEPARTMENT

SECTION 21-9 is amended as follows:

The recognized standards and practices for the prevention of fire shall be held to mean the standard practices and requirements as set forth by the National Board of Fire Underwriters in the most current copy of its in the Fire Prevention Code, on file with the Borough Clerk, currently in effect in the Borough.

CHAPTER 26. HEALTH AND WELFARE, DEPARTMENT OF

§ CHAPTER 26 (ORD. NO. 5) is amended in its entirety to read as follows:

CHAPTER 26. HEALTH AND WELFARE, DEPARTMENT OF

§ 26-1. DEPARTMENT ESTABLISHED

There shall be a Department of Health and Welfare, the head of which shall be the Director of Health and Welfare, who shall be the Manager or shall be appointed by the Manager for an indefinite term, subject to suspension or removal by the Manager, and who shall receive such compensation as shall be fixed from time to

time by a general salary ordinance. The Director of the Department of Health and Welfare shall be qualified by training and experience for the duties of his office. Within the Department of Health and Welfare there shall be a Division of Health and a Division of Welfare.

§ 26-2. DIVISION OF HEALTH.

A. Within the Department of Health and Welfare there shall be a Division of Health, the head of which shall be the Health Officer, who may be the County Health Officer through the appropriate contractual arrangements or appointed by the Manager or the Director of the Department of Health and Welfare. Under the supervision of the Manager and/or Director, the Division of Health shall:

(1) Have all of the functions, powers and duties of a local board of health under Title 26 of the Revised Statutes of the State of New Jersey, except that, as required by the Charter, the Council shall have and exercise all local legislative powers pursuant to that title.

(2) Plan and administer a comprehensive public health program, including, without limitation thereto, management and enforcement of environmental sanitation, mental sanitation, septic system control, communicable disease control, child and adult health and health education, together with such other services as may be authorized by the Charter, ordinance or direction and supervision of the Manager.

(3) Administer and enforce the local health ordinances, including the ordinance relating to on-site sewage disposal (septic).

(4) Maintain and administer records of vital statistics, including births, deaths and marriages, in accordance with state law, and receive application for and issue marriage licenses, pursuant to the law, under which there shall be a Registrar of Vital Statistics, who shall be appointed by the Manager. Said Registrar of Vital Statistics may be the Township Clerk and shall have charge of the administrative duties involved in obtaining reports of and recording births, marriages and deaths in the municipality, together with such related work as may be required in accordance with general law and ordinances of the municipality.

B. The Manager shall appoint and employ such health officers, animal warden or such other personnel as he deems necessary to carry into effect the powers vested by law. Whenever required by law, employees within the Department of Health shall be the holders of proper licenses issued by the State

Department of Health and/or the appropriate licensing authority. The Manager shall fix the duties and terms of employment of such employees, and such employees shall receive such compensation as shall be fixed within a General Salary Ordinance.

§ 26-3. DIVISION OF WELFARE

Within the Department of Health and Welfare there shall be a Division of Welfare, comprised of the Local Assistance Board appointed pursuant to the Charter and this chapter. The Manager shall appoint a Director of Welfare pursuant to statute. The Director of Welfare, under the supervision of the Director of the Department of Health and Welfare and/or the Manager, except as otherwise required by law, shall:

- A. Administer laws and ordinances relating to relief of the needy, including aid to needy persons who are eligible for public assistance provided through county and state agencies.
- B. Provide or arrange for temporary shelter and custodial care to dependent and homeless persons.
- C. Enter into and perform cooperative agreements with other public agencies and voluntary charitable organizations and services relating to the functions of the Division.

CHAPTER 33. OFFICERS AND EMPLOYEES

ARTICLE I, CHIEF FINANCIAL OFFICER

SECTION 33-3 is amended to change the term of office from one year to four years.

ARTICLE II. DEPUTY MUNICIPAL CLERK

SECTION 33-6 is added to read as follows:

§ 33-6. POWERS AND DUTIES

- A. The Deputy Municipal Clerk shall perform such duties as may be assigned by the Municipal Clerk or, from time to time, by the Council.
- B. The Deputy Municipal Clerk shall have all the powers of the Municipal Clerk and shall perform the functions and duties of such office during the absence or disability of the Municipal Clerk.

CHAPTER 39 PLANNING BOARD

ARTICLE I. ESTABLISHMENT

SECTION 39-2A(1) is amended to add the following: "...or the Mayor's designee in the absence of the Mayor."

