

**BOROUGH OF MEDFORD LAKES  
WORKSHOP COUNCIL MEETING  
March 25, 2009**

A Workshop Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in Oaks Hall at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ 08055 beginning at 7:30pm. Following the pledge of allegiance and moment of silence (Council and the public observed a moment of silence to honor service men and women defending our country), Clerk McIntosh read the Statement of Compliance with the Open Public Meetings Act: this is to announce that adequate notice in the form of Notice of Meetings was (1) posted on the Administration Building bulletin board, (2) mailed to The Central Record, Medford, NJ, (3) mailed to the Burlington County Times, Willingboro, NJ, (4) mailed to the Courier Post and (5) filed with the Municipal Clerk. Advance written notice of this meeting was mailed or emailed to all persons who requested such notice according to the Clerk of the Municipality.

**ROLL CALL**

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

**PUBLIC COMMENT**

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

Sue Mattio, 121 Wagush Trail:

- Asked for clarification of items not on the agenda

*Mayor Weiss explained*

Dick Thurber, 198 Chippewa Trail:

- Whose responsible for getting lake lowering permits
- Request was for 4' they only lowered 2'

*Clerk McIntosh stated that NJ State Fish and Game were not willing to change the permit according to Millie Linett of the Colony*

Sara Plasha, 201 Migazee Trail:

- Is Sioux Lake on the agenda?

*Solicitor Lange would discuss during his report*

Joe Aramondo, 285 Shingowack Trail:

- Any limitations to proposed borough engineer being mechanical instead of civil
- Any concern by counsel of engineers experience or ability
- Any financial synopsis made available for public

*Mayor Weiss stated that we wouldn't have offered him the job if council questioned ability  
Mayor Weiss directed the Manager and CFO to develop one.*

Don Wolf, 41 Hahia Trail:

- Roofing coming off of recycle building

*Mayor Weiss closes public comment*

**REPORTS**

Manager Urbanik highlighted the following:

- Attended Pinelands meeting
- Pinelands hopes to implement changes by end of summer '09
- Borough should develop a position paper

- Received a DEP notice on MisheMokwa Dam, asking for Emergency Action Plan with compliance schedule

*Council questioned the need for an H&H study.*

*Manager Urbanik reported no emergency action plan found in State files by Princeton Hydro*

- Need to pick a new budget workshop meeting

*Mayor and Council picked Friday, April 3, 2009 at 7:30am for next budget workshop*

Deputy Manager/Acting Clerk McIntosh highlighted the following:

- Council has JIF meeting April 7, 2009
- Making progress at Medical Mission Sisters property
- Complaints from Upper Aetna residents regarding portage issues

Solicitor Lange highlighted the following:

- Solicitor Lange characterized the Sioux issue, county wants pipe fixed, county doesn't want ownership of dam.
- Have scheduled a meeting with planning board to discuss revisions to Land Use Ordinance
- Working on Traffic Ordinance, draft completed, need sketches of loading dock areas
- Working on Home Occupation Ordinance as part of Zoning Ordinance
- Pete passed out to Counsel a sample underground storage tank (UST) from Tuckerton, NJ

*Mayor and Counsel requested a priority list once Pete has reviewed PB recommendations*

#### **DISCUSSION OF ORDINANCE(S)**

*Mayor Weiss motioned to untable Ordinance #557 from March 11, 2009, seconded by Councilman Casey*

*Mayor Weiss introduced for second reading and public comment Ordinance #557, seconded by Councilman Casey*

#### **ORDINANCE NUMBER 557**

*(second reading tabled from 3/11/09 – public comment)*

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

*Mayor Weiss explains the basic components of Ordinance #557 and opens public comment on Ordinance #557*

Deb Klemas, 60 Mohawk Trail:

- If council elects to forego salary in 2009 then Deb is appreciative of the Counsel becoming fellow volunteer s

Sue Mattio, 121 Wagush Trail:

- Has the Borough identified the pension fund issues

Joe Aramondo, 285 Shingowack Trail:

- What about future councils getting a salary
- Voluntarily refuse the salary or reduce it

*Councilman Lackey believes that Council should get a stipend.*

*Mayor Weiss explains that this is a one year salary ordinance, next year they can revisit*

*Mayor Weiss motions to amend Ordinance #557, the section regarding Council salary from \$0.00 to \$1.00, seconded by Councilman Casey*

Vote to amend Ordinance #557  
Ayes: Weiss, Casey, Lackey  
Nays: None  
Amendment approved

*Mayor Weiss introduced for first reading – no public comment Ordinance #558, seconded by Councilman Lackey*

