

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
DECEMBER 20, 2007**

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. Following the Pledge of Allegiance, Mayor Casey 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.

In attendance were Mayor Casey, Councilman Weiss, and Councilman Woodend. Also present were Solicitor Lange, Deputy Clerk McIntosh Public Works Superintendent McCorriston, and Nancy Rodgers.

Council and the public observed a moment of silence to honor those service men and women currently in harm's way overseas and at home.

APPROVAL OF MINUTES

Mayor Casey made a motion, seconded by Councilman Weiss, to approve the minutes of the December 13, 2007 Regular Council Meeting.

VOTE TO APPROVE MINUTES FOR DECEMBER 20, 2007

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved

Council asked that resolutions in the Workshop part of the meeting included "No comment from Council" where appropriate.

Mayor Casey made a motion, seconded by Councilman Weiss, to approve the minutes of the November 29, 2007 Executive Session minutes.

VOTE TO APPROVE MINUTES FOR NOVEMBER 29, 2007

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved

WORKSHOP PORTION OF THE REGULAR COUNCIL MEETING

REPORTS

MANAGER'S REPORT

Council had previously asked that Borough Engineer Wayne Simpson determine if the Kawasee Dam meets the DEP's requirements to be considered a dam, with all the accompanying restrictions. Mr. Simpson responded to Interim Manager McIntosh that he does not consider it to be a dam, which would make it easier to obtain a stream encroachment or a Wetlands permit to repair the structure.

Council directed Mr. McIntosh to ask Mr. Simpson for details concerning the Ballinger walkway and if the repair costs will exceed the grant amount.

Interim Manager McIntosh asked Council to remediate the discrepancies of employee raises for 2007. Some employees received 4%, while others received 2% or a straight per-hour amount. Mr. McIntosh asked Council to enact an across-the-board 4% increase, retroactive to January 1, 2007. Professionals would be exempt.

Mayor Casey made a motion, seconded by Councilman Woodend for discussion, to provide a 4% across-the-board increase to non-professional employees of the Borough.

VOTE ON MOTION

Ayes: Casey

Nays: Weiss, Woodend

Motion fails

Council directed Mr. McIntosh to provide figures for the proposed raises.

The interior demolition of the DPW building is underway.

Linwood City asked Council to approve an ordinance for the Borough's purchase of Linwood's vactor truck.

Council directed that Solicitor Lange attempt to move the purchase along.

An Oaks Hall pre-construction meeting is scheduled for December 21, 2007, with architect Ragan and contractor Gross.

CFO Condo had previously provided Council with a financial statement regarding Oaks Hall construction.

Council directed that Ms. Condo provide clarification and supplemental information for Mr. Ragan and Solicitor Lange regarding the financial statement.

SOLICITOR'S REPORT

Mr. Lange reported a financial discrepancy between the Borough and Peter Black at Dewberry; funds were previously approved by former manager Rich Knight.

Council directed that Interim Manager McIntosh produce tapes from the Council meeting at which Mr. Dewberry spoke.

Council asked that Mr. Black attend the first Regular Meeting in January of 2008.

The Borough received a letter from Alaimo about a liquidated damages issue with Northeast Remsco concerning construction of the dams on the Aetna Lakes.

Council asked that Mr. Alaimo attend the first Regular Meeting in January of 2008.

Mr. Lange reported a problem with the Borough's employment agreement with interim wastewater superintendent Carl Goodfellow. Per the agreement, salary would be paid to a consulting company, which would then pay Mr. Goodfellow. Solicitor Lange is not comfortable with this arrangement.

Council asked for specifications for Mr. Goodfellow's job.

Previous Manager Rich Knight asked Solicitor Lange about receiving his severance pay in one lump sum; Council was unable to accommodate his request due to budgetary restraints.

DISCUSSION OF PENDING RESOLUTIONS

Council discussed each resolution on the agenda, adding clarification and changes as needed.

160-07 The resolution was withdrawn from the agenda.

161-07 This resolution now becomes number 160-07.
The resolution allows for the budgetary transfers for the 2007 budget. One of the Public Works dump trucks blew the engine and needs repairs.

NEW BUSINESS

Planning Board Chairman Debby Klemas presented Council with the Board's Master Plan Re-examination, which includes recommendations. The Planning Board has approved it following public hearings. Ms. Klemas asked Council for their comments and suggestions. The Planning Board will make referrals to Council concerning ordinances.

