

BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
OCTOBER 12, 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 6:40pm. Mayor Casey presided. The agenda for the meeting was to discuss bulk trash pickup and its inherent problems.

In attendance were Mayor Tim Casey, Councilman Gary Woodend, Manager Rich Knight, Solicitor Peter Lange, and Medford Lakes Department of Public Works Superintendent Pat McCorrison. Councilman Paul Weiss arrived approximately 10 minutes into the meeting.

Council had several questions for Mr. McCorrison, including what works and what does not. He advised that bikes, white goods and other large items are not a problem; the biggest problem is wood from decks, etc. Council and Mr. McCorrison discussed changing large trash pickup day from Friday to Monday, after dumping Saturday's trash collection on Monday morning at 6:00am.

Council discussed what to regulate, types of trash, when trash can be put at the curb, how to schedule pick up, possible fees, prohibited items, and the Saturday trash procedure.

Council directed Superintendent McCorrison to have Saturday's trash taken to the dump at 6:00am on Monday mornings to determine if it is a workable solution. He will report his findings to Manager Knight.

Council directed Manager Knight to ask Code Official Dave Crane to attend the next meeting to discuss what he has observed while inspecting the Borough.

The meeting was recessed for ten minutes.

REGULAR COUNCIL MEETING

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 Paul Weiss, and Councilman Gary Woodend. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, and Solicitor Peter Lange.

POLICE DEPARTMENT PROMOTIONS

Police Chief Frank Martine announced the promotions of Officer Bob Dugan and Detective John Thompson to corporal. He praised their performance and leadership skills. Mayor Casey administered the oath of office to the men, with their wives present. The entire complement of the police department was present to acknowledge the promotions.

PUBLIC COMMENT

Joe Aromando, 285 Shingowack Trail, suggested that Council review the functions of the Borough's tax assessor, Doug Kolton, and determine whether or not he is performing in the best interest of the Borough. Manager Knight advised he does monitor Mr. Kolton, but agreed the suggestion was worth consideration, especially the relationship of permits issued to re-assessments.

SPECIAL PRESENTATION

Paul Adison of Adison and Holdberg, architects for the public works facility, did not attend the meeting as planned.

APPROVAL OF MINUTES

Councilman Woodend made a motion, seconded by Councilman Weiss, to approve the minutes of the September 28, 2006, Regular Council Meeting, with one correction.

VOTE TO APPROVE MINUTES

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved

ORDINANCES

Mayor Casey introduced Ordinance 526 on First Reading, seconded by Councilman Woodend.

ORDINANCE 526

AN ORDINANCE AMENDING ORDINANCE 517 TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR UNION MEMBERS OF THE WASTEWATER UTILITY OF THE BOROUGH OF MEDFORD LAKES FOR THE YEAR 2006, AND SPECIFYING THE METHOD OF PAYMENT THEREOF

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes in the County of Burlington, and State of New Jersey, that Ordinance No. 517 of the Borough of Medford Lakes is hereby amended by supplementing the rates and salaries of the employees and officers listed under Section 1 herein.

Section 1. The rates of salaries stated herein are the maximum rates and ranges. Employees may be paid up to these ranges at the discretion of the Municipal Manager.

WASTEWATER TREATMENT UTILITY

| | | |
|---------------------|----------|---------|
| Operators Assistant | Per hour | \$21.09 |
| Laborers | Per hour | \$23.72 |

Section 2. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. This Ordinance shall take effect immediately upon its final adoption and publication according to law, but the rate of compensation provided for herein shall become effective as of January 1, 2006.

To date, wastewater employees have not received the 2006 annual raise and retro checks because they are in contract negotiations. This ordinance allows the Salary Ordinance to be amended to allow for their pay increase and to receive their retro checks.

Second and Final Reading will be at the Regular Council Meeting on November 2, 2006.

VOTE TO APPROVE ORDINANCE 526 ON FIRST READING

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance is approved

RESOLUTIONS

Mayor Casey introduced resolution 132-06, seconded by Councilman Woodend.

RESOLUTION 132-06

A RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT FOR ANIMAL CONTROL OFFICERS WITH UPPER FREEHOLD TOWNSHIP

WHEREAS, the Township of Upper Freehold employs an Animal Control Officer; and

WHEREAS, the Borough of Medford Lakes is in need of an Animal Control Officer; and

WHEREAS, the Township of Upper Freehold is agreeable to providing the service of an Animal Control Officer to various Municipalities for a fee and upon certain specified conditions; and

WHEREAS, the Inter-local Services Act, N.J.S.A. 40:8A-1 et seq. permits local units of this State to enter into a contract with any other local unit for such services; and

WHEREAS, the Township of Upper Freehold agrees to provide animal control services to the Borough of Medford Lakes on the terms and conditions in this agreement;

NOW, THEREFOR, BE IT RESOLVED that the Borough of Medford Lakes authorizes the Mayor and the Clerk to enter into an inter-local services agreement for an Animal Control Officer (ACO) with Upper Freehold Township.

