

**BOROUGH OF MEDFORD LAKES  
REGULAR COUNCIL MEETING  
JUNE 26, 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 Manager Urbanik, Clerk McIntosh, solicitor Lange, and Councilman elect Lackey.

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

**APPROVAL OF MINUTES**

Mayor Casey made a motion, seconded by Councilman Woodend, to approve the minutes for Executive sessions on January 31, 2008, February 14, 2008, February 28, 2008, March 13, 2008, March 13, 2008, April 24, 2008, and June 12, 2008. Note: the minutes for the Executive Session on March 27, 2008 were amended, and were vote on as amended.

VOTE TO APPROVE MINUTES

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes for Executive Sessions are approved

Solicitor Lange advised Council that, even though Executive Session minutes have been approved, they remain privileged until released following the solicitor's review.

**WORKSHOP PORTION OF THE REGULAR COUNCIL MEETING**

**REPORTS**

**PAUL ADISON** – Mr. Adison is the architect for the proposed new Public Works building. He has been obtaining engineering proposals for the building. RFPs were sent to three engineering firms.

Council discussed at length the proposals, fees involved, and what the engineering would entail. The plans will have to be approved by the Department of Environmental Affairs.

**MANAGER** – Mr. Urbanik advised Council of a change order that is needed for the flooring in Oaks Hall. He also provided Council with a site plan for their review. Work is continuing on the inside of the building.

**CLERK** – Mr. McIntosh reported the vacuum leaf collection is complete; DPW is now starting brush collection, and then will begin bagged leaf collection.

The Upper Aetna Lake spillway grate is being fabricated.

Mr. McIntosh reported he received a letter from a homeowner about a business being run from a residence in Medford Lakes. Code Official Heck wants the business to cease and desist work from the home. The homeowner has said he will seek legal action.

Council had previously asked Mr. McIntosh to prepare a cost analysis for brush removal. Currently, the Borough pays \$182.79 per load to take the brush to Medford; it would cost \$106.63 to take it to New Hanover. Clerk McIntosh recommended maintaining the current practice of using Medford as it is more productive. A farmer in the area wants to remove the brush, chip it, and sell the chips. It is unknown if he would need a permit.

Council directed Mr. McIntosh to research the permit question and more options for brush collection.

With regard to metal recycling, the Borough previously gave the metal away. Now, a Mt. Holly company wants to pick up the metal when the dumpster is full and pay the Borough for it.

Council agreed it was a good idea and asked that the change be implemented next week.

Bids for outsourcing the removal of solid waste are due in the Borough July 8, 2008.

Resident Paul Zetts has a possible solution to the problem with the lights on Beach Drive, over the dam.

Council asked that one or two of the lights be altered to see if Mr. Zetts' suggestion remedies the problem of the lights being too bright.

Council asked that DPW Superintendent McCorristan be directed to seal the wall on the firehouse that was left when the DPW building was demolished. The wall currently allows for leaks in the firehouse and especially the bathroom on the first floor.

Mr. McIntosh reported that two accidents occurred in June; a DPW truck was involved in a minor accident and a DWP employee cut his arm while on the job. Clerk McIntosh advised both accidents were preventable and both employees had received counseling.

**COUNCIL** – Councilman Woodend stated he is unhappy with the lack of enforcement on the sign ordinance, citing contractor signs throughout the Borough. Mr. Woodend suggested re-educating the public and aggressive enforcement.

**DISCUSSION OF PENDING RESOLUTIONS**

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

110-08 – A resolution authorizing temporary traffic regulations.

111-08 – A resolution approving a change order for the flooring in Oaks Hall. The flooring will need an under layment over the radiant heat flooring system. Architect Ragan stated the flooring vendor alleged it wasn't needed and Ragan didn't include it in the bid. Councilman Woodend suggested switching the plan to baseboard heating. However, Solicitor Lange advised there is a contract in place for the installation of the radiant heat and approximately \$50,000 has been spent on materials. Mr. Lange stated the Borough may have to absorb the cost of the materials and honor the contract, before incurring the cost of baseboard heating.

Councilman Woodend made a motion, seconded by Councilman Weiss for discussion, to cancel the plans for a radiant heating system.

VOTE ON MOTION

Ayes: Woodend  
Nays: Weiss, Casey  
Motion fails to carry

**NEW BUSINESS**

Councilman Weiss met with FEMA and several officials concerning the status of the Borough's challenge of FEMA's decision not to reimburse for much of the cost for dam repair.

FEMA is appointing a technical advisor to review the entire Borough file, which should take four to six weeks. The advisor will make his determination as to whether or not FEMA treated the Borough fairly.

If the advisor's decision does not favor the Borough, two options remain: sue FEMA in federal court or secure debt forgiveness or "loans to grants" at the state level.

