

BOROUGH OF MEDFORD LAKES, NEW JERSEY

EXECUTIVE/CLOSED SESSION MEETING

OCTOBER 13, 2010

An Executive/Closed Session 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 7:00pm. Notice of all Executive/Closed Session Meetings was published in the Burlington County Times (9/5), the Courier Post (9/7), the Central Record (9/9) and posted on the Official Bulletin Board of the Borough of Medford Lakes.

ROLL CALL

Clerk McIntosh called roll. Mayor Gary A. Miller, Deputy Mayor Thomas J. Cranston, Councilman Gregory C. Lackey and Councilman Robert D. Hanold, Sr. answered in attendance. Councilman Jeffrey Fitzpatrick was absent. Also present were Manager Julie Horner-Keizer, Deputy Manager/Clerk Mark J. McIntosh and Solicitor Peter C. Lange, Jr.

Mayor Miller asked the Clerk to read Resolution Number 163-10.

RESOLUTION NUMBER 163-10

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 vs. Gross – Litigation Matters
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.

Mayor Miller motioned to enter Executive/Closed Session, seconded by Councilman Lackey

Mayor Miller requested a roll call vote.

Vote to approve/adopt resolution 163-10

Yeas – Miller, Cranston, Lackey, Hanold

Nays – None

Absent – Fitzpatrick

Resolution approved/adopted

Mayor Miller motioned to exit the Executive/Closed Session Meeting and resume the Regular Meeting, Seconded by Councilman Lackey – All in favor.

REGULAR MEETING

OCTOBER 13, 2010

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 a 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 Open Public Meetings Act: pursuant to the requirements of the Open Public Meetings Act, adequate notice of this meeting had been provided by advertisement of the annual notice of meetings in the central record (1/7), Burlington County Times (1/7), Courier Post (1/6) and posted on the official bulletin board of the Borough of Medford Lakes. Those wishing to be notified for changes to scheduled meetings were notified via email or regular mail.

ROLL CALL

Clerk McIntosh called roll. Mayor Gary A. Miller, Deputy Mayor Thomas J. Cranston, Councilman Gregory C. Lackey, Councilman Robert D. Hanold, Sr. answered in attendance. Councilman Jeffrey Fitzpatrick was absent. Also present were Manager Julie Horner-Keizer, Deputy Manager/Clerk Mark J. McIntosh, Engineer Jeff McNesby, Fire Chief Dennis P. Staples and Solicitor Peter C. Lange, Jr.

PUBLIC COMMENT #1

Mayor Miller opened the meeting for public comment.

Joe Aromando of 285 Shingowack Trail asked if Council would be addressing old/new business items such as the Ballinger sidewalk project and the memo he provided to Council regarding sewer fees. He wasn't sure if that would come under reports.

Manager Horner – Keizer stated that the sidewalk item would be discussed under reports by the Engineer and that the CFO was looking into the sewer fee issue as it relates to debt structure. She hopes to have that analysis done in a week and forwarded to the Administration Committee.

Rudy Levak of 77 Onondago Trail stated that at the last meeting he asked the Borough to ascertain from South Jersey Gas the maintenance program that they follow for inspections and the status on improvements needed at the recycling center.

Manager Horner – Keizer stated that she will be attending a meeting tomorrow and would report back.

Councilman Lackey and Councilman Hanold would be looking into the recycling center issues.

Mike Powers of 19 Onondago Trail asked if the fence could be extended at Wilson Field to stop kids from congregating in and around the area.

Councilman Lackey stated that it was a joint Borough and Colony issue which he will look into.

Pete Rogers of 156 Apache Trail distributed to and discussed with Council an information packet regarding the recent gas line issues.

Council thanked Mr. Rogers for the information.

Joe Aromando of 285 Shingowack Trail stated it would be helpful to understand how long the gas company has been doing business in Medford Lakes.

Hearing no further comment, Mayor Miller closed public comment.

MINUTES

Mayor Miller motioned for approval/adoption of the September 22, 2010 Workshop meeting minutes, seconded by Deputy Mayor Cranston.

Vote to approve/adopt

Yeas – Miller, Cranston, Hanold

Nays – None

Abstain – Lackey

Absent – Fitzpatrick

Minutes approved/adopted

ORDINANCES

Mayor Miller asked the Clerk to read the Ordinance by title.

ORDINANCE NO. 581

A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF VEHICLES AND EQUIPMENT; APPROPRIATING THE SUM OF \$158,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$150,100 BOND 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 COUNCIL OF THE BOROUGH OF MEDFORD LAKES, IN THE 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:

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 improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$158,000, including the sum of \$7,900 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.

In order to finance the cost of the purposes or improvements and to meet the part of said \$158,000 appropriation not provided for by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$150,100 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.