Police Chief Martine asked Council for their approval for Sgt. Dogostino to attend the six-month "Internet Crime Training." Time is of the essence, as the class starts immediately following the beginning of new year. Sgt. Dogostino would then be certified to instruct other members of the department. Council agreed to the sergeant's detachment to the New Jersey State Police for the training.

Councilman Woodend made a motion, seconded by Mayor Casey, to authorize one officer of the Medford Lakes Police Department, of the Chief's choosing, to attend "Internet Crime Training."

VOTE ON MOTION

Ayes: Casey, Weiss, Woodend

Nays:

Motion is approved

PUBLIC COMMENT

There was no public comment at this time.

BUSINESS PORTION OF THE REGULAR MEETING

RESOLUTIONS

Mayor Casey introduced Resolution 160-07, seconded by Councilman Weiss.

RESOLUTION 160-07

A RESOLUTION AUTHORIZING CERTAIN BUDGETARY TRANSFERS FOR THE 2007 BUDGET

WHEREAS, the governing body of the Borough of Medford Lakes did adopt a budget for the year 2007, in accordance with the Municipal Budget Law (NJSA 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, NJSA 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;

NOW, THEREFORE 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 FROM:

Administration & Executive O.E.	(7-01-20-101-201)	\$4,000.00
Buildings & Grounds O.E.	(7-01-26-310-269)	<u>5,000.00</u>
	TOTAL	\$9,000.00

TRANSFER TO:

Vehicle Maintenance P.W.	(7-01-26-315-202)	<u>\$9,000.00</u>
	TOTAL	\$9,000.00

VOTE TO APPROVE RESOLUTION 160-07

Ayes: Casey, Weiss, Woodend

Nays:

Resolution 160-07 is approved

Council directed Interim Manager McIntosh to investigate the engine problems, determine if it is still under warranty, and check to see if the camera on the truck is working.

ADJOURNMENT TO EXECUTIVE SESSION

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

RESOLUTION 161-07

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 a proposed professional contract with White & Williams law firm; 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.
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 AJOURN TO EXECUTIVE SESSION

Ayes: Casey, Weiss, Woodend

Nays: None

Meeting adjourned to Executive Session

RETURN TO REGULAR MEETING

Mayor Casey made a motion, seconded by Councilman Weiss, to return to the Regular Council Meeting.

VOTE TO RETURN TO THE REGULAR MEETING

Ayes: Casey, Weiss, Woodend

Nays: None

Council returned to the Regular Meeting

Councilman Weiss introduced Resolution 162-07, seconded by Mayor Casey.

RESOLUTION 162-07

A RESOLUTION AWARDED A PROFESSIONAL SERVICES CONTRACT TO WHITE AND WILLIAMS, LLP

WHEREAS, the Borough of Medford Lakes has a need to acquire Legal Services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, White and Williams LLP has the required NJ State licenses; and

WHEREAS, the anticipated term of this contract is in the range of \$5,000 to \$7,500; and

WHEREAS, White and Williams, LLP, will complete and submit a Business Entity Disclosure Certification which certifies that White and Williams has not made any reportable contributions to a political or

candidate committee in the Borough of Medford Lakes in the previous one year, and that the contract will prohibit White and Williams from making any reportable contributions through the term of the contract; and

WHEREAS, the certification of the availability of funds requirements per N.J.A.C. 5:30-5.4 has been met; and

WHEREAS, there exists in the Borough of Medford Lakes a need for a NJ State Licensed Law Firm to draft a letter brief representing the on-going efforts of the Borough to obtain public assistance from FEMA for the repair of Lower Aetna Dam; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq) requires that the resolution authorizing awarding of contracts for Professional Services without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that White & Williams LLP, be and is hereby appointed to:

1. draft a letter brief that represents the Borough's on-going effort to obtain public assistance from FEMA for the repair of the Lower Aetna Dam; and
2. the contract amount is not to exceed \$7,500.00

This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by the law.

This contract is effective December 20, 2007, and meets all Pay to Play requirements of the State of New Jersey.

A copy of this resolution shall be published in The Central Record as required by law.

The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

VOTE TO APPROVE RESOLUTION 162-07

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 162-07 is approved

ADJOURNMENT

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

VOTE TO ADJOURN

Ayes: Casey, Weiss, Woodend

Nays: None

Meeting adjourned