1. This agreement shall be in effect for twelve (12) months effective January 1, 2006, and ending December 31, 2006.

VOTE TO APPROVE RESOLUTION 132-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 132-06 is approved

Mayor Casey introduced Resolution 133-06, seconded by Councilman Weiss.

RESOLUTION 133-06

A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE MUNICIPAL BUDGET FOR THE YEAR 2006

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 a check from the State of New Jersey Solid Waste Administration for a recycling tonnage grant and wishes to amend its 2006 Budget to include this amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Medford Lakes, in the County of Burlington, and State of New Jersey, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2006 in the sum of \$2,163.19, which is now available as a revenue from:

Miscellaneous Revenues:

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

State and Federal Revenues Off-Set with Appropriations:

Recycling Tonnage Grant; and

BE IT FURTHER RESOLVED that a like sum of \$2,163.19 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% "CAPS"

Public and Private Program's Off-Set by Revenues

Recycling Tonnage Grant; and

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

The money is deposited into the General Fund.

VOTE TO APPROVE RESOLUTION 133-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 133-06 is approved

Mayor Casey introduced Resolution 134-06, seconded by Councilman Weiss.

RESOLUTION 134-06

A RESOLUTION APPROVING CHANGE ORDER NUMBERS 1,2,3 AND FOR THE PROJECT KNOWN AS MUNICIPAL BUILDING FOUNDATION, AMENDING THE CONTRACT WITH JOHN D. LAWRENCE, INC., FROM \$249,600 TO \$251,954, AN INCREASE OF \$2,354.

WHEREAS, Change Orders Nos. 1, 2, 3 and 4 for the project known Municipal Building Foundations, was developed to provide for quantity adjustments and other materials to complete the project; and

WHEREAS, Change Order No. 1, 2, 3 and 4 dated October 10, 2006, amends the contract with John D. Lawrence, Inc. from \$249,600.00 to \$251,954.00, a increase in the contract of \$2,354.00; and

WHEREAS, the Borough architect, Ragan Group, recommends approval of said change order in their letter dated October 10, 2006; 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 Nos. 1,2,3 and 4 be and is hereby approved for Municipal Building Foundations.

BE IT FURTHER RESOLVED, that Change Orders No. 1, 2, 3 and 4 hereby amends the contract price from \$249,600.00 to \$251,954.00, an increase of \$2,354.00; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the necessary documents relative to this change order as follows:

1. Change Order No. 1 is for conduit for the well pipe at \$670.00.
2. Change Orders No. 2, 3 and 4 are for additional storm risers at \$1,684.00.

VOTE TO APPROVE RESOLUTION 134-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 134-06 is approved

OLD BUSINESS

OAKS HALL – Dwayne Hansen, president of Heartbilt, will be in the Borough on Tuesday, October 17, 2006. He will meet with Manager Knight and the project’s architect, Rick Ragan. Following the visit, the delivery of the building can be scheduled and then bids can go out for the roof.

DAMS – EASEMENT – Solicitor Lange prepared an easement document for Council to sign. The professionals involved will discuss the easement issues with Mr. and Mrs. Fishman, who live on Chippewa Trail and who’s property will be significantly altered by the dam. The Fishmans have stated they want a monetary compensation for the easement on their property.

NEW BUSINESS

EASI PROPERTY PURCHASE – Council approved Ordinance 524 on Second and Final Reading on September 14, 2006, to purchase the Easi property at the corner of Stokes Road and Lenape Trail. Following that, a petition was circulated and signed calling for a referendum on the purchase of the property. Manager Knight verified 250 of the 371 signatures on the petition; the ordinance is now inoperable. It is too late to have a referendum vote put on this year’s ballot for November 7th. The referendum would have to wait until November 2007, or be addressed by a special election. Medford Lakes could possibly piggy-back on a special election being held in Hainesport; this would allow the Borough to share expenses with Hainesport. The cost to the Borough for a shared special election would be between \$8,000 and \$10,000.

Mayor Casey made a motion, seconded by Councilman Weiss, to authorize expenditure not to exceed \$12,000, for a special referendum, consistent with N.J.S.A. 40:49-27.

