

BOROUGH OF MEDFORD LAKES, NJ
WORKSHOP COUNCIL MEETING
July 8, 2009

A 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

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., Police Chief Frank Martine, Borough Engineer Jim Giordano, Public Works Foreman Dominick Valentino and Deputy Manager/Acting Clerk Mark J. McIntosh.

SPECIAL REQUEST

Mayor Weiss opened the meeting for a special request by Kate Warren representing Girl Scout Troop #24172

Kate Warren, 262 Ojibway Trail: (comments highlighted in bullets)

- Would like Council to allow for a scavenger hunt on July 24, 2009 from 3 to 5pm
- Money earned to offset trip to Costa Rica
- Coordinating with Medford Lakes Police Department

Mayor and Council wish the troop a productive, safe and fun fundraising event.

PUBLIC COMMENT

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

Steve and Leah Bruder, 125 Navajo Trail: (comments highlighted in bullets)

- Would like to establish a farmers market next year in the Borough
- Great walking and biking community
- Burlington County would support
- Possible location along Trading Post Way
- Ideal time would be a Saturday morning
- Open to other dates and times
- Asking for Council to support further investigation, organization of a working group/committee and application of a NJ Sustainability Grant

Mayor and Council asked how markets are typically operated, are they non-profit, had the Colony been approached to possibly using Beach #1 or Brooks Field,

- Self operated usually by an existing community organization
- Yes, they would be a non-profit
- Any rental fees would be used to offset any portable toilet costs, cleanup, etc.
- Whatever location used needs exposure to the public

Mayor and Council authorize the Manager to apply for the NJ Sustainability Grant and thank the Bruder's for idea.

Dave Wasson, 97 Wabun Trail: *(comments highlighted in bullets)*

- Many courses available for elected officials
- What courses has Council taken?

***Councilman Casey states ethics, insurance and others through the League of Municipalities
Mayor Weiss states ethics, insurance, environmental regulations, public meetings through the League***

Councilman Lackey stated that he also took various courses through the League

- Believes that recent events in the Borough led him to believe that current Council didn't fully understand its role in our form of government

Joe Aromando, 285 Shingowack Trail: *(comments highlighted in bullets)*

- Council not conducting themselves properly
- Failed to publicize Ordinances through a newsletter
- Should inform the public better
- Horrendous meeting format

Fred Domako, 173 Stokes Road: *(comments highlighted in bullets)*

- Never really got involved in Borough function
- Made aware of Police Officer who went to Medford taking our vest.
- Let Medford get her a vest
- Poor street maintenance, overgrown intersections
- Changes in the Borough don't appear to be for the better

Mike Powers, 19 Onondago Trail: *(comments highlighted in bullets)*

- Police vest status?
- Isn't vest owned by the Borough
- Let Medford purchase vest for its employee

Sandy Wasson, 97 Wabun Trail: *(comments highlighted in bullets)*

- Has the police vest been loaned or was it given?
- What were the questions about legal issues regarding the vest?

Mayor Weiss states the ex-officer still has her ML vest.

Manager Urbanik states that the vest is on loan to the officer and was investigating if there was any liability to the Borough if we don't allow the vest to be loaned/utilized.

Joe Aromando, 285 Shingowack Trail: (comments highlighted in bullets)

- Tell Medford how much the vest costs and have them pay for it or buy their own

Chief Frank Martine, ML Police Department: (comments highlighted in bullets)

- What is the status on the Police Advisory Committee?

Mayor Weiss said he thought we were waiting on a more clearly defined mission statement

- That was done with Councilman Casey, thought the Solicitor was reviewing, is program still on the table? Communication has been poor
- Is the Police Department staffing going to be discussed

Councilman Casey said that he would be discussing that.

- Never received a formal request for the vest by Medford
- This request came in over a Holiday weekend
- Lt. Carbone had already checked Officer Tiver's returning equipment and the vest was reissued to SLEO 1 Officer Hartman,
- Was under the impression that the vest was being given to Medford Township without reimbursement to the Borough
- Wants any and all Officers regardless of location to be safe
- The message to the MLPD was that our own people were not as important as an Officer in Medford.
- Vest had been acquired through grant
- Communications have been poor during this whole vest process
- Asked for status on the Traffic Ordinance

Solicitor Lange states that if Council makes drafting a program for the Police Advisory Committee then he would, Council has a very ambitious list.

Mayor Weiss stated that Council is interested in the program

Councilman Casey asked that a priority list be developed regarding Ordinances

Mayor Weiss regarding the police vest stated that he raised the liability question to the Manager who makes the decision on Borough equipment, the Borough didn't pay for the vest it was fully funded through State program, and would we violate the grant agreement if we didn't allow the vest continued use by the original Officer. These were the issues raised to the Manager.

- Chief stated that under the grant, issuing the vest to another in-house Officer was okay
- Medford had enough time to address this issue in a timely manner prior to the start date

Mayor Weiss agrees that it is Medford's responsibility to outfit their Officers

Councilman Lackey stated that the advisory committee was turned over to Councilman Casey who is the public safety liaison.

Mayor Weiss stated that Council doesn't need permission to ask questions of its staff. It is their right and obligation. He asked the Manager to revisit the vest issue until such time as the Mayor's questions could be vetted.

Sandy Wasson, 97 Wabun Trail: *(comments highlighted in bullets)*

- Was the Chief asked his opinion, does Council or Manager have police training.

Mayor Weiss stated that both he and the Police Chief were on vacation but the Manager was in communication with both.

Joe Aromando, 285 Shingowack Trail: *(comments highlighted in bullets)*

- I want the manager to err on the side of caution
- These decisions shouldn't be made through emails
- There is a proper way to dispose of property

Mike Powers, 19 Onondago Trail: *(comments highlighted in bullets)*

- Council should be listening to their department heads
- Council made decision to get rid of vest
- Vest still Borough property

Dave Wasson, 97 Wabun Trail: *(comments highlighted in bullets)*

- Council makes policy and the Manager implements the policy in our form of government

Mayor Weiss stated that the decision was the Manager's

Manager Urbanik stated that common practice amongst departments was the loaning of a vest would be temporary with full reimbursement by the hiring department

Chief Frank Martine, ML Police Department: *(comments highlighted in bullets)*

- Having just now reviewed the grant award, a SLEO Class 1 is eligible for issuance of the vest.

Councilman Casey asked if we could move on from this discussion due to the heavy agenda. Get vest back within next 30-days.

Brian Mondusky, Tabernacle Road: *(comments highlighted in bullets)*

- Stop catering to Medford, look out for Medford Lakes first
- Let's get vest back before Canoe Carnival

Michael Levinski, 135 Chippewa Trail: *(comments highlighted in bullets)*

- Council should pass resolution to get vest back
- Council should not be communicating through emails

Councilman Casey stated his reluctance to pass a resolution; this is not a Council decision

Richard Thurber, 198 Chippewa Trail: *(comments highlighted in bullets)*

- What happened to the stop sign on Beach Drive

Chief Martine pulled the sign since it was not passed by Resolution or Ordinance after requesting it be placed on the agenda

Mayor Weiss asked who authorized its initial installation

Chief Martine stated that he asked public works to erect on the assumption that Council would act favorably.

Further discussion revolved around the new legislation which allows municipalities to take certain measures without prior NJ Department of Transportation approval.

Mayor Weiss closed public comment

REPORTS

Manager Urbanik highlighted the following from his written report: (comments highlighted in bullets)

- State has approved the Revaluation Contract and signed same
- Assessor researching if we can start prior to Tax Map approval

Councilman Lackey asked if we are scheduling public hearings. Hearings should be at the school to accommodate a larger attendance and we will need permission

Manager will look into the school issue

- Met with Medford Township regarding trash issue

Deputy Manager/Acting Clerk McIntosh submitted a written report: (comments highlighted in bullets)

Councilman Lackey asked why the water damage issue was being treated as an insurance claim vs. a warranty claim

Clerk McIntosh stated that it will in the long run.

Councilman Lackey asked questions regarding the Shared Service study. What is the status of the survey?

Manager Urbanik stated that he and Mayor Weiss met with them at a progress report meeting and that a draft study report would be available in early August for Council's review. Most of the interviews and fact finding was complete.

Councilman Lackey asked who was interviewed, anyone other than the Police Chief. He thought that he would be interviewed. Are the public hearings after the draft report?

Manager Urbanik stated that Chief Martine and Lt. Carbone were interviewed. Public meeting will be after the draft report but before a final document is issued.

Solicitor Lange highlighted the following: (comments highlighted in bullets)

- Need executive session for WJ Gross, Inc, MLPOA contract and Teamsters (Wastewater).
- Three Ordinances on agenda.

Councilman Casey wants an Ordinance priority list added to each packet to help track our progress.

Councilman Casey met with Chief Martine and Manager Urbanik regarding replacement of Officer Tiver. Tim recommends hiring a temporary officer until study is vetted.