(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 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 Brush Chipper and Leaf Machine for the Borough’s Public Works Department, including the acquisition of all related materials, equipment and performance of all work necessary therefore and incidental thereto.	\$53,000	\$2,650	\$50,350	15 years
B. Acquisition of a dump 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.	\$50,000	\$2,500	\$47,500	5 years

<u>Purpose/ Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
C. Acquisition of a police vehicle for the Borough's Police Department, including the acquisition of all related materials and performance of all work necessary therefore and incidental thereto.	\$30,000	\$1,500	\$28,500	5 years
D. Acquisition of a Natural Gas Generator for the Borough's Municipal Building, including the acquisition of all related materials and performance of all work necessary therefore and incidental thereto.	\$25,000	\$1,250	\$23,750	15 years

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$150,100.

(c) The estimated cost of the improvement or purposes is \$158,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefore being the amount of \$7,900, the down payment for said purposes.

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.

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.

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

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.

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 9.93 years.

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 \$150,100 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

An aggregate amount not exceeding \$10,000.00 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.

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.

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.

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.

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.

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.

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

Councilman Hanold introduced Ordinance Number 581 on first reading, seconded by Councilman Lackey

Councilman Lackey asked for clarification of the police vehicle costs and what the status was of the generator at the Public Works yard.

Manager Horner – Keizer explained that the extra amount would be made up in the Police Departments operating budget and the issues regarding the Public Works generator centered around it being diesel fueled, noise and exhaust emissions within a residential setting. The proposed natural gas generator will run cleaner and quieter.

Councilman Hanold stated that the old Public Works chipper had lasted 21-years and with a new one they would save on brush disposal fees.

Council further discussed with the Manager capital project life expectancy and limits on BAN's.

RESOLUTIONS

Mayor Miller asked the Clerk to read Resolution Number 164-10.

RESOLUTION NUMBER 164-10

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF NEW JERSEY REQUESTING AN EXTENSION OF TIME FOR A NJDOT FY2010 FUNDED ROADWAY PRESERVATION PROJECT

WHEREAS, the Borough of Medford Lakes received a Municipal Aid grant from the New Jersey Department of Transportation for the 2010 Medford Lakes Roadway Preservation Program on April 14, 2009; and

WHEREAS, the NJDOT agreement requires award of contracts within eighteen (18) months of the award of the grant; and

WHEREAS, the Borough has recently entered into a shared services agreement with Evesham Municipal Utilities Authority for complete video inspection of the Borough's twenty (20) mile sewer collection system; and

WHEREAS, the findings from this inspection may require excavations to access underground sewer collection pipes under the sixteen (16) roadways identified for milling and paving under the grant; and

WHEREAS, in order to comply with the terms of the State Aid Agreement, the Borough must request an extension of time from the NJDOT Local Aid Office.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Medford Lakes does hereby request a six (6) month extension of time to award a construction contract for the 2010 Medford Lakes Roadway Preservation Program by no later than April 14, 2011.

Councilman Hanold introduced resolution 164-10 for approval, seconded by Councilman Lackey

Mayor Miller asked for Council comment.

Councilman Lackey stated that this was a prudent move.

Mayor Miller asked for public comment.

Joe Aromando of 285 Shingowack Trail asked for clarification of the Resolution.

Council explained that this project was for road re-paving projects that may conflict with the sewer line inspection that the Borough is undertaking.

Mayor Miller requested a roll call vote.

Vote to approve/adopt resolution 164-10
Yeas – Miller, Cranston, Lackey, Hanold
Nays – None
Absent – Fitzpatrick
Resolution approved/adopted

Mayor Miller asked the Clerk to read Resolution Number 165-10.

RESOLUTION NUMBER 165-10

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO CONDUCT A LEGALIZED GAME OF CHANCE (OFF-PREMISE DRAW RAFFLE) TO THE MEDFORD LAKES LIONS CHARITIES TO SUPPORT A TURKEY RAFFLE

WHEREAS, the **LIONS CLUB MEDFORD LAKES CHARITIES** has qualified in the prescribed manner and submitted an application to hold an **Off-Premise Draw Raffle** on November 18, 2010; and

WHEREAS, Council has reviewed the findings and determinations and concur that the **Off-Premise Draw Raffle** is to be conducted according to law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that a license to conduct the aforementioned **Off-Premise Draw Raffle** be and is hereby granted to the **LIONS CLUB MEDFORD LAKES CHARITIES**.

Councilman Lackey introduced resolution 165-10 for approval, seconded by Mayor Miller

Mayor Miller asked for Council comment.

Councilman Hanold stated that he would abstain from discussion and the vote because he is on the Board of Directors of the Lions.

Mayor Miller asked for public comment, hearing none he requested a roll call vote.

Vote to approve/adopt resolution 165-10
Yeas – Miller, Cranston, Lackey
Nays – None
Abstain – Hanold
Absent – Fitzpatrick
Resolution approved/adopted

Mayor Miller asked the Clerk to read Resolution Number 166-10.

RESOLUTION NUMBER 166-10

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AUTHORIZING THE WAIVING OF CONSTRUCTION PERMIT FEES TO THE MEDFORD LAKES BOARD OF EDUCATION

WHEREAS, any request for waiver of permit fees for government entities must be considered and approved only by the Governing Body; and

WHEREAS, the Medford Lakes Board of Education has requested a waiver of construction permit fees;
and

WHEREAS, construction projects by the Medford Lakes Board of Education are for community oriented projects that benefit the students and citizens of our municipality.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Medford Lakes that the Borough Manager is authorized to waive all construction permit fees for the Medford Lakes Board of Education.

