

BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL/REORGANIZATION MEETING
January 28, 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 8:00pm. 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

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 ANNOUNCEMENT

Mayor Weiss reports that the January 14, 2009 meeting was not noticed properly by the Clerk, Council will address this issue with the Acting Clerk in Executive Session.

Acting Clerk McIntosh apologized to the residents, Mayor and Council and the Police Department for his mistake in failing to properly notice the January 14, 2009 meeting.

PUBLIC COMMENT

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

Dave Wasson, 97 Wabun Trail:

- Are residents going to be cited for signs (police support) in their yards?

Councilman Lackey stated he asked Code Enforcement Officer Dave Crane to look into. Any signs must conform to the Borough Ordinance

Mayor Weiss closed public comment

CONSENT AGENDA RESOLUTIONS

Mayor Weiss motioned the following consent agenda resolutions, seconded by Councilman Casey:

Resolution Number 29-09

A Resolution Recognizing Cindy Gallimore for Her Leadership as the 2008 President of the Medford Lakes Colony

Resolution Number 30-09

A Resolution Recognizing Pat McCorrison, Sr. for His 39 Years of Service to the Borough of Medford Lakes

REPORTS

Manager Urbanik highlighted the following:

- Continue working with Health Insurance Fund to get comparison figures
- Meeting with Medford regarding various issues including a drainage issue on Hiawatha Trail
- Working the Community Block Grant
- Later in meeting would like to discuss engineering issues

Mayor Weiss stated the review of the Health Plan is to lower premiums by raising employee co-pays

Deputy Manager/Acting Clerk McIntosh highlighted the following:

- Meeting with GovDeals.com tomorrow to discuss an online auction
- 2008 LGCCC report submitted to State
- 2008 OSHA 300 & 300A logs posted and reported through online process
- February 2008 web site calendar updated
- Public Works completed 2nd round leaf pickup in district 4, they are now in district 1.

Councilman Lackey asked to have Millie (Colony) run the "Tuesday Trash/recycling" notice again

Solicitor Lange stated that all of his reportable issues would be addressed in Executive Session.

WORKSHOP DISCUSSION ITEMS

1. Planning/Zoning presentation:

Planning/Zoning Chairperson Debbie Klemas provided to Council the 2009 Re-organization structure of the Planning/Zoning Board. There were no changes in Professional Services.

Mayor Weiss thanked Chairperson Klemas for her presentation

Mayor Weiss introduced Peter Black, PE (Dewberry) and Geoff Goll, PE (Princeton Hydro) and explained that they were asked to attend the workshop in an effort to help Council understand if there was a better way to manage the Upper and Lower Aetna Lakes prior to and during higher than normal rain flows.

2. Upper and Lower Aetna Lake issues:

Mr. Black explains that the dams were designed to move water more efficiently, old dams would cause 3 to 4 foot rise in lake level, with new dams maybe only 1 to 1 ½ foot rise. Any release of water downstream may become a liability issue. Required to get a Lake Lowering permit from NJDEP anytime you purposely lower lake. Pete would not recommend any changes to current system.

Mr. Goll spoke to back flooding, no concrete evidence that past pulling boards ever made a significant change in flood waters. Borough or residents could conduct studies to identify 1st floor elevations.

Mayor Weiss discussed post-flood weather event concerns from residents who still get water coming up from their basements, first floors, crawlspaces, etc. and believe that by pre-lowering the lakes, they wouldn't have this occurring.

Councilman Lackey stated that his experience pre-flood by lowering the lake prior to a storm they were able to control the flooding of residents on mainly Lower Aetna. Seeking a mechanical solution to make board removability easier.

Mr. Goll states that when you put in a dam it does locally raise the water level of ground water. To mitigate that, you could lower the lake during the rainy months by getting a permit from DEP for seasonal lowering.

Councilman Lackey will look into a seasonal permit and report back to Council.

Mayor Weiss thanked both Peter and Geoff for attending and providing some options to the Lake issues.

3. Status of Medford Police Proposal (survey & Chief Martine's assessment)

Mayor Weiss reported that four (4) proposals were obtained from vendors to conduct a survey of registered voters regarding the delivery of police services to the Borough and looking for Chief Martine's assessment of the Medford proposal as soon as possible. Purpose of survey is for all residents to have an accurate description of services current and proposed and actual costs for both.

Councilman Casey reported that he, Chief Martine, Manager Urbanik and Solicitor Lange were scheduled to meet on Monday to go over different scenarios and work on wording of the survey.

Councilman Lackey questioned why we need the services of an outside vendor, just produced a successful survey regarding trash collection.

