

BOROUGH OF MEDFORD LAKES

OCTOBER 25, 2007

WORKSHOP SESSION

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 Casey presided. The agenda for the meeting was to discuss preparations for the 2008 budget.

In attendance were Mayor Casey, Councilman Weiss, Councilman Woodend, Deputy Clerk McIntosh, Solicitor Lange, Police Chief Martine, and Public Works Superintendent McCorriston. Manager Knight was away on vacation.

Mayor Casey provided an overview of the employee meeting he attended as Council representative.

Several suggestions were discussed for consideration, to include department heads meeting with CFO Condo to do a pie chart of their department's expenses for the previous few years. Also discussed were adding expense trends and changes to annual reports, obtaining input from the public, and studying study the Borough's health benefits.

Chief Martine was asked to provide his department's budget expenditures and officer activity for the November 29, 2007 meeting.

Council asked that Wastewater Superintendent Hayden attend the budget workshop on November 8, 2007.

REGULAR MEETING

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 6:30pm. 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 Deputy Clerk McIntosh, Solicitor Lange, Police Chief Martine, and Public Works Superintendent McCorriston. Manager Knight was away on vacation.

Council and the public observed a moment of silence to honor those service men and women currently in harm's way overseas and for the victims of the wildfires in California.

PUBLIC COMMENT

There was no public comment at this time.

APPROVAL OF MINUTES

Mayor Casey made a motion, seconded by Councilman Woodend, to approve the minutes for the Regular Council Meeting on September 27, 2007.

VOTE TO APPROVE MINUTES

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved

Mayor Casey made a motion, seconded by Councilman Woodend, to approve the minutes for the Regular Council Meeting on October 11, 2007.

VOTE TO APPROVE MINUTES

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved

ORDINANCES

Mayor Casey introduced Ordinance 539 on First Reading, seconded by Councilman Weiss.

ORDINANCE 539

AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, AMENDING SECTION VIII, PENALTIES, OF ORDINANCE NO. 533, A STORMWATER CONTROL ORDINANCE

WHEREAS, Ordinance Number 533 was adopted by the Borough of Medford Lakes on May 10, 2007; and

WHEREAS, the Borough needed to add appropriate language to Section 8; and

WHEREAS, the Borough Solicitor has reviewed the ordinance and has made recommendations;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes, County of Burlington and State of New Jersey that the following language be added at paragraph "A":

"Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to a fine of not more than \$1,000.00 or imprisonment for ninety (90) days or both. Each day that a violation continues shall be regarded as a new and separate violation of this chapter."

VOTE TO APPROVE ORDINANCE 539 ON FIRST READING

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance 539 is approved on First Reading

CONSENT AGENDA RESOLUTIONS

"Consent Agenda" items are considered to be routine and will be enacted with a single motion; any items requiring expenditure are supported with a Certificate of Availability of Funds from the Chief Financial Officer; any item requiring discussion will be removed from the Consent Agenda; all Consent Agenda items will be reflected in full in the minutes.

Mayor Casey made a motion, seconded by Councilman Weiss, to move Resolution 132-07 from Consent Agenda to Resolutions.

VOTE TO MOVE RESOLUTION 132-07

Ayes: Casey, Weiss, Woodend

Nays: None

Motion is approved

Mayor Casey made a motion, seconded by Councilman Weiss, to table Resolution 132-07.

VOTE TO TABLE RESOLUTION 132-07

Ayes: Casey, Weiss, Woodend

Nays: None

Motion is approved

Mayor Casey introduced Resolution 133-07, seconded by Councilman Weiss.

RESOLUTION 133-07

A RESOLUTION APPOINTING A MEMBER TO THE HISTORIC COMMISSION

WHEREAS, a vacancy exists on the Historic Commission; and

WHEREAS, the Borough has a need to fill a Class "C" vacancy; and

WHEREAS, the Governing Body would like to fill the vacancy forthwith;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey hereby appoints to the Historic Commission:

William T. Smith, 50 Mohawk Trail, Medford Lakes, NJ, 08055.

VOTE TO APPROVE RESOLUTION 132-07

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 133-07 is approved

OLD BUISNESS

POLICE ATVs - Mayor Casey made a motion, seconded by Councilman Weiss, to amend the ATV Resolution to accept two vehicles instead of one.