Mayor Miller introduced resolution 166-10 for approval, seconded by Councilman Lackey

Mayor Miller asked for Council comment, hearing none he asked for public comment.

Manager Horner – Keizer stated that it was appropriate for this request to be done on the public record.

Mayor Miller requested a roll call vote.

Vote to approve/adopt resolution 165-10

Yeas – Miller, Cranston, Lackey, Hanold

Nays – None

Absent – Fitzpatrick

Resolution approved/adopted

REPORTS

Manager Horner-Keizer provided Council with a written report and stated that a lot of her time had been devoted to getting the new website on-line. She expressed her enthusiasm with the new site and encouraged everyone to visit the site and provide feedback. She also stated that the Borough would be assisting Evesham Township by sharing our Registrar. This would only be a temporary situation and an official shared service agreement wouldn't be required.

Councilman Lackey asked for status on the Construction Fee issue and expressed concern for the lack of any recent CFO reports regarding revenues and expenditures.

Manager Horner – Keizer stated that she was in discussion with the Department of Community Affairs regarding the Construction Fees and she would get the revenue and expense reports to Council.

Deputy Manager/ Clerk McIntosh provided Council with a written report and read into the record the following memorandum from Ms. Donna A. Condo, Chief Financial Officer:

To: Mayor Miller and Members of Borough Council

From: Donna A. Condo, Chief Financial Officer

CC: Julie Horner – Keizer, Borough Manager

Mark McIntosh, Borough Clerk

Peter Lange, Borough Solicitor

Tom Coleman, Bond Counsel

Date: October 7, 2010

Re: Report on BAN Sale

The following bids were received in my office relative to the sale of \$686,000 Bond Anticipation Notes of the Borough of Medford Lakes in connection with Bond Ordinance 501:

TD NA 1.50%

Beneficial Bank 1.38%

The Bond Anticipation Note was awarded to Beneficial. The Note will be dated October 13, 2010 and will mature on October 12, 2011 at which time the principal in the amount of \$686,000 and the interest payable in the amount of \$9,440.50 will be due.

In accordance with Bond Ordinance 501, please have this report read at the October 13, 2010 Council Meeting for the record.

If you have any additional questions in this regard, please do not hesitate to contact me.

Clerk McIntosh also reported that the local Cub Scout Pack #48 would be receiving an award from the NJ Department of Environmental Protection for the pack's bottle-cap recycling program.

Solicitor Lange stated that he had reviewed the Street Opening Ordinance with Engineer McNesby and it was provided in the Council packets for review. He further stated that he is working with the Code Enforcement Officer regarding pop-up and temporary tent issues.

Council received additional written reports from the Fire Department and Municipal Court.

BILL LIST

Deputy Mayor Cranston motioned for approval of the bill list, seconded by Councilman Lackey.

Vote to approve bills

Yeas – Miller, Cranston, Lackey, Hanold

Nays – None

Absent – Fitzpatrick

Bills approved

PUBLIC COMMENT #2

Mayor Miller opened the meeting for public comment.

Bob McGowan of 18 Cochise Circle stated that he really liked the new website but was having difficulty accessing the email links. He stated that it was a pleasure to listen to the new Council and appreciated Councilman Lackey's proactive budget questions.

Manager Horner – Keizer thanked Bob for his kind words and would look into the email connectivity issue.

Joe Aromando of 285 Shingowack Trail expressed concern that Council is not receiving monthly department head reports as had been the custom with prior Councils. He stated that the Tax Collector and the Treasurers reports were

the most important. He further discussed the inheritance of significant BAN debt and believes that the Borough staff should provide Council with guidance. He would like to see the Borough's website be used as a marketing tool to promote home sales. He expressed concern over the Ballinger sidewalk project and what is going to be the final acceptable product. He further expressed concern over the need to purchase a generator for Oaks Hall when we have survived all of these years without one and he asked if the Borough had adopted and are using a fleet maintenance program.

Council and Management thoroughly discussed the topics raised by Mr. Aromando.

Councilman Hanold expressed his concerns with the Ballinger sidewalk and asked for comment from Engineer McNesby.

Engineer McNesby stated that he recommended allowing the project to finish out and then develop a path forward that would satisfy Councils expectations.

Bob McGowan of 18 Cochise Circle expressed his appreciation of Councilman Hanold's involvement in numerous Borough projects.

Councilman Hanold thanked him for the comments and stated that he isn't here to manage the Borough but to listen and understand the staff's needs so that Council can enact policies that benefit the community.

Councilman Lackey expressed his appreciation to the Manager for her leadership and to all the department heads for managing the Borough's many issues.

Mayor Miller closed public comment.

Councilman Hanold motioned to adjourn the meeting, seconded by Councilman Lackey.

Vote to Adjourn

Yeas – – Miller, Cranston, Lackey, Hanold

Nays – None

Absent – Fitzpatrick

Meeting Adjourned