

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
MARCH 27, 2008**

The Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in the Demby 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 (late arrival) and Councilman Woodend. Also present were Manager Urbanik, Solicitor Lange, Clerk McIntosh, Police Chief Martine, and members of the Emergency squad.

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

Mayor Casey made a motion, seconded by Councilman Woodend, to approve the minutes of the February 2, 2008 Budget Workshop.

VOTE TO APPROVE MINUTES FOR FEBRUARY 2, 2008

Ayes: Casey, Woodend
Nays: None
Absent: Weiss
Minutes are approved

Mayor Casey made a motion, seconded by Councilman Woodend, to approve the minutes of the March 13, 2008 Regular Council Meeting.

VOTE TO APPROVE MINUTES FOR MARCH 13, 2008

Ayes: Casey, Woodend
Nays: None
Absent: Weiss
Minutes are approved

WORKSHOP PORTION OF THE REGULAR COUNCIL MEETING

REPORTS

MANAGER'S REPORT – Council and Mr. Urbanik discussed the bid specs for site work at the Oaks Hall building.

Mr. Urbanik reported he has not been contacted by the Medford Lakes Garden Club concerning the corner of Lenape Trail and Stokes Road.

CLERK'S REPORT – Mr. McIntosh reported on the ongoing issue of the repairs for Mishemokwa Lake. A question of whether or not the structure is a dam or a culvert has slowed the repairs. The State DEP originally determined the structure is a dam due to the size of it; however, the Borough's engineers deemed it to be a culvert. The State then reported it was examining the wrong file when it made its determination and will now study the correct one and make a new determination.

The lakes have been lowered to accommodate the problem with the "culvert."

SOLICITOR'S REPORT – with regard to storm water compliance, the Medford Lakes Planning Board will approve a resolution. Board President Debby Klemas was in attendance and reported the Board had approved a resolution. The completed report can now be sent to the state.

Mr. Lange is working on updating the Borough's traffic ordinance.

He asked that Chief Martine provide him with a list of through streets in the Borough, a list of streets that are signed, and his recommendations for updating the ordinance.

Mr. Lange is still working to resolve the issue with Mrs. Latti, 113 Stokes Road, concerning the condition of her lakefront following dam reconstruction. She wants the top soil and seeding removed and sand put in it's place. She has not been in contact with the Colony.

The plans for the bulkhead on the waterfront property owned by the Medical Missionary sisters, 12 Beach Drive, has been reviewed by the Borough's engineer and has been sent to the New Jersey state DEP for approval.

Mr. Kelchner, property owner at 212 Chippewa Trail, has retained an attorney in his dispute with the Borough about his lake front.

The ceiling in Oaks Hall was not finished by Heartbilt and they have no intention of finishing it. Council held back \$12,000 from their payment to cover the cost of having it finished. Gross has submitted a bid for \$33,000 to finish the ceiling. Council agreed to go out to bid for the work.

Solicitor Lange will put Heartbilt's surety company on notice.

Mr. Lange will also work with Councilman Woodend on preparing the bid specs.

DISCUSSION OF PENDING RESOLUTIONS

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

56-08 The Medford Lakes Emergency Squad is requesting changes to their contract with the Borough.

57-08 This resolution adds Manager Urbanik as a signatory on Borough accounts.

58-08 The resolution approves a temporary Budget for the Borough for the second quarter.

NEW BUSINESS

Bob Eckert, spokesman for the Medford Lakes Lion's Club, gave a presentation to Council and the public. He reminded the public and Council about the many services the club provides, to include the cabulance, loans of medical equipment, the food bank, the Red Cross blood drive, and the Memorial Day parade.

The Medford Lakes Lion's Club now wants to build a structure on the site of the Borough's temporary trailers when Oaks Hall is finished. The club would fund the building and lease it to the Borough for \$1.00 per year for a period of 50 years.

Council discussed the presentation and the issue of the building site under the Doctrine of Necessity, as Mayor Casey and Councilman Woodend are both Lions.

Councilman Woodend asked about available funds for site work at the site, as those Lions present felt the Borough should fund it.

An issue arose concerning the appropriate path the club should follow; Solicitor Lange suggested determining Pinelands cooperation first.

Councilman Woodend would agree to a building of up to 3,000 square feet and a 30 year lease and would be in favor of giving the Lion's this commitment so they could begin their fundraising.

