

**BOROUGH OF MEDFORD LAKES
SPECIAL MEETING
August 30, 2004**

A Special Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in the Second Floor Meeting Room of the Medford Lakes Fire Department, 10 Stokes Road, Medford Lakes, NJ 08055. Mayor Wasson opened meeting. Following the Pledge of Allegiance, Mayor Wasson 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, and (4) filed with the Municipal Clerk. Advance written notice of this meeting was mailed to all persons who requested such notice according to the Clerk of the Municipality.

Answering Roll Call for Borough Council was: Mayor Wasson, Councilman Woodend, Councilman Casey and Manager Richard J. Knight. Clarence B. Wingert and Paul Weiss from the Post Flood Recovery Committee, Deputy Clerk McIntosh, Project Manager Jack Kaczur.

Mayor Wasson stated that March 16, 2004 meeting minutes not adopted since session was information sharing only and lacked a quorum by Council.

MINUTES

Motion- Gary Woodend

Seconded- Dave Wasson;

ADOPTION OF AUGUST 23RD, 2004 SPECIAL COUNCIL MEETING MINUTES (As amended)

Vote: Wasson-Yea, Woodend- Yea, Casey- abstained.

ORDINANCE 501 (first reading)

Motion- Tim Casey

Second- Dave Wasson

ORDINANCE NO. 501

BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF VARIOUS EMERGENCY IMPROVEMENTS TO THE BOROUGH'S WASTEWATER COLLECTION AND TREATMENT SYSTEM AND ADMINISTRATIVE OFFICES, AND APPROPRIATING THE SUM OF \$1,000,000 THEREFORE; AUTHORIZING \$1,000,000 IN OBLIGATIONS OF THE BOROUGH TO FINANCE SAID IMPROVEMENT; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF 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 4 of this Ordinance are hereby authorized to be undertaken by the Borough of Medford Lakes (the "Borough"), situated in the County of Burlington, New Jersey as

general improvements. For the improvements or purposes described in Section 4, there is hereby appropriated the sum of \$1,000,000.

Section 2. In order to finance the cost of the purposes or improvements and to meet the part of said \$1,000,000 emergency related appropriation, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,000,000 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. The improvements described in Section 4 of this Ordinance are hereby authorized to be undertaken in order to immediately repair and/or reconstruct essential municipal improvements within the Borough that were lost or significantly damaged as a result of severe storm damage on July 12, 2004. Pursuant to the provisions of N.J.S.A. 40A:2-11(c), no downpayment will be appropriated to the improvements to be financed through this Bond Ordinance.

Section 4. (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 Obligations</u>	<u>of</u>	<u>Period of Usefulness</u>
A. Construction of improvements to the Borough's wastewater treatment plant, including the acquisition of all materials and performance of all work necessary therefore and incidental thereto.	\$450,000	\$0	\$450,000		40 years

<u>Purpose/ Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount Obligations</u>	<u>of</u>	<u>Period of Usefulness</u>
B. Construction of a temporary sewerage collection bypass line necessary to support the damaged beach drive sewerage collection line, together with the acquisition of temporary equipment to support previously damaged sewer collection and conveyancing facilities throughout the Borough, including the acquisition of all materials and performance of all work necessary therefore and incidental thereto.	\$283,000	\$0	\$283,000		40 years
C. Acquisition and/or construction of temporary buildings and office space to house the Borough's Administrative Staff, including the acquisition of all materials and performance of all work necessary therefore and incidental thereto.	\$197,000	\$0	\$197,000		15 years
D. Construction of a public walkway along Tabernacle Road, including the acquisition of all materials and performance of all work necessary therefore and incidental thereto.	\$70,000	\$0	\$70,000		15 years

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$1,000,000.

(c) The estimated cost of the improvement or purpose is \$1,000,000.

Section 5. 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 6. 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 7. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 4(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 33.325 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 \$1,000,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 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 8. All grant monies from any source received for the purpose described in Section 4(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 9. 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 10. 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 11. 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 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

[All Yeas, First Reading Passed.]

OLD BUSINESS:

Post Flood

Recovery- Mayor Wasson identified the bike route (Tabernacle/Trading Post) as a priority for the safety of student traffic.