Chief Martine stated that he supported the hiring of a temporary officer. The department currently is working with seven officers and recommends the hiring of a Class II Special to allow him flexibility in scheduling. Class II's receive no benefits, hourly rates and requires a year to year appointment.

Mayor Weiss asked from a cost point of view would a shared service agreement with Medford or another entity be more advantageous.

Chief Martine had looked into this with the Sheriff's Department but found it to be more costly with their hourly rates, health costs, etc.

Mayor Weiss asked how the department was managing scheduling with only the seven officers.

Chief Martine stated that all shifts are covered, some with the Lieutenant some with himself but with investigations and arrests there are times when call-ins occur which are unforeseeable. Schedule is set monthly.

Manager Urbanik supports temporary hiring of a SLEO II Officer until December 31, 2009 or other decision.

ORDINANCES

Councilman Weiss motions to remove Ordinance 563 from the table for discussion, seconded by Councilman Casey

ORDINANCE NO. 2009-563

A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF A TRASH TRUCK; APPROPRIATING THE SUM OF \$210,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$199,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE SAID IMPROVEMENTS; AND MAKING CERTAIN DETERMINATIONS AND CONVENANTS AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.

VOTE TO UNTABLE ORDINANCE 563.

Ayes: Weiss, Casey, Lackey

Nays:

Ordinance is untabled

Mayor Weiss moves Ordinance 563 for second reading and public hearing, seconded by Councilman Casey

ORDINANCE NO. 2009-563

A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF A TRASH TRUCK; APPROPRIATING THE SUM OF \$210,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$199,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE SAID IMPROVEMENTS; AND MAKING CERTAIN DETERMINATIONS AND CONVENANTS AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of all members therefore affirmatively concurring) **PURSUANT TO THE PROVISIONS OF THE LOCAL BOND LAW, CHAPTER 169 OF THE LAWS OF 1960 OF THE STATE OF NEW JERSEY, AS AMENDED AND SUPPLEMENTED (“LOCAL BOND LAW”), AS FOLLOWS:**

Section 1. The improvements described in Section 3 of this Ordinance are hereby authorized to be acquired and utilized by the Borough of Medford Lakes (the "Borough"), situate in the County of Burlington, New Jersey as general improvement. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$210,000, including the sum of \$10,500 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the purposes or improvements and to meet the part of said \$210,000 appropriation not provided for by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$199,500 pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose; and the period of usefulness of each said purpose within the limitations of the Local Bond Law, all as more fully described in accordance with specifications on file in the office of the Borough Acting Clerk, are as follows:

<u>Purpose/ Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of a trash truck for the Borough's public works department, including the acquisition of all related materials and performance of all work necessary therefore and incidental thereto.	\$210,000	\$10,500	\$199,500	5 years

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$199,500.

(c) The estimated cost of the improvement or purposes is \$210,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefore being the amount of \$10,500, the down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Borough's financial officer; provided that no note shall mature later

than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the financial officer. The financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8(a). The financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The financial officer is directed to report in writing to the Borough Council at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser. The financial officer is authorized and directed to comply with all post-issuance requirements under the Internal Revenue Code of 1986, as amended, to insure that the interest on such bonds or notes remains exempt from gross income for federal income tax and New Jersey Gross Income Tax Act purposes, if so sold, and to make any and all determinations or elections necessary or desirable with regard to such tax status and may invest the proceeds of any such sale in accordance therewith.

Section 5. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution, in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Acting Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this ordinance is not a current expense. They are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property benefited thereby.

(b) The average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, taking into consideration the respective amounts of bonds or notes, is not less than five (5) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Acting Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$199,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$5,000.00 for items of expense listed in and permitted under N.J.S.A. §40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The financial officer is authorized to designate such bonds or notes as "Qualified Tax Exempt Obligations" pursuant to I.R.C. Section 265 so long as the Borough has not issued other such obligations beyond the limitations set forth in the Internal Revenue Code of 1986, as amended.

Section 7. All grant monies from any source including but not limited to the New Jersey Dam Restoration Loan Program received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby declares its official intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Borough prior to the issuance of such bonds or bond anticipation notes.

Section 10. In the event that any section or part of this ordinance shall be declared to be unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, such section or part shall, to the extent that it is not unconstitutional, invalid, or inoperative, remain in full force and effect and no such determination shall be deemed to invalidate the remaining sections or parts of this ordinance or the ordinance as a whole.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

VOTE TO MOVE ORDINANCE 563 FOR SECOND READING/PUBLIC HEARING

Ayes: Weiss, Casey, Lackey

Nays: None

Ordinance moved

Councilman Lackey passed out an updated spreadsheet of costs and stated that he and Manager Urbanik did meet with Manager Achey (Medford) and that regardless of Medford's proposal a new truck would be required regardless. He also looked at the "pay as you throw" or "PAYT" system. Costs would be towards retrofitting equipment. He believes that Medford Lakes can pickup/dispose of trash more efficiently and at a reduced cost. Medford is looking to make money from their proposal.

Mayor Weiss asked if Medford had offered any better numbers from their original proposal.

Councilman Lackey stated that Medford hadn't changed their numbers.

Mayor and Council discussed various options to pickup household trash if the funding Ordinance (Bond) wasn't adopted.

Councilman Casey would like to see further investigation of the PAYT program, believes that we need to still purchase a new truck and with the closeness of property lots to allow each resident to contract individually is not a manageable option.

Mayor Weiss thanked Manager Urbanik, Borough Engineer Giordano and Councilman Lackey for all of the effort in studying and preparing information to fully exam the Borough's options.

Mayor Weiss opened the meeting to a public hearing on Ordinance #563.

Sue Mattio, 121 Wagush Trail: *(comments highlighted in bullets)*

- Please review the PAYT program more, the State has offered to come to the Borough and explain program.
- Explained the program to council
- Worried about environment
- Passed out her own analysis spreadsheet
- The Borough is not using proper administrative costs

Joe Aromando, 285 Shingowack Trail: *(comments highlighted in bullets)*

- The borough numbers have changed every time a spreadsheet is provided
- Seaside Park is currently out to bid for a private hauler, we should also since the numbers might come back more favorably based on current economic climate.
- He questioned the purchase of another Labrie based on our history of problems
- The role for public works employees is groundskeepers not in the trash business
- Recommend that the Borough rebid the private contracting

Robert Hanold, 45 Natchez Trail: *(comments highlighted in bullets)*

- If it isn't broke don't fix it.
- Each vehicle has a useful life
- Start charging for bulk pickup

Robert Palfy, Wastewater employee (ML): (*comments highlighted in bullets*)

- Bulk trash in this town has historically been heavy
- Construction permits require dumpsters, enforce this
- Yes we did purchase the Labrie with 50,000 miles but this time we would be purchasing new.

Councilman Lackey stated that we are monitoring to see if we are saving money by picking up less construction materials since the institution of the dumpster ordinance.

Joe Aromando, 285 Shingowack Trail: (*comments highlighted in bullets*)

- Private entities control their costs better than government

Mayor Weiss closes the public hearing and calls for a vote.

Vote to adopt Ordinance Number 563

Ayes – Weiss, Casey, Lackey

Nays – None

Ordinance Number 563 is adopted

Mayor Weiss motions to introduce on first reading Ordinance 565, seconded by Councilman Lackey

**ORDINANCE NUMBER 565
AN ORDINANCE ADOPTED AND ESTABLISHED AS A STANDARD TO BE USED AS A GUIDE IN
DETERMINING THE FITNESS OF A BUILDING FOR HUMAN HABITATION OR OCCUPANCY OR
USE**

§ -1 Designation of Public Officer.

The Borough Construction Code Official is hereby designated as the Public Officer to exercise the powers prescribed by this chapter.

§ -2 Determination that dwelling is unfit; conditions.

For the purpose of this chapter, the Public Officer may determine that a building is unfit for human habitation or occupancy or use if he finds that conditions exist in such building which are or may become dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of the Borough of Medford Lakes. Such conditions may include the following, without limiting the generality of the foregoing:

- A. Defects therein increasing the hazards of fire, accident or other calamities.
- B. Lack of adequate ventilation, light or sanitary facilities.
- C. Dilapidation, disrepair, structural defects or uncleanness.
- D. Conditions otherwise inimical to the welfare of the residents of the Borough.

§ -2.1 Adoption of standards.

Pursuant to the provisions of Chapter 21, Public Law 1946 (N.J.S.A. 40:49-5.1 et seq.), the New Jersey State Housing Code (1980 Revision), as approved by the Department of Community Affairs and filed in the Secretary of State's Office, is hereby accepted, adopted and established as a standard to be used as a guide in determining the fitness of a building for human habitation or occupancy or use. A copy of the New Jersey State Housing Code (1980 Revision) is annexed to this ordinance, and three copies of the same have been placed on file in the office of the Borough Clerk and are available to all persons desiring to use and examine same.

§ -3 Notice of complaint; hearing procedure.

