

**BOROUGH OF MEDFORD LAKES  
REGULAR COUNCIL MEETING  
SEPTEMBER 13, 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. Manager Knight, Deputy Clerk McIntosh, and Solicitor Lange were also present.

Council and the public observed a moment of silence to honor Lance Corporal John Hicks, nephew of Medford Lakes residents Bill and Carol Hicks, who was killed in Iraq this week and those service other men and women currently in harm's way overseas.

**PUBLIC COMMENT**

Joe Aromando, 285 Shingowack Trail, thanked everyone involved with the re-design and the final outcome of the Trading Post Way/Stokes Road intersection restructure.

**APPROVAL OF MINUTES**

Mayor Casey made a motion, seconded by Councilman Woodend, to approve the minutes of the August 23, 2007 Meeting.

VOTE TO APPROVE MINUTES

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved

**ORDINANCES**

Mayor Casey introduced Ordinance 537, seconded by Councilman Weiss, on First Reading.

**ORDINANCE 537**

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEES AND OFFICERS OF THE BOROUGH OF MEDFORD LAKES FOR THE YEAR 2007 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, New Jersey that:

**Section 1.** The following salaries designated herein are fixed on an annual basis respective to the position listed below. All employees may be paid bi-weekly, monthly or quarterly, as directed by the Borough Manager.

Overtime compensation for hours worked in excess of the regular workweek (40 hours) shall be at time and one-half rate.

**Section 2.** 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.

**ADMINISTRATION**

<b><u>TITLE</u></b>		<b><u>MAXIMUM COMPENSATION</u></b>
		(Exclusive of Overtime)
Mayor and Council		\$ 1,700.00
Municipal Manager		33,600.00
Municipal Clerk		33,600.00
Chief Finance Officer		41,600.00
Clerical Staff		46,345.00
Part Time Clerical	Per hour	18.54
Tax Assessor		16,850.00
Tax Collector		13,350.00
Sewer Collector		16,420.00
Safety Coordinator		5,790.00
Recycling Coordinator		3,785.00
Solicitor		27,000.00
Secretary to the Historic Commission		2,751.00
Secretary to the Planning Board		5,000.00
Prosecutor		6,272.00
Public Defender		1,700.00
Deputy Clerk		15,250.00
Deputy Treasurer		10,816.00
Rabies Day Clinic Assistants	Up to/per clinic	125.00
Borough Council Meeting Secretary	Per meeting	125.00
Municipal Court Sound Recording Monitor	Per court	50.00

Overtime compensation for clerical assistants for hours worked in excess of the regular workweek (35 Hours) shall be at time and one-half rate.

**MUNICIPAL COURT**

Judge		\$7,500.00
Municipal Court Administrator	Hourly rate not to exceed	20.00
Deputy Court Administrator	Up to/per court session	100.00
	For each call-in	15.00

**POLICE DEPARTMENT**

Crossing Guards	Per hour	\$14.16
Special Police	Per hour	17.38

**CODE ENFORCEMENT**

Construction Official		11,000.00
Electrical Sub-code Official		5,012.00
Plumbing Sub-code Official		5,012.00
Fire Sub-code Official		5,012.00
Code Enforcement Officer		5,012.00

**EMERGENCY MANAGEMENT**

Emergency Management Coordinator		\$2,080.00
Emerg. Mgmt. Coord.	For State of Emergency Activation per hour not to exceed 100 hrs	40.00
Deputy Emergency Management Coordinator		416.00

**BUREAU OF FIRE PREVENTION**

Fire Official		\$4,054.00
Fire Inspector		1,839.00
Fire Administrator		5,625.00

**PUBLIC WORKS/SANITATION**

Superintendent		\$74,730.00
Forman	Per hour	24.70
Laborer Class C	Per hour	13.85
Laborer Class B	Per hour	16.43
Laborer Class A	Per hour	20.66
Mechanic	Per hour	12.98

**WASTEWATER TREATMENT UTILITY**

Superintendent		\$71,973.00
Clerical		21,632.00
Operators Assistant	Up to/per hour	21.48
Laborers	Up to/per hour	24.11

**Section 3.** The Manager, at his/her discretion, can hire replacement employees up to and including the present maximum rates as set forth in this Ordinance.