RESOLUTION NUMBER 134-07

A RESOLUTION AMENDING RESOLUTION 127-07, A RESOLUTION AUTHORIZING PARTICIPATION IN THE BRP US, INC. "ALL TERRAIN VEHICLE LOANER PROGRAM" WITH SURF AND TURF POWERSPORTS FROM THE ORIGINAL AGREEMENT OF ONE UNIT TO TWO UNITS

WHEREAS, BRP US, Inc. has developed a loaner program designated to make it easy for a governmental agency responsible for law enforcement, patrol and search/rescue to obtain a BRP US, Inc. All Terrain Vehicle Loaner Unit(s) free of charge; and

WHEREAS, this program is a one-year term agreement through BRP US, Inc. dealer, Surf and Turf Power Sports of Lumberton, New Jersey; and

WHEREAS, after the end of one year, the Borough must return the unit(s), apply for renewal and/or purchase the unit(s) from the dealer; and

WHEREAS, this agreement is for **two (2)** 2E7C OUTLANDER XT 400-HO units;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, hereby authorizes the Manager and Police Chief to participate in the BRP US, Inc. All Terrain Vehicle Loaner Program.

Contrary to prior opinion, the ATVs are not street legal.

Council directed Deputy Clerk McIntosh to provide a copy of the insurance to Solicitor Lange.

VOTE TO APPROVE RESOLUTION 134-07

Ayes: Casey and Weiss

Nays: Woodend

Resolution 134-07 is approved

OAKS HALL – At the budget workshop on November 1, 2007, Council will do budget transfers and award a contract for the interior fit out.

The staining contractor still has not been awarded his Public Contractor's Certificate and cannot begin staining.

Council directed that Heartbilt be contacted for information concerning the warranty for the staining.

Council asked that Joe Augustyn also investigate a Community Development Block Grant for Oaks Hall.

FEMA REIMBURSEMENTS – Councilman Weiss met with Mike Torpey concerning the status of the reimbursements for the dams.

Councilman Woodend received notice from Ralph Shrom at the County that the Borough has not participated in a specific FEMA program. Failure to do so could result in problems with future reimbursements in certain areas.

Council directed Deputy Clerk McIntosh to talk to Chris Schultz at Burlington County Emergency Management to resolve the problem

Solicitor Lange will meet with Manager Knight about project workshops and the supporting data.

DPW BUILDING – Mr. McIntosh reported he has received the Certificate of Filing for the demolition of the building. The plumber has been notified to re-route the pipes.

NEW BUSINESS

CLERK'S POSITION – Mayor Casey announced that Mr. Knight did not pass the test for certified clerk. Council is waiting for Mr. McIntosh's test results and plans to appoint him to the position if he passes. By law, the Borough must have a Certified Clerk.

Mayor Casey made a motion, seconded by Councilman Woodend, to appoint Julie Horner-Keizer as the Registered Municipal Clerk for the Borough for a three year term, at no salary.

VOTE TO APPOINT MS. HORNER-KEIZER AS CLERK

Ayes: Casey, Weiss, Woodend

Nays: None

Motion carries

GRANT – Joe Augustyn is considering applying for a Community Development Block Grant for upgrades to the Colony's parks. Colony director Greg Lackey and a representative of Princeton Hydro will meet with Mr. Augustyn about the grant.

DAM SIGNS – Council decided to have signs erected on the dams prohibiting skateboarding to prevent damage to the concrete.

Council discussed Ms. Carol Latti's ongoing problem with her lake front and her need to have a truck use Aetna Way to deliver sand to restore the site to it's pre-flood status.

Mayor Casey introduced Resolution 135-07, seconded by Councilman Woodend, to suspend traffic regulations on Aetna Way to allow for the truck to pass to Ms. Latti's property.

RESOLUTION 135-07

A RESOLUTION OF THE MEDFORD LAKES BOROUGH COUNCIL SUSPENDING TRAFFIC RESTRICTIONS ON AETNA WAY

WHEREAS, Ms. Carol Latti owns property adjacent to Aetna Way in the Borough of Medford Lakes and identified on the Medford Lakes tax map as Block 10034, Lots 5,6,6.01,7 and 8; and

WHEREAS, Ms. Carol Latti has requested permission from Borough Council to access her property by utilizing the public right of way known as Aetna Way and the walkway adjacent to Aetna Way in order to perform landscaping work upon her property; and

WHEREAS, Ms. Carol Latti has elected to perform the landscaping work in light of the recent improvements made by the Medford Lake Colony and Medford Lakes Borough on property adjacent to the property owned by Ms. Carol Latti; and

WHEREAS, Ms. Carol Latti has agreed to enter into an indemnification agreement and hold harmless agreement in favor of Medford Lakes Borough and in a form and content acceptable to and approved by the Borough Solicitor; and

WHEREAS, the passage of this Resolution shall not be construed in any way as an admission or concession of liability on the part of Medford Lakes Borough for any damages and/or other claims which may or may not be presented to the Borough by Ms. Carol Latti.