Whenever a petition is filed with the Public Officer or the Borough Manager by a public authority, as defined in N.J.S.A. 40:48-2.4, or by at least five residents of the Borough charging that any building is unfit for human habitation or occupancy or use as herein defined, or whenever it appears to the public officer, on his own motion, that any building is unfit for human habitation or occupancy or use, as herein

defined, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that:

- A. A hearing will be held before the Public Officer or his designated agent at a place therein fixed not less than seven days nor more than 30 days after the serving of said complaint.
- B. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaints.
- C. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearings.

§ -4 Findings of hearing; issuance of order.

If, after such notice and hearing, the Public Officer determines that the building under consideration is unfit for human habitation or occupancy or use, as herein defined, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order requiring that:

- A. The repair, alteration, improvement or demolition of the said building be made by the owner within a reasonable time, which time shall be set forth in the order.
- B. If the owner fails to comply with an order to repair, alter, improve or, demolish the building, the Public Officer may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."
- C. If the owner fails to comply with an order to repair, remove or demolish the building, the public officer may cause such building to be repaired, removed or demolished or may contract for the removal or demolition thereof after advertisement for and receipt of bids therefore.

D. The amount of:

(1) The cost of filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this chapter determined in favor of the municipality; and

(2) Such cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the Public Officer, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof, including the cost of clearing and, if necessary, leveling of the site, the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of tax liens and said official shall file a municipal lien certificate against the real property and a copy thereof shall be forthwith forwarded to the owner by certified mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the Public Officer, shall be secured in such manner as may be directed by such Court and shall be disbursed according to the order or judgment of such Court. Any owner or party in interest may, within 30 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

F. If any actual and immediate danger to life is imposed by the threatened collapse of any fire-damaged or structurally unsafe building, the Public Officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.

G. Nothing in this section shall be construed to impair or limit in any way the power of the Borough to define and declare nuisances to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this chapter intended to limit the authority of the Construction Code Official under the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) or any rules or regulations adopted thereunder.

§ -5 Service of complaints and orders.

Complaints or orders issued by the public officer pursuant to this chapter shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by said Public Officer in the exercise of reasonable diligence, and the Public Officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in a newspaper printed and published in the County of Burlington and circulated in the Borough. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer of Burlington County.

§ -6 Remedies.

Any person aggrieved by an order issued by a public officer under this chapter may, within 30 days after the posting and service of such order, bring an action for injunctive relief to restrain the Public Officer from carrying out the provisions of the order and for any other appropriate relief. The court may proceed in the action in a summary manner or otherwise. The remedy herein provided shall be exclusive, and no person affected by an order of the Public Officer shall be entitled to recover any damages for action taken pursuant thereto or because of noncompliance by any person with any order of the Public Officer.

§ -7 Powers of Public Officer.

The Public Officer is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following, in addition to others herein granted:

- A. To investigate the conditions of buildings in the Borough of Medford Lakes in order to determine which buildings therein are unfit for human habitation.
- B. To administer oaths and affirmations, examine witnesses and receive evidence.
- C. To enter upon premises for the purpose of making examination, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- D. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter.
- E. To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

§ -8 Conflict of powers and legislation.

Nothing in this chapter shall be construed to abrogate or impair the power of the Borough or any officer or department to enforce any provisions of its Charter, or its ordinances or regulations, nor to prevent or punish violations thereof, and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred upon the Borough by any other law or ordinance.

§ -9 Costs as obligation of owner.

In the event any building or structure is removed or demolished pursuant to this chapter because it is found to be dangerous to human life or the public welfare or because it constitutes a fire hazard, the Borough Council, in addition to assessing the cost of such removal or demolition as a municipal lien against the premises, may enforce the payment of such assessment, together with interest, as a debt of the owner of the premises and may authorize the institution of an action at law for the collection thereof. The Superior Court or the Burlington County District Court shall have jurisdiction over any such action.

§ -10 Use of dwellings.

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- A. No person shall occupy as owner occupant or rent to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the New Jersey State Housing Code (1980 Revision) established herein, which shall also be utilized as a standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation and rental.
 - B. The Public Officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Borough of Medford Lakes in order that he may perform the duty of safeguarding the health and safety of the occupants of the dwellings and of the general public. For purpose of making such inspections, the Public Officer is hereby authorized to enter and examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises.
 - C. Whenever the Public Officer determines that there are reasonable grounds that there has been a violation of any provision of the New Jersey State Housing Code, he shall give notice of such alleged

violation to the person or persons responsible therefore setting forth in detail a statement of the reasons and a reasonable time for the correction of the condition. Service of the notice shall be either made personally upon the owner or agent or by a copy thereof being sent by certified mail to his last known address or by any other method authorized or required by the laws of the State of New Jersey. Any person affected by any notice may request a hearing from the Borough Manager and shall be granted the same within 15 days of request, provided that a written petition requesting the hearing and setting forth a brief statement of the grounds shall be served on the public officer and filed with the Office of the Borough Manager. The hearing shall be within 30 days of the date of the receipt of the request. At the hearing, the petitioner shall be given opportunity to be heard and to show why the notice should be modified or withdrawn. The Borough Manager, after the hearing, shall sustain, modify or withdraw the notice, in writing.

§ -11 Violations and penalties.

Any person, firm or corporation violating any provision of this chapter shall, upon conviction, be punishable as provided in Chapter __, General Provisions, Article __ of this Code.

This Ordinance shall take effect immediately upon its final passage and publication according to law.

VOTE TO INTRODUCE ORDINANCE 565.

Ayes: Weiss, Lackey, Casey

Nays:

Ordinance is introduced

Solicitor Lange reads the modifications made from comments that he had received from Council

Councilman Casey provides an overview to the public regarding the need for this Ordinance

Mayor Weiss motions to introduce on first reading Ordinance 566, seconded by Councilman Casey

ORDINANCE 566

AN ORDINANCE AMENDING CHAPTER 145, THE LAND DEVELOPMENT CHAPTER OF THE BOROUGH OF MEDFORD LAKES CODE ESTABLISHING A DEFINITION FOR DRIVEWAY, IMPERVIOUS SURFACE AND PERVIOUS SURFACE AND MODIFYING BULK REGULATIONS RELATING TO LOT COVERAGE

WHEREAS, the Borough Council of the Borough of Medford Lakes finds and determines that the provisions of the Borough of Medford Lakes Code and, specifically, the Land Development Regulations are intended to maintain and improve the quality of life for all residents of the Borough; and

WHEREAS, the Borough Council has determined that there exists a need to update and revise the provisions of the Borough Code relative to driveways and lot coverage; and

WHEREAS, the Borough Council finds and determines that the definition of driveway, impervious surface and pervious surface as they pertain to lot coverage have a significant impact on the environment and storm water control; and

WHEREAS, the Borough Council finds and determines that this Ordinance will lessen the impact of storm water run-off and the hazards and negative environmental impacts associated with same; and

WHEREAS, the Borough Council finds and determines that the following amendments will promote the purposes of the Municipal Land Use Law (MLUL) as set forth in N.J.S.A. 40:55D-2 including: (a) to encourage municipal action to guide the appropriate use or development of all lands in this state in a manner which will promote the public health, safety, morals and general welfare; and (b) to secure safety from fire, flood, panic and other natural and manmade disasters; and (c) to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space both public and private according to their respective environmental requirements.

NOW THEREFORE, BE IT ORDAINED, by the Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that Ordinance Section 145-12, Section 145-34D(3) and Section 145-62 are hereby amended as follows:

Section 145-12. Definitions.

ADDING

Driveway (Residential)

A paved or unpaved area used for ingress and egress of vehicles and allowing access from a street to a building or other structure or facility.

ADDING

Impervious Coverage

The square footage or other area measurement by which all buildings and impervious surfaces cover a lot as measured in a horizontal plane to the limits of the impervious area(s), such as surface areas, walkways, patios and plazas. All parking spaces and lots, buildings, roads, driveways, walkways, tennis courts, patios, decks and any other structure or on-site material or ground condition that does not permit the natural absorption of water shall be included in the computation of Impervious Coverage. All surfaced parking areas and driveways, all required parking areas which are permitted to remain un-surfaced and all gravel and packed stone areas and landscape areas lined with weed-inhibiting plastic sheeting shall be included in the computation of Impervious Coverage. In addition, other areas determined by the Planning Board Engineer to be impervious within the meaning of this definition shall also be considered as an "impervious surface".

ADDING

Pervious Surface.

Any pervious paving material that permits a significant portion of surface water to be absorbed including pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers, compacted gravel and porous bituminous concrete, all of which shall be subject to the review and approval of the Planning Board Engineer.

Section 145-34D(3) is hereby amended to read as follows:

Section 145-34D(3). Area Occupied by Buildings / Impervious Coverage Limits

Not more than 25% of the area of the lot may be occupied by principle buildings and accessory buildings. An additional area of Impervious Coverage is allowed for structures such as swimming pools, decks and driveways not constructed as a pervious surface. The amount of additional lot coverage shall be as stated in the applicable section of this chapter. The aggregate

additional Impervious Coverage granted for pools, decks and driveways constructed as an impervious surface shall not exceed 7% of the lot area. The maximum Impervious Coverage shall be 32% including the principle building and any accessory buildings, decks, pools and driveways not constructed as a Pervious Surface. Pervious Surfaces shall not be included in the calculation of the coverage limits.