**ORDINANCE NUMBER 558**

**A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE REPAIRS AND REPLACEMENT OF WASTEWATER MIXERS FOR THE EXISTING SEWERAGE TREATMENT PLANT, APPROPRIATING THE SUM OF \$300,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$300,000 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.**

*Mayor Weiss explains the need for this Ordinance*

*Wastewater Engineer Wayne Simpson stated that after a thorough investigation the wastewater staff found slight amounts of oil, noise of grinding bearings and based on these findings and the danger of violating our permit and causing possible environmental issues we recommend immediate repair of all items listed in the Ordinance. Wayne recommends changing the wording of anoxic mixer to wastewater mixer.*

*Mayor Weiss motions to amend Ordinance #558's wording from Anoxic Mixers to Wastewater Mixers, seconded by Councilman Lackey*

Vote to amend Ordinance #558  
Ayes: Weiss, Lackey, Casey  
Nays: None  
Amendment approved

**WORKSHOP DISCUSSION**

HydroScience:

*Mayor Weiss explains that this is a request from a resident who would like to discharge fluid approx. 750,000 gallons from an Underground Storage Tank remediation process into our sewer line.*

*Engineer Wayne Simpson states that the plant is capable of receiving this fluid and recommends that if council approves the process, the fluid be tested prior to entering the sewer and periodically thereafter. This is a Borough Council policy decision and it may have legal concerns that have been forwarded to Solicitor Lange for comment. Wayne recommends an independent certified lab due the testing. A \$.05 gallon fee would be charged.*

*Mayor Weiss states the main exposure to the borough is tripping our DEP permit, downstream claims, etc.*

*Solicitor Lange states that the Borough would need to be made an additional insured on a policy to cover this operation. Also could maintenance bond the operation.*

*Manager Urbanik states next step would be to formalize a contract between the borough and hydroscience.*

Police RFP:

*Mayor Weiss asked Manager Urbanik to provide a breakdown on proposals received*

*Manager Urbanik states that the Borough received six proposals for the Police Shared Study:*

1. *Jersey Professionals = \$28,625*
2. *Matrix=\$34,500*
3. *MGT=\$34,719*
4. *Salmon=\$29,500*
5. *Patriot=\$28,000*
6. *Public Safety=\$64,742*

*This was an RFP to be awarded on price and other factors, not lowest bidder. Create committee to evaluate conclusion and get this grant applied for.*

*Mayor Weiss recommends the committee consist of Council, Police Chief and Manager. Define a grading process (scoring matrix) to rank/score them accordingly. This process should be done expeditiously so that we can award a contract pending DCA Grant approval.*

Trash Truck Bid Opening:

*Manager Urbanik states the Borough received two bids for a trash truck; H.A. Dehart \$219,887 and GranTurk \$241,000.*

*Mayor Weiss would like to see Councilman Lackey, Public Works Foreman Valentino, PW Mechanic Rockhill and Engineer Giordano make up a review committee.*

Fire Truck Bid Opening:

*Mayor Weiss reports one bid from KME for \$425,985, advised Fire Chief to review and report back to Council his findings*

Pinelands Update:

*Manager Urbanik recommends the Borough submit a position letter to the Commission*

*Councilman Casey recommends sending letter to Pinelands stressing the limited space we have and would like the golf course to stay as open space as the only pristine property that we have undeveloped.*

*Mayor Weiss and Councilman Lackey agreed and we should look first to see if the CC is deed restricted through a title search*

Backup Wastewater Operator:

*Mayor Weiss asked Manager Urbanik to explain*

*Manager Urbanik stated that State law requires a backup operator and we expect to contract with Marliss Consulting. Will present the contract at a future meeting.*

### **OLD BUSINESS**

Police Group:

*Solicitor Lange continues to research police statutes and insurance to uncover any liability with creation of a Police Advisory type board.*

*Councilman Casey supports a community input committee verse creation of a board. Whichever would have no enforcement ability just a recommending group. Would be okay with pursuing the POLICE Grant if funding the ninth officer.*

*Chief Martine discusses parameters of the GRANT and what it will or won't support.*

*Councilman Casey motions to allow the Police Chief permission to apply for a stimulus grant, seconded by Mayor Weiss.*

**Vote to Authorize Police Chief to Apply for Federal Grant**

**Ayes: Casey, Weiss, Lackey**

**Nays: None**

Energy Audit:

**Manager Urbanik still waiting for approval, will follow up with bridge commission**

New Business:

