

**BOROUGH OF MEDFORD LAKES  
REGULAR COUNCIL MEETING  
MARCH 13, 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, Code Official Heck 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.

**APPROVAL OF MINUTES**

Council discussed an item from the minutes of the meeting on February 28, 2008. At that time, Mancer Cyr, owner of the laundromat on Trading Post Trail, expressed concerns about parking on the street in front of his business.

Council agreed to allow a five or ten minute parking sign in front of the building, if Mr. Cyr pays for it.

Council directed Chief Martine to send a letter to Mr. Cyr apprising him of Council's decision.

Mayor Casey made a motion, seconded by Councilman Weiss, to approve the minutes of the February 28, 2008 Regular Council Meeting.

VOTE TO APPROVE MINUTES FOR FEBRUARY 28, 2008

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved

**WORKSHOP PORTION OF THE REGULAR COUNCIL MEETING**

**REPORTS**

**MANAGER'S REPORT** – Mr. Urbanik met with engineers from Alaimo concerning stormwater management.

The budget should be completed and ready for Councils approval within two weeks.

Mr. Urbanik is developing bid specs for obtaining bids for trash collection and for operation of the wastewater plant.

The last components for the completion of Oaks Hall will require bids for a security camera, the card entrance, at least 50 chairs for the court room, carpeting and flooring, and furniture. All are to be bid separately. The chairs for the court room may be under state contract.

Mayor Casey recommended using only the attic above the administration side of the building for storage and purchasing a powered stairway to reach it. The opening would require widening from 22 inches to 30 inches, which would cost approximately \$15,000 and require the engineer to sign off on it. On the police department side, Mayor Casey recommended a pull down stairway that would allow access to the mechanicals. The cost for this would be \$4,000, for a total of \$19,000 to allow access to the attic space.

Code Official Tom Heck, who attended the meeting to answer questions about this issue, advised Council that a pull down ladder would not meet the IBC Code if the area is used for storage. Also, in his opinion, cutting the truss in order to widen the opening would challenge the integrity of the wood.

Mayor Casey made a motion, seconded by Councilman Weiss, to approve Change Order C-09 for widening the attic opening above the administration side of the building to 30 inches, to provide a powered stairway for access to the attic, and to provide a pull-down stairway to the attic opening above the police department.

**RESOLUTION 54-08**

**A RESOLUTION APPROVING CHANGE ORDER NUMBERS 3, 4, 7, 9 & 10, FOR THE PROJECT KNOWN AS MEDFORD LAKES BOROUGH HALL, AMENDING THE TENANT FIT-OUT CONTRACT WITH W.J. GROSS, INC. FROM \$739,955.00 TO \$762,260.00, A INCREASE OF \$22,305.00**

**WHEREAS**, Change Order Numbers 3, 4, 7, 9 and 10 for the project known Medford Lakes Borough Hall are required to complete the project; and

**WHEREAS**, Change Order Numbers 3, 4, 7, 9 and 10 dated March 11, 2008 amends the contract with W.J. Gross, Inc. from \$739,955.00 to \$762,260.00, a increase in the contract of \$22,305.00; 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, and State of New Jersey that Change Order Numbers 3, 4, 7, 9 and 10 be and is hereby approved; and

**BE IT FURTHER RESOLVED** that Change Order Numbers 3, 4, 7, 9 and 10 hereby amends the contract price from \$739,955.00 to \$762,260.00, a increase in the contract of \$22,305.00; and

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

**VOTE TO APPROVE RESOLUTION 54-08**

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 54-08 is approved

Contractor Gross's original bid to install the ceiling was \$20,000. Since that time, some of the wood has been outside and has warped. Gross's bid is not \$33,000, which would include sanding the warped wood.

Council directed that Mr. Gross be advised to install the ceiling for the original bid amount of \$20,000, with the Borough purchasing any additional wood needed to complete it.

CLERK'S REPORT – Mr. McIntosh had nothing additional to add to items already discussed.

SOLICITOR'S REPORT – Mr. Lange was not at the meeting and had previously provided Council with his written report.

**DISCUSSION OF PENDING RESOLUTIONS**

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

50-08 A resolution opposing Governor Corzine's proposed State budget.

51-08 A resolution for the routine cancellation of outstanding checks.

52-08 A resolution authorizing a police program

53-08 A resolution allowing for capital outlay use for final interior and exterior work on Oaks Hall.

**NEW BUSINESS**

Council members received a letter from Alaimo Engineering at their homes addressing overage charges. Not all members of Council had an opportunity to review it prior to this meeting.