Section 145-62(1) is hereby amended to read as follows:

Section 145-62. Swimming Pools

(1) Only one private residential swimming pool shall be constructed or installed on any one building lot. No residential swimming pool shall be constructed on a building lot unless said building also contains a residence.

This Ordinance shall take effect immediately upon its final passage and publication according to law.

VOTE TO INTRODUCE ORDINANCE NUMBER 566

Ayes: Weiss, Casey, Lackey

Nays: None

ORDINANCE IS INTRODUCED.

Councilman Lackey asks if a permit is needed now.

Councilman Casey states that it is unclear and that needs to be clearly stated in this Ordinance.

Council wants to see, "repairs" be well defined and discuss the lot coverage percentages.

Mayor Weiss motions to introduce on first reading Ordinance 567, seconded by Councilman Casey

ORDINANCE NO.: 567

**AN ORDINANCE PROVIDING FOR
TOWING AND STORAGE OF VEHICLES
IN THE BOROUGH OF MEDFORD LAKES**

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the within towing and storage ordinance be and is hereby enacted:

1. Definitions and word usage

A. For the purposes of this chapter, the following terms, phrases and words shall have the meanings given herein:

ABANDONED VEHICLE: Any vehicle which has been left on or along any highway or other public property or on private property without consent of the owner or person in charge of the private property for a period of more than 48 hours or for any period without current license plates.

DISABLED VEHICLE: Any vehicle located on or along any public right of way, not in operation, and with no owner visible, and not legally parked will constitute an inoperable vehicle.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

TOWER: A person engaged in the business or offering the services of a vehicle tower or towing service, whereby abandoned and/or disabled vehicles are towed or otherwise removed from the places where they are disabled, impounded or abandoned by use of a tower or truck so designed for that purpose.

TOWING: Hoisting, lifting, removal, hauling and transportation of any type of vehicle of any size from the highways, streets and roads located within the Borough of Medford Lakes or any other highway, street, or road within the State of New Jersey.

BOROUGH: The Borough of Medford Lakes.

VEHICLE: Any motor vehicle of any type or size including, but not limited to passenger vehicles, trucks, trailers and other heavy vehicles and equipment.

WAITING TIME: Additional time a tow operator spends at the scene other than the time required for the actual tow, and/or recovery. Examples of waiting time may include but are not limited to Fire/EMS services, which must be performed and/or police investigations.

WINCHING SERVICE: Any operation in which a vehicle is moved onto a roadway, from a position off the roadway, or any other operation whereby a vehicle is moved by the use of a cable from a position that is not accessible for a direct hook up by conventional means for loading onto a tow vehicle. Winching is not pulling a vehicle onto a tilt bed carrier or lifting a motor vehicle with conventional tow sling.

B. When not consistent with the context, words used in the present tense include the future; words in plural number include the singular number; and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.¹

2. Contract required; liability of Borough; application

A. Generally, the governing body of the Borough, at the beginning of each period, shall appoint towers to be called by the police department on a next available basis. The police department shall maintain a rotation list of towers authorized and appointed under the terms of this Ordinance. A fee of \$100.00 shall be paid to the Municipal Treasurer by each tower so authorized. The appointment shall be made after the submission of an application as hereinafter set forth, and the review and recommendation of the same by the Chief of Police, said appointment to be made by the Borough Manager. Any tower receiving appointment shall be placed on the rotation list, which shall entitle the tower(s) to be called by the police department on a rotation basis, as the next available tower. In the event that the next tower on the rotation list is unavailable, then the next tower on the list shall be called. Tower(s) wishing to reapply at the end of their three year appointment will be required to complete the application process to include a \$100.00 fee submitted to the Borough, if appointed. Applications for the next period shall be received no later than April 1.

B. Application process. Any person interested in being placed on the aforementioned rotation list shall submit an application on a form to be prepared by the Borough Manager or their designee, said form to contain at a minimum the information specified herein. The applicant shall provide, at a minimum, the following information:

1. List of required equipment and proof of ownership.

¹Editor's Note: Former Subsection C, which provided that any term or work defined in the New Jersey Department of Insurance Rules and Regulations, N.J.A.C. 11:38-1 et seq., shall be applicable in this chapter, and which immediately followed this subsection, was repealed 9-5-2000 by Ord. No. 33-9-2000.

2. *Experience of applicant with references.*
3. *Available personnel (employees)*
4. *Proper business and trade licenses and licenses of vehicles.*
5. *Tow trucks having two-way radio/cellular telephone capability with a dispatching center on a twenty-four hour basis.*
6. *Storage location setting forth capacity, contractor responsible for safe storage area location, proof of ownership or lease of storage area along with a survey certifying the square footage within the surveyed area.*
7. *Insurance and proofs of required coverage.*
8. *List of stockholders.*
9. *Non-collusion affidavit.*
10. *Affirmative action affidavit.*
11. **Hold-harmless agreement**
12. *Certification that the applicant is able to provide towing services anywhere in the chapter in accordance with the response time established within this chapter.*
13. *Certification that the applicant will be available to provide service on a 24 hour per day, 7 day per week basis, and will abide by the fees set forth in this chapter.*
14. *Certification that the applicant shall consent to the appointment of the Borough Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.*

C. *Review of application. The Chief of Police shall conduct a background check of the applicant and any employees to be utilized in the towing and storage operation. The background check is to determine if either the applicant or its employees have been convicted of a criminal offense or have had their driver's license suspended or revoked in the past year. Conviction of a criminal offense or suspension of a driver's license within the past year shall be cause for the disqualification from being appointed to provide towing and impound services. The Chief of Police, or his designee, shall conduct an inspection of the employees, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the application, and to determine compliance with the applicable laws, regulations and standards of performance required by this chapter. The Borough shall, at the cost of the applicant, obtain a better Business Service Bureau report, and any other reports that the Borough Manager may deem necessary. After a thorough investigation, the Chief of Police shall recommend to the Borough Manager whether an applicant should be appointed to provide towing service to the Borough of Medford Lakes in accordance with the terms and conditions of this chapter.*

D. *Independent contract. By submission of the fee and application, the tower agrees that all personnel and equipment used shall be and remain the property of the tower, and in no event shall the property or*

any employee of the tower be represented or considered belonging to or employed by the Borough of Medford Lakes. The tower is in no way or sense an agent or employee of the Borough of Medford Lakes.

E. Hold harmless agreement; liability.

1. *The tower, by submission of the fee and application, agrees to assume the defense of and indemnify and hold harmless the Borough, its elected officials, boards, commissions, officers, employees and agents from all suits, actions, damages or claims to which the Borough may be subjected, of any kind or nature whatsoever, resulting from, caused by, arising out of or as a consequence of the provisions of providing the services required by this chapter. Prior to providing the towing services, the tower shall execute the appropriate hold harmless clause.*

2. *The owner of the garage or the parking or storage location shall also agree to indemnify and hold harmless the Borough and its officers, employees and agents from any and all suits and actions, damages or claims arising out of the performance of the duties specified in this chapter.*

3. *The Borough of Medford Lakes shall not be liable for any services whatsoever, which may be rendered to motor vehicles, and the tower shall only seek payment from the driver, and/or owner of such vehicles for compensation.*

F. Borough Manager`s decision. The Chief of Police shall conduct the aforementioned review and investigation, and render a report to the Borough Manager recommending either approval or denial of the application. The Borough Manager shall then take action with regard to appoint vendor(s) for towing and impound services. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the Borough Manager.

3. Requirements.

The following general requirements shall apply to all towers and towing operations acting on behalf of the Borough of Medford Lakes:

A. Equipment. The tower shall have sufficient equipment (either owned or by subcontract) to tow any size vehicle utilizing the highways, streets and roads in the Borough of Medford Lakes. The minimum requirements are one heavy-duty large capacity wrecker minimum of 25-ton capacity, one medium-duty wrecker minimum of ten-ton capacity, and two light duty wreckers, one of which must be a flatbed, minimum four-ton capacity. The specifications are as follows:

1. Heavy duty

(a) Minimum of 25 ton capacity.

(b) Air brakes

(c) Minimum 1,000 x 20 tires with dual rear wheels.

(d) Air fittings for releasing air pressure lock brakes on dump trucks and tractor trailers

- (e) *Under reach capabilities.*
- (f) *All required ICC safety equipment must be carried.*
- (g) *Must meet all Federal, and New Jersey Division of Motor Vehicle requirements.*
- (h) *Portable safety lighting to be installed on rear of towed vehicle.*
- (i) *Offside truck winching.*

2. Medium duty

- (a) Minimum of 10 ton capacity.
- (b) Minimum 1,000 x 20 tires with dual wheels.
- (c) Chassis requirements should be 10 ton`s gross weight.
- (d) Steering wheel lock for towing vehicles from the rear.
- (e) Wheel lift and under reach capacity.
- (f) All ICC safety equipment must be carried.
- (g) Must meet all Federal and New Jersey Division of Motor Vehicle requirements.

