

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
FEBRUARY 14, 2008**

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 Clerk McIntosh, and Police Chief Martine.

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.

New Borough Manager Geoff Urbanik and his family attended the meeting. Mayor Casey gave Mr. Urbanik, the oath of office, with his family by his side. His first official day as manager will be March 1, 2008.

APPROVAL OF MINUTES

Mayor Casey made a motion, seconded by Councilman Woodend, to approve the minutes of the January 31, 2008 Regular Council Meeting, with one correction.

VOTE TO APPROVE MINUTES

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved

WORKSHOP PORTION OF THE REGULAR COUNCIL MEETING

REPORTS

MANAGER'S REPORT

Mr. McIntosh previously provided Council with his written report.

Additionally, he advised Council of a letter he received from Mrs. Latti's attorney, regarding her property, which was altered due to dam reconstruction. The item was postponed to the next Council meeting on February 28, 2008.

Interim Manager McIntosh is in the process of obtaining quotes for repairs to resident's bulkheads, also regarding dam reconstruction.

Council discussed the cost and design of storage space in the new Oaks Hall building. Due to the use of the upper level for HVAC and electrical wiring, the planned storage space may prove to be less useful than anticipated.

Council directed Interim Manager McIntosh to consult with a mechanical contractor to determine how to maximize storage.

Council also directed Mr. McIntosh to investigate the cost of using an archiving company to store paperwork, as opposed to the cost of finishing the upper level for storage.

The Borough's engineers have rendered their opinion that the structure on Mishemokwa is not a dam, which would greatly lessen the burden of repairing it. Their opinion has been forwarded to the DEP and the Borough is now awaiting their response.

The next budget workshop meeting will be on Saturday, March 1, 2008, upstairs in the fire house.

A letter was forwarded to Mr. & Mrs. Schmidlein, 165 Chippewa Trail, asking for a certified survey of their property to assist the Borough with a possible encroachment issue on Decotah Trail.

SOLICITOR'S REPORT

Mr. Lange was unable to attend the meeting. Mr. McIntosh provided a paper copy of the Solicitor's report to Council.

DISCUSSION OF PENDING RESOLUTIONS

Council discussed each resolution on the agenda, adding clarification and changes as needed. Resolution 42-08 was moved from consent agenda resolutions to resolutions.

42-08 A resolution supported by the Camden County JIF for dealing with tort claims against the Borough.

Council discussed the position of emergency management coordinator. Chief Martine has acted as interim coordinator until a permanent replacement could be appointed. Council received resume and determined that Borough resident Steve Hecklen would be able to fill the job. Mr. Hecklen will be appointed during the Resolution section of the meeting.

NEW BUSINESS

Bob Hanold asked Council about the proposed Lion’s Club building. The Club would erect the building at their expense and dedicate it to the Borough, who would then lease it to the Club at a very nominal amount. All the Lion’s Club is asking for is the land. Mr. Hanold asked Council for a commitment for the land.

Councilman Woodend will discuss the building issue with the Medford Lakes Emergency Squad; they have expressed interest in sharing the building.

PUBLIC COMMENT

Dick Thurber, 198 Chippewa Trail, asked about the land behind the 7-11 Store that the Borough owns. It is wetlands and not buildable.

Mike Bacon, 178 Tontonava Trail, asked if residents would be able to hire contractors to spray for gypsy moths independently of the Borough’s efforts.

Council directed Mr. McIntosh to contact Medford Township to obtain a list of licensed contractors to hand spray.

Joe Aromando, 285 Shingowack Trail, asked Council to allow new manager Urbanik to interview Steve Hecklin before naming him emergency management coordinator for the Borough.

Mr. Aromando also challenged Council on the new format for meetings, saying they did not allow for enough public input from residents.

BUSINESS PORTION OF THE REGULAR MEETING

ORDINANCES

Mayor Casey introduced Ordinance 541, seconded by Councilman Woodend, on Second and Final Reading.

ORDINANCE 541

AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES AMENDING ORDINANCE 531, THE 2007 SALARY ORDINANCE, IN ORDER TO ADJUST THE SALARY FOR BOROUGH MANAGER

WHEREAS, Salary Ordinance Number 531 was adopted by the Borough of Medford Lakes, on September 27, 2007; and

WHEREAS, the Borough Council wishes to amend Ordinance Number 531 in order to establish a new rate for the Borough Manager the said rate; and

WHEREAS, the Borough Council has determined the new rate for the office of Borough Manager not to exceed \$75,000.00; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes, County of Burlington and State of New Jersey:

- I. the new salary for the Borough Manager shall be an amount not to exceed \$75,000.00 effective March 1, 2008.
- II. this Ordinance shall become effective immediately pursuant to N.J.S.A 40:49-2 et. seq.