SECTION 39-3A is amended as follows:

All members of the Planning Board shall serve without compensation, and the members of Class IV shall hold no other municipal office, except that one of such members may be a member of the Zoning Board of Adjustment, and one may be a member of the Board of Education. The term of the member of Class I shall correspond to his or her respective official tenure or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure. The terms of the members comprising Classes II and III shall be for one year, or terminate at the completion of the respective terms of office, whichever occurs first.

CHAPTER 44. POLICE DEPARTMENT

SECTION 44-4E is amended as follows:

He shall, if so requested by the Municipal Manager, submit to and pass such physical examination conducted by the Police Surgeon or other a qualified physician designated by the Municipal Manager.

SECTION 44-5 is amended to change "Special Police Officers" to "special law enforcement officers" in this section and throughout this chapter and wherever it appears in the Code.

SECTION 44-11R is amended as follows:

Be available at all times to the Manager or to the officer in charge, subject to reasonable vacation scheduling, for emergent matters by telephone (land line or mobile), or pager or other effective means of communication.

SECTION 44-12 is amended to change "by resolution" to "by ordinance."

CHAPTER 51. SEWER UTILITY

ORIGINAL SECTION 5, dealing with budget changes after the close of the 1979 budget year, is deleted.

CHAPTER 65. ALCOHOLIC BEVERAGES

ARTICLE I. LICENSING

SECTION 65-3 is amended to increase the fee for a plenary retail consumption license from \$720 to \$864 and to increase the fee for a club license from \$120 to \$144.

SECTION 65-5 is amended to change 18 years to 21 years. This change is made in §§ 65-6, 65-7, 65-8, 65-9 and 65-12.

CHAPTER 70. ANIMALS

SECTION 70-1. Definitions, is amended by revising the following definitions to match the statute (N.J.S.A. 4:19-15.1 et seq.):

KENNEL — Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

PET SHOP — Any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

POUND — An establishment for the confinement of dogs or other animals seized either under the provisions of this chapter or otherwise.

SHELTER — Any establishment where dogs or other animals are received, housed and distributed.

SECTION 70-6 is amended to read as follows:

§ 70-6. PERSONAL ASSISTANT DOGS

Dogs used as guides for blind persons and commonly known as "Seeing-eye" dogs, dogs used to assist handicapped persons and commonly known as "service dogs," or dogs used to assist deaf persons and commonly known as "hearing ear" dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

SECTION 70-8 is amended as follows:

The fee for issuance of a Class III dog or cat license and each renewal thereof shall be set by resolution of the Borough as authorized by ordinance. Application made after January 31 will be subject to a late penalty fee.

SECTION 70-23B is amended to add a fee of \$400 for licensing of a vicious dog.

CHAPTER 95. CONSTRUCTION CODES, UNIFORM

SECTION 95-2 is amended by deleting the existing fees and replacing them with reference to the state fee schedule so that the section reads as follows:

§ 95-2. FEE SCHEDULE

The State Building Permit Fee Schedule, for other than one- and two-family construction, as promulgated by the Department of Community Affairs, and as amended from time to time, shall be applicable in the Borough of Medford Lakes.

SECTION 95-4, the first sentence thereof, is amended as follows:

In order to provide for the training, certification, and technical support programs required by the Uniform Construction Code Act and the Regulations, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee of \$0.0006 per cubic foot of volume of new construction. as provided in the State Building Permit Fee Schedule.

CHAPTER 117. FIRE INSURANCE CLAIMS

SECTION 117-5 is added to read as follows:

§ 117-5. CONDITIONS FOR PAYMENT

A. The payment to a claimant by any fire insurance company authorized to issue fire insurance policies in this state of any claim in excess of \$2,500 for fire damages on any real property located within the Borough of Medford Lakes is hereby prohibited until:

(1) Such time as all taxes and assessments or charges due and payable appearing on an official certificate of search for Borough liens pursuant to N.J.S.A. 54:5-12 dated subsequent to the fire shall have been paid either by the owner of such real property or by the insurance company pursuant to the provisions of this chapter; or

(2) The Borough submits to the insurance company a certified copy of a resolution adopted pursuant to the provisions of § 104-5 of this chapter.

