

BOROUGH OF MEDFORD LAKES, NJ
REGULAR COUNCIL MEETING
June 10, 2009

A Regular 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, Public Works Foreman Dominick Valentino and Deputy Manager/Acting Clerk Mark J. McIntosh.

PUBLIC COMMENT

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

Dave Wasson, 97 Wabun Trail:

- What is the status on enforcement of the "Save our Police" signage?
- The Courier Post article about the study was well written.

Mayor Weiss explained that all signs must conform to the sign ordinance.

Mayor Weiss closed public comment

MINUTES

Mayor Weiss motions approval of workshop minutes from March 25, 2009, seconded by Councilman Casey.

VOTE TO APPROVE 3/25/09 MEETING MINUTES

Ayes: Weiss, Casey, Lackey

Nays: None

Mayor Weiss motions approval of workshop minutes from May 27, 2009, seconded by Councilman Lackey.

VOTE TO APPROVE 5/27/09 MEETING MINUTES

Ayes: Weiss, Casey, Lackey

Nays: None

COUNCIL REPORTS

Mayor Weiss congratulated Acting Clerk Mark McIntosh for his successful completion and passing of the NJ Registered Municipal Clerk's exam.

REPORTS

Manager Urbanik highlighted the following from his written report:

- Manager Urbanik explained Bond Ordinance postponement

Mayor Weiss motioned to table second reading and public hearing of Ordinances 563 and 564 due to last minute changes done by Bond Counsel after the May 27th meeting and not having enough time to properly advertise for tonight's meeting, seconded by Councilman Casey.

VOTE TO TABLE ORDINANCES 563 AND 564

Ayes: Weiss, Casey, Lackey

Nays: None

Ordinance Numbers 563 and 564 are tabled

- Dale Finch of Salamon Ventures (SHARE Grant) study is going well, have met with Medford and Medford Lakes Police Departments. Study on schedule.
- Tree removal at/by 300 McKendimen Road, Medford, NJ 08055

Mayor/Council/Manager discuss numerous actions taken to date to halt defoliation of buffer zone.

Mayor directed Solicitor Lange to check into conservation easement

Mayor directed MLPD to hand deliver a cease and desist order to stop defoliation tonight to the owner/occupant of 300 McKendimen Road (7:50pm)

Deputy Manager/Acting Clerk McIntosh highlighted the following from his written report:

- Primary Election went well and working with poll workers on parking outside of Municipal Building lot for November General Election
- Closed second round of GovDeals.com auction ended this afternoon with fire hose selling for \$255.00 and a street sweeper motor for \$850.01
- Working with Code Enforcement, Construction and Public Works regarding various private property maintenance issues.

Solicitor Lange highlighted the following:

- Handed to council bidding statute for them to review regarding trash bid
- Sioux Lake not much forward movement

Mayor Weiss stated that he had discussion with Sara Plasha that ML Colony needs to drive process

- Researched the issue regarding police enforcement of ordinances. Yes they can but normally not done due to training and political issues.

Mayor Weiss stated that with our limited resources and scheduling within code enforcement having the police do this isn't preferable but under egregious violations may be beneficial to have police involvement.

Councilman Lackey stated also with only part-time code enforcement maybe we can engage the police to help.

Chief Martine addressed council with examples of ordinances that they do enforce and educate the public about.

Mayor and Council directed Manager Urbanik to add this topic to the SHARE study with Salmon Ventures

- Creating an Ordinance to allow borough to place liens on properties under certain criteria
- Creating driveway Ordinance.
- Executive session needed to discuss MLPOA contract

CONSENT AGENDA RESOLUTIONS

Mayor Weiss introduces and reads by title the pending consent agenda resolutions, seconded by Councilman Casey.

RESOLUTION 97-09

A RESOLUTION AUTHORIZING THE FIRST HALF REFUND OF A STREET OPENING PERMIT FOR 178 CHICKAHOMINY TRAIL ALSO KNOWN AS BLOCK 30044, LOT 1672 FOR THE AMOUNT OF \$750.00

RESOLUTION 98-09

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS FOR A BLOCK PARTY ON TRADING POST WAY

RESOLUTION NUMBER 99-09

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MEDFORD LAKES, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE RENEWAL OF A PLENARY RETAIL ALCOHOLIC BEVERAGE LICENSE TO THE MEDFORD LAKES ENTERPRISES, DBA P.J. WHELIHAN'S

RESOLUTION NUMBER 100-09

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MEDFORD LAKES, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE RENEWAL OF A CLUB ALCOHOLIC BEVERAGE LICENSE TO THE MEDFORD LAKES COUNTRY CLUB

Mayor Weiss asks if Council wants any consent agenda resolutions removed.

