

**BOROUGH OF MEDFORD LAKES
WORKSHOP COUNCIL MEETING
April 22, 2009**

A Workshop Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in Oaks Hall at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ 08055 beginning at 7:30pm. Following the pledge of allegiance and moment of silence (Council and the public observed a moment of silence to honor service men and women defending our country), Clerk McIntosh 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 and (5) filed with the Municipal Clerk. Advance written notice of this meeting was mailed or emailed to all persons who requested such notice according to the Clerk of the Municipality.

ROLL CALL

Acting Clerk McIntosh called roll. Mayor Paul G. Weiss, Esq., Councilman Timothy S. Casey and Councilman Gregory C. Lackey answered in attendance. Also present were Manager Geoffrey D. Urbanik, Solicitor Peter C. Lange, Jr., Esq. and Deputy Manager/Acting Clerk Mark J. McIntosh.

PUBLIC COMMENT

Mayor Weiss opened the meeting to public comment for items not listed on the printed agenda

Joe Aramondo, 285 Shingowack Trail:

- Are you going to talk about the shared study?
- How did you review the consultants?
- Do any of the companies have ties to the Borough?

Mary Shannahan, 248 Shingowack Trail:

- Any long term plans for upgrades to our sewer system?
- How long will plan take?

Councilman Lackey stated that he and new Borough Engineer Jim Giordano have spoken about it. Currently there is no plan for sewer or roads but they are working on developing a plan for both to include video-scope of lines.

Pam O'neil, 82 Tecumseh Trail:

- Where does the Borough stand on creating the volunteer committee to help the police?

Solicitor Lange reports that he will speak to that topic during his report to council

Mayor Weiss closes public comment

REPORTS

Manager Urbanik highlighted the following:

- Borough received approval notice for Green Acres Grant, we are taking next steps in process

Mayor Weiss asks Manager Urbanik to create a budget to see what we can do to further this process, would like to see this possible purchase be fully funded by grants, etc. No commitment to purchase.

- Planning Board requests Counsel to enact standards for driveways, people installing driveways that aren't pervious.

Council discussed at length; allowable material, size, pre-existing, lot coverage, stormwater management, etc. Should a permit be required. How fast can we put an Ordinance in place. Council authorized a draft Ordinance be prepared.

- Not much farther along with wastewater repairs, plant is functioning normally.

Deputy Manager/Acting Clerk McIntosh highlighted the following:

- Completed first on-line auction for four (4) items, total profit approx imate\$7,500
- Clearwire Wireless interested in moving quickly to co-locate on cell tower

Councilman Casey stated that an additional twenty (20') feet can be added to the tower

- Met with Jim Giordano to review public works issues that I oversaw during the retirement of Pat and Jim's hiring

Councilman Lackey stated that a meeting would be held soon with the Colony to discuss Sioux Lake issues. Manager Urbanik requested that Borough Engineer Jim Giordano be included in the meetings

Solicitor Lange highlighted the following:.

- Spoke with JIF Counsel regarding formation of a police/community committee. JIF has no opposition.

Mayor and Council discussed the need to memorialize the committee's objectives, size, etc. Councilman Casey, Solicitor Lange and Chief Martine to meet and work out definition, goals, etc of group.

- Shared modern Zoning Ordinance with Planning Board which could form a basis for moving forward and later adopting a more modernized code.

Solicitor Lange yielded time to Chairperson Debbie Klemas (Planning Board) who highlighted the following:

- Would like to proceed with current re-write recommendation. Alarming number of asphalt driveways being installed. Lot coverage issues with driveways

Councilman Lackey asked if an Ordinance could be introduced tonight, Solicitor Lange stated yes, by title only, add 90 day moratorium.

Councilman Lackey introduces on first reading Ordinance Number 561, seconded by Mayor Weiss

ORDINANCE NUMBER 561

AN ORDINANCE PROHIBITING NEW INSTALLATIONS
OF IMPERVIOUS DRIVEWAYS IN THE LAKES RESIDENTIAL DISTRICTS
OF THE BOROUGH OF MEDFORD LAKES FOR A PERIOD OF 90 DAYS

Mayor and Council with Planning Board Chairperson Debbie Klemas discussed the definition of lot coverage, impervious, enforcement, penalties and fines. Urgency needed to address this issue and how to structure a long term answer in short time period and the need to maintain the health of the lakes and overall environment.