3. Light duty

- (a) Minimum of 4 ton capacity
- (b) Chassis requirements should be 10,000 pounds gross vehicle weight and dual rear tires.
- (c) Steering lock on each wrecker for towing vehicles from the rear.

(d) Tow sling type bar, rubber strap, to lift the car so that no part of metal touches the car.

(e) One wrecker must be of flatbed capability.

(f) All ICC safety equipment must be carried.

(g) Must meet all Federal, and New Jersey Division of Motor Vehicle requirements.

B. At the time of the submission of the application, the tower shall submit proof satisfactory to the Borough and the Police Department of ownership of the aforementioned vehicles. Adequate proof shall be proof of ownership by recorded title of the required number of vehicles necessary to meet the chapter requirements or executed lease/rental agreement for the equipment required extending six months beyond the length of the contract. Failure to submit to the aforementioned satisfactory proof shall result in the disqualification of the tower.

C. Employees

1. The tower shall have sufficient number of employees available to comply with the minimal operational requirements of this chapter. The tower shall indicate in his application the number of employees on call and available to respond 24 hours a day, seven days per week.

2. The tower shall submit with the application to the Borough the names and addresses of all proposed drivers and employees who will be rendering service under this contract on behalf of the tower. This information is to be kept current with the Borough by the tower.

3. All operators of the towers equipment providing services required by this chapter shall be over the age of 18, and must have a valid, current, driver's license.

4. No person shall be utilized by the tower to provide services required by this ordinance for the Borough unless the Borough has obtained a record

check and has been approved by the Chief of Police. The Chief of Police may reject the services of an employee of the tower for the following reasons:

- (a) Conviction of any crime of the first or second degree.
- (b) Conviction of any crime involving the use of a firearm.
- (c) Conviction of any crime involving the manufacture/distribution of any controlled dangerous substance.
- (d) Conviction of any crime or offense, which subjects the employee to the provisions of Megan`s Law.
- (e) Conviction within the last five years for driving under the influence of intoxicating beverages or drugs.

5. No employee of the tower shall perform services unless previously listed by the contractor to the Borough.

D. Availability; response time. The tower shall be available 24 hours a day, seven days a week for use of the Borough at the direction of the authorized representatives of the Police Department as per the rotation requirements herein. The rotation list shall be as a result of the receipt and review of the approval of the aforementioned applications. In the event that none of the towers set forth on the rotation list are available or are available to provide the appropriate services requested by the Borough, or, if an emergency exists, the Borough may request such services from any other available source. During adverse weather conditions, heavy traffic conditions or emergency conditions, the tower set forth on the rotation list shall give priority to requests from the Borough over any other request which may be received by the tower. Notwithstanding the establishment of a rotation list, no tower shall be called until the Chief of Police or his designee has ascertained that the following requirements have been met:

- 1. The insurance policies, as required, have been procured and supplied.
- 2. No towed vehicle may be parked upon the public street and shall be stored by the tower within the storage area as hereinafter defined.
- 3. The tower must provide access to the storage area to the police department as needed on a 24 hour a day basis.

4. The storage area shall accept all types of vehicles and be able to hold at least 25 vehicles.

5. The entire land area shall be enclosed by a fence of sturdy construction of at least six feet in height, and shall be secured with lighting.

6. The land used for storage is to be level and clear from all debris and must be clearly marked.

7. The storage area shall be used for the storage of vehicles awaiting a claimant or proper disposition. The land shall not be used for storage of vehicles owned by the tower even if the tower purchases same at an auction held on his premises. Vehicles purchased by the tower at an auction held at the towers storage facility must be removed within the time frame specified on the advertisement.

8. The tower shall be responsible for each vehicle and its contents in the tower`s possession until final disposition and removal as ordered by the Borough. All vehicles, regardless of condition, shall be stored singly and so arranged to permit inspection and subsequent removal. Adequate walkway inspection space shall be provided at all times.

F. Violations.

1. If a tower is in violation of any terms of this chapter, the Chief of Police shall notify the Borough Manager and the Borough Manager shall notify the tower in writing. If the violation is not corrected within 48 hours of the receipt of said written notice, the Borough Manager, upon recommendation of the Chief of Police, shall terminate the tower services and remove said tower from the rotation list. Adequate grounds for termination of services shall include but are not limited to a violation of the terms of this chapter, fraudulent or inaccurate application information, unsatisfactory service, billing irregularities, or the violation of any New Jersey statute or regulation.

2. Complaints of any kind relative to service, overcharging, theft of parts, damage to towed or stored vehicles, discourteous treatment and the like shall be referred to the Chief of Police for investigation and recommendation to the Borough Manager, if necessary. Such complaints may be cause for termination of the tower`s services and removal from the rotation list by the Borough Manager.

G. Records, Inspection; release of vehicle. The Tower shall maintain a record of all vehicles towed, stored and released by him pursuant to this

chapter. Records shall be kept for a seven year period. The tower shall maintain a record provided by the police of all property found anywhere in a towed vehicle, including the trunk and glove compartment, if opened, or if a key is available, and the tower shall be responsible to safeguard and release the vehicle and the contents left with the vehicle to the owner.

1. The tower is to notify the Chief of Police or his designee once a vehicle is towed, pursuant to this chapter, and has been in the tower's possession for a period of seven calendar days.

2. The tower shall not release vehicles towed pursuant to this chapter, without the claimant first obtaining a release from the Police Department. In addition, the tower shall notify the Chief of Police, or his designee, of the release of a vehicle towed pursuant to this chapter within 24 hours.

3. Only the Chief of Police or his designee shall have access to any part of the storage area at any time of the day or night for inspection purposes, including both indoor and outdoor areas. Authorized representatives of the Police Department or the Borough Manager or their designees shall have access to any of the records required to be kept by the tower. Access to these records shall be provided to the Chief of Police, Borough Manager, or their designees, upon their request during normal business hours.

4. The service, equipment and personnel of the tower are subject to inspection and approval by the Borough. The Borough reserves the right to have a qualified person or agency make such inspections.

H. Disputes and adjustments.

1. Any disputes over the interpretation of this chapter, including the reasonableness of any fees assessed, shall be settled amicably, if possible through negotiations between the tower, the police department and the Borough Manager.

2. In cases where the Borough has been at fault in wrongfully directing that a vehicle be towed, the tower may petition the Borough Manager for reimbursement of costs incurred in the towing and storage of said vehicle.

I. Standby Service

1. *In addition to the service requirements of this chapter, the tower shall be required to finish extra towing equipment and service during storm periods, periods of snow emergencies, traffic emergencies, disasters, any acts of God, and for any other reason when so designated by the Borough Manager, the Chief of Police, or their authorized representatives. During such periods, which are herein referred to as standby service periods, the tower shall be required to furnish adequate equipment and service to be held ready to remove all types of vehicles.*

2. Standby service will begin when the Chief of Police or his authorized designee calls the tower initially, and will end when he terminates the standby status by calling the tower.

3. The Borough reserves the right, during any emergency, to designate temporary areas owned or leased by the Borough for the storage of disabled vehicles in said area at the direction of the Chief of Police or his designee.

4. Removal and storage of vehicles.

A. *Removal. Vehicles shall be removed as follows:*

1. *Abandoned vehicles.*

a. Abandoned vehicles, as defined in Title 39 of the New Jersey revised statutes, shall be removed under the direction and supervision of the Police Department on a twenty-four hour a day basis. All calls with respect thereto shall be answered within 20 minutes from the time of notification under normal conditions seven days a week, anywhere within Borough limits, unless the Police department determines it is not a threat to vehicle traffic, or persons and could be removed during regular business hours. Abandoned vehicles shall be towed without charge to the Borough to the aforementioned required storage area, and stored thereon for no longer than 90 days without any charges or liens accruing against the Borough. Abandoned

vehicles remaining after 90 days may be removed from the secured area provided that a junk title has been applied for pursuant to the provisions of Title 39.

b. The tower may be penalized \$150.00 per day for each abandoned vehicle not removed and towed within a reasonable amount of time after notification by the Police Department, and may be grounds for termination of the tower's appointment.

c. The requirement to tow abandoned motor vehicles shall only apply to public right-of-way, easements, avenues and places including public parks and playgrounds, and all quasi-public areas. The owner of private property shall be responsible for the removal of any unattended or disabled vehicles in accordance with the provisions of N.J.S.A.39:4-56.6, and shall employ a tower of their choice.

d. The Borough retains the right to require that the abandoned vehicle shall be towed to municipal property and to retain any monies realized from the sale of such vehicles. The Borough shall pay the borough's reasonable fees as set forth in this chapter for towing a vehicle sold in this manner from the proceeds of the sale. Abandoned vehicles not claimed by the owner or lien holder, may be sold at public auction pursuant to the provisions of N.J.S.A.39:10A-1 through 7. Prior to sale at auction of any abandoned vehicle, the Borough will obtain the appropriate junk title or certificate of ownership for said abandoned vehicle from the Division of Motor Vehicles.