**Section 4.** Longevity - All full time salaried and hourly employees shall be entitled to a longevity payment in November of the calendar year in which the second anniversary of continuous employment occurs, and annually thereafter. The annual longevity payment, upon entitlement, shall be calculated at the rate of \$100.00 per year of continuous employment ending in that calendar year provided however, that the annual longevity payment shall not exceed 7% of the current year's salary, or in the case of hourly employees, the annual regular time compensation based on 2,080 hours times the current hourly rate. In the event that an employee, who is otherwise eligible for a longevity payment, terminates his/her employment with the Borough prior to the time when such payments are regularly paid, he/she shall be entitled to a pro rated payment as of the date employment with the Borough terminated.

**Section 5.** The salaries fixed by the foregoing section of this Ordinance shall respectively in lieu of any and all fees which the respective incumbents of said office might otherwise be entitled by Statute or otherwise by virtue of said office, which fees shall immediately upon collection thereof be paid over to the Chief Finance Officer of the Borough.

**Section 6.** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 7.** 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, 2007.

The four percent increase budgeted for employees is not an “across the board” raise. Individual employees will be evaluated to determine their raise percentage.

VOTE TO APPROVE ORDINANCE 537 ON FIRST READING

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance 537 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 Certification 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 remove Resolution 123-07 from the Consent Agenda list.

VOTE TO APPROVE MOTION

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 123-07 removed from Consent Agenda

Mayor Casey introduced Resolution 122-07, seconded by Councilman Weiss.

**RESOLUTION 122-07**

**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 BOROUGH BUDGET FOR THE YEAR 2007, TO RECOGNIZE THE AWARD OF A 2007 “OVER THE LIMIT, UNDER ARREST IMPAIRED DRIVING CRACKDOWN” GRANT IN THE AMOUNT OF \$5,000.**

**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 grant entitled 2007 Over The Limit Under Arrest Impaired Driving Crackdown Campaign grant in the amount of \$5,000 and wishes to amend its 2007 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 2007 in the sum of \$5,000, 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:

Private and Public Programs Off-Set with Appropriations:

NJ Division of Highway Traffic Safety – Over the Limit Under Arrest Impaired

Driving Crackdown; and

**BE IT FURTHER RESOLVED** that a like sum of \$5,000 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% "CAPS"

Public and Private Programs Off-Set by Revenues

NJ Division of Highway Traffic Safety Over the Limit Under Arrest Impaired

Driving Crackdown Campaign; 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.

VOTE TO APPROVE RESOLUTION 122-07

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 122-07 is approved

Mayor Casey introduced Resolution 124-07, seconded by Councilman Weiss.

**RESOLUTION 124-07**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO CONDUCT A LEGALIZED GAME OF CHANCE (ON-PREMISE DRAW RAFFLE) TO THE LIONS CLUB MEDFORD LAKES CHARITIES**

**WHEREAS**, the Lions Club Medford Lakes Charities has qualified in the prescribed manner and submitted an application to hold a On Premise Draw Raffle on November 7, 2007; and

**WHEREAS**, Council has reviewed the findings and determinations and concur that the On Premise Draw Raffle is to be conducted according to law;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, New Jersey that a license to conduct the aforementioned On Premise Draw Raffle be and is hereby granted to the Lions Club Medford Lakes Charities.

VOTE TO APPROVE RESOLUTION 124-07

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 124-07 is approved

**RESOLUTIONS**

Mayor Casey introduced Resolution 123-07, seconded by Councilman Woodend.

**RESOLUTION 123-05**

**A RESOLUTION APPOINTING MEMBERS TO THE PLANNING/ZONE (LAND USE) BOARD**

**WHEREAS**, three vacancies exist on the Planning/zoning Land Use Board; and

**WHEREAS**, the Borough has a need to fill a Class “4” vacancy, an Alternate “1” vacancy; and an Alternate “2” vacancy; and

**WHEREAS**, the Governing Body would like to fill the vacancies forthwith;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, County of Burlington, and the State of New Jersey as follows:

Michael Keating, 141 Nantucket Trail, Medford Lakes, NJ, is reassigned from the current position of Alternate 2 and is hereby appointed to the Planning Board as a Class “4” member with a term to expire September 13, 2011; and

Walt Lyons, 164 Cheyenne Trail, Medford Lakes, NJ, is appointed to the Planning Board as an Alternate “1” member with a term to expire September 13, 2009; and

Tom Cranston, 190 Chippewa Trail, Medford Lakes, NJ, is appointed to the Planning Board as an Alternate “2” member with a term to expire September 13, 2009.

**VOTE TO APPROVE RESOLUTION 123-07**

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 123-07 is approved

Mayor Casey introduced Resolution 125-07, seconded by Councilman Weiss.

