

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
DECEMBER 23, 2004**

The regular meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in the Denby Annex of the Medford Lakes Colony beginning at 7:30pm. Mayor Wasson presided. 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, (4) mailed to the Courier Post, Cherry Hill, NJ, and (5) 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 were Mayor Dave Wasson, Councilman Timothy Casey and Councilman Gary Woodend. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Solicitor Jim Vogdes, Colony Representative Paul Weiss, and Police Chief Frank Martine.

PUBLIC COMMENT

Greg Armburster, the golf course superintendent for the Medford Lakes Country Club, advised Council of the status of the water re-use project. The Club previously made application to the Pinelands; that organization had issues with the application. The Club removed the word "effluent" from the permit application in the hopes this will ease the situation. For the time being, the lake will be filled from the Club's well. Mr. Armburster stated the Medford Lakes Country Club hopes to proceed with the project in the spring, with Pinelands approval.

APPROVAL OF MINUTES

There were no minutes available for approval.

ORDINANCES

Mayor Wasson introduced Ordinance 503, seconded by Councilman Casey, on Second and Final reading.

ORDINANCE 503

AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES CANCELLING APPROPRIATIONS OF \$38,841.87 FROM ORDINANCE 435, AND RE-APPROPRIATING THAT SUM TO ORDINANCE 488.

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes, in the County of Burlington and State of New Jersey, that:

SECTION 1.

WHEREAS, there is a need to cancel unused appropriations totaling \$38,841.87 from Ordinance No. 435, an Ordinance amending and supplementing Bond Ordinance No. 431 of the Borough of Medford Lakes, in the County of Burlington, New Jersey finally adopted June 12, 1997, authorizing the construction of various capital improvements and the acquisition of a fire truck and other vehicles and providing for an increase in the appropriation thereof and the amount of the authorization for the issuance of bonds or notes for financing such appropriation; and

SECTION 2.

WHEREAS, the Borough of Medford Lakes wishes to appropriate the cancelled sum of \$38,841.87 to Ordinance No. 488, a Bond Ordinance authorizing construction of a cell tower in the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, appropriating \$180,000.00 therefore and authorizing the issuance of \$171,000.00 of bonds or notes of the Borough for financing part of the cost thereof;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes that:

1. the sum of \$38,841.87 is cancelled from Ordinance No. 435 and is hereby re-appropriated to Ordinance No. 488; and
2. no additional debt is incurred by this Ordinance.

SECTION 3. REPEALER. All other ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Nextel is on the tower and paying rent.

Council directed Manager Knight to investigate Virgin Mobil as a possible tenant for the tower.

PUBLIC COMMENT: None

VOTE TO APPROVE ORDINANCE 503 ON SECOND AND FINAL READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 503 is approved on Second and Final Reading

Councilman Casey introduced Ordinance 504 on First and Final Reading, seconded by Mayor Wasson.

ORDINANCE 504

AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, AMENDING ORDINANCE NUMBERS 496 AND 499, THE 2004 SALARY ORDINANCES, AND PROVIDING FOR AN INCREASE IN SALARY AUTHORIZED TO BE PAID TO EMPLOYEES OF THE BOROUGH OF MEDFORD LAKES FOR THE CALENDAR YEAR 2004.

WHEREAS, Ordinance Numbers 496 and 499 were adopted by the Borough of Medford Lakes, in 2004, being the 2004 Salary Ordinance; and

WHEREAS, due to underpayment of salaries for the calendar year 2003, such salary shortfall was made up by payments in January, 2004, resulting in total monies being paid to employees for the calendar year 2004, which are or appear to be in excess of salaries presently authorized by Ordinance Numbers 496 and 499 for the calendar year 2004; and

WHEREAS, N.J.S.A.40:81-21 permits a municipality under the 1923 Municipal Manager Form of Government to adopt emergency ordinances which may take effect immediately without publication, and at one meeting by the vote of one more than the majority of the municipal council; and

WHEREAS, a failure to pay employees may be contrary to law, and constitutes such emergency; and

WHEREAS, the Borough therefore desires to increase the salary ordinance for the year 2004, solely for the purpose of authorizing the governing body to pay its employees on December 31, 2004, which payment will result in total monies paid in the year 2004 in excess of the present limitation of Ordinance Numbers 496 and 499;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes, County of Burlington and State of New Jersey:

1. the amounts set forth in the 2004 Salary Ordinances, Numbers 496 and 499, are hereby increased to reflect the payments to be made December 31, 2004, to employees as set forth in a schedule (Exhibit A), which schedule shall be maintained at the Clerk's Office and available for inspection; and
2. the 2004 Budget is hereby amended to the extent of any inconsistency therewith; and
3. this Ordinance shall become effective immediately pursuant to N.J.S.A.40:81-21.