Councilman Woodend reported he attended the Lenape School Board Budget Meeting. The district has been awarded an increase in State aid, which will result in a reduction of the Borough's regional school tax of 5.26 cents per hundred dollars of assessed value.

**PUBLIC COMMENT**

Mary Shannahan, 248 Shingowack Trail, asked Council how much Oaks Hall would eventually cost, and how much over budget it would be.

The estimate for completion of the building is currently 1.7 million dollars, which would make it approximately 200 to 400 thousand dollars over the original budget. However, the original budget from Ragan Design did not include furnishings and site work.

**BUSINESS PORTION OF THE REGULAR MEETING**

**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 50-08, seconded by Councilman Woodend.

**RESOLUTION 50-08**

**A RESOLUTION OPPOSING THE FAILURE OF THE GOVERNOR’S PROPOSED STATE BUDGET FOR THE 2008-2009 FISCAL YEAR TO TREAT PROPERTY TAX RELIEF AS OUR PRIORITY**

**WHEREAS**, on February 26, 2008, in Trenton, Governor Jon S. Corzine presented his FY 2009 Budget proposal to a Joint Session of the State Legislature, which proposal now goes to the Legislature, which must pass a balanced budget by the start of the State’s next Fiscal Year, which begins on July 1; and

**WHEREAS**, the proposal, which represents what the Governor called “many unpleasant choices,” calls for the elimination of two Departments of State Government (the Departments of Agriculture and Personnel) and the State Commerce Commission, and asks all other Departments to absorb funding cuts, and further calls for sacrifice in a number of other areas, including direct property tax relief, hospital aid, higher education assistance and Medicaid, with the inordinately deep cuts in municipal property tax relief funding; and

**WHEREAS**, one year after the historic Special Session for Property Tax Reform, which purportedly eliminated the need for a Citizens’ Convention, our property taxpayers will once again be asked for patience, and they will be asked to shoulder more than their fair share of the funding burden; and

**WHEREAS**, local officials have done so much with so little for so long, that State Budget-makers now believe some can do everything with absolutely nothing; and

**WHEREAS**, municipal property tax relief will be slashed by \$189.6 million; and

**WHEREAS**, for municipalities with a population of less than 5,000, there will be no CMPTRA funding this year; for municipalities with a population total between 5,000 and 10,000, this relief will be limited to one-half of the amount received in the State’s 2006-2007 budget; and the \$32.6 million distributed according to the CMPTRA formula, which municipalities received last year as 2008 Municipal Property Tax Assistance, is gone; and

**WHEREAS**, all municipalities will receive level Energy Tax Receipts Property Tax Relief funding, despite State Law that ‘requires’ annual inflationary adjustments of this (and CMPTRA) funding; and

**WHEREAS**, last year, municipal efficiency was promoted to the tune of \$34.8 million, but in this proposal, this funding has been eliminated; and

**WHEREAS**, last year’s \$32 million in Municipal Homeland Security Funding is gone, Special Municipal Aid funding is cut from \$153 million to \$145.4 – a loss of \$7.6 million, Extraordinary Aid funding is reduced by \$1.7 million – from \$34 million to \$32.3 million, and the \$8 million Regional Efficiency Aid Program will not be funded; and

**WHEREAS**, beyond these cuts, certain municipalities served by the State Police will be asked to contribute \$20 million to the State’s General Fund, and Homestead Rebates for Homeowners will be cut by \$257 million, and for Renters by \$124 million;

**THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Medford Lakes calls on its elected representatives in Trenton, Senator Haines and Assembly members Addiego and Rudder, to work with their colleagues in the Legislature

and with the Governor to take affirmative action to restore program funding sufficient to honor state statutes and their stated commitment to the cause of property tax relief in all New Jersey municipalities; and be it further; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to Governor Jon S. Corzine, Acting State Treasurer R. David Rousseau, Senate President Richard J. Codey, Senate Minority Leader Thomas H. Kean, Assembly Speaker Joseph J. Roberts, Assembly Minority Leader Alex DeCroce, the Chairs and Members of the Senate and Assembly Budget and Appropriations Committees, our own Senator Haines and Assembly members Addiego and Rudder and to the New Jersey State League of Municipalities.

VOTE TO APPROVE RESOLUTION 50-08  
 Ayes: Casey, Weiss, Woodend  
 Nays: None  
 Resolution 50-08 is approved

Mayor Casey introduced Resolution 51-08, seconded by Councilman Woodend.