Councilman Lackey requests #97-09 removed to allow for discussion. Mayor Weiss removes #97-09

RESOLUTIONS

Mayor Weiss moves introduction of Resolution Number 97-09 for discussion, seconded by Councilman Lackey

Councilman Lackey commented that during recent roadway inspections the number one reason for poor condition of the road surface is based on street openings by contractors making

connections into our main sewer line. Need to increase maintenance bond from 6-months to 1-year to allow for seasonal setting.

Public Works Foreman Dominick Valentino spoke to the condition of most street openings being in poor condition since they settle overtime. If properly done they usually maintain in good condition.

Clerk McIntosh to provide council with copy of the street opening permit process.

Mayor and Council discussed possibility of increasing bond to cover the one year reinspection costs if contractor no longer available to complete repairs.

Mayor Weiss moves introduction of Resolution Number 101-09 for discussion, seconded by Councilman Casey

Mayor Weiss commented on the very professional manner the audit had been completed and easy to review.

OLD BUSINESS

Mayor and Council stated they none

PUBLIC COMMENT

Mayor Weiss opened meeting to public comment

Sue Mattio, 121 Wagush Trail:

- How will reval effect open permits?

Manager Urbanik stated a list will be provided both open and closed.

Joe Aromando, 285 Shingowack Trail:

- Will Trading Post Trail block party resolution allow for alcohol?

Mayor Weiss comments that on public property alcohol is still prohibited.

- Where do we stand with tax map approval

Council directed Manager Urbanik to provide revised schedule from reval company

- Underground Storage Tank (UST) seminar was great success, huge crowd, good job to the Environmental Commission; please move that ordinance into the priority category.
- What is the status report on the Treasurers report and the Assessors report?

Manager Urbanik stated that he is working with both parties on improving the reports.

- What is Borough doing with regard to the portage issue?

Council will ask Colony to create/send a joint letter to the Medical Mission Sisters regarding granting a portage.

- The Mayor hasn't attended many Planning Board meetings lately, would he be willing to name an alternate Mayor's representative?

Mayor Weiss would look into alternatives if his schedule doesn't allow better attendance in the future

- Has the Borough exhausted all alternatives to the trash collection, have we gone back to Medford and inquired? We don't have a proper fleet maintenance program.
- Bill list page #3 \$5500 and \$2300 Edmunds charges.

ACTION ON CONSENT RESOLUTIONS

RESOLUTION 98-09

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS

WHEREAS, on June 19, 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; 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 Number 99-09

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MEDFORD LAKES, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE RENEWAL OF A PLENARY RETAIL ALCOHOLIC BEVERAGE LICENSE TO THE MEDFORD LAKES ENTERPRISES, DBA P.J. WHELIHAN’S

WHEREAS, Medford Lakes Enterprises, dba P.J. Whelihan’s has duly complied with the requirements of the State law relative to the renewal of a Retail Liquor License; and,

WHEREAS, the Chief of Police has advised Council that following his investigation, there have been no problems associated with the retail license; and,

WHEREAS, said Medford Lakes Enterprises, dba P.J. Whelihan’s is known by the Mayor and Council to be a fit and competent party to receive a License.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, New Jersey that upon payment by the Medford Lakes Enterprises, dba P.J. Whelihan’s to the Chief Finance Officer of the fee provided by Ordinance,

the Borough Clerk is hereby authorized and directed to issue and deliver unto said Medford Lakes Enterprises, dba P.J. Whelihan's a license #0321-33-001-002. The license to be named therein is Medford Lakes Enterprises, dba P.J. Whelihan's. The location of the Licensee's premises is Medford Lakes Enterprises, dba P.J. Whelihan's, 61 Stokes Road, Medford Lakes, New Jersey. The License shall be effective July 1, 2009. Also, the license shall run until June 30, 2010 unless revoked prior thereto for cause.