2. *Vehicles not abandoned.*

a. All vehicles involved in accidents, disablements, stolen vehicles, vehicles involved in suspected crimes, and the like, shall be towed and stored under the direction and supervision of the Police Department 24 hours a day, seven days a week. Vehicles shall be available for release between the hours 9:00 a.m. to 5:00 p.m., Monday through Fridays, and 9:00 a.m. to 12:00 noon, Saturdays and Sundays, except legal holidays. Sunday hours are optional; however, no storage charge for Sunday shall be assessed if a vehicle is picked up on Monday. The tower shall arrive at the scene of the accident within 20 minutes under normal conditions after police

notification. Repeated late arrivals at the scene of accidents may result in the termination of the tower's services, as otherwise provided in this chapter.

b. In the event that the tower has been summoned by the Borough for purposes of towing a vehicle, and the owner of the vehicle has also summoned his own tower, and said tower arrives on the scene prior to removal of the vehicle by the Borough's tower, then the owner is entitled to remove his own vehicle at no cost or expense to the owner or the Borough. There shall be no charge to the Borough for the tower appearing at the scene under said conditions.

B. Storage. The tower shall store the abandoned and non-abandoned vehicles in the storage area, as required in this chapter. The vehicles shall be stored until claimed by the owner or until auctioned by the Borough in compliance with state law, or as otherwise to be disposed of pursuant to state law. Vehicles to be removed shall be towed to the tower's storage area or to township property at the discretion of the police department.

5. Indemnity and insurance.

A. *The tower shall indemnify and hold harmless the Borough of Medford Lakes from any and all claims against the Borough of Medford Lakes arising out of the operation of any towing services or garage services or storage services or repair services under this chapter. Liability insurance shall include contractual liability of \$1,000,000 combined single limit.*

B. The tower shall carry Workmen's Compensation Insurance in accordance with the requirements of New Jersey state law. The tower shall also carry public liability and property damage, contingent liability insurance to indemnify the Borough of Medford Lakes, and the public against any loss due to injuries, accidents or damages of any character whatsoever, where any such damage is the result of any act or omission of the tower, his agents or employees in or due to the execution of the work called for under this chapter. Such policies shall contain the provision that 30 days notice of change or cancellation be given to the Borough by the insurance company. Public liability insurance limits shall be at least \$500,000 per accident, and be specifically endorsed to provide collision insurance for vehicles in tow. In addition, the tower shall have coverage for contractual liability, and also name the Borough as an

additional insured. All insurance required hereunder shall remain in full force and effect for the period of the appointment.

C. Appropriate bodily injury liability insurance with \$1,000,000 combined single limit, automobile bodily injury liability insurance with limits of not less than \$500,000.00 for each person, and \$1,000,000 for each accident, and property damage liability insurance with a limit of not less than \$500,000.00 for each accident.

D. Garage keeper`s liability in an amount not less than \$60,000 per location; garage liability in an amount not less than \$1,000,000 combined single limit.

E. Certificates of insurance showing that the tower and the Borough of Medford Lakes are named as additional insured, in conformance with the above, shall be furnished to the Borough of Medford Lakes, subject to approval of the Borough Solicitor, and filed with the Borough Clerk. The certificates of insurance shall be delivered to the Borough Manager.

6. *Rate Schedule; Charges and Fees.*

A. *Generally.*

1. *Towing and storage charges and fees shall be in accordance with N.J.S.A.40:48-2.5, as well as the provisions of this chapter. The Borough shall not be responsible for the collection or payment of any charges for the towing or storage of vehicles. The charges and fees and rates applicable to services performed pursuant to this chapter shall be posted in a conspicuous place, visible to the public at the tower`s storage area, and shall be presented to the owner of a vehicle to be towed at the time of service. The tower shall prepare an itemized bill in detail as to the actual services rendered and present the bill to the claimant of a vehicle. Each bill shall contain a statement that the claimant may file a complaint with the Borough with respect to charges. The Borough will not be responsible for charges due and owing from a claimant of a vehicle, nor will it assist the tower in collecting such charges. Vehicles impounded, as a result of police investigations involving stolen vehicles or fatal accidents, will not result in storage charges; however, the Borough reserves the right to store such vehicle at a location of its choosing.*

2. In the event that the Borough conducts an auction of unclaimed abandoned vehicles pursuant to Title 39, the tower`s bill for towing and storage shall be an expense of possession and sale, and shall be paid from the proceeds of this subsection. Each vehicle auctioned shall be a separate item for purposes of this subsection. The title fee for which the Borough must pay to the State of New Jersey for title certificates shall be paid by the purchaser at the auction, even if the

tower is the purchaser and shall be in addition to the bid price of each vehicle. In the event that the Borough determines to utilize the provisions of Title 39, with respect to unclaimed vehicles, the tower shall receive no compensation for its services.

3. The fee for towing a vehicle shall include the service rendered from the scene where the vehicle is located to the storage area, and from the storage area to the curb line of the property on which is located the storage area. There shall be no additional charge for towing a vehicle from the storage area to the curb line for the purpose of an owner of a vehicle towing the vehicle to a service station or other repair shop, or the person's home or other location. The charge for towing includes any incidental and related costs, such as disconnecting and reconnecting a transmission. There shall be no additional charges for any other services, including, but not limited to waiting time, debris removal, winching and additional labor when routine towing services, as provided for by this chapter, are performed. The tower shall be responsible for the cleanup and disposal of motor vehicle fluids, in accordance with state law and accepted standards, and there shall be no additional labor charges for this service. The tower may charge the owner/operator for material used in the cleanup of motor vehicle fluids. The tower may charge a fee for lockout service, as well as roadside assistance, such as jump-starts, tire changes, and providing gasoline for vehicles that have run out of fuel.

B. Charges and Fees. The charges, fees and rates for vehicles to be towed and stored shall be as follows:

1. Flatbed and towing service pursuant to this chapter, which will include all towing/winching, labor and cleanup costs associated with removal of the vehicle.

(a) \$120.00 for any towing service requested for automobiles, motorcycles, motor scooters, mopeds and trucks under 2.5 tons.

(b) \$150.00 for trucks 2.5 tons to 5 tons.

(c) \$200.00 for trucks over 5 tons, buses, tractor trailers, heavy equipment.

2. Winching service not associated with the towing of a vehicle.

(a) Light Winches \$75.00 per unit per hour.

(b) Medium winches \$90.00 per unit per hour.

(c) Heavy winches \$150.00 per unit per hour.

3. Mileage.

(a) There will be no charge for mileage for vehicles towed within the Borough limits.

(b) For vehicles towed to or from areas outside of the Borough limits, \$1.75 per mile.

4. Storage

(a) There will be no charge for storage for any vehicle removed within the first 24 hours of the time the vehicle is towed. For a vehicle towed on Saturday, there will be no charge for storage, if the tower elects not to have business hours on Sunday provided that the vehicle be removed by close of business on Monday.

(b) Automobiles, trucks under 2.5 tons, motorcycles, mopeds and motor scooters will be charged \$15.00 per business day for storage after the first 24 hours.

(c) Trucks 2.5 to 5 tons will be charge \$18.00 pr business day for storage after the first 24 hours.

(d) Trucks, tractor-trailers, buses and heavy equipment over five tons, \$35.00 per business day after the first 24 hours.

(e) Fees billed to the Borough for vehicles removed at the Borough`s direction will be consisten of storage per vehicle.

A limit of \$2.00 per day for day 31 of storage and any day thereafter

(3) A limit of \$400.00 per vehicle stored

5. Road Service; vehicle lockout service; daytime rate \$35.00, nights, weekends, and holidays, \$45.00.

C. Specialized Equipment. In cases where the tower must hire laborers or rent or utilize specialized equipment not specified in this chapter, all reasonable charges therefore shall be paid by the owner of the vehicle, after the owner of the vehicle or his agent has given his prior written consent thereto, except where said vehicle is deemed a hazard to health or safety, whereupon said vehicle will be removed by the direction of the Chief of Police or his designee, with the owner then being responsible for all personnel, equipment and labor costs. The Chief of Police or his designee shall determine the necessity for specialized equipment.

D. Unloading of Goods. In the event that it is necessary to unload a vehicle, which has been used for transportation of goods prior to towing, an agreement shall be reached between the tower and the owner of the vehicle or the owner`s agent or representative, as to the charge for said

service. No written agreement is necessary in an emergency situation, and the Chief of Police or his designee shall determine when an emergency exists.

Vote to Introduce Ordinance Number 567

Ayes – Weiss, Casey, Lackey

Nays – None

Ordinance Number 567 is introduced

Councilman Casey requests that all fees be removed from the Ordinance and that a schedule of fees be done periodically through Resolutions.