**RESOLUTION 51-08**  
**A RESOLUTION AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS**

**WHEREAS**, there exists outstanding checks on the balance sheet of the Borough of Medford Lakes Municipal Court; and,

**WHEREAS**, the funds creating these checks have been investigated, and it has been determined these checks should be cancelled;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Medford Lakes Council, State of New Jersey, that the following checks in the amount of \$ 40.00 be hereby cancelled:

<u>CHECK#</u>	<u>DATE</u>	<u>PAYEE</u>	<u>AMOUNT</u>
<b><u>General Account</u></b>			
1326	6/11/07	Shawn T. Whitaker	\$ 4.00
1327	6/11/07	Daniel T. Fries	\$ 2.00
1335	8/6/07	Linda Stafford	\$10.00
<b><u>Bail Account</u></b>			
1445	9/28/05	Sheila Riley-Massa	\$11.00
1562	8/30/06	Melissa Roos	\$ 2.00
1584	10/25/06	Michael Loftus	<u>\$11.00</u>
			\$40.00

VOTE TO APPROVE RESOLUTION 51-08  
 Ayes: Casey, Weiss, Woodend  
 Nays: None  
 Resolution 51-08 is approved

Mayor Casey introduced Resolution 52-08, seconded by Councilman Woodend.

**RESOLUTION 52-08**  
**A RESOLUTION AUTHORIZING THE PARTICIPATION IN THE STATE “CLICK IT OR TICKET 2008” CAMPAIGN, MAY 18 – JUNE 1, 2008**

**WHEREAS**, the Borough of Medford Lakes Police Department has applied for participation in the Click It Or Ticket 2008 Campaign from May 19 through June 1, 2008, sponsored by the New Jersey Division of Highway Traffic Safety; and

**WHEREAS**, the State has awarded a grant to the Borough of Medford Lakes in the amount of \$4,000.00; and

**WHEREAS**, the grant will pay for police officers to work overtime to enforce laws affecting the safety and welfare of the streets of Medford Lakes and to encourage the public on the benefits of safety belt and child passenger seat restraint use; and

**WHEREAS**, through continued public awareness, education and enforcement of safety belt laws to increase usage, death and serious injury can be significantly reduced;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey hereby authorizes the Mayor and Clerk to sign the Grant Acceptance Conditions. By accepting the Grant, the Borough recognizes this statewide lifesaving opportunity and proclaims support for the "Click It Or Ticket" Campaign May 19 through June 1, 2008, for the efforts of the Police Department to increase awareness through enforcement and to increase compliance with the State Occupant Protection Laws within our community.

VOTE TO APPROVE RESOLUTION 52-08

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 52-08 is approved

**RESOLUTIONS**

Mayor Casey introduced Resolution 53-08, seconded by Councilman Weiss.

**RESOLUTION 53-08**

**A RESOLUTION TO APPROVE A TEMPORARY EMERGENCY BUDGET FOR 2008, IN ACCORDANCE WITH NJSA 40A: 2-20**

**WHEREAS**, an emergent condition has arisen in that the Borough of Medford Lakes is expected to enter in contracts, commitments or payments prior to the 2008 budget adoption and no adequate provision has been made in the 2008 temporary budget for the aforesaid purposes; and

**WHEREAS**, NJS 40A 2-20 provides for the creation of an emergency temporary appropriation for said purposes, and

**WHEREAS**, the total emergency appropriation resolutions adopted in the year 2008 pursuant to the provisions of Chapter 96, P.L. 1951 (NJSA 40A:4-20) including this resolution total \$400,000;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Medford Lakes, in the County of Burlington, and State of New Jersey, (not less that two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of NJSA 40A4-20:

1. emergency temporary appropriations, be and the same are hereby made in the amount of \$400,000 as follows:

Capital Improvements – Excluded from "CAPS"  
New Municipal Building Improvements

2. said emergency temporary appropriations will be provided for in the 2008 budget; and
3. that one certified copy of this resolution be filed with the Director, Division of Local Government Service.

VOTE TO APPROVE RESOLUTION 53-08

Ayes: Casey, Weiss

Nays: Woodend

Resolution 53-08 is approved

**ORDINANCES**

Mayor Casey introduced Ordinance 543 on First Reading, seconded by Councilman Weiss.

**ORDINANCE 543**

**AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES AMENDING ORDINANCE NUMBER 533, SECTION H, FINANCING OF INSPECTION, MAINTENANCE AND REPAIR OF STORMWATER BMP'S**

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

**WHEREAS**, the Borough Council wishes to amend Section H, Financing of Inspection, Maintenance and Repair of Storm water BMP's as defined in Ordinance Number 533;

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

1. Section H of Ordinance Number 533 be amended:

**from:** Financing of Inspection, Maintenance and Repair of Storm water BMP's.

The means of providing permanent financing of the inspection, maintenance and repair of storm water BMP's shall be identified and detailed in the inspection Maintenance and Repair Plan and shall be subject to approval by the municipality.