Council discussed why the ordinance was necessary and what it will do. The adjustment does not involve employees who are paid hourly. The Borough had considered changing payday from every two weeks to twice a month. The Medford Lakes Police Department Police Officer's Association would not agree to the change; their contract does not allow the Borough to alter the pay periods with out their approval. Resolution 167-04 augments this ordinance.

Council would like to move to twice a month pay days, hopefully by February. Council directed Manager Knight to attempt to resolve the issue by that time.

PUBLIC COMMENT: None

VOTE TO APPROVE ORDINANCE 504 ON FIRST AND FINAL READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 504 is approved on First Reading

RESOLUTIONS

Councilman Woodend introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 167-04

A RESOLUTION ADJUSTING SALARIES FOR CALANDER YEARS 2003 AND 2004

WHEREAS, the Borough of Medford Lakes in the calendar year 2003 did not pay to employees the full amount of their annual authorized salary for that year, thus resulting in payments to said employees that were short of their annual salaries authorized and set forth by salary ordinance for the year 2003; and

WHEREAS, an adjustment was made in January, 2004, such as to pay to said employees an amount that was due to them for the year 2003, but said payments were actually made in the year 2004; and

WHEREAS, this payroll adjustment results in total monies to be paid to employees in the year 2004 to exceed or appear to exceed the amount authorized by salary ordinance for the year 2004; and

WHEREAS, the Borough wishes to memorialize, authorize, and approve the aforesaid adjustment, and, in so doing, confirm and ratify that the monies paid to employees for the years 2003 and 2004 do not exceed the annual salary provided by ordinance, but rather reflect a payroll adjustment;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey, that the Borough of Medford Lakes is authorized to issue payroll checks dated December 31, 2004, to its employees, which will result in monies paid during the calendar year 2004 in excess of amounts set forth for the year 2004 salary ordinance, but in accordance with the salary ordinance for the years 2003 and 2004, as adjusted herein.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 167-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 167-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 163 -04

A RESOLUTION ESTABLISHING A SCHEDULE OF REGULAR MEETINGS FOR THE YEAR 2005

WHEREAS, the Open Public Meeting Law effective January 19, 1976, provides for the compilation and dissemination of a schedule of regular meetings for public bodies;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that the following be and hereby is a compilation of Regular meetings to be held by this Council during the year. In compliance with the Open Public Meetings Law PL 1975 C. 23,1 the Borough Council of the Borough of Medford Lakes disseminates the following **Annual Notice** of the schedule of meetings to be held during the calendar year 2005. All meetings (unless noticed) will commence at 7:30 PM prevailing time, in Denby Annex, Vaughn Hall, 79 Tecumseh Trail on the following dates:

Meeting one

JANUARY 13
FEBRUARY 10
MARCH 10
APRIL 14
MAY 12
JUNE 9
JULY 14
AUGUST 11
SEPTEMBER 8
OCTOBER 13
NOVEMBER 3
DECEMBER 8

Meeting two

JANUARY 27
FEBRUARY 24
MARCH 24
APRIL 28
MAY 26
JUNE 23
JULY 28

SEPTEMBER 22
OCTOBER 27
NOVEMBER 17
DECEMBER 22

There will be no second meeting in August and the meetings in November will be on the 3rd and the 17th.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 163-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 163-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 164 -04

A RESOLUTION APPOINTING NEWSPAPERS FOR THE PUBLICATION OF LEGAL NOTICES FOR THE YEAR 2005

WHEREAS, it is required to designate newspapers for publication of Legal Notices;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that The Central Record, Medford, NJ published weekly, The Burlington County Times, Willingboro, NJ, published daily and the Courier-Post, Cherry Hill, NJ, published daily, be authorized as official newspapers for the publication of Legal Notices of the Borough: it being the intent of this resolution with respect to any Legal Notice that such may be published in either newspaper.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 164-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 164-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 165-04

A RESOLUTION AUTHORIZING THE RE-ESTABLISHMENT OF A PETTY CASH FUND FOR THE YEAR 2005

WHEREAS, N.J.S.A.40A:5-21 authorizes the establishment of a Petty Cash Fund for the Clerk's Office of the Borough of Medford Lakes; and

WHEREAS, said Petty Cash Fund was established by Resolution dated June 8, 1972 by the Borough Council of the Borough of Medford Lakes; and

WHEREAS, it is the desire of the Borough Council that said fund be continued under direction of the Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey, that:

1. during the year 2005;
2. Richard J. Knight, Borough Clerk be and is hereby authorized and permitted to establish a Petty Cash Fund in the amount not to exceed \$200.00 pursuant to the provisions of N.J.S.A 40A:5-21.