RESOLUTION 135-06

A RESOLUTION AUTHORIZING THE MUNICIPAL CLERK TO SPEND \$12,000 FOR A REFERENDUM ELECTION

WHEREAS, the Borough Council adopted Bond Ordinance No. 524 at a open public meeting on September 14, 2006; and

WHEREAS, the ordinance is effective 20 days after first publication of the notice of final adoption providing no suit or action is filed during the 20 days in accordance with N.J.S.A. 40A: 2-18; and

WHEREAS, a protest was filed against the ordinance in compliance with N.J.S.A. 40A: 49-27 rendering the ordinance inoperable until ratified by referendum of the voters; and

WHEREAS, the Borough Council has authorized the Borough Clerk to submit the question to the voters in a referendum election;

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 the Borough Clerk is authorized to hold a referendum election to permit the registered voters of the borough to approve or reject at the polls Ordinance No. 524 and to spend a sum not to exceed \$12,000 to support the expense of this special election

PUBLIC COMMENT: Joe Aromando, 285 Shingowack Trail, asked Council not to go to a special election without obtaining all documentation from Mr. Easi and the DEP concerning previous contamination issues on the property. He wants Council to have all the facts prior to spending the money for the special referendum.

Lou Potter, 64 Mohave, asked Council to proceed with the referendum as soon as possible.

Council directed Solicitor Lange to prepare a letter of intent, advising Mr. Easi of the postponed purchase of the property, subject to the referendum.

Council directed Manager Knight to consult Hainesport Township concerning a shared referendum vote.

VOTE TO APPROVE RESOLUTION 135-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 135-06 is approved

CLERK'S POSITION – Acting Clerk Knight is unable to sit for the State's clerk's test. Council discussed the status of Mr. Knight as acting clerk. The three year time-limit for the Borough to have an acting clerk has passed; however, Solicitor Lange advised that, in his opinion, until such time as a new clerk is appointed Mr. Knight remains as acting clerk.

Mayor Casey advised he had discussed with previous certified clerk Julie Keizer the possibility of her taking over the clerk's duties until next spring, when both Mr. Knight and Deputy Clerk McIntosh will sit for the test.

Mayor Casey made a motion, seconded by Councilman Woodend, to name Julie Keizer to serve as clerk for the Borough until September 30, 2007.

Mayor Casey called Ms. Keizer to discuss what she anticipated as the number of hours she would need to work each week and what she sought as compensation. She estimated the need for 10 hours during the first week to acclimate herself to current Borough business, and then approximately three to five hours per week. The bulk of the work could be done remotely via fax and computer.

The clerk in Tabernacle Township may also be available and interested in the temporary position.

Council directed Solicitor Lange to discuss the position with Tabernacle's clerk.

Councilman Woodend suggested waiting until after the first of the year to make a decision on a temporary clerk's position.

Ms. Keizer advised the Deputy Clerk can legally run the upcoming election.

VOTE ON MAYOR CASEY'S MOTION

Ayes: Casey

Nays: Weiss, Woodend

Motion does no carry

Councilmen Weiss and Woodend voted nay in conjunction with their decision to wait until the first of 2007 to make a decision on the position.

TRAFFIC ORDINANCE – the Borough's traffic file at the State needs to be examined and updated. Council may then re-establish the traffic ordinance; Beach Drive cannot be vacated as previously discussed.

Council directed Chief Martine to have an officer of the Department go to Trenton to update the Borough's file and then report to Council.

PUMPING STATION – Council discussed a remedy for the site distance problem caused by the fencing at the pumping station on Beach Drive. The fence there does not conform to the Borough's ordinance.

BOND SALE – Following review by Bond Attorney Coleman, CFO Condo reported that the sale of bond anticipation notes, in the amount of \$1,000,000, was awarded to Commerce Bank, who's interest rate of 3.74% was the lowest bid received.

NIMS TRAINING – Incident Command training will be held October 19, 2006, at Lawrenceville, NJ.

REPORTS

MANAGER'S REPORT – Nothing else to add.

SOLICITOR'S REPORT – Nothing else to add.

COUNCIL'S REPORTS

PUBLIC SAFETY - Councilman Woodend reported he received a run report from Police Chief Martine. Mr. Woodend also complimented Fire Chief McIntosh on a very successful Fire Safety Expo at the fire station. Chief McIntosh reported the fire drills and programs at the two elementary schools went very well.

ADMINISTRATION – Council directed Manager Knight to have CFO Condo prepare a current assessment of invoices for the dam reconstruction from inception to date, and also balances due.

PUBLIC WORKS – Nothing else to add.

PAYMENT OF BILLS

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

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Casey, Weiss, Woodend

Nays: None

Bill List is approved for payment

ADJOURNMENT

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

VOTE TO ADJOURN

Ayes: Casey, Weiss, Woodend

Nays: None

Meeting adjourned

Respectfully submitted,

Richard Knight
Acting Clerk