Mayor Weiss wants survey to be of highest integrity, independent review

Mayor Weiss opened the meeting to public comment

Jeanie Watters, 269 Chicagami Trail:

- VP of Colony Parks and Recreation
- Police coverage has direct correlation to property values
- Colony largest property owner and should be formally consulted
- Liability concerns with camp, etc.

Susan Ansberry, 183 Comanche Trail:

- Simple yes/no vote by residents
- Save money, just put on next ballot

Janice Clements, 39 Minnetonka Trail:

- MLPD is unique to community
- Quality of life issue

Ned Steel, Past Resident:

- Wonderful department
- Proud of Frank and his people

Mike Aval, 78 Seneca Trail:

- Thank other police for coming to support ours
- Kids want to know who is going to get bad guys
- Evesham is looking for funds from other sources
- What has ML done besides axe police

Mayor and Council explained that all cost centers are being reviewed, yes, we are looking from the State for help but the message from the state has been share services or go away.

Jack Smith, 82 Lenape Trail:

- If at 3:00am when you hear a window brake, do you want to know that a police officer is here or hope that one is?

Nicole Fox, 64 Neeta Trail:

- Safety issue
- Raise kids here because police are so vigilant

Dave Feast, 246 Chippewa Trail:

- Is the number in the proposal firm
- Why does the Borough Press Release have not certain numbers
- Is council willing to go on record as to how they would vote

***Mayor Weiss states that our initial numbers is what the Press Release was based on.
Councilman Casey said he would go with the voters if more than 5% one way or another.
Councilman Lackey said emotions can't affect judgment on a business decision.***

Anthony Amato, 164 Chippewa Trail:

- Is there a 2009 preliminary budget? Have been requesting and denied access.
- Heard that Medford has gone after Shamong and Tabernacle to provide police coverage and rumor has it that they have now gone to Lumberton. Is council aware of that?

Sara Plasha, 207 Migazee Trail:

- Police add to ML uniqueness
- Children on trails, safer for kids
- Has council approached school board regarding this proposal

Jeff Lily, 104 Algonquin Trail:

- During a fire Officer Thompson saved his life and his families
- They just feel safe

Joan Slavin, 101 Lenape Trail:

- Huge help to the Senior Citizens of the community
- Quick response
- People's choice not some state or politician's

Joe McHugh, 176 Algonquin Trail:

- Didn't state what services would be provided, Medford will walk all over ML if this goes through.

Joanne Tragresser, 6 Minnetonka Trail:

- No DARE school program
- No crossing guards
- Make survey very fair

Bruno Distefano, 201 Stokes Road:

- Ask question on the primary

Mayor Weiss desire is have this issue vetted long before election

Devon Michael, 54 Mohawk Trail:

- Why not get more than one (1) quote, how about SP?

Doug White, 120 McKendimen Road:

- Obviously a financial question because we have the quality police
- ML not the cheapest town to live in but we want our services.

Pat Carter, 251 Shingowack Trail:

- Commend council for looking at all cost issues.
- Informal contributions that the police make

Mike Bram, 170 Comanche Trail:

- Appreciate that council is looking at cost centers
- Police department should have been last cost center looked at

Mayor Weiss again reiterated that all departments were being looked at.

Councilman Casey said you can't stick your head in the sand and allow the state to set ML course.

Mark McLoughlin, 170 Piute Trail:

- Are we comparing apples to apples regarding services
- Is the MLPD involved in this process

Councilman Casey stated that there are three service areas; Cost, Quality and Control. We can compare cost and quality but control can't be looked at when outsourcing, it is given that you lose control.

Robert Burton, 150 Manhasset Trail:

- What if we do this and we're wrong, what is contingency plan?

Councilman Casey would like to see an arrangement structured in three, five (5) year plans

Tom Wolfe, 139 McKendimen Road:

- We are a unique community
- The citizens and politicians need to work together
- More courtesy from ML police

Ted Kobiela, 18 Hiawatha Trail:

- Think about the officers and their families

Dave Wasson, 97 Wabun Trail:

- Quality of Life issue
- Think about the kids
- Against survey due to costs, adhoc survey is going around now.