(3) In addition, prior to payment, the insured is required to submit an official certificate executed by the Borough of Medford Lakes that demolition is not required or the costs of demolition have been paid.

B. If the demolition has not yet occurred on the date of receipt by the Borough of a request for execution of the certificate required by this section, the insured shall provide on that certificate an estimate of the anticipated costs of demolition. The insurer on notice to the insured shall then pay the anticipated costs of demolition to the Borough which shall hold the funds in an interest-bearing escrow account until the demolition occurs or the actual costs of demolition are determined and paid.

CHAPTER 138. HISTORIC PRESERVATION

ORIGINAL SECTION 18, PERMITTED USES AND BULK REQUIREMENTS, is deleted.

CHAPTER 145. LAND DEVELOPMENT

SECTION 145-4A(1)(A) is amended to add “or the Mayor's designee in the absence of the Mayor.”

SECTION 145-12. DEFINITIONS

The definition of “family” is amended to read as follows:

“One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit, who are living together as a bona fide, stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family.”

SECTION 145-40 is amended to change the word “existing” in the phrase “existing zoning district” in Subsections B, C and D to “underlying zoning district.”

CHAPTER 181. PROPERTY MAINTENANCE

ARTICLE II, PROPERTY MAINTENANCE CODE

SECTION 181-8 is amended to add the year 2000 before “International Property Maintenance Code.”

SECTION 181-9A is amended to add “Borough of Medford Lakes.”

CHAPTER 190. SEWERS

ARTICLE II, SEWER CONNECTIONS

SECTION 190-5 is amended to change “Board of Health” to “Division of Health.” This change is made throughout the chapter where references to the Board of Health appear. The ordinance constituting Article II of this chapter was formerly an ordinance adopted by the Board of Health.

ARTICLE III. RATES AND CHARGES

SECTION 190-20 is amended as follows:

The sewerage system of the Borough of Medford Lakes shall hereafter be known collectively and designated as the "Medford Lakes Sewerage Department" and shall be governed and managed by the Borough Council and the Borough Manager of the Borough of Medford Lakes as prescribed by law.

SECTION 190-22 is amended as follows:

Senior citizens and permanently and totally disabled persons who have been determined to be eligible for a deduction against taxes assessed against real property pursuant to N.J.S.A. 54:4-8.40 et seq. shall receive a an annual discount of 10% discount on their residential sewer bills (Schedule A) for 1992, and thence annually thereafter.

SECTION 190-26F(4) is amended as follows:

All sump pump and other drainage piping shall be directed such that it shall not adversely affect Medford Lakes Colony Club property, nor any streams or lakes. Property owners are encouraged to Property owners shall discharge water such that it shall percolate into soil and not run directly into lakes, streams or public streets or trails.

CHAPTER 217. TREE AND SHRUB REMOVAL

SECTION 217-6C is amended as follows:

The fee for a tree removal permit shall be established by administrative regulation promulgated by the Borough Manager of the Borough of Medford Lakes. \$15.

PUBLIC COMMENT: Mike Powers asked if the ordinance is now enforceable, which it is.

Paul Weiss, 167 Comanche Trail, asked if the paper or electronic version is the official one; the paper version is the official, enforceable ordinance.

VOTE TO APPROVE ORDINANCE 520 ON SECOND READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 520 is approved

Councilman Woodend introduced Ordinance 521 on Second and Final Reading, seconded by Councilman Casey.

ORDINANCE 521

AN ORDINANCE OF THE MEDFORD LAKES BOROUGH COUNCIL CONCERNING A SEWER CONNECTION AGREEMENT AND AN INTERLOCAL SERVICES AGREEMENT

WHEREAS, the Borough of Medford Lakes and Bob Meyer Communities, Inc. have entered into a sewer connection agreement dated October 27, 2005; and

WHEREAS, the parties are desirous of amending said agreement to clarify certain provisions thereof; and

WHEREAS, the First Amendment to the Agreement has been negotiated and finalized by the parties respective counsel; and

WHEREAS, the Borough Council is desirous of finalizing the form of the agreement, the First Amendment to the Agreement and the Interlocal Service Agreement by and between Medford Lakes Borough and Medford Township, which agreement provides for extending the sewer service area into Medford Township and providing for the collection of sewer rents by Medford Township, which agreements are available for inspection at the Borough Clerk's office;

NOW, THEREFORE, BE IT ORDAINED by the Medford Lakes Borough Council that the sewer connection agreement, the First Amendment to the sewer connection agreement and the interlocal service agreement attached hereto as composite Exhibit "A" are the final form of agreements; and

BE IT FURTHER ORDAINED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that Borough Council does hereby approve the sewer connection agreement and the first amendment thereto and the interlocal service agreement attached hereto as composite Exhibit "A"; and

BE IT FURTHER ORDAINED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the Mayor be and is hereby directed to execute said agreements on behalf of the Borough.

