

**BOROUGH OF MEDFORD LAKES
WORKSHOP COUNCIL MEETING
February 25, 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 and to remember long time resident Ned Steel who is in poor health), 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, Wil1ingboro, 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 a11 persons who requested such notice according to the Clerk of the Municipality.

ROLL CALL

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.

SPECIAL PRESENTATION

Mayor Weiss recognized Patrick D. McCorrison, Sr. for his leadership and achievement for 39 years of dedicated service as an employee in the Public Works Department and as the Public Works Manager. He presented Resolution Number 30-09 to Pat who was in attendance.

All persons attending the meeting applauded Pat's award

PUBLIC COMMENT

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

Richard Thurber, 198 Chippewa Trail:

- Status on Beach Drive Dam water ponding issue.

Manager Urbanik will assign to the new Borough Engineer to work out solution

Cindy Gromocan, 150 Apache Trail:

- Glad to see us go after Shared Service Study
- Volunteering for any citizens committee?

Councilman Casey mentioned that Chief Martine would speak to this later.

Mayor Weiss closes public comment

REPORTS

Manager Urbanik highlighted the following:

- meeting was held with Lion's Club and the Emergency Squad
- sustainable NJ grant requires resolution from Council, the grant covers mostly planning projects

Councilman Lackey asked where things stood with the Sioux Lake Dam issues

Sara Plasha, Medford Lakes Colony:

- Utilizing White & Williams to work through legal issues
- Spring project
- Agreements need to be acted on between all parties
- Working with Princeton Hydro

Mayor Weiss asked Solicitor Lange to draft two agreements one with Colony, one with County

Deputy Manager/Acting Clerk McIntosh highlighted the following:

- presented three (3) safety awards that were received by the Borough for attaining three continuous years of reducing the lost time accident claim rate by 15%, a safety award for meeting the 2008 Safety Incentive Program requirements and an award for best overall performance towns with 26 to 49 employees. Total monetary award of \$2,200 which will be steered toward the purchase of safety training, safety PPE, etc.

Solicitor Lange stated that all of his reportable issues would be addressed in Executive Session and he would like feedback from counsel on the home occupation (home businesses) ordinance.

DISCUSSION OF ORDINANCE(S)

Mayor Weiss introduces for first reading – no public comment Ordinance #557, seconded by Councilman Lackey

Manager Urbanik explains the basic premise of the Ordinance is to take council down to a zero salary expense, to cover the hiring of a new Borough Engineer to oversee both Wastewater and Public Works Departments and to pay for a licensed Wastewater Treatment Plant Operator.

Mayor Weiss stated the rationale was to show Council's willingness to aid the borough in its current financial condition. While a small contribution it was symbolic that we do it.

DISCUSSION OF RESOLUTION(S)

Mayor Weiss motions for discussion Resolution Number 53-09, seconded by Councilman Casey.

Resolution Number 53-09

A Resolution Authorizing the Application for a Share Grant

Councilman Casey asked why the grant was set at \$20,000

Manager Urbanik explains that most grant awards were at that amount, the grant has some flexibility

Mayor Weiss motions for discussion of Resolution Number 54-09, seconded by Councilman Casey

Resolution Number 54-09

A Resolution Authorizing Issuance of an RFP for a consultant to perform a Shared Service Study.

WORKSHOP DISCUSSION

SHARE Grant:

Manager Urbanik passed out Grant information packet to council for review and feedback

BUDGET Workshop Sessions:

Mayor Weiss asked everyone to check their March schedules for available dates

Mayor/Council/Manager all agreed to having budget workshops on Saturday, March 7, 2009 at 8:00am and Saturday, March 28, 2009 at 8:00am

HEALTH Benefits:

Mayor Weiss said this is designed to devise a fair plan for borough employees to contribute to their health benefits

Manager Urbanik states the HIF has still not produced a plan; prescription plan has gone into effect already with a Borough savings of \$15,000 per year with just the non-union employees.

Mayor Weiss stated would like to see a cafeteria type plan for employees where services can be chosen.

Administration Cost Centers:

Mayor Weiss stated that the Manager Urbanik's review was fair, accurate and thorough, and questioned Mr. Urbanik if any further cost savings could be made?

Manager Urbanik noted we currently have two part-time clerical and probably could go down to one, along with a one day reduction in code enforcement. Future merging of professionals in the office (i.e. Manager/Clerk, CFO/Manager, etc.)

Mayor Weiss stated that the goal of merging professionals was council's reason for hiring a borough engineer to oversee two departments instead of having two superintendents.