Solicitor Lange continues report:

- Read numerous fertilizer ordinances and copied them to council
- Many regulate level of phosphorus, professional applicators, permits and licenses

DISCUSSION OF ORDINANCE(S)

Mayor Weiss introduced for first reading – no public comment Ordinance #560, seconded by Councilman Casey

Mayor Weiss clarified with clerk that agenda and ordinances are miss-numbered, Clerk requested to go with Ordinance numbers and not the agenda numbers.

ORDINANCE NUMBER 560

AN ORDINANCE AMENDING CHAPTER 190-21 OF THE CODE OF THE BOROUGH OF MEDFORD LAKES
ENTITLED "SEWERS – RATE SCHEDULES"

Mayor Weiss explains that the need for the increase was due to forecasted infrastructure repairs projected to start in 2009.

Manager Urbanik reports two minor issues within existing sewer-rate ordinance identified by Sewer Clerk Sherry Smith as needing amendment. First is section 2, following senior citizens we need to add disabled persons and second is also section 2, Colony Club Building should be \$600.00 is replaced with \$640.00. If Colony isn't adjusted it would be a triple dollar increase.

Mayor Weiss makes a motion under doctrine of necessity and by resolution to amend Ordinance Number 560 to include amendments listed by Manager Urbanik, seconded by Councilman Casey

Mayor Weiss introduces for first reading – no public comment Ordinance #559, seconded by Councilman Casey

ORDINANCE NUMBER 559

A ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2009 (N.J.S.A. 40A: 4-45.14)

DISCUSSION OF RESOLUTION(S)

Mayor Weiss motions for discussion of Resolution Number 83-09, seconded by Councilman Lackey

RESOLUTION NUMBER 83-09

A RESOLUTION TO APPROVE A TEMPORARY BUDGET APPROPRIATION IN
ACCORDANCE WITH N.J.S.A. 40A:4-19.1

Mayor Weiss motions for discussion of Resolution Number 84-09, seconded by Councilman Casey

RESOLUTION NUMBER 84-09

A RESOLUTION INTRODUCING AND APPROVING THE 2009 MUNICIPAL BUDGET

Mayor Weiss explained that we started working on the budget in the fourth quarter of 2008 with a roughly 13 cent increase that Council and management has wittled down to a 1.3 cent increase . The only step we haven't looked at is furloughs which the state is looking at. Can we achieve meaningful cost savings with furloughs. It would be better than layoff's.

Mayor and Council agreed that staffing is already thin now. Maybe in a future budget but not in 2009. Yes we might save a few thousand dollars but it wouldn't drive the budget down enough to be meaningful. Council recognizes that our residents are facing many difficult financial decisions and looking for their own efficiencies.

WORKSHOP DISCUSSION

Public Works Site Plans:

Architect Paul Adison of Holberg & Adison showed Council a rough drawing/footprint of a proposed Lion's/EMS building showing distances to wetlands, etc. The building is roughly a 133' x 45' with approximately 38 parking spaces. Leave recycling center where it is. Three weeks away from a preliminary meeting with DEP and Pinelands.

Mr. Bob Hanold representing the Lion's Organization asked council to allow the preliminary work of the architect and engineer to proceed to Pinelands and DEP to get an answer if any building can be built.

Mayor and Council question the 50' buffer vs. 300' buffer. Manager/architect/engineer directed to take next steps with DEP and Pinelands Commission.

Mayor and Council discussed the need to address future public and private contracts with Holberg & Adison and the need to create a budget for this project.

Emergency Management Drill:

Emergency Management Coordinator Steve Heicklen advised Council that in the event of a need to distribute medicines to both first responders and residents the borough has a plan in place within the County and State guidelines. In cooperation with State Dept. of Health, County Health and Emergency Management and local Emergency Management will be conducting a role playing drill to play out a scenario of medicine distribution on Saturday, May 2, 2009 for 9:00am to 12:00noon.

Borough will receive a \$4,000 grant to cover any costs (i.e. overtime, material support, etc.)

Council discussed the future purchase of a reverse 911 system through grants or future budgets.

Trash Truck Bid Results:

Acting Clerk McIntosh reviewed the bids from the second round or rebid. Councilman Lackey will hold a committee meeting (DPW, Management) to discuss and review the technical information of the bids.

Fire Truck Bid Results:

Acting Clerk McIntosh reviewed the bids from the second round or rebid. Chief Staples was working tonight and unable to comment.

Mayor and Council asked that the Fire Chief review the bid and find out why other manufactures did not bid

NEW BUSINESS

Councilman Lackey has looked into a colony news insert for quarterly distribution. To cover costs the borough could run advertising. The Solicitor will look into using advertisers to offset printing and distribution costs.