Project

Worksheets- Manager Knight handed out status report that lists all projects and their current status. Mgr. Knight reported that 10 Project Worksheets had been submitted, seven (7) accepted and three (3) disapproved. Jack Kaczur stated the disapproved (1) Lenape Trail Culvert, Beach Drive Pumping Station and the Beaches and parks turned over to the Colony. Jack stated all PW's disapproved may be appealed. Jack also stated that Alaimo Engineers were recommending a Resolution be passed for re-build of the Wastewater Plant. Request is listed in letter from Alaimo Associate dated August 27, 2004. FEMA will assist with Project Worksheets related to the Dams. Manager Knight reported that a meeting with Dan Kearns of FEMA is scheduled for this date at 1000am.

Bike Path-

Councilman Casey inquired about the bike path and the \$25,000 State match, is it just a filing process, etc.? Manager Knight and Jack Kaczur will investigate. Jack reported that Trading Post will be lined with Highway Barriers from Tabernacle to Stokes Road. Parking will continue along the barbershop side of the street. Councilman Woodend voiced concern about the narrowness of the bike path. Mr. White of 120 McKendimen Rd. is concerned with the traffic on Trading Post with the children going back and forth to school. Councilman Casey stated that two crossing guards would be working the area between Trading Post crosswalk and the Powhatan and Tabernacle intersection. All of Council agreed that the first few days of school would be monitored and the process would be adjusted as needed.

Dams-

Mayor Wasson would like Colony and Borough to research files for possible Deed information related to both Upper and Lower Aetna dams.

Buildings-

Mayor Wasson requested an update on the Public Works facility. Manager Knight reported that Paul Addison (architect) had submitted a letter to the Borough along with an Engineers report that basically stated further investigation was needed. Soil boring was needed to determine the stability of the dirt under the foundations and a cost/benefit analysis of repair vs. new construction. Clarence Wingert of 146 Askoran Trail recommended to have the soil boring completed so that Council could make a more informed decision.

MOTION/CASEY

SECOND/WASSON

To conduct soil borings, of fire house only, not to exceed \$2,000 [as amended]

DISCUSSION:

Jack Kaczur stated that soil borings were recommended for the firehouse only. The Public works building had lasted long past its life expectancy. FEMA will cover flood damage on first floor of DPW but not damage caused by roof leak.

Borough of Medford Lakes

Resolution Number 116-04

AUTHORIZING THE EXPENDITURE OF UP TO TWO THOUSAND DOLLARS TO HAVE SOIL BORING CONDUCTED AND ANALYZED FROM THE FIREHOUSE

WHEREAS, it is the desire of Borough Council of Medford Lakes to promote a safe environment for its employees; and

WHEREAS, the Borough Firehouse located at 10 Stokes Road was effected by the flooding which occurred on July 12, 2004; and

WHEREAS, an engineering report from Keith Conroy Engineers, Inc. recommends that the firehouse have soil boring tests completed to determine building integrity; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough Medford Lakes, New Jersey that the Borough Manager is authorized to spend up to \$2,000 Two-Thousand Dollars for soil bore testing at the firehouse.

VOTE ON ADOPTION

NAME	Moved	Second	Yes	No	Abstained	Absent
Woodend			X			
Casey	X		X			
Wasson		X	X			

Post Flood

Recovery- Mayor Wasson inquired to various cut off dates/ due dates. Manager Knight reported that:

- August 27, 2004 Project Worksheets were due (same were submitted)
- September 30, 2004 Loan Application Cut-off (being worked on)

Mayor Wasson heard that August 30th was a deadline for something and that the Manager or Jack should check with Nancy of Public Works.

Project Worksheets-

Councilman Casey asked if any of the engineering costs were submitted in the PW's sent to FEMA. Jack stated the costs for engineering are within FEMA's format that allows for some engineering on a sliding scale chart. Manager Knight stated that there are some administrative engineering costs will be reimbursed via FEMA's formula. Councilman Woodend stated that he questioned weeks ago FEMA reimbursing the Borough for these costs. The Manager is waiting for information in writing as to what costs is guaranteed to be covered. Jack reported that FEMA would deduct payments based on insurance coverage. Manager Knight has been in contact with John Wagner of Commerce on a regular basis and hopes to have an answer soon.