**PUBLIC COMMENT**

*Bob Hanold, 45 Natchez Trail, stated he originally favored the use of radiant heat flooring in Oaks Hall, but didn't realize it would be done as an afterthought and require extra financing. He suggested baseboard heat.*

*Jim Vogdes, 34 Kiowa Trail, thanked Councilman Woodend for his time on Council.*

*Jackie Cleaver, 169 Chippewa Trail, thanked Council for the survey to determine encroachment on her property and asked what is planned to reclaim this part of Decotah Trail. Code Official Dave Crane will contact the homeowner to remove the items in the encroachment area.*

*Joanne Tragesser, 61, Minnetonka Trail, cautioned Council to think carefully about their decision for heating Oaks Hall.*

Joe Aromando, 285 Shingowack Trail, had five points to discuss. Mr. Aromando criticized DPW Superintendent McCorriston for not investigating metal recycling. He asked if anyone has followed through on the Emergency Action Plan for the dams in the Borough, he wants Council to rescind the tree ordinance, as they have cut down all the trees at the Oaks Hall site without following protocol; he suggested paying the Matos Group on commission, not a flat rate, now that an end may be in sight for the dam loans. Finally, Mr. Aromando criticized the “bungling” of the Oaks Hall project as almost criminal.

Dave Wasson, 97 Wabun Trail, thanked Council for the job they have done.

**BUSINESS PORTION OF THE REGULAR MEETING**

**APPROVAL OF RESOLUTIONS**

Mayor Casey introduced Resolution 110-08, seconded by Councilman Weiss.

**RESOLUTION 110-08**

**A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS**

**WHEREAS**, on July 04, 2008, the residents of Meeshaway Trail will hold a block party; and

**WHEREAS**, said residents would like to close a specified trail within the Borough to enable safe pedestrian passage; and

**WHEREAS**, N.J.R.S. 39:4-197.3 provides that “the governing body of any municipality may, upon the adoption of a resolution declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1) b through h, (2) and (3) revised Statutes 39:4-197”; and

**WHEREAS**, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the block parties are to be held;

**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. the Borough Council of the Borough of Medford Lakes does hereby find and declare that a temporary condition dictates adoption of special traffic regulations within the scope of N.J.R.S. 39:4-197(1)e; and
2. pursuant to N.J.R.S. 39:4-197(1)e, the following trail shall be closed to vehicular traffic:

**Meeshaway Trail between Piute Trail and Sitting Bull Trail; and**

3. the aforementioned street closing shall be between 9:00am and 9:00pm; and
4. block party contact persons Shawn Doyle, 145 Meeshaway Trail, and/or Steve Denham, 643 Medford Leas, Medford Lakes, shall be responsible for contacting the Medford Lakes Department of Public Works to obtain and return barricades; and
5. the Chief of Police of the Borough of Medford Lakes is hereby ordered and directed to take all actions appropriate and necessary for the implementation of the foregoing temporary traffic regulations.

**VOTE TO APPROVE RESOLUTION 110-08**

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 110-08 is approved

Mayor Casey introduced Resolution 111-08, seconded by Councilman Weiss.

**RESOLUTION 111-08**

**A RESOLUTION APPROVING CHANGE ORDER #20, FOR THE PROJECT KNOWN AS MEDFORD LAKES BOROUGH COUNCIL HALL, AMENDING THE TENANT FIT-OUT CONTRACT WITH W.J. GROSS, INC., FROM \$778,170 TO \$791,814, AN INCREASE OF \$13,644.**

**WHEREAS**, Change Order Number 20 for the project known as Medford Lakes Borough Hall is required to complete the project; and

**WHEREAS**, Change Order Number 20 dated June 17, 2008 amends the contract with W.J. Gross, Inc. from \$778,170.00 to \$791,814.00, an increase in the contract of \$13,644.00; and

**WHEREAS**, the Project Architect, Ragan Design Group has reviewed said change orders; 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, State of New Jersey, that Change Order Number 20 be and is hereby approved; and

**BE IT FURTHER RESOLVED** that Change Order Number 20 hereby amends the contract price from \$778,170.00 to \$791,814.00, an increase in the contract of \$13,644.00; and

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

**VOTE TO APPROVE RESOLUTION 111-08**

Ayes: Casey, Weiss,

Nays: Woodend

Resolution 111-08 is approved

**CORRESPONDENCE**

Mr. Urbanik received a letter from the Pines Barrens Festival committee, asking for two names for their Citizen of the Year award. Mayor Casey will post the notice of the Borough's web site.

**PAYMENT OF BILLS**

Following discussion, council pulled the bill from Alaimo Engineering from the list.

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

**VOTE TO APPROVE PAYMENT OF BILLS**

Ayes: Casey, Weiss, Woodend

Nays: None

Bill List is approve for payment

**ADJOURNMENT TO EXECUTIVE SESSION**

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

**RESOLUTION 112-08**

**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 are potential litigation for delay with W.J. Gross, award a professional services contract to the Matos Group, potential litigation for delay with Mount Construction; 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. Official action may be taken.

**VOTE TO RETURN TO THE REGULAR MEETING**

Ayes: Casey, Weiss, Woodend

Nays: None

Council returned to the Regular Meeting

**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