PUBLIC COMMENT

Mayor Weiss opened meeting to public comment

Deb Klemas, 60 Mohawk Trail:

- Give more enforcing authority of zoning violations to the police department and use that increase of fines to help offset the budget.

Joe Aramondo, 285 Shingowack Trail:

- Complained about meeting format, no public comment allowed during earlier discussions, missed opportunity to address professionals while they were present.
- Who is Mr. Adison going to bill for the work he is doing? What is the budget?
- Would like to see a laymans budget synopsis for web site, colony news, etc.
- Is Green Accear Grant document a public document? What are the numbers?
- Where is Assessor's report? Where is Treasurer's report?

Manager Urbanik explains the Green Acres Program is a grant of \$58,000 and a loan of, \$168,000. He also has asked the Assessor to improve his monthly report and he is working with Donna on a treasurers report but the Budget has filled her time.

Mayor Weiss directed the manager to create an easy to read/understand budget summary statement, wether a pie chart or some other less cumbersome product

Sue Mattio, 121 Wagush Trail:

- Would like to see presentations by professionals be opened afterword with a chance for public comment.
- No need for a 90day moratorium on blacktop. Oaks hall parking could have been a pervious blacktop.
- Any fertilizer ordinance should also address pesticides.
- In favor of a modern Land Use Ordinance.

Bob Hanold, 45 Natchez Trail:

- No need for 90day moratorium on driveways, make public aware of the need to see zoning official first
- 90% percent of Municipal Cabin property is covered by roof or pavement

Deb Klemas, 60 Mohawk Trail:

- People are willing to pay for police lets use zoning enfocement as a revenue to pay for the police
- DEP has rejected “permeable” asphalt as permeable.

Bob Gowan, 18 Cochise Circle:

- How is shared service grant proceeding?
- \$30,000 increase to the budget?
- Borough needs to increase revenues. Enforce zoning regulations. Brainstorm more on revenues.
- Welcome to the new Borough Engineer Jim Giordano

Manager Urbanik explains that with CAP Ordinance we are banking for next year if we hit the 2 ½%

Joe Aramondo, 285 Shingowack Trail:

- How were shared service consultant bids evaluated?
- Any conflict of interest from any community members associated with the winning company
- Status on Reval?

Mayor Weiss explains the committee review process and council was unaware of any conflicts

Manager Urbanik reports no change, State still reviewing

VOTE ON ORDINANCES

Mayor Weiss motions approval of Ordinance Number 559 on introduction, seconded by Councilman Casey

ORDINANCE NUMBER 559

A ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2009 (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the BOROUGH COUNCIL of the BOROUGH OF MEDFORD LAKES in the COUNTY OF BURLINGTON finds it advisable and necessary to increase its CY 2009 budget by 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the BOROUGH COUNCIL hereby determines that a 1% increase in the budget for said year, amounting to \$30,800 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the BOROUGH COUNCIL hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE, BE IT ORDAINED, by the MAYOR AND COUNCIL of the BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, a majority of the full

authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the BOROUGH OF MEDFORD LAKES shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1%, amounting to \$ 30,800.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, and that the CY 2009 municipal budget for the BOROUGH OF MEDFORD LAKES be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction

BE IT FURTHER ORDAINED, that a certified copy of this resolution upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Vote to approve 1st reading of Ordinance #559

Ayes: Weiss, Casey, Lackey

Nays: None

Ordinance Approved for Introduction

Mayor Weiss motions approval of Ordinance Number 560 on introduction, seconded by Councilman Casey

ORDINANCE NUMBER 560

AN ORDINANCE AMENDING CHAPTER 190-21 OF THE CODE OF THE BOROUGH OF MEDFORD LAKES ENTITLED "SEWERS – RATE SCHEDULES"

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

SECTION 1. PURPOSE

The purpose of this Ordinance is to amend Chapter 190-21 of the Code of the Borough of Medford Lakes, entitled "Sewers – Rate Schedules" as follows:

SECTION 2 AMENDMENT

1. (a) Chapter 190-21 Schedule A, is hereby amended, by deleting the annual rate of \$ 600.00 for each dwelling unit, and replacing same with \$ 640.00 (\$160.00 per quarter).