This is the beginning of the process for Bob Meyer Communities. Medford Council also adopted an inter-local agreement to facilitate the sub-division.

PUBLIC COMMENT: Jim Walker, 251 Chicagami, asked if the agreement was available for the public to view, which it is in the Borough office.

VOTE TO APPROVE ORDINANCE 521 ON SECOND READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 521 is approved

RESOLUTIONS

Councilman Woodend introduced Resolution 85-06, seconded by Mayor Wasson

RESOLUTION 85-06

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS FOR A BLOCK PARTY ON MEESHAWAY TRAIL

WHEREAS, on July 4, 2006, the residents of Meeshaway Trail will hold a Block Party; and

WHEREAS, said residents would like to close a specified trail within the Borough to enable safe pedestrian passage; and

WHEREAS, N.J.R.S. 39:4-197.3 provides that “the governing body of any municipality may, upon the adoption of a resolution declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1) b through h, (2) and (3) revised Statutes 39:4-197”; and

WHEREAS, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the block parties are to be held;

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. The Borough Council of the Borough of Medford Lakes does hereby find and declare that a temporary condition dictates adoption of special traffic regulations within the scope of N.J.R.S. 39:4-197(1)e; and
2. Pursuant to N.J.R.S. 39:4-197(1)e, the following trail shall be closed to vehicular traffic:

Meeshaway Trail between Piute and Sitting Bull Trails

3. The aforementioned street closing shall be between 9:00am and 9:00pm
4. Block party contact persons Steve Denham of 643 Medford Leas, Medford, NJ and Paul Rogers, 133 Meeshaway Trail, Medford Lakes, NJ, shall be responsible for contacting the Medford Lakes Department of Public Works to obtain and return barricades; and
5. The Chief of Police of the Borough of Medford Lakes is hereby ordered and directed to take all actions appropriate and necessary for the implementation of the foregoing temporary traffic regulations.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 85-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 85-06 is approved

Councilman Woodend introduced Resolution 86-06, seconded by Mayor Wasson

RESOLUTION 86-06

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS FOR A BLOCK PARTY ON COMANCHE TRAIL

WHEREAS, on June 25, 2006, the residents of Comanche Trail will hold a Block Party; and

WHEREAS, said residents would like to close a specified trail within the Borough to enable safe pedestrian passage; and

WHEREAS, N.J.R.S. 39:4-197.3 provides that “the governing body of any municipality may, upon the adoption of a resolution declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1) b through h, (2) and (3) revised Statutes 39:4-197”; and

WHEREAS, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the block parties are to be held;

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. The Borough Council of the Borough of Medford Lakes does hereby find and declare that a temporary condition dictates adoption of special traffic regulations within the scope of N.J.R.S. 39:4-197(1)e; and
2. Pursuant to N.J.R.S. 39:4-197(1)e, the following trail shall be closed to vehicular traffic:

Between 175 Comanche Trail and 187 Comanche Trail

3. The aforementioned street closing shall be between 2:00pm and 6:00pm
4. Block party contact persons Elaine & Greg Reinhardt, 175 Comanche Trail and Bruce & Valerie Trueax, 171 Comanche Trail, Medford Lakes, NJ, shall be responsible for contacting the Medford Lakes Department of Public Works to obtain and return barricades; and
5. The Chief of Police of the Borough of Medford Lakes is hereby ordered and directed to take all actions appropriate and necessary for the implementation of the foregoing temporary traffic regulations.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 86-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 86-06 is approved

Mayor Wasson introduced Resolution 88-06, seconded by Councilman Casey.