**RESOLUTION 125-07**

**A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR INTERIOR AND EXTERIOR STAINING OF OAKS HALL**

**WHEREAS**, the Borough of Medford Lakes has a need to acquire the services of a contractor to do interior and exterior staining of Oaks Hall as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is less than 6 months; and

**WHEREAS**, TOM’S PAINTING, Inc. has submitted a proposal dated 8/16/07 indicating they will provide the interior and exterior staining of Oaks Hall for \$27,095.00; and

**WHEREAS**, TOM’S PAINTING, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that TOM’S PAINTING, Inc. 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 TOM’S PAINTING, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, funds are available for this award as evidenced by the attached certification of availability of funds, this contract shall be charged to the Oaks Hall Capital Budget;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Medford Lakes, New Jersey hereby authorizes the Borough Manager to enter into a contract with TOM’S PAINTING, Inc. as described herein; and

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

VOTE TO APPROVE RESOLUTION 125-07

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 125-07 is approved

Mayor Casey introduced Resolution 126-07, seconded by Councilman Weiss.

**RESOLUTION 126-07**

**A RESOLUTION TO APPROVE CHANGE ORDERS #2-7 FOR THE CONTRACT BY AND BETWEEN HEARTBILT HOMES, INC. AND THE BOROUGH OF MEDFORD LAKES, RELATIVE TO THE DELIVERY AND INSTALLATION OF A 7,000 SQUARE FOOT LOG CABIN STRUCTURE, SAID CHANGES AMENDING THE ORIGINAL CONTRACT FROM \$281,374.00 TO \$283,596.00, AN INCREASE OF \$2,222.00**

**WHEREAS**, resolution 87-05 was adopted on June 23 2005, awarding a contract to Heartbuilt Homes, Inc, in the amount of \$281,374.00 for the delivery and installation of a 7000 sq. ft. log cabin structure; and

**WHEREAS**, change orders #2 - 7 were developed to make necessary changes to the original contract, said changes listed below:

Change Order 2	Reductions per 8/11/05 Memo	\$12,500.00 –
Change Order 3	Police Dept log wall reduction	5,312.00 –
Change Order 4	Oak’s Hall Log Rafters reduction	1,082.00 –
Change Order 5	Log Wall 62’	10,292.00 +
Change Order 6	Fascia/Soffit – Material	5,414.00 +
Change Order 7	Interior Log Trim – Material	5,410.00 + ; and

**WHEREAS**, change orders #2 – 7 will increase the original contract from \$281,374.00 to \$283,596.00 an increase of \$2,222.00; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to approve these changes orders. Funds are thereby being certified against the Oaks Hall capital budget;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Medford Lakes, Burlington County, that change orders # 2- 7 are hereby approved and the appropriate Borough Officials are authorized to execute the necessary contractual documents to effectuate these changes.

**VOTE TO APPROVE RESOLUTION 126-07**

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 126-07 is approved

Mayor Casey introduced Resolution 127-07, seconded by Councilman Weiss.

**RESOLUTION 127-07**

**A RESOLUTION AUTHORIZING PARTICIPATION IN THE BRP US, INC. "ALL-TERRAIN VEHICLE LOANER PROGRAM" WITH SURF AND TURF POWERSPORTS**

**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.

Council discussed safety issues with the "quads" and the public's perception of the cost – the vehicles are provided at no cost to the Borough. Suggestions were made as to evaluating use of the "quads" after a 90-day trial period, developing a use policy, and officer's responsible use of the vehicles.

**VOTE TO TABLE RESOLUTION 127-07**

Ayes: Casey, Weiss

Nays: Woodend

Resolution 127-07 is tabled

**OLD BUSINESS**

**DAMS** – Public Service needs to set the electric meters on the dams and the Upper Aetna Dam needs to be striped and signed.

Beach One has been returned to the authority of the Colony.

On September 23, 2007, the road over Upper Aetna Dam will be opened and the “Tour de Lakes” walk-run will take place using the roadway.

Council discussed signage at both ends of the spillways to keep people off the potentially dangerous areas

Council directed Manager Knight to have Public Works employees move the barriers and the fence at Beach and Chippewa to make more room for kids on bikes using the road to travel to and from school.

**DPW BUILDING** – the bids are in for the demolition of the Public Works building; however, work is pending the Certification of Final Approval from the Pinelands.

**OAKS HALL** – The bid openings for the tenant fit-out work will be on September 27, 2007.

ERI will do “as-built” survey of the building in preparation for the site work.

Council directed Manager Knight to obtain an engineering estimate for the site work by September 27, 2007.