(b) Chapter 190-21 Schedule B, is hereby amended as follows:

Church per separate building unit with sewer connection...\$600.00 is replaced with \$640.00 (\$160.00 per quarter);

Hotel or Bar/Restaurant facilities that serve alcoholic beverages...\$3,612.00 is replaced with \$3,864.00;

Restaurant / Luncheonette or Caterer.....\$1,804.00 is replaced with \$1,932.00

Grocery Store or Convenience Store.....\$1,200.00 is replaced with \$1,284.00;

Laundromat- Each washing machine.....\$300.00 is replaced with \$321.00;

Colony Club Building.....\$600.00 is replaced with \$640.00

Bank or Financial Institution.....\$1,200.00 is replaced with \$1,284.00;

(c) Chapter 190-21 Schedule C, is hereby amended as follows:

**Lenape Regional High School District
(Shawnee High School).....\$25,376 is replaced with \$27,152.00;**

Other Commercial Building (under 2,000 Sq. Ft.).....\$ 600.00 is replaced with \$640.00

Other Commercial Building (Over 2,000 Sq. Ft.).....\$1,200.00 is replaced with \$1,284.00

Other Professional and Quasi-Public Buildings.....\$600.00 is replaced with \$640.00 per unit;

YMCA Camp Ockanickon\$25,376.00 is replaced with \$27,152.00

Senior Citizens and disabled discounted rate.....\$540.00 is replaced with \$576.00;

SECTION 3 EFFECTIVE DATE

This Ordinance shall take effect immediately upon its final passage and publication according to law, and shall be effective as of January 1, 2010.

**Vote to approve 1st reading of Ordinance #560
Ayes: Weiss, Lackey, Casey
Nays: None
Ordinance Approved for Introduction**

Mayor Weiss motions approval of Ordinance Number 561 on introduction, seconded by Councilman Casey

**ORDINANCE NUMBER 561
AN ORDINANCE PROHIBITING NEW INSTALLATIONS OF
IMPERVIOUS DRIVEWAYS IN THE LAKES RESIDENTIAL DISTRICTS OF
THE BOROUGH OF MEDFORD LAKES FOR A PERIOD OF 90 DAYS**

WHEREAS, the Borough Council of the Borough of Medford Lakes recognizes its responsibility to regulate the use of land in accordance with a comprehensive plan and to regulate land use while conserving the environment; and

WHEREAS, the Borough Council recognizes that storm water run off from impervious driveways causes harmful pollutants to enter the lakes and streams of our community; and

WHEREAS, the Borough lacks any comprehensive regulations for impervious driveways in residential areas; and

WHEREAS, the Borough Council believes it must act immediately to prevent further environmental degradation while regulations and a permitting process for impervious driveways are developed.

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

Section 1.

For a Period of 90 days following the adoption of this Ordinance no portion of any building lot area developed for residential use shall be covered or paved with impervious materials including but not limited to poured concrete, asphalt, bricks, impervious pavers, flag stones, or any other material installed in a manner as to create an impervious surface for driveways or expansion of existing driveways.

Section 2.

If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 3.

This Ordinance shall take effect immediately upon its adoption and publication in accordance with law.

Vote on 1st reading to approve Ordinance #561

Ayes: Weiss, Lackey

Nays: Casey

Ordinance Approved for Introduction

VOTE ON RESOLUTIONS

Mayor Weiss motions approval of Resolution Number 83-09, seconded by Councilman Casey

RESOLUTION NUMBER 83-09

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 2009 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 circumstances.

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 100% of the 2009 introduced budget.

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 100% of the 2009 introduced budget.

VOTE TO APPROVE RESOLUTION 83-09

Ayes: Weiss, Casey, Lackey

Nays: None

Mayor Weiss motions approval of Resolution Number 84-09, seconded by Councilman Casey

RESOLUTION 84-09

**A RESOLUTION INTRODUCING AND APPROVING
THE 2009 MUNICIPAL BUDGET**

(First Reading)

WHEREAS, the Municipal Budget of the Borough of Medford Lakes, County of Burlington for the year 2009 is hereby introduced; and

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2009; and

***BE IT FURTHER RESOLVED**, that said Budget be published in the Central Record in the issue of May 7, 2009; and*

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Governing Body of the Borough of Medford lakes, County of Burlington, State of New Jersey:

1. Does hereby approve the following as the Budget for the Year 2009.
2. Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, on April 22, 2009.
3. A hearing on the Budget and Tax Resolution will be held at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ in Oaks Hall on May 27, 2009 at 7:30PM at which time and place objections to said Budget and Tax Resolution for the year 2009 may be presented by taxpayers or other interested persons.

VOTE TO APPROVE RESOLUTION 84-09

Ayes: Weiss, Casey, Lackey

Nays: None

ADJOURNMENT

Mayor Weiss motioned to adjourn the public meeting, Seconded by Councilman Casey

VOTE TO ADJOURN PUBLIC MEETING

Ayes: Weiss, Casey, Lackey

Nays: None

Public Meeting adjourned

April 22, 2009 Minutes: MJM