GovDeals.com:

Clerk McIntosh explained the State Contract program, Clerk will be able to upload throughout the year as we pass resolutions to discard items no longer needed for public use.

Drainage Issues:

Manager Urbanik explains the two issues for which the borough was awarded a construction grant but the grant does not include design costs by engineers. Must award by June of this year. Must incorporate in the budget.

Councilman Casey would like new borough engineer to review the project. Councilman Casey recommends we set aside the low bid engineering cost in the 2009 budget.

Mayor Weiss explains that we are potentially setting aside \$80,000 of public funds to address two private property issues.

Fire Truck:

Manager Urbanik met with Councilman Casey and Fire Chief Staples to discuss the opportunity to fit into the budget a new fire engine.

Councilman Casey asked if there are any funding avenues that we could look into.

Chief Staples spoke again regarding safety issues, the current engine would face a longer than expected first due status, the 2010 exhaust standards will increase the costs in 2010. If E3711 went out of service with an extended repair issue we are vulnerable with one engine.

Mayor Weiss asks if the residents would be in danger if we had to rely on mutual aid to get us a second truck.

Chief Staples explained that the distance of mutual aid would affect early fire tactics but long term fire tactics would be okay.

Council authorizes Clerk to bid out engine.

Deferred Bill Payment:

Mayor Weiss explains that Manager and CFO have asked for leeway in paying bills. Manager directed to get written opinion from CFO and Auditor

Sioux Lake:

Mayor Weiss discusses the classification issue. And the County's involvement.

Police Side Door:

Rough estimates are around \$6,000.00, Council directs Chief Martine to get three quotes.

Tax Abatement:

Mayor Weiss references Ms. Sue Mattio's letter to council regarding this topic.

Councilman Casey explains his thoughts on the program and how it is geared toward blighted communities to entice investment (Builders, renovators, etc.) "A rising tide raises all boats".

**Mayor Weiss opens discussion to Ms. Mattio to discuss her rational for looking into this program. Ms. Mattio suggests Council put an adhoc committee together to make a future recommendation to Council.
Mayor Weiss closes workshop session.**

NEW BUSINESS

Mayor Weiss states that he was served a Notice of Recall Petition by the Acting Clerk and will respond to the Clerk according to the law. Mayor Weiss believes that the recall is intended to stifle debate on serious fiscal problems specifically the study of police services. Mayor Weiss believes that he is obligated as an elected official to address all issues difficult and otherwise.

Councilman Casey believes that this recall is badly misguided, and finds it tragic to suppress differing opinions.

Councilman Casey would like to restart MLPOA negotiations

Chief Martine presents to Council a proposal to put together a Police Advisory Committee and also discusses the borough's opportunity to get federal stimulus monies.

PUBLIC COMMENT

Mayor Weiss opened meeting to public comment

Sue Mattio, 121 Wagush Trail:

- Please explain recall
- Sue states her disappointment in the recall committee and asks committee to reconsider

Mayor Weiss explains the notice he received from the Borough Clerk

Alan Barnes, 70 Manhasset Trail:

- Tax Abatement will only affect the local purpose tax not the entire tax bill
- Are there any strings attached to a shared service grant

**Council states point well taken, would research prior to putting anything to the public
Council would review grant requirements and any future study findings before taking action**

Dave Wasson, 97 Wabun Trail:

- Commend Council on rescinding salaries
- Please explain rejection of Medford Proposal

Mayor Weiss states that council adopted two resolutions, one to end discussion of current Medford proposal and one to invite Medford to apply with the Borough for a Shared Study Grant of police services.

VOTE ON ORDINANCES

Mayor Weiss motions approval of Ordinance Number 557 introduction, seconded by Councilman Casey

ORDINANCE NUMBER 557

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR THE BOROUGH COUNCIL, BOROUGH ENGINEER AND WASTEWATER OPERATOR FOR THE YEAR 2009

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

Section 1. The following salaries designated herein are fixed on an annual basis respective to the position listed below. Employees will be paid on a bi-weekly basis.

BOROUGH COUNCIL

Mayor and Councilmember None

PUBLIC WORKS DEPARTMENT

Borough Engineer/Superintendent of Public Works \$55,000
Borough Engineer/Superintendent of Wastewater \$55,000

WASTEWATER DEPARTMENT

Licensed Operator \$65,000

Section 2. The salaries fixed by the foregoing section of this Ordinance shall respectively in lieu of any and all fees which the respective incumbents of said office might otherwise be entitled by Statute or otherwise by virtue of said office, which fees shall immediately upon collection thereof be paid over to the Chief Financial Officer of the Borough.