Clerk McIntosh will complete for next meeting

CONSENT AGENDA RESOLUTIONS

Mayor Weiss asks if any resolutions should be pulled from the consent agenda

Councilman Lackey asked that #110-09 be moved to regular resolution

Mayor Weiss introduces and reads by title the pending consent agenda resolutions #109-09, 111-09, 112-09, 113-09 and 115-09 seconded by Councilman Casey.

RESOLUTIONS

Mayor Weiss introduces Resolution number 110-09, seconded by Councilman Casey

RESOLUTION NUMBER 110-09

A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BOROUGH OF MEDFORD LAKES BUDGET FOR THE YEAR 2009 TO INCLUDE A GRANT/LOAN ENTITLED “GREEN ACRES GRANT/LOAN” IN THE AMOUNT OF \$214,000

Councilman Lackey asks that we identify the Easi Property as the subject for funding

Councilman Casey motions to table Resolution Number 110-09, seconded by Councilman Lackey

Vote to table Resolution number 110-09

Ayes – Casey, Lackey, Weiss

Nays – None

Resolution number 110-09 is tabled

Mayor Weiss introduces Resolution number 114-09, seconded by Councilman Casey

RESOLUTION NUMBER 114-09

A RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE COUNTY OF BURLINGTON RECORDS MANAGEMENT AND COMMUNICATIONS SERVICES FOR THE MEDFORD LAKES POLICE DEPARTMENT

Mayor Weiss introduces Resolution number 116-09, seconded by Councilman Casey

A RESOLUTION AUTHORIZING THE INSTALLATION OF A TRAFFIC DEVICE, STOP SIGN AT THE INTERSECTION OF BEACH DRIVE AND CHICAGAMI TRAIL

PUBLIC COMMENT

Mayor Weiss opened meeting to public comment

Dave Wasson, 97 Wabun Trail: *(comments highlighted in bullets)*

- Met with Freeholder Haines some time ago and had requested a grant to help the Borough purchase the Easi property for open space and to place a war/veterans memorial
- Freeholder Haines asked that the Borough send a letter of request.

Mayor Weiss asked Manager Urbanik to discuss this with Mr. Wasson

Michael Levinski, 135 Chippewa Trail: *(comments highlighted in bullets)*

- Tough to see and hear Council
- Where are all of the historic photos and decorations that were in the old Oaks Hall

Chief Martine has boxes of old photo's and would love to have Michael go through them and create some albums.

Joe Aromando, 285 Shingowack Trail: *(comments highlighted in bullets)*

- With the Canoe Carnival traffic regulations the new Ordinance would require a permit for alcohol at parties on the Beach

Councilman Casey and Chief Martine explain the new Ordinance

- Status on the portage with the events coming up, can't we cut those weeds down on the downward slope?

Mayor Weiss explains that the plant growth is to help with stabilization as they were purposely placed there as part of the overall dam construction. He further stated that one person's weeds are another's wildflowers

- Resolution tabled wasn't put into the budget, Council is thumbing their nose at the residents
- Police study calls for five public hearings. When are we going to have them? Why not have one now.

Council discusses how the public meetings will take place and what would be discussed.

Council asks Manager Urbanik to share concerns with the shared study group

- Let's get out to the public the information regarding the reval process

Chief Frank Martine, MLPD: *(comments highlighted in bullets)*

- Month of August would be best for doing repairs to the Hiawatha Bridge

Manager Urbanik stated that earliest notification of any grant award is November 2009 with construction taking place in 2010.

Mayor Weiss closes public comment

ORDINANCES

Mayor Weiss calls the vote on Ordinance Number 565

Vote to approve on first reading Ordinance Number 565

Ayes – Weiss, Casey, Lackey

Nays – None

Ordinance Number 565 is approved

Mayor Weiss calls the vote on Ordinance Number 566

Vote to approve on first reading Ordinance Number 566

Ayes – Weiss, Lackey, Casey

Nays – None

Ordinance Number 566 is approved

Mayor Weiss calls the vote on Ordinance Number 567

Vote to approve on first reading Ordinance Number 567

Ayes – Weiss, Casey, Lackey

Nays – None

Ordinance Number 567 is approved

ACTION ON CONSENT RESOLUTIONS

Mayor Weiss calls the vote for the Consent Agenda Resolutions

RESOLUTION NUMBER 109-09

A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BOROUGH OF MEDFORD LAKES BUDGET FOR THE YEAR 2009 TO INCLUDE A GRANT ENTITLED "SHARING AVAILABLE RESOURCES EFFICIENTLY GRAN IN THE AMOUNT OF \$26,550.00.

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, the Borough of Medford Lakes has received notice from the New Jersey Department Of Community Affairs, that it has been awarded funds from the Sharing Available Resources Efficiently fund and wishes to amend its 2009 Budget to include this amount as a revenue;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2009 in the sum of \$26,550, which is now available as a revenue from:

Miscellaneous Revenues:
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:
State and Federal Revenues Off-Set with Appropriations:
Sharing Available Resources Efficiently Grant

BE IT FURTHER RESOLVED that a like sum of \$26,550 be and the same is hereby appropriated under the caption of:

General Appropriations
(a) Operations Excluded from 5% "CAPS"
Public and Private Program's Off-Set by Revenues
Sharing Available Resources Efficiently Grant;

RESOLUTION 111-09

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS

WHEREAS, on July 17, 2009, the residents of Trading Post Way will hold a block party; and

WHEREAS, said residents would like to close a specified trail within the Borough to enable safe pedestrian passage; and

WHEREAS, N.J.R.S. 39:4-197.3 provides that "the governing body of any municipality may, upon the adoption of a resolution declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1) b through h, (2) and (3) revised Statutes 39:4-197"; and

WHEREAS, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the block parties are to be held;

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

1. the Borough Council of the Borough of Medford Lakes does hereby find and declare that a temporary condition dictates adoption of special traffic regulations within the scope of N.J.R.S. 39:4-197(1)e; and
2. pursuant to N.J.R.S. 39:4-197(1)e, the following trail shall be closed to vehicular traffic:

Trading Post Way between Stokes Road and PJ Whelihan's Entrance; and

3. the aforementioned street closing shall be between 6:00pm and 8:00pm on July 17, 2009; and
4. block party contact person #1 is Medford School of Music, 3b Trading Post Way, and contact person #2 is Jim and Michelle Riddle, Pemberton, NJ, shall be responsible for contacting the Medford Lakes Department of Public Works to obtain and return barricades; and
5. the Chief of Police of the Borough of Medford Lakes is hereby ordered and directed to take all actions appropriate and necessary for the implementation of the foregoing temporary traffic regulations.

Resolution No. 112-09

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS

WHEREAS, on July 31, 2009 the Medford Lakes Colony will be hosting their annual “Festival of Lights” event; and

WHEREAS, N.J.R.S. 39:4-197.3 provides that “the governing body of any municipality may, upon the adoption of a resolution, declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1 to 8); and

WHEREAS, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the above events are to be held;

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

1. There will be **NO PARKING** in the following areas between the hours of 6:00pm, July 31, and 2:00 am, August 1, 2009. Violators will be issued traffic citations and vehicles will be towed at the owner’s expense.

Chippewa Trail	No Parking the side opposite Lower Aetna Lake from McKendimen Road to Beach Drive
Huron Trail	No Parking the entire length on either side.
Tonkawa Trail	No Parking the entire length on the Lower Aetna Lake side.

2. **NOTE:** On **ALL** trails within the Borough of Medford Lakes, vehicles parked so as to interfere with traffic flow will be **cited and towed at the owner’s expense**.
3. All illegally parked vehicles will receive a traffic citation and will be towed to various impound areas throughout Burlington County. **Towing and storage fees will be substantial** according to law.
4. **ALCOHOLIC BEVERAGES:** The possession of alcoholic beverages on public areas and on Colony property is prohibited. **ALL VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.**
5. **NO CONTAINERS** of any sort may be carried onto Beaches One or Two during the evening of Friday, July 31, 2009, Festival of Lights or Saturday, August 1, 2009, Canoe Carnival.
6. **LOITERING** and **LITTERING** will be prosecuted.
7. The Chief of Police of the Borough of Medford Lakes is hereby ordered and directed to take all actions appropriate and necessary for the implementation of the foregoing temporary traffic regulations.

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS

WHEREAS, on August 1, 2009 the Medford Lakes Colony will be hosting their annual “Canoe Carnival” event; and

WHEREAS, N.J.R.S. 39:4-197.3 provides that “the governing body of any municipality may, upon the adoption of a resolution, declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1 to 8); and

WHEREAS, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the above events are to be held;

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

8. There will be **NO PARKING** in the following areas between the hours of 4:00 pm, August 1, and 4:00 am, August 2, 2009. Violators will be issued traffic citations and vehicles will be towed at the owner’s expense.