Gary Miller, 33 Osage Trail:

- Appreciation to council for looking into all cost issues
- Council has an obligation to do the will of the people
- Don't challenge sign ordinance
- Apologize to Chief McIntosh for handling of mistake, should be addressed in private

Jim Burke, 96 Pocahontas Trail:

- How do you rate a proactive vs. reactive police force
- Life and death is not a business decision
- What formula are using to put a price tag on our safety

Councilman Casey decisions are made every day by governing bodies, should we have 1 officer or 100, council has to make these decisions based on the best information

Steven Dowling, 109 Onondago Trail:

- Medical emergency at house and before he hung up with 911, Chief Frank was on location
- A definite quality of life issue

Robert Palfy, Non-resident, Wastewater Employee:

- Patrols check on employees

John, Non-resident:

- Runnemedede laid off two (2)
- Crime went-up
- BC has 125 registered sex offenders, put children at risk

Regina Farnsworth, Non-resident:

- School bills are the highest
- Police should be last thing to be cut

Terry Palmer, Non-resident:

- Why rush to decision
- Council should have gone to ML police first

Chief Frank Martine, 100 Lenape Trail:

- Can't put survey out until Medford's proposal is vetted
- Quality of policing, wants and needs, administrative philosophies, resident expectations
- Borough loses most/all control if outsourced
- Admits that there would be some cost savings, but how do you measure the intangibles and there costs
- The numbers published are not fair, tainting process
- The residents deserve real numbers

Ernie Levak, 77 Onondago Trail:

- Has council received any emails in favor of getting rid of police dept.?
- Sign issue

Mayor Weiss stated that he has received emails supporting council as they look at all cost centers, has received a balance of people on both sides, at these meetings the overwhelming support has been to keep the police.

Mayor and Council ask that the sign ordinance be followed

Swanson, Mohave Trail

- Triplets , PD there for birth
- 30 second response
- Appreciate Council looking into all costs

Sergeant Robert Dugan, Medford Lakes Police Dept.:

- Governor wants shared services not disbanded police depts. with nine more people on the unemployment line
- Medford not offering sharing
- Short time ago grants were available to study shared services.

Mayor Weiss closed public comment

Mayor Weiss motioned a five minute recess, seconded by Councilman Casey, all Council voted affirmatively

[Five Minute Recess]

Mayor Weiss reconvened the meeting

4. Health Benefits

Councilman Casey requests a letter from Mayor may help to get movement on health care issue

5. Engineering Proposals

Councilman Lackey stated four interviews being conducted and information available for next meeting

6. Computer Server

Manager reports that broken unit is unrepairable, the temp unit will be okay if a redundant backup is purchased at a cost of \$3,000

Councilman Casey is concerned that a mission critical computer should be the best available at a reasonable cost.

Manager directed to get price on redundant hard drive and lease price on a full blown unit

7. Administrative Cost Centers

Mayor Weiss tables to next meeting

8. Trash Truck Purchase

Councilman Casey motions to go out to bid, seconded by Mayor Weiss, all council voted affirmatively

9. Payment of bills between meetings

Mayor Weiss tables to next meeting and wants input from the Solicitor and Auditor

10. Drainage Projects

Mayor Weiss tables to February 25th workshop

11. EMS Coverage

Medford Lakes EMS President Sandy Wasson requested that Council amend contract to allow MLEMS first opportunity to provide patient care and dispatch Medford on second tap (4mins after initial call).

Councilman Casey motioned to make contract change if Medford is willing for a six-month trial, if Medford is not then keep current contract agreement in place, seconded by Councilman Lackey, all council is in affirmative.

12. Sand/salt use during winter:

Deputy Manager McIntosh explained rational for using all salt vs. salt/sand to include; Sander Settings are greater with salt/sand, Medford only running salt, ML would need a place to mix salt/sand, ML using less salt since sander settings are set at a lower application rate, sand only offers minimum traction whereas salt melts the ice which lessens the Borough's liability related to motor vehicle accidents. Possible storm water related issue since sand is viewed as a pollutant.

DISCUSSION OF PENDING RESOLUTIONS

Mayor Weiss motions to adopt Resolution Number 31-09, seconded by Councilman Casey

RESOLUTION 31-09

AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A CONTRACT WITH APPRAISAL SYSTEMS, INC. FOR REVALUATION FIRM SERVICES PURSUANT TO N.J.S.A. 40A: 11-4.1 et seq.

WHEREAS, the Borough of Medford Lakes pursuant to Resolution Number 161-08 and the public contract law awarded a Fair and Open contract with Appraisal Systems, Inc. for revaluation services; and

WHEREAS, the awarded contract is in the NTE amount of \$150,000; and

WHEREAS, the CFO certifies that funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes that the Mayor and Clerk are authorized to execute a contract with Appraisal Systems, Inc., 8 Cattano Avenue, Morristown, NJ 07960 in accordance with their proposal.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute the contract as proposed and any other related document with Appraisal Systems, Inc. in order to complete said Contract.

Solicitor Lange highlights recommended changes to contract

Mayor Weiss motions to adopt Resolution Number 31-09 with amendments, seconded by Councilman Casey

VOTE TO APPROVE RESOLUTION NUMBER 31-09 AS AMENDED

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution 31-09 is approved.