PUBLIC COMMENT: Joe Aromando, 285 Shingowack Trail, feels the Borough is paying too much for the three positions required to run the Borough, manager, financial officer, and certified clerk.

VOTE TO APPROVE ORDINANCE 541 ON SECOND READING

Ayes: Casey, Weiss, Woodend
Nays: None
Ordinance 541 is approved

Mayor Casey introduced Ordinance 542, seconded by Councilman Weiss, on Second and Final Reading.

ORDINANCE 542

AN ORDINANCE TO AMEND SECTION 6(d) OF ORDINANCE NO. 518 ENTITLED “A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF VEHICLES AND THE CONSTRUCTION OF IMPROVEMENTS TO BOROUGH ROADS AND THE EXISTING SEWER COLLECTION SYSTEM; APPROPRIATING THE SUM OF \$705,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$689,000 BOND OR NOTES OF THE BOROUGH TO FINANCE SAID IMPROVEMENTS; AND MAKING CERTAIN DETERMINATIONS AND CONVENANTS AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING” SAID AMENDMENTS TO INCREASE THE AMOUNT OF EXPENSES PERMITTED UNDER NJSA 40a:2-20

Section 1. Be it ordained, by the Mayor and Council of the Borough of Medford Lakes, New Jersey that Section 6(d) of ordinance 518 is hereby amended to read as follows:

6(d) An aggregate amount not exceeding \$135,000 for items of expenses listed in and permitted under NJSA 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 2. In the event that any section or part of this ordinance shall be declared to be unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, such section or part shall, to the extent that it is not unconstitutional, invalid, or inoperative, remain in full force and effect and no such determination shall be deemed to invalidate the remaining sections or parts of this ordinance or the ordinance as a whole.

Section 3. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

VOTE TO APPROVE ORDINANCE 542 ON SECOND READING

Ayes: Casey, Weiss, Woodend
Nays: None
Ordinance 542 is approved

Mayor Casey introduced Ordinance 543, seconded by Councilman Woodend, on Second and Final Reading.

ORDINANCE 543

AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES ESTABLISHING THE POSITION OF DEPUTY BOROUGH MANAGER

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes, in the County of Burlington and State of New Jersey, as follows:

Section 1. Creation of Office and Title. There is hereby created pursuant to NJS 40:69A-95(c), the position of Deputy Borough Manager for the Borough of Medford Lakes; and

Section 2. Appointment. The Deputy Borough Manager shall be appointed by the Borough Manger without term. The Deputy Borough Manger shall be removable at the pleasure of the Borough Manger without notice or hearing in accordance with all applicable Borough personnel policies and procedures. The position of Deputy Borough Manger is hereby established as an at will employee pursuant to the Medford Lakes Borough Personnel Policies and Procedures Manual; and

Section 3. Duties and Responsibilities. The Deputy Borough Manager shall perform all tasks and functions as may be assigned, from time to time, by the Borough Manager and all duties as listed in the current Job Description for Deputy Borough Manager as may be modified from time to time; and

Section 4. Compensation.

- a. The Deputy Borough Manager shall be paid an annual salary within the range as detailed and adopted by the Borough Council in the annual Salary Ordinance; and
- b. The annual salary range is set for the position and hereby included by reference in the current annual Salary Ordinance adopted by Medford Lakes Borough to be \$10,000 minimum / \$25,000 maximum.

PUBLIC COMMENT: Police Chief Martine asked if the deputy manager would be able to perform all managerial acts. He will not.

Council directed that Solicitor Lange advise Council about the deputy manager’s authority in the absence of the manager.

VOTE TO APPROVE ORDINANCE 543 ON SECOND READING

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance 543 is approved

RESOLUTIONS

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 introduced Resolution 40-08, seconded by Councilman Woodend.

RESOLUTION 40-08

A RESOLUTION DECLARING THE GYPSY MOTH (*Lymantria Dispar*) A PUBLIC NUISANCE AND AUTHORIZING STEPS TO PROTECT VEGETATION AND PLANT LIFE

WHEREAS, the gypsy moth *lymantria dispar*, has been found heavily defoliating tree and plant growth in the Borough of Medford Lakes; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and tress; and

WHEREAS, the Borough Council of the Borough of Medford Lakes has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal or State funds available be authorized;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life there from is deemed to be a subject matter of public welfare and that all measures deemed necessary, in compliance with the State of New Jersey Department of Agriculture recommendations, is hereby authorized to suppress this forest and shade tree pest.