Apache Trail	No Parking the entire length on the west side.
Beach Drive	No Parking the entire length on either side.
Beach One Park Lot	No Public Parking, reserved for VIP, handicapped and emergency vehicles.
Bowker Road	No Parking the entire length on the north side.
Cherokee Trail	No Parking southbound (Beach One side.)
Chippewa Trail	No Parking the entire length opposite Upper and Lower Aetna Lakes.
Comanche Circle	No Parking the entire length on either side.
Comanche Trail	No Parking from Stokes Road to Timbo Trail on the lakeside.
Hunter Road	No Parking the entire length on the golf course side.
Huron Trail	No Parking the entire length on either side.
Iroquois Trail	No Parking between Sagamore Trail and Powhatan Trail on the Beach One side.
McKendimen Road	No Parking on the northbound side between Tabernacle Road and Oak Drive.
Minnetonka Trail	No Parking the entire length on the Church side.
Navajo Trail	No Parking the entire length on the west side.
Oak Drive	No Parking the entire length on either side.
Omaha Trail	No Parking the entire length on the north side.
Pawnee Trail	No Parking the entire length on the north side.
Powhatan Trail	No Parking the entire length on either side.
Sagamore Trail	No Parking between Iroquois Trail and Tabernacle Road on the Powhatan side.
Stokes Road	No Parking on either side between Lenape Trail and Bowker Road.
Stokes Road	No Parking on the northbound side, south of the Bowker/Comanche intersection.
Tabernacle Road	No Parking on either side between Stokes Road and Oak Drive.
Timbo Trail	No Parking the entire length on either side.
Tonkawa Trail	No Parking the entire length on the Lower Aetna side.
Trading Post Trail	No Parking and Time Restrictions as designated.

9. **NOTE:** On **ALL** trails within the Borough of Medford Lakes, vehicles parked so as to interfere with traffic flow will be **cited and towed at the owner’s expense.**

10. All illegally parked vehicles will receive a traffic citation and will be towed to various impound areas throughout Burlington County. **Towing and storage fees will be substantial** according to law.
11. There will be SPECIAL TRAFFIC REGULATIONS in effect in the following areas between the hours of 7:30 p.m. Saturday, August 1, 2009 and 2:00 am Sunday, August 2, 2009. At 7:30pm, the entire area bounded by Lower and Aetna Lake, McKendimen Road and Hunters Road will be closed to motor vehicle traffic.

Beach Drive	Closed to traffic, except emergency vehicles.
Chippewa Trail	Closed to traffic between McKendimen and Hunters Road, except emergency vehicles.
Sagamore Trail	One-way southbound.
Tonkawa Trail	One-way southbound.
Comanche Trail	Closed to traffic, except emergency vehicles.
Oak Drive	Closed to traffic between McKendimen and Chippewa, except emergency vehicles.
Tabernacle Road	Closed to traffic between Trading Post Trail and Sagamore Trail at 8:30 p.m.
Tabernacle Road	Closed to Westbound traffic between Oak Drive and McKendimen Road at 8:30 p.m.
Oak Drive	Closed to Westbound traffic between Oak Drive and Tabernacle Road at 8:30 p.m.

Pedestrian Traffic

Aetna Way	Pedestrians may not stop, stand or loiter on Aetna Way during the event. This area needs to remain free and clear for emergency vehicles.
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12. **ALCOHOLIC BEVERAGES:** The possession of alcoholic beverages on public areas and on Colony property is prohibited. **ALL VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.**
13. **NO CONTAINERS** of any sort may be carried onto Beaches One or Two during the evening of Friday, July 31, 2009, Festival of Lights or Saturday, August 1, 2009, Canoe Carnival.
14. **LOITERING** and **LITTERING** will be prosecuted.
15. The Chief of Police of the Borough of Medford Lakes is hereby ordered and directed to take all actions appropriate and necessary for the implementation of the foregoing temporary traffic regulations.

RESOLUTION NUMBER 115-09

A RESOLUTION SUPPORTING THE OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 26% of motor vehicle fatalities in New Jersey are alcohol related;
and

WHEREAS, an enforcement crackdown is planned to combat impaired driving;
and

WHEREAS, the end of summer season is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2009 Statewide Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from August 21 through September 7, 2009; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

THEREFORE, BE IT RESOLVED, that the Borough of Medford Lakes declares its support for the Over the Limit Under Arrest 2009 Statewide Crackdown from August 21 through September 7, 2009 and pledges to increase awareness of the dangers of drinking and driving.

VOTE TO APPROVE RESOLUTION NUMBERS 109, 111, 112, 113 and 115-09.

Ayes: Weiss, Casey, Lackey

Nays: None

Resolutions are approved.

RESOLUTIONS

Mayor Weiss motions approval of Resolution Number 114-09

Resolution Number: 114-09

RESOLUTION AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE COUNTY OF BURLINGTON FOR RECORDS MANAGEMENT AND TELECOMMUNICATIONS SERVICES FOR THE MEDFORD LAKES POLICE DEPARTMENT

WHEREAS, the Burlington County Prosecutor's Office in cooperation with the Burlington County Police Chief's Association applied for and received a Federal Grant from the U.S. Department of Justice under the provisions of the 1995 Community Oriented Policing Services-Making Officer Redeployment Effective (COPS-MORE) program; and

WHEREAS, as a requirement of receipt of the COPS-MORE grant certain local matches were required of the Burlington County Board of Chosen Freeholders, the Burlington County Prosecutor's Office and the Burlington County Bridge Commission; and

WHEREAS, the COPS-MORE program is in the best interest of the citizens of Burlington County in that it allows for more efficient and effective use of municipal officers and includes the following:

- An upgraded 911/Dispatching System for Police/Fire/EMS
- Police Records and Field Reporting Systems

- Mobile Computer Terminal Interface (MCT); and

WHEREAS, in consideration of the Burlington County Board of Chosen Freeholders Agreement to host centralized computer hardware and software in connection with the upgraded Computer Aided Dispatching (CAD), law enforcement records system (LERS) and mobile computer terminals the Borough of Medford Lakes XX

WHEREAS, the Burlington County Board of Chosen Freeholders and the Borough of Medford Lakes are authorized by the Shared Services Act, N.J.S.A. 40A:65-1, et seq., to enter into contracts for the provision of any service which any party to the agreement is authorized to render within its own jurisdiction; and

WHEREAS, the attached Interlocal Services Agreement proposed to be entered into between the County of Burlington and the municipal entities within Burlington County has been prepared by the Burlington County Solicitor's Office and is deemed to be legally sufficient and enforceable in regard to the mutual obligations set forth therein; and

WHEREAS, the attached Shared Services Agreement for the period May 1, 2009 to April 30, 2014 has been provided to the Borough of Medford Lakes with the request that it be enacted.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington and State of New Jersey that the attached interlocal services agreement with the County of Burlington be authorized for signature by the Mayor and Borough Clerk.

Vote on Resolution 114-09
Ayes – Weiss, Casey, Lackey
Nays – None
Resolution is adopted

Mayor Weiss motions approval of Resolution Number 116-09

RESOLUTION 116-09

A RESOLUTION AUTHORIZING INSTALLATION OF A TRAFFIC DEVICE, STOP SIGN AT THE INTERSECTION OF BEACH DRIVE AND CHICKAGAMY TRAIL

Vote on Resolution 116-09
Ayes – Weiss, Casey, Lackey
Nays – None
Resolution is adopted

OLD BUSINESS

Councilman Lackey states that the Colony was not interested in a Borough insert with the weekly Colony Newsletter

NEW BUSINESS

Councilman Lackey discusses hosting a community shredding event

BILL LIST

Mayor Weiss motions for approval of the bill list as presented with one (1) amendment of a bill for the title search work completed related to the 300 McKendimen Road issue, seconded by Councilman Casey

VOTE TO APPROVE BILL LIST

Ayes: Weiss, Casey, Lackey

Nays: None

BILL LIST IS APPROVED AS AMENDED

Mayor Weiss motions approval of resolution number 116B-09, a Resolution authorizing a closed session of the Borough Council Meeting for items listed therein, Seconded by Councilman Casey

Resolution Number: 116B-09

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 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. That the Borough Council hereby declares that the general nature of the subject(s) to be discussed by the Borough Council in closed session as follows:

- *WJ Gross, Inc. - Litigation*
- *Medford Lakes Police Officers Association – Contract Negotiations*
- *Wastewater Teamsters – Grievance litigation*

2. That the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at time when the Borough Solicitor advises 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.

3. That 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 APPROVE RESOLUTION 116B-09

Ayes: Weiss, Casey, Lackey

Nays: None

RESOLUTION APPROVED

Mayor Weiss closes the regular portion of the meeting to enter the closed session

Mayor Weiss exit the closed session and reopen the public portion of the meeting, seconded by Councilman Casey

VOTE TO EXIT THE CLOSED SESSION AND REOPEN THE PUBLIC MEETING

Ayes: Weiss, Casey, Lackey

Nays: None

Mayor Weiss motions to adjourn the public meeting

VOTE TO APPROVE RESOLUTION 116B-09

Ayes: Weiss, Casey, Lackey

Nays: None

July 8, 2009 Minutes: MJM