RESOLUTION 88-06

A RESOLUTION APPROVING CHANGE ORDER NO. 1 FOR THE PROJECT KNOWN AS HIAWATHA TRAIL SEWER REPAIRS, AMENDING THE CONTRACT WITH MAC ROSE CONTRACTORS, INC FROM \$26,300.00 TO \$18,800.00, A DECREASE OF \$7,500.00

WHEREAS, the attached Change Order No. 1 for the project known as Hiawatha Trail Sewer Repairs, was developed to provide for a quantity adjustment to complete the project; and

WHEREAS, Change Order No. 1 dated May 23, 2006 amends the contract with Mac Rose Contractors, Inc. from \$26,300.00 to \$18,800.00, a decrease in the contract of \$7,500.00; and

WHEREAS, the Borough engineer, Richard A. Alaimo Associates recommends approval of said change order in their letter dated June 16, 2006;

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

BE IT FURTHER RESOLVED, that Change Order No. 1 hereby amends the contract price from \$26,300.00 to \$18,800.00, a decrease of \$7,500.00; 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 88-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 88-06 is approved

OLD BUSINESS

BIDS - Manager Knight announced two bid openings for the Wastewater plant, one for sludge removal and one for lab testing.

Three bids were received for a rear-loading trash truck for public works. One was disqualified and one did not provide a maintenance record. The third bid, from International Trucks of Central Jersey, is for \$39,000 with a snowplow and \$31,000 without a plow. It will cost an additional \$5,000 to paint the truck.

Council directed Manager Knight to asked Superintendent McCorrison to attend the Regular Council meeting on July 13, 2006.

OAKS HALL – The bids for the footings and foundation are due June 29, 2006. Manager Knight plans to wait until the bids are opened to consider a construction manager for the project.

DAM RECONSTRUCTION – Paul Weiss will ask Princeton Hydro about stream encroachment in Jackson Park should the pug mill be used there. It requires two acres for operation. If Jackson Park is not viable, then Brooks Field will be the most suitable site.

Council discussed with Mr. Weiss the status of the permits from Dam Safety, which has required two changes in the plans, which puts the project behind the time line. DEP will also have to ok the dams prior to filling.

Mr. Weiss advised Council that the dredging is on time, on budget, with no accidents or injuries.

Construction bids are due Friday, June 30, 2006.

GRANTS – Council discussed Chief Martine’s memo concerning Trading Post Way improvements and signage.

NEW BUSINESS

BOROUGH CLERK - Council discussed the Borough’s clerk position. Mr. Knight has served as acting clerk for the past three years; however, State statute precludes him from serving in that position any longer. He will sit for the clerk’s test on October 18, 2006. Solicitor Lange spoke with a representative from the Department of Consumer Affairs, who advised the DCA will not enforce the statute until after the test. During this time, Borough business will not be affected.

COMMUNITY CONCERNS – Mayor Wasson announced the inception of an informational phone number, which will be answered by persons trained to answer general questions or direct callers to a more appropriate location. The number is 2-1-1. More information is available at www.NJ211.org.

Mayor Wasson also advised residents of a possible problem with rabid raccoons.

The Borough will not be sprayed this year for gypsy moths; the County has determined the low incident of egg mass does not warrant spraying. Council discussed adding \$30,000 to the 2007 budget for spraying.

CORRESPONDENCE

Manager Knight received a communication from the Pinelands asking municipalities to enact an ordinance prohibiting off-road vehicles, which are damaging the Pinelands.

REPORTS

Councilman Woodend asked Fire Chief McIntosh to detail the \$23,206.67 expenditure for a Dodge Durango fire vehicle. Chief McIntosh outlined specific items, but was unable to estimate a cost for outfitting the car.

Councilman Casey thanked Mayor Wasson again for his time and contributions to the residents of the Borough. Mayor Wasson thanked everyone for the opportunity to serve.

The Reorganization Meeting will be held in Demby Annex on July 6, 2006, at 7:00pm. The Historic Commission meeting will follow at 8:00pm.

APPROVAL OF BILL PAYMENT

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

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Wasson, Casey, Woodend

Nays: None

Bill List is approved for payment

ADJOURNMENT TO EXECUTIVE SESSION

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

RESOLUTION 89-06

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. 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:

ARBITRATION NOTICE

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

Resolution 89 -06 is approved

RETURN TO REGULAR COUNCIL MEETING

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

VOTE TO RETURN TO REGULAR COUNCIL MEETING

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

ADJOURNMENT

Councilman Woodend made a motion, seconded by Councilman Casey, to adjourn the Regular Council Meeting.

VOTE TO ADJOURN

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned

Respectfully submitted,

Richard Knight
Borough Manager