**Mayor Weiss forwarded Support our Troops Day resolution for action at next meeting.**

**Clerk McIntosh asked for Council to determine any help regarding the Pringle property damage claim. The insurance company has issued a denial letter. Council agrees to stand by the insurance determination and cannot offer any remedy.**

**PUBLIC COMMENT #2**

Joe Aramondo, 285 Shingowack Trail:

- Ordinance Number 558 wording is unclear
- Where do we stand with Assessors report changes

**Manager Urbanik is handling**

- Concerned with us handling oil discharge from the house on Lenape Trail
- Did the Reval contract include the RFP

**Solicitor Lange verifies that RFP requirements are built into the contract**

- Need better acoustics in Oaks Hall

Bob McGowen, 18 Cochise Circle:

- Council deserves a stipend
- Country Club issue needs to get on record ASAP
- Would like to speed of meetings improved, too slow
- Will police study findings allow for further discussion

**Mayor and Council state yes**

- Free money out there, let's go after it

**Mayor Weiss closes public comment**

**VOTE ON ORDINANCES**

**Mayor Weiss motions approval of Ordinance Number 557 on adoption, seconded by Councilman Casey**

**ORDINANCE NUMBER 557**

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

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

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

**BOROUGH COUNCIL**

Mayor and Councilmember

\$1.00

**PUBLIC WORKS DEPARTMENT**

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

**WASTEWATER DEPARTMENT**

Licensed Operator	\$65,000
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Section 2. The salaries fixed by the foregoing section of this Ordinance shall respectively in lieu of any and all fees which the respective incumbents of said office might otherwise be entitled by Statute or otherwise by virtue of said office, which fees shall immediately upon collection thereof be paid over to the Chief Financial Officer of the Borough.

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

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

I hereby certify that the foregoing is a true copy of an Ordinance adopted by the Borough Council of the Borough of Medford Lakes at a meeting held on March 25, 2009.

**Vote to approve 2<sup>nd</sup> reading of Ordinance #557**  
**Ayes: Weiss, Casey, Lackey**  
**Nays: None**  
**Ordinance Approved for Adoption**

***Mayor Weiss motions to change the wording in the title of Ordinance Number 558 from acquisition to repair and replacement, seconded by Councilman Casey***

**Vote to approve amendment of Ordinance #558**  
**Ayes: Weiss, Casey, Lackey**  
**Nays: None**

***Mayor Weiss motions approval of Ordinance Number 558 on introduction, seconded by Councilman Lackey***

**ORDINANCE NUMBER 558**

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**A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE REPAIRS AND REPLACEMENT OF WASTEWATER MIXERS FOR THE EXISTING SEWERAGE TREATMENT PLANT, APPROPRIATING THE SUM OF \$300,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$300,000 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.**

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**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 capital equipment described in Section 3 of this Ordinance is 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 \$300,000.

**Section 2.** In order to finance the cost of the repair and replacement of the equipment, negotiable bonds are hereby authorized to be issued in the principal amount of \$300,000 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 improvement 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 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>
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<u>Purpose/ Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Repair and replacement of Wastewater Mixers for the existing sewerage treatment plant, including the acquisition of all related materials and performance of all work necessary therefore and incidental thereto.	\$300,000	\$0.00	\$300,000	15 years

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$300,000.

(c) The estimated cost of the improvement is \$300,000.

**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 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 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough 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 \$300,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$125,000.00 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 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 approve 1<sup>st</sup> reading of Ordinance #558**  
**Ayes: Weiss, Lackey, Casey**  
**Nays: None**  
**Ordinance Approved for Introduction**

**CLOSE PUBLIC MEETING ENTER EXECUTIVE SESSION**

***Mayor Weiss motions to close the public portion of the meeting and to open a closed executive session of the meeting, seconded by Councilman Lackey***

**Resolution Number 71-09**

**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. – Potential litigation regarding the Tenant Fit-out Contract***
- ***Sioux Lakes – Potential litigation involving ownership issues related to repairs with the County and Colony***

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 71-09**

**Ayes: Weiss, Lackey, Casey**  
**Nays: None**

**REOPEN PUBLIC MEETING**

***Mayor Weiss motioned to re-open the public meeting, Seconded by Councilman Casey***

**VOTE TO REOPEN PUBLIC MEETING**

**Ayes: Weiss, Casey, Lackey**  
**Nays: None**

**ADJOURNMENT**

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

**VOTE TO ADJOURN PUBLIC MEETING**

**Ayes: Weiss, Casey, Lackey**  
**Nays: None**  
**Public Meeting adjourned**

**March 25, 2009 Minutes: MJM**