Said Petty Cash Fund will be used by such office or department to pay claims for small miscellaneous expenses; and

3. Richard J. Knight, Borough Clerk, having custody of the Fund be bonded in an amount not less than \$1,000.00 and will maintain said Fund in accordance with the laws and regulations governing its operation.

Council directed Manager Knight to become bonded; he has not yet done so.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 165-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 165-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Woodend:

RESOLUTION 166-04

A RESOLUTION NAMING OFFICIAL DEPOSITORIES FOR THE BOROUGH OF MEDFORD LAKES FOR THE LEAR 2005

WHEREAS, NJSA 40A:5-14 mandates that the Governing Body of a Municipal Corporation shall, by resolution passed by a majority vote of the full membership thereof, designate as a depository for its monies a bank or trust company having its place of business in the State and organized under laws of the United States;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that, any financial institution or bank that is licensed to do business in the State of New Jersey and is covered by the GOVERNMENT UNIT DEPOSIT PROTECTION ACT, and the New Jersey Cash Management Fund, be and are, hereby designated as official depositories for Borough funds. Prior to the deposit of any Municipal funds in the above mentioned depositories said bank shall file with the Chief Financial Officer a statement indicating that the bank is covered.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 166-04

Ayes: Wasson, Woodend

Nays: None

Abstain: Casey

Resolution 166-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Woodend:

RESOLUTION 168-04

A RESOLUTION APPOINTING A BOROUGH RISK MANAGEMENT CONSULTANT FOR THE YEAR 2005

WHEREAS, the Borough of Medford Lakes is desirous of appointing a Risk Management Consultant for the year 2005, to provide for the Borough's Insurance coverage for said year; and

WHEREAS, the Local Public Contract Law (NJSA 40A:11-1 et seq) requires that the resolution authorizing the award of contracts for "Extraordinary Unspecifiable Service" without bids and contract itself must be available for public inspection; and

WHEREAS, the Director of the Department of Revenue and Finance has certified that this meets the statute governing the award of said contract;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey, that

1. the Mayor and Borough Clerk be and they are hereby authorized to execute a contract with "Commerce National Insurance Services"; and
2. this contract is awarded without competitive bidding as "Extraordinary Unspecifiable Services" in accordance with NJSA 40A:11-5 (1) (m) of the Local Public Contracts Law; and
3. a notice of this action shall be published in The Central Record.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 168-04

Ayes: Wasson, Woodend

Nays: None

Abstain: Casey

Resolution 168-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 169-04

A RESOLUTION APPOINTING A MUNICIPAL SOLICITOR FOR THE YEAR 2005

WHEREAS, there exists a need for a Municipal Attorney; and

WHEREAS, the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

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

1. the Mayor and Clerk are hereby authorized and directed to execute the attached agreement with James M. Vogdes, III, Esq.
2. this contract is awarded without competitive bidding as a Professional Service in accordance with 40A:11-1 of the Local Public Contracts Law because James M. Vogdes, III, Esquire is a person authorized by law to practice a recognized profession in the State of New Jersey, to wit, the profession of Attorney. These professional services are necessary and are required by this municipality; and

3. a notice of this action shall be printed in The Central Record.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 169-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 169-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Woodend:

RESOLUTION 170-04

A RESOLUTION APPOINTING A BOROUGH PUBLIC DEFENDER FOR THE YEAR 2005

WHEREAS, there exists a need for a Public Defender;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey, that Peter Nelson, Esquire be and hereby is appointed Public Defender for the Borough of Medford Lakes for the term of one year effective January 1, 2005.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 170-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 170-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 171-04

A RESOLUTION APPOINTING A PROSECUTOR AND A SUBSTITUTE PROSECUTOR FOR THE YEAR 2005

WHEREAS, Council wishes to designate a Municipal Prosecutor and Substitute Prosecutor;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that Mark Tarantino be and hereby is appointed Prosecutor of the Borough of Medford Lakes for the term ending December 31, 2005 and Frank Cavello is appointed as substitute prosecutor of Medford Lakes for the term ending December 31, 2005; and

BE IT FURTHER RESOLVED that any Attorney practicing as a Municipal Prosecutor in the County is authorized to substitute prosecute in the event of a prosecutors scheduling problem. The substitution provision of this resolution shall not be deemed to authorize additional payment or to increase the prosecutor position line item; and

BE IT FURTHER RESOLVED that this appointment be and is made in accordance with and subject to the provisions of Public Law 1996, Chapter 95.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 171-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 171-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 172-04

A RESOLUTION APPOINTING A DEPUTY MUNICIPAL CLERK FOR THE YEAR 2005

WHEREAS, there exists a need for a Deputy Municipal Clerk in order to serve in the absence of the Municipal Clerk;