NOW THEREFORE, BE IT RESOLVED by the Medford Lakes Borough Council that the use restrictions currently in place restricting the use and passage on Aetna Way and the adjacent pedestrian walkway shall hereby be temporarily suspended between the hours of 9:00am to 2:00pm and with prior notification to the Medford Lakes Police Department in favor of Ms. Carol Latti and her contractors for the sole purpose of performing landscaping and other improvements to the property owned by Ms. Carol Latti for a period of 30 days following the adoption of this Resolution.

VOTE TO APPROVE RESOLUTION 135-07

Ayes: Casey, Woodend

Nays: Weiss

Resolution 135-07 is approved

CORRESPONDENCE

A letter was received from a resident concerned about a homeowner cutting down several trees on a property on Decotah Trail.

Code Office Dave Crane will be advised and asked to determine if there is a problem at the residence.

REPORTS

SOLICITOR – the owners of the Easi property are still waiting for a Certificate of Filing from the Pinelands before they can demolish the three buildings on the property.

The Pinelands Commission wants a Certificate of Appropriateness from the Borough's Historic Commission.

Councilman Woodend made a motion, seconded by Mayor Casey.

RESOLUTION 136-07

A RESOLUTION GRANTING A DEMOLITION PERMIT FOR BLOCK 30068, LOT 2812.01 IN THE BOROUGH OF MEDFORD LAKES

WHEREAS, all buildings and structures located at 32 Stokes Road within the Borough of Medford Lakes and more specifically identified on the Medford Lakes Borough tax records as Block 30068, Lot 2812.01 are believed to be significantly deteriorated and in an unsafe condition, creating a risk of injury and/or property damage; and

WHEREAS, the Medford Lakes Borough Code Enforcement Officer and Construction Official, Thomas Heck, has served unsafe structure notices and orders for demolition requiring the immediate demolition of all said structures and has received an application from the owner for a permit allowing demolition of said structures; and

WHEREAS, N.J.S. 52:27D-131.1 provides that an enforcing agency may cause such buildings or structures to be removed or demolished and provides for notifying the governing body of the need to contract for the removal or demolition thereof; and

WHEREAS, Borough Council finds that, based upon the reports of the Borough Code Enforcement Officer and Construction Official Heck, the structures located on the property are unsafe and dangerous to human health and constitute a fire hazard; and

WHEREAS, the requirements of the Borough's Historic Preservation Ordinance included in Chapter 138 are advisory in nature and not intended to prohibit Borough Council from acting in such cases; and

WHEREAS, the New Jersey Municipal Land Use Law at 40:55D-25 provides specifically that the governing body shall have final authority to make recommendations concerning matters referred to the Planning Board for reference;

NOW, THEREFORE, BE IT RESOLVED that the Medford Lakes Borough Council does hereby grant a Certificate of Authority and/or demolition permit as such is required under the local Medford Lakes Borough Ordinance to the owner applicant permitting the demolition of all structures and buildings located on said lands; and

BE IT FURTHER RESOLVED, that the Medford Lakes Borough Council hereby requests that the Pinelands Commission recognize the lack of cultural significance or value associated with the present structures and to further recognize the fire hazard and dangerous condition posed by the structures currently located on Block 30068, Lot 2812.01; and

BE IT FURTHER RESOLVED, that the Medford Lakes Borough Council urges and requests the Pinelands Commission to act on any application for a Certificate of Appropriateness necessary for the immediate demolition of the structures post haste.

VOTE TO APPROVE RESOLUTION 136-07

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 136-07 is approved

Councilman Woodend made a motion, seconded by Mayor Casey, to send correspondence to the Pinelands Commission recommending they approve the demolition of the buildings on the Easi property and soon as possible; the buildings have been condemned and are not in public use.

VOTE ON MOTION

Ayes: Casey, Weiss, Woodend

Nays: None

Motion carries

Councilman Woodend made a motion, seconded by Mayor Casey, to grant an exemption for Historic and Planning Board approval for the demolition of the buildings on the Easi property due to exigent circumstances.

VOTE ON MOTION

Ayes: Casey, Weiss, Woodend

Nays: None

Solicitor Lange will send a letter and Resolution 136-07 to the Pinelands Commission.

PAYMENT OF BILLS

Mayor Casey made a motion, seconded by Councilman Weiss, to approve payment of the bills.

VOTE TO PAY BILLS
Ayes: Casey, Weiss, Woodend
Nays: None
Motion carries

ADJOURNMENT

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

VOTE TO ADJOURN
Ayes: Casey, Weiss, Woodend
Nays: None
Meeting adjourned at 9:20pm