Mayor Weiss motions to adopt a resolution (32-09) awarding a contract to Amplitude Research Inc., for the amount NTE \$4,000 for survey services, seconded by Councilman Casey for discussion purposes.

Councilman Casey asked Chief Martine if he had any concern of a survey being processed by the Borough Administrative staff.

Chief Martine felt that it could be done properly through the Borough staff.

Mayor Weiss stated his desire was to have a survey where the process was independent of any Borough handling, the process viewed to be clean and transparent. Focus on the question to be asked.

VOTE TO APPROVE RESOLUTION NUMBER 32-09

Ayes: Weiss

Nays: Casey, Lackey

Resolution 32-09 fails.

Mayor Weiss motions to adopt a resolution (33-09) authorizing the Borough to conduct a voter survey to determine policing services in the Borough, seconded by Councilman Casey

VOTE TO APPROVE RESOLUTION NUMBER 33-09

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution 33-09 is adopted.

ACTION ON CONSENT RESOLUTIONS

Mayor Weiss calls the vote for Resolutions Number 29 and 30

Resolution Number: 29-09

**A RESOLUTION RECOGNIZING CINDY GALLIMORE
FOR HER LEADERSHIP AS THE 2008 PRESIDENT OF
THE MEDFORD LAKES COLONY AND FOR HER
SERVICE TO THE COMMUNITY**

WHEREAS, Cindy Gallimore served the Colony of Medford Lakes as President during the year 2008; and

WHEREAS, Cindy donated her leadership skills to oversee the yearly operation of this prominent community organization; and

WHEREAS, Cindy brought to bear her affection for the Medford Lakes Community to guide in her decisions.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Medford Lakes hereby recognizes Cindy Gallimore for her leadership and devotion to the community.

Resolution Number: 30-09

**A RESOLUTION RECOGNIZING PATRICK D.
McCORRISTON, SR. FOR HIS LEADERSHIP AND
SERVICE TO THE COMMUNITY**

WHEREAS, Pat has been employed by the Borough of Medford Lakes Public Works Department since June 1, 1969; and

WHEREAS, Pat worked his way from a laborer to becoming the Certified Public Works Manager; and

WHEREAS, Pat assisted the Borough in completing numerous major infrastructure improvements while still providing the residents with first-rate routine services ensuring their quality of living in the Borough; and

WHEREAS, Pat brought to bear his affection for his employees and the Medford Lakes Community to guide in his decisions.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Medford Lakes hereby recognizes Patrick D. McCorriston for his leadership and devotion to the Borough of Medford Lakes and wish him well in his retirement.

VOTE TO APPROVE RESOLUTION NUMBERS 29 and 30.

Ayes: Weiss, Casey, Lackey

Nays: None

Resolutions 29 and 30 are approved.

PUBLIC COMMENT

Mayor Weiss opened the meeting to public comment

Dave Wasson, 97 Wabun Trail:

- Believes that the survey should be tax payer driven

Chief Frank Martine, Medford Lakes Police Dept.:

- Trading Post traffic light going functional shortly, yellow/red blinking to get motorists aware of change
- Long range goal is to hook fiber optic to lights which will allow cameras

Mayor Weiss closed public comment

BILL LIST

Mayor Weiss motioned for approval of Bill List as amended, seconded by Councilman Lackey

VOTE TO APPROVE PAYMENT OF THE BILL LIST AS AMENDED

Ayes: Weiss, Lackey, Casey

Nays: None

Bills are approved for payment

CLOSED SESSION

Mayor Weiss motioned to adjourn the public meeting, Seconded by Councilman Casey and enter into an Executive Session to discuss employment matters related to the Municipal Clerk. Also to discuss a potential litigation matter with WJ Gross, Inc. and the Tenant Fit-out Contract with the Borough and to discuss potential litigation matters related to the Collective Bargaining agreement with the Wastewater Teamsters and a potential grievance.

Resolution No. 27-09

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.
- XXXXX (4) Matters Relating to Collective Bargaining Agreements: **Related to the Wastewater Teamsters Union Contract**
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.
- _____ (5) Matters Relating to the Purchase, Lease or 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.
- _____ (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.

XXXXX (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: **Related to the Tenant Fit-out Contract with WJ Gross, Inc.**

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 required in order for the attorney to exercise his ethical duties as a lawyer.

XXXXX (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: **Acting Clerk**

_____ (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, January 28, 2009, that an Executive Session closed to the public shall be held on Wednesday, January 28, 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 ADJOURN TO EXECUTIVE SESSION

Ayes: Weiss, Casey, Lackey

Nays: None

Public Meeting adjourned; Resolution 34-09 is approved

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

VOTE TO RECONVENE THE PUBLIC 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

January 28, 2009 Minutes: MJM