**to:**

H. Financing of Inspection, Maintenance and Repair of Storm water BMP's.

An adequate means of ensuring permanent financing of the inspection, maintenance and repair of storm water BMPs shall be implemented and detailed in the Inspection, Maintenance and Repair Plan. Permanent financing of the inspection, maintenance and repair of storm water BMPs shall be accomplished by:

- a.) the inspection and maintenance program by the Municipality, County, Public Utility or Homeowner's Association.

**OR**

- b.) the required payment of fees to a designated Storm water Fund in an amount equivalent to the cost of both on going maintenance activities, and necessary structural replacements in accordance with the following program and schedule:

- 1.) the applicant shall provide an ongoing maintenance guarantee not inconsistent with applicable provisions in N.J.S.A. 40:55D-53 (re: guarantees required and surety issues) to ensure that all storm water management measures required under the provisions of this ordinance will be maintained in accordance with the specifications established herein, and that guaranteed maintenance financing shall be for the useful life of the storm water measures; and

- 2.) storm water management measures to be inspected, maintained and repaired by the Borough: the Borough shall collect an up-front fee from the applicant in the amount determined necessary by the governing entity to provide long-term inspection, maintenance and repair of all storm water management measures. This up-front fee shall be placed in a dedicated cash management account and expended by the governing entity for the sole purpose of conducting inspection, maintenance and repair activities for storm water management measures required under the applicant's major development application approval and in accordance with this ordinance. The calculation of the fee shall be based upon the Inspection, Maintenance and Repair Plan (Plan) required to be prepared by the applicant and approved by the governing entity. The Plan shall include an estimate of the cost to inspect, maintain and repair the storm water management measure(s) in accordance with the Plan for the useful life of the storm water measures. A capital recovery formula approved by the governing entity will be applied to assure that the fees collected and invested can be secured to the end of the useful life while funding regular inspection, maintenance and repair costs. The governing entity shall furnish the applicant their published hourly rates as prescribed by their salary ordinance for public works and other personnel having responsibilities associated with storm water management. Inflation rates and bank interest rates shall be based on the ten-year average published in the Wall Street Journal. Interest accruing in the account will be included and applied toward anticipated increased maintenance costs for the useful life of the storm water measures; and

- 3.) storm water management measures to be inspected, maintained and repaired by a homeowners association, condominium association or some other form of non-public ownership, requires no fee to be collected by the Borough. Instead, the ownership entity shall establish and maintain a fund for the inspection, maintenance and repair of the storm water measures. The calculation of the fee to be placed in the non-public fund shall be prepared by the applicant and approved by the local approving entity. The fund shall be established prior to the release of the general municipal performance bond. An annual inspection, maintenance and repair report shall be submitted to the governing entity to verify that the Inspection, Maintenance and Repair Plan is being implemented. A detailed log of the inspections, maintenance efforts and repairs shall be kept by the association/non-public entity.

VOTE TO APPROVE ORDINANCE 543 ON FIRST READING

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance 543 is approved on First Reading

**CORRESPONDENCE**

Clerk McIntosh alerted Council to a phone call he received from Michael Easi, suggesting he receive a reduction of the sewer payment for his property, due to the buildings being razed.

Following discussion, Councilman Woodend made a motion to abate the sewer charges on the property. The motion died for lack of a second.

Council directed Mr. McIntosh to research what was done with the Settler's Inn property after the building burned down; whether or not the charges were fully abated, partially abated, or reduced to a residential rate.

**PAYMENT OF BILLS**

Council members had some questions about bills on the list, including expenses for Ragan architects and healthcare issues.

Council also determined that the cost of Code Official Heck's health care buy-back be encumbered to his budget, not the general fund. Mr. Heck will be retiring following the completion of the Oaks Hall building.

Mayor Casey made a motion, seconded by Councilman Weiss, 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 TO EXECUTIVE SESSION**

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

**RESOLUTION 55-07**

**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 are contract negotiation for Oaks Hall furniture, pending litigation with Northeast Remsco, contract negotiations with Alaimo Engineering; wastewater contract negotiations, contract negotiations regarding Solicitor Lange, benefits for part-time employees, and contract negotiations with the Medford Lakes EMS; 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 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