Section 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon its final adoption and publication according to law, but the rate of compensation provided for herein shall become effective as of April 1, 2009.

VOTE TO APPROVE ORDINANCE NUMBER 557 ON INTRODUCTION

Ayes: Weiss, Casey, Lackey

Nays: None

Ordinance Approved for Introduction

VOTE ON RESOLUTIONS

Mayor Weiss motions approval of Resolution Number 53-09, seconded by Councilman Casey

Resolution Number 53-09

A RESOLUTION APPROVING APPLICATION FOR A SHARING AVAILABLE RESOURCES EFFICIENTLY (SHARE) PROGRAM GRANT

WHEREAS, the Governing Body of the Borough of Medford Lakes and the Township of Medford have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Program Grant through the State of New Jersey *SHARE* Program in the amount of \$20,000; and,

WHEREAS, the Borough of Medford Lakes has agreed to be the lead agency in this program; and

WHEREAS, the State of New Jersey has made *SHARE* grants available to assist local units to study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the sharing of Police Services, that would be beneficial to both local units; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, that the Borough of Medford Lakes does hereby join with the Township of Medford in applying for a grant for the purpose of conducting a feasibility study of such an endeavor; and,

BE IT FURTHER RESOLVED that the Borough of Medford Lakes agrees to provide a portion of the required local matching funds or other resources in the amount of \$1,000 as its contribution to the study's costs.

VOTE TO APPROVE RESOLUTION 53-09

Ayes: Weiss, Casey, Lackey

Nays: None

Mayor Weiss motions approval of Resolution Number 54-09, seconded by Councilman Casey

RESOLUTION 54-09

**A RESOLUTION AUTHORIZING THE ISSUANCE OF AN RFP FOR A
CONSULTANT TO PERFORM A SHARED SERVICE STUDY**

WHEREAS, the **BOROUGH OF MEDFORD LAKES** and the Township of Medford have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Program Grant, and

WHEREAS, the Borough has agreed to be the lead agency in this program; and

WHEREAS, the grant requires the services of a consultant able to perform a shared service study of police services in accordance with the grant guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that the Borough Manager is authorized to issue a request for proposals (RFP) for a consultant to perform a shared service study.

VOTE TO APPROVE RESOLUTION 54-09

Ayes: Weiss, Casey, Lackey

Nays: None

CORRESPONDENCE

Congressman Adler sent notice that the Borough would receive \$121,000 in Recovery and Reinvestment Act

CLOSED SESSION

Mayor Weiss motioned to close the public session portion of the meeting, seconded by Councilman Casey and enter into an executive session to discuss COAH – potential litigation and matters related to the purchase, lease or acquisition of “Easi” property.

Resolution No.54A -09

A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.

Whereas, the Borough Council of the Borough of Medford Lakes is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., and

Whereas, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

Whereas, it is necessary for the Borough Council of the Borough of Medford Lakes to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12 b and designated below:

- _____ (1) **Matters Required by Law to be Confidential:** Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- _____ (2) **Matters Where the Release of Information Would Impair the Right to Receive Funds:** Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- _____ (3) **Matters Involving Individual Privacy:** Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- _____ (4) **Matters Relating to Collective Bargaining Agreements:** Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- XXXXXX** (5) **Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds:** Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed. **Easi Property**
- _____ (6) **Matters Relating to Public Safety and Property:** Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- XXXXXX**(7) **Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:**Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer. **COAH**

- _____ (8) **Matters Relating to the Employment Relationship:** Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting:
- _____ (9) **Matters Relating to the Potential Imposition of a Penalty:** Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

Now, Therefore, Be It Resolved by the Borough Council of the Borough of Medford Lakes, assembled in public session on Wednesday, February 25, 2009, that an Executive Session closed to the public shall be held on Wednesday, February 25, 2009, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

VOTE TO ENTER EXECUTIVE SESSION

Ayes: Weiss, Casey, Lackey

Nays: None

Public Meeting adjourned; Resolution 54A-09 is approved

Mayor Weiss motioned to reconvene the public session portion of the meeting, Seconded by Councilman Lackey

VOTE TO RECONVENE THE PUBLIC SESSION PORTION OF THE MEETING

Ayes: Weiss, Lackey, Casey

Nays: None

Public Meeting Opened

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

February 25, 2009 Minutes: MJM