VOTE TO APPROVE RESOLUTION 40-08

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 40-08 is approved

Mayor Casey introduced Resolution 41-08, seconded by Councilman Woodend.

RESOLUTION 41-08

A RESOLUTION AUTHORIZING A TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102 has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, hereby endorses the submission of the 2007 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Office of Recycling and designates Mark J. McIntosh, Acting Municipal Clerk, 1 Cabin Circle, Medford Lakes, New Jersey, to ensure that the said Application is properly filed.

VOTE TO APPROVE RESOLUTION 41-08

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 41-08 is approved

Mayor Casey introduced Resolution 42-08, seconded by Councilman Weiss.

RESOLUTION 42-08

A RESOLUTION ADOPTING A FORM REQUIRED TO BE USED FOR THE FILING OF NOTICES OF TORT CLAIMS AGAINST THE BOROUGH OF MEDFORD LAKES IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY TORT CLAIMS ACT, N.J.S.A. 59:8-6

WHEREAS, the New Jersey Tort Claims Act, N.J.S.A. 59:8-6, provides that a public entity may adopt a form to be completed by claimants seeking to file a Notice of Tort Claim against the public entity; and

WHEREAS, the Borough of Medford Lakes is a public entity covered by the provisions of the New Jersey Tort Claims Act; and

WHEREAS, the Borough of Medford Lakes deems it advisable, necessary and in the public interests to adopt a Notice of Tort Claim form in the form attached hereto and made part hereof;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey assembled in public session the 14 day of February 2008, that the attached Notice of Tort Claim form be and hereby is adopted as the official Notice of Tort Claim form for the Borough of Medford Lakes; and

BE IT FURTHER RESOLVED that all persons making claims against the Borough of Medford Lakes, pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:8-1, et seq., be required to complete the form herein adopted as a condition of compliance with the notice requirement of the New Jersey Tort Claims Act.

VOTE TO APPROVE RESOLUTION 41-08

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 41-08 is approved

Mayor Casey made a motion, seconded by Councilman Weiss, to appoint Steve Heicklen to the position of Borough Emergency Management Coordinator on the recommendation of Interim Manager McIntosh.

RESOLUTION 43-08
A RESOLUTION APPOINTING AN EMERGENCY MANAGEMENT COORDINATOR

WHEREAS, the current Emergency Management Coordinator Chris Schultz submitted a letter of resignation effective January 31, 2008; and

WHEREAS, the Borough Council appointed Chief Frank Martine of the Medford Lakes Police Department the interim Emergency Management Coordinator effective January 31, 2008 until this date; and

WHEREAS, there exists a need within the Borough of Medford Lakes to appoint a permanent Emergency Management Coordinator; and

WHEREAS, the appointee must at the time of appointment or within one year immediately following appointment complete the current approved Home Study Course and the Basic Emergency Management workshop, and

WHEREAS, the municipal emergency management coordinator shall be responsible for the planning, activating, coordinating and the conduct of emergency management operations within the Borough; and

WHEREAS, it is the desire of the Mayor and Council to appoint a qualified individual to serve in the capacity of Emergency Management Coordinator; and

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

1. Steven B. Heicklen, 135 Nantucket Trail, Medford Lakes, NJ 08055, be and is hereby appointed as Emergency Management Coordinator for the Borough of Medford Lakes, New Jersey.
2. The term for the aforementioned appointment shall be for three (3) years and shall expire on February 14, 2011.

PAYMENT OF BILLS

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

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Casey, Weiss, Woodend

Nays: None

Motion carries

ADJOURNMENT TO EXECUTIVE SESSION

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

RESOLUTION 44-08
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 Ragan Design contract and DEEP fine negotiations; 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; and
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 Woodend, to return to the Regular Meeting. Official action may be taken.

VOTE TO RETURN TO THE REGULAR MEETING

Ayes: Casey, Weiss, Woodend

Nays: None

Council returned to the Regular Meeting

Mayor Casey made a motion, seconded by Councilman Woodend, to award a contract to Ragan Design for the completion of the Oaks Hall building.

RESOLUTION 45-08

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR ARCHITECT SERVICES

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

WHEREAS, the 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 one (1) year; and

WHEREAS, Ragan Design will complete and submit a Business Entity Disclosure Certification which certifies that Ragan Design 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 Ragan Design 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 an architect to perform architect services for the Borough in connection with the completion of the Oaks Hall Municipal Project; 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 Ragan Design is hereby appointed as the architect for the Borough of Medford Lakes for the completion of Oaks Hall Municipal Building.

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.

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

VOTE TO APPROVE RESOLUTION 45-08

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 45-08 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