Mayor Casey suggested approaching the Pinelands as "one body with one plan" for the DPW building and the Lion's building.

Councilman Woodend asked that Council revisit the sign ordinance.

Council directed Manager Urbanik to provide Council with copies of the sign ordinance in it's present form.

Council will discuss the ordinance at a 6:30pm workshop meeting prior to the next Regular Council Meeting.

Documentation has been sent to FEMA regarding the Borough's appeal of their ruling on the dams on Upper and Lower Aetna lakes.

Council discussed Governor Corzine's proposed budget cuts to the Borough and the availability of grant money to study shared services. Councilman Woodend has been in contact with Medford Township regarding possible solutions. One solution currently being discussed is the possibility of forming a "Pinelands Police Department."

PUBLIC COMMENT

Joe Aromando, 285 Shingowack Trail, asked about the grant money available for shared services studies and if the Matos Group has any experience in lobbying for funds.

BUSINESS PORTION OF THE REGULAR MEETING

RESOLUTIONS

Mayor Casey made a motion, seconded by Councilman Woodend, to table the vote on Resolution 56-08.

RESOLUTION 56-08

A RESOLUTION AUTHORIZING THE RENEWAL OF AN AGREEMENT BETWEEN THE BOROUGH OF MEDFORD LAKES AND MEDFORD EMERGENCY SQUAD INC., t/a MEDFORD LAKES EMERGENCY SQUAD, INC., REGARDING EMERGENCY MEDICAL SERVICES

WHEREAS, the Borough Council of the Borough of Medford Lakes adopted Ordinance Number 285 entitled: An Ordinance Authorizing an agreement and lease between the Borough of Medford Lakes and Medford Emergency Squad, Inc." on March 14, 1991; and

WHEREAS, the aforementioned Ordinance provides that the lease authorized therein be renewed annually by the mutual agreement of the two parties; and

WHEREAS, it is the desire of the Borough Council of the Borough of Medford Lakes to renew the aforementioned agreement for a period of one year from the date of the expiration of the current agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford lakes as follows:

1. The lease agreement, which is attached hereto and made part hereof, by and between the Borough of Medford Lakes and Medford Emergency Squad be and is hereby authorized to be renewed for the one year period from April 1, 2008 until March 31, 2009.
2. The Mayor and Borough Clerk are hereby authorized and directed to affix their signatures and seal to any and all documents necessary as evidence of this approval.

VOTE TO TABLE DISCUSSION OF RESOLUTION 56-08

Ayes: Casey, Woodend
Nays: Weiss
Resolution 56-08 is tabled

Mayor Casey introduced Resolution 57-08, seconded by Councilman Weiss.

RESOLUTION 57-08

A RESOLUTION AUTHORIZING SIGNATURES ON BOROUGH ACCOUNTS

WHEREAS, it is the desire of the Borough Council of the Borough of Medford Lakes to designate certain Borough Officials as signatories for Borough Bank Accounts;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey, that the following Borough officials are hereby authorized to sign checks or withdrawal slips:

- A. the following bank accounts of the Borough of Medford Lakes shall require two (2) signatures as followings: First Signature shall be that of the Mayor. In the absence of the Mayor, a Borough Councilperson shall sign. Second signature shall be that of the Chief Financial Officer. In the absence of the Chief Financial Officer, the Borough Clerk shall sign. In the absence of the Chief Financial Officer and the Borough Clerk, the Borough Manager shall sign; and

Accounts: Current Fund, General Capital Fund, Waste Water, Waste Water Capital, Police Body Armor, Environmental, Street Opening, Planning and Zoning, Animal Control, Municipal Alliance, Flood Relief, Public Defender, Unemployment, Special Law Enforcement; and

- B. the Payroll account of the Borough of Medford Lakes shall require the signature of the Chief Financial Officer. In the absence of the Chief Financial Officer, the Mayor, Borough Clerk, or Borough Manager shall sign; and
- C. the Municipal Court Account and Municipal Court Bail Account of the Borough of Medford Lakes shall require the signature of the Court Administrator. In the absence of the Court Administrator, the Deputy Court Administrator or Municipal Court Judge shall sign; and
- D. any bank account not listed in this resolution shall require the signatures as listed in A above, unless a Resolution of the Governing Body is adopted.

VOTE TO APPROVE RESOLUTION 57-08

Ayes: Casey, Weiss, Woodend
Nays: None
Resolution 57-08 is approved

Mayor Casey introduced Resolution 58-08, seconded by Councilman Weiss.