**BALLINGER WALKWAY** – Council discussed the need for Pinelands approval for the proposed walkway improvements along Ballinger Lake and bordering on Stokes Road.

Solicitor Lange will investigate whether or not the walkway area is part of the Stokes Road right-of-way, which is County property. If this is the case, there may not be a need for Pinelands approval.

Manager Knight will forward a copy of the walkway plans to Councilman Weiss.

**WHITE PROPERTY** – Council discussed the corner property and the configuration of Tabernacle and McKendimen Roads.

Manager Knight advised Council that he, Police Chief Martine, and Borough engineer Alaimo will meet on Monday, September 17, 2007, to discuss safety issues at the intersection.

**ML COUNTRY CLUB WATER RECLAMATION PROJECT** – Council discussed whether or not the Country Club understands they will pay for both the startup of the project and the continuing cost of sending the water to them.

Council directed Manager Knight to advise the Country Club that this is not a “one and done” cost to the Club, but rather a continuing expense.

**CLERK’S POSITION** – Solicitor Lange conferred with the Department of Consumer Affairs on the Borough’s failure to have a certified clerk. The DCA advised they are content to wait for the October clerk’s test results, if the Borough proves it has a backup plan in case the problem is not resolved.

## **NEW BUSINESS**

**EASEMENT REQUESTS** – Mr. and Mrs. Brian Correy, 158 Stokes Road, have a shed and a fence on their property encroach onto Borough property. They have asked for an easement from the Borough to allow the shed and fence to remain as they are.

Council agreed that granting an easement sets a bad precedent and could be a liability.

Councilman Woodend made a motion, seconded by Mayor Casey, to notify the Correy's that the Borough has no interest in granting an easement and that the shed and fence must be removed from the Borough's property.

### VOTE ON MOTION

Ayes: Casey, Woodend

Nays: None

Abstain: Weiss

Motion carries

Mr. and Mrs. Ingram, 147 Conawaga Trail, purchased the home recently. The property has a pool that has encroached onto Borough property for several years.

Council discussed the possibility of selling the strip of land that houses the pool to the Ingrams.

Solicitor Lange will research if Medford Lakes can sell a portion of Borough property to a homeowner.

**TUCKERTON ROAD SPEED** – Mike Bacon, 178 Tontonava Trail, is a member of the Medford Lakes Board of Education. He reported the Board continues to be concerned about the 40 mile-per-hour speed limit on Tuckerton Road and the removal of the pedestrian crosswalk at Cheyenne and Tuckerton. Mr. Bacon has previously discussed the problem with Police Chief Martine and feels the issue is deadlocked. Tuckerton Road is a County roadway and not under the Borough's jurisdiction.

Councilman Woodend made a motion, seconded by Mayor Casey, to create a joint resolution with the Board of Education, addressed to the Burlington County Board of Freeholders, asking for permission to reduce the speed on Tuckerton Road from 40 to 35 miles-per-hour.

### VOTE ON MOTION

Ayes: Casey, Weiss, Woodend

Nays: None

Motion carries

## **REPORTS**

**PUBLIC SAFETY** – Fire Chief McIntosh reported the fire department responded to 48 calls in August. Of those 48 calls, ten were on one night due to a severe wind storm.

Chief McIntosh also applauded the police and fire departments and the emergency squad for their combined effort and cooperation while on a recent cardiac emergency call.

**ADMINISTRATION** – Council discussed the proposed reassessment, scheduled to be budgeted for in 2008 and anticipated to begin in 2009.

**PUBLIC WORKS** – Councilman Weiss announced a public works departmental meeting on October 12, 2007.

Wastewater Superintendent Paul Hayden is retiring November 30, 2007.

Medford Township has outsourced their brush collection and will be unable to participate in a shared services collection with Medford Lakes.

Manager Knight will investigate how Tabernacle Township's leaf collection is proceeding since it was privatized.

**SOLICITOR** – Peter Black sent a draft copy of the correspondence he plans to send to FEMA, purporting the Borough's position concerning the dam structures and opposed to FEMA's position, with regard to reimbursement.

**MANAGER** – the Borough's Master Plan will be examined at the next Planning Board meeting.

### **PAYMENT OF BILLS**

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

#### VOTE TO APPROVE PAYMENT OF THE BILLS

Ayes: Casey, Weiss, Woodend

Nays: None

Bills are approved for payment

### **ADJOURNMENT**

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

#### VOTE TO ADJOURN

Ayes: Casey, Weiss, Woodend

Nays: None

Meeting adjourned at 9:25pm