Dam Inspections-

Mayor Wasson requested an update on inspections. Jack Kaczur stated that this process is under way. The report will detail current conditions. Jack feels the visual inspections will be done this

week. The inspections may lead to further steps. Councilman Woodend asked if the purpose of the inspection was to report to the State and offer ways to prevent this in the future. Gary could see that type of report if the dams were partially in place but that is not the case. Jack says the State requires an initial report of status before they move on anything. Gary is concerned with spending a lot of money for a very basic report. Gary feels that we need to be mindful of the moneys we are expending for various incidentals. Paul Weiss (colony rep.) is also relying on Alaimo inspection reports. Mr. White, 120 McKendimen Rd, Medford Lakes, stated that he heard that the Upper Aetna Dam would be replaced with a pedestrian crossing only and his concern is that if Tabernacle Road were ever closed in the future then emergency services would have to re-route around Dixontown Road which would delay services. That whole side of town would be cut off and the emergency response times would be elongated. Mr. White finds that unacceptable. Mayor Wasson stated that the Upper Aetna Dam would be built to handle emergency vehicle traffic but possibly not the public. There was some discussion about the amount of school traffic (Shawnee) students who used the Beach Drive as a cut-through and of the complaints received by residents who lived in that area. Borough Council agreed with the concerns of Mr. White and the Mayor stated all of these concerns would be addressed before any construction.

Wastewater- Councilman Casey asked about the resolution requested by Alaimo Assoc. for emergency repairs to Wastewater Plant. Manager Knight stated that we could move on such a resolution this morning if council so desired.

**MOTION/CASEY
SECOND/WASSON**

Create a resolution authorizing emergency repairs to the wastewater plant per the letter from Alaimo Associates dated august 27, 2004

DISCUSSION:

Deputy Clerk McIntosh reports this to be Resolution Number 117-04. Susan Ansberry, 183 Comanche Trail, Medford Lakes, asked if Council was using a watchdog type person to make sure that we are not being overcharged or are we just accepting of whatever our Borough engineers decide. Mrs. Ansberry would like to see Council have a checks and balance system in place because in the long run the taxpayers will pay what these other agencies don't pick-up.

Borough of Medford Lakes

Resolution Number 117-04

AUTHORIZING EMERGENCY REPAIRS TO THE WASTEWATER PLANT AS OUTLINED IN A LETTER FROM ALAIMO ENGINEERING DATED AUGUST 27, 2004

WHEREAS, temporary repairs have been made to the wastewater plant to restore the plant to basic operation; and

WHEREAS, in order to restore the plant's reliability to levels acceptable to the NJDEP and to prevent further discharges of inadequately treated sewage further emergency repairs or replacements are needed; and

WHEREAS, the attached letter outlines the required repairs and estimated costs; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that the Borough Manager is authorized to complete the recommended emergency repairs.

VOTE ON ADOPTION

NAME	Moved	Second	Yes	No	Abstained	Absent
Wasson		X	X			
Casey	X		X			
Woodend			X			

NEW BUSINESS:

**Future
Special Council
Meetings-**

Council decided to continue to meet weekly during September. The schedule for September meetings is:

- Thursday, September 9, 730pm at Demby Annex [Regularly Scheduled]
- Thursday, September 16, 730am at MLFD [Special]
- Thursday, September 23, 730pm at Neeta School (GYM) [Regularly Scheduled]
- Thursday, September 30, 730am at MLFD [Special]

**Good of the
Borough-**

Clarence Wingert, 152 Askoran Trail, Medford Lakes, NJ asked if Council was going to answer any of the charges being leveled against the Borough in the newspapers. Manager Knight responded that at this point no lawsuits have been delivered or served on the Borough to date. Rich stated that he has supplied Tort Claims Forms to attorneys that have requested them. Rich has kept Solicitor Vogdes up to date on all related information.

Walter Cox, 263 Chicagami Trail, Medford Lakes, NJ asked about the work being done to the blinking light on Stokes Road. Manager Knight will be in touch with County Highway to get status on the project. Light expected to be working prior to school start.

Bill List-

MOTION-WASSON, SECOND-WOODEND

Mayor Wasson asked about an expense shared by Administration and Construction related to ID cards. Manager Knight explained that of the three ID's, one had to be charged to admin and the other two were charged to construction yet all three shared a common voucher. One bill from the FD was inadvertently charged to the general ops. and should have been in the flood account.

VOTE-ALL YEA'S

MOTION TO ADJOURN (WOODEND), SECONDED (CASEY)- VOTE-ALL YEA'S

MOTION CARRIED

MEETING ADJOURNED AT 0910AM

Respectfully submitted:

Richard J. Knight
Borough Manager/Clerk