RESOLUTION 58-08

A RESOLUTION TO APPROVE A TEMPORARY BUDGET APPROPRIATION IN ACCORDANCE WITH NJSA 40A: 4-19.1

WHEREAS, the Director of the Division of Local Government Services has extended the time period for which municipal budgets should be adopted; and

WHEREAS, due to the delay in the introduction and adoption of the 2008 budget, it is necessary to extend the temporary budget to provide for adequate funding to continue municipal operations for the safety, health and welfare of the residents of the Borough of Medford Lakes; and

WHEREAS, NJSA 40A: 19.1 authorizes such appropriation under these circumstance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Medford Lakes, that the temporary budget for the current fund is hereby extended to equal 50% of the 2007 adopted budget, or \$2,274,616.96; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Medford Lakes that the temporary budget for the Waste Water Utility is hereby extended to equal 50% of the 2007 adopted budget, or \$1,094,23.00.

VOTE TO APPROVE RESOLUTION 58-08

Ayes: Casey, Weiss, Woodend
Nays: None
Resolution 58-08 is approved

Mayor Casey made a motion, seconded by Councilman Weiss, to authorize the Borough Manager to work with the Medford Lakes Lion's Club and the architect to do a feasibility study of what can be put on the property in question and, if it is feasible, then for the Borough to allow construction of an appropriately sized building on the site.

RESOLUTION 59-08

A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO PERFORM A FEASIBILITY STUDY WITH THE MEDFORD LAKES LIONS CLUB AND BOROUGH ARCHITECT TO BUILD A NEW LIONS CLUB BUILDING

WHEREAS, the Medford Lakes Lions Club has approached the Borough of Medford Lakes requesting to build a new building;
and

WHEREAS, the location of the proposed building is currently where the temporary borough administrative offices are located,
and

WHEREAS, the Borough Council supports this endeavor;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Medford Lakes, that the Borough Manager is authorized to perform a feasibility study with the Medford Lakes Lions Club and the Borough Architect (Paul Adison) to determine the ability and location for a new building.

VOTE TO APPROVE RESOLUTION 59-08

Ayes: Casey, Weiss

Nays: None

Abstain: Woodend

Resolution 59-08 is approved

Mayor Casey made a motion, seconded by Councilman Weiss, to extend the term of the current lease for the cabulance building for two years.

RESOLUTION 60-08

A RESOLUTION AUTHORIZING THE EXTENSION ON A LEASE OF THE CABULANCE BUILDING LOCATED AT 12 STOKES ROAD

WHEREAS, the Medford Lakes Lions Club has leased a building from the Borough of Medford Lakes at 12 Stokes Road for the housing of various equipment; and

WHEREAS, the Medford Lakes Lions Club would like to extend their lease to include year 2008 and 2009, and

WHEREAS, Borough Council supports the extension of this lease;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Medford Lakes that the Borough Manager is authorized to extend the lease of a building located at 12 Stokes Road, utilized by the Lions Club; and

BE IT FURTHER RESOLVED the Medford Lakes Lions Club shall pay a lease fee of \$1.00 for year 2008 and \$1.00 for year 2009.

VOTE TO APPROVE RESOLUTION 60-08

Ayes: Casey, Weiss

Nays: None

Abstain: Woodend

Resolution 60-08 is approved

ORDINANCES

Mayor Casey introduced Ordinance 543 on Second 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.

PUBLIC COMMENT: There was no public comment at this time.

The Planning Board passed a resolution of referral with regard to the ordinance.

VOTE TO APPROVE ORDINANCE 543 ON SECOND READING

Ayes: Casey, Weiss, Woodend
Nays: None
Ordinance 543 is approved on Second Reading

CORRESPONDENCE

The Borough received a letter from a resident requesting a light be erected at Hopkins Field. They will be referred to the Colony.

Council discussed the ongoing issue of the sewer bill for the Easi property at the corner of Stokes Road and Lenape Trail. Council is still uncertain how the issue was handled when the Settlers Inn burned down.

Council directed Solicitor Lange to forward a letter to Mr. Easi advising him the Borough will abate his sewer bill; he will have to pay a re-connect fee if the property is ever used again.

PAYMENT OF BILLS

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 61-07

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 Medford Lakes Wastewater collective bargaining/contract negotiations; and potential litigation between the Borough and NorthEast Remsco; 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