Resolution Number 100-09

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MEDFORD LAKES, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE RENEWAL OF A CLUB ALCOHOLIC BEVERAGE LICENSE TO THE MEDFORD LAKES COUNTRY CLUB

WHEREAS, Medford Lakes Country Club has duly complied with the requirements of the State law relative to the renewal of a Retail Liquor License; and,

WHEREAS, the Chief of Police has advised Council that following his investigation, there have been no problems associated with the retail license; and,

WHEREAS, said Medford Lakes Country Club is known by the Mayor and Council to be a fit and competent party to receive a License.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, New Jersey that upon payment by the Medford Lakes Country Club to the Chief Finance Officer of the fee provided by Ordinance, the Borough Clerk is hereby authorized and directed to issue and deliver unto said Medford Lakes Country Club license #321-31-002-002. The license to be named therein is Medford Lakes Country Club. The location of the Licensee's premises is Medford Lakes Country Club, 70 Oak Drive, Medford Lakes, New Jersey. The License shall be effective July 1, 2009. Also, the license shall run until June 30, 2010 unless revoked prior thereto for cause.

VOTE TO APPROVE RESOLUTION NUMBERS 98, 99 and 100-09.

Ayes: Weiss, Casey, Lackey

Nays: None

Resolutions are approved.

ACTION ON RESOLUTIONS

Mayor Weiss calls the vote for Resolution Number 97-09.

RESOLUTION NUMBER 97-09

A RESOLUTION AUTHORIZING THE FIRST-HALF REFUND OF A PLUMBING AND STREET OPENING PERMIT FOR 178 CHICAHOMINY TRAIL ALSO KNOWN AS BLOCK #30044, LOT #1672, IN THE AMOUNT OF \$750.00

WHEREAS, on certain occasions a maintenance bond is required between a contractor and the Borough of Medford Lakes; and

WHEREAS, once the requirement causing the need for the bond is met by the contractor there is due the first-half installment to the permit applicant; and

WHEREAS, on May 28, 2009 the Construction Official authorized the refund of one-half of the bond that is no longer required to be kept.

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the following applicant receives a first-half refund of their maintenance bond:

<u>Applicant</u>	<u>Amount of refund</u>	<u>Project Address</u>
Mandy Ryan Trail 178Chickahominy Trail Medford Lakes, NJ 08055	\$750.00	178 Chickahominy

VOTE TO APROVE RESOLUTION NUMBER 97-09.

Ayes: Weiss, Lackey, Casey

Nays: None

Resolution is approved.

Mayor Weiss calls the vote for Resolution Number 101-09.

Resolution Number: 101-09

**A RESOLUTION ACKNOWLEDGING RECEIPT AND REVIEW OF THE
AUDIT REPORT FOR THE PERIOD ENDING DECEMBER 31, 2008**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an audit of its books, accounts and financial transactions; and,

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Clerk of the Borough of Medford Lakes as per the requirements of N.J.S.A. 40A: 5-6 and a copy has been received by each member of the governing body; and,

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:2788-34; and,

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all member of the governing body have reviewed as a minimum, the section of the annual audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically, the sections of the Annual Audit entitled:

GENERAL COMMENTS

RECOMMENDATIONS

as evidenced by the group affidavit form of the governing body; and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the requirements of the Local Finance Board; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the promulgation of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:2788-52 - to wit: R.S. 52:2788-52 - "A local official or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be find no more the one thousand dollars (\$1,000.00) or imprisoned for not more than one year or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Medford Lakes hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

VOTE TO APPROVE RESOLUTION NUMBER 101-09

Ayes: Weiss, Casey, Lackey

Nays: None

Resolution is approved.

CORRESPONDENCE

Councilman Lackey notes a letter received from a resident concerned with the driveway moratorium.

BILL LIST

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

Manager Urbanik reports that bills questioned by Mr. Aramondo are related to maintenance agreement for the borough financial system (i.e. collection of taxes, sewer fees, animal licensing and budget support)

Councilman Lackey notes high electric costs in bill list and we should look at making them single solar panel operated.

VOTE TO APPROVE PAYMENT OF THE BILL LIST

Ayes: Weiss, Lackey, Casey

Nays: None

Bills are approved for payment

Councilman Casey motioned to close the public meeting and enter executive session, Seconded by Mayor Weiss

Resolution Number: 102-09

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:

- *Medford Lakes Police Officers Association – Contract Negotiations*

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 CLOSE PUBLIC MEETING

Ayes: Casey, Weiss, Lackey

Nays: None

Mayor Weiss motioned to close the executive session and re-enter public session, Seconded by Councilman Casey

VOTE TO EXIT CLOSED SESSION AND OPEN PUBLIC MEETING

Ayes: Casey, Weiss, Lackey

Nays: None

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

VOTE TO ADJOURN PUBLIC MEETING

Ayes: Weiss, Casey, Lackey

Nays: None

June 10, 2009 Minutes: MJM