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

1. Mark J. McIntosh is hereby appointed Deputy Clerk for the Borough of Medford Lakes, for the term commencing January 1, 2005 and ending December 31, 2005; and
2. the salary for this position shall be set forth by the Municipal Salary ordinance.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 172-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 172-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Woodend:

RESOLUTION 173-04

A RESOLUTION AUTHORIZING INVESTMENT OF IDLE FUNDS AND FUND TRANSFERS

WHEREAS, it is desirable that idle funds of the Borough of Medford Lakes be invested in legal investment vehicles at all times; and

WHEREAS, it is occasionally necessary to transfer funds for the purpose of meeting current Borough expenses or for the purpose of effecting investments;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that it does hereby authorize the Chief Financial Officer to request bids and to place orders for the investment of idle funds solely in legally authorized investment vehicles such as investments to the investing institution; and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Medford Lakes that it does authorize the above named Chief Financial Officer to transfer funds by wire solely for the following purposes and subject to all pertinent regulations:

1. to or from Borough checking or savings accounts to other Borough accounts; and
2. to or from Borough checking or savings accounts to other Borough accounts specified by banks or the State of New Jersey Cash Management Funds solely for the purpose of investing for the account of the Borough of Medford Lakes, New Jersey.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 173-04

Ayes: Wasson, Woodend
Nays: None
Abstain: Casey
Resolution 173-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 174-04

A RESOLUTION AUTHORIZING THE CLERK TO DESIGNATE DEPUTY ANIMAL LICENSING OFFICIALS FOR THE YEAR 2005

WHEREAS, provisions are made in N.J.S.A. 26 which provide for the licensing of dogs and cats; and

WHEREAS, the Borough of Medford Lakes has provided for same under Ordinance Number 287; and

WHEREAS, N.J.S.A. 40A:9-133 provides that licensing is one of the core duties of the Municipal Clerk and in the absence of another designated licensing official the Municipal Clerk shall serve as the licensing official for the municipality.

WHEREAS, it is the Municipal Clerk's recommendation that in order to fulfill the requirement of animal licensing official that the following employees of the Borough of Medford Lakes are hereby designated as Animal Licensing Officials:

Richard J. Knight	Tammy Haines
Sherry Rockhill	Dianne Forster
Mark J. McIntosh	Debra Valentino
Jennafer Hernandez	

NOW, THEREFORE, BE IT RESOLVED by the Borough of Medford Lakes Council, County of Burlington, State of New Jersey, that the above employees are authorized to serve as Deputy Licensing Officials for the issuance of dog and cat licenses.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 174-04

Ayes: Wasson, Casey, Woodend
Nays: None
Resolution 174-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 175-04

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR A MUNICIPAL AUDITOR FOR THE YEAR 2005

WHEREAS, there exists in the Borough of Medford Lakes a need for a Municipal Auditor to perform Auditing services for the Borough in connection with the preparation of the annual audit and financial statements; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq) requires that the resolution authorizing awarding of contracts for Professional Services without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey, that Robert Stewart of Inverso & Stewart, be and is, hereby appointed as the Municipal Auditor for the Borough of Medford Lakes for the calendar year 2005.

This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by the law.

A copy of this resolution shall be published in The Central Record as required by law within (10) ten days of its passage.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 175-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 175-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Woodend:

RESOLUTION 176-04

A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT FOR A MUNICIPAL ENGINEER FOR THE YEAR 2005

WHEREAS, there exists in the Borough of Medford Lakes a need for a Municipal Engineer to perform Engineering services for the Borough in connection with road work, tax maps, Sewerage Treatment Plant and mains; and

WHEREAS, the Local Public Contracts Law (NJSA 40A:11-1 et seq) requires that the resolution authorizing awarding of contracts for Professional Services without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that Richard A. Alaimo Association of Engineers, be and is, hereby appointed as the Municipal Engineer for the Borough of Medford Lakes for the calendar year 2005.

This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by the law.

A copy of this resolution shall be published in The Central Record as required by law within (10) ten days of its passage.

PUBLIC COMMENT None

VOTE TO APPROVE RESOLUTION 176-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 176-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 177-04

A RESOLUTION AUTHORIZING THE ASSESSOR TO EXECUTE STIPLUATIONS OF SETTLEMENT AN FILE ASSESSOR APPEALS

WHEREAS, Statutory provision is made for the review and correction of errors prior to certification of an assessment list; and

WHEREAS, provision is also allowed for the discovery and correction of errors after establishment of the Tax Rate; and

WHEREAS, changes in property ownership at times necessitates adjustment to the Veteran and/or Senior Citizens deductions allowed on the assessment list; and

WHEREAS, responsibility for the maintenance and correction of the assessment list rests with the local assessor subject to Laws and Regulations;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Medford Lakes Council, County of Burlington, State of New Jersey, that the assessor, fulfilling the duties and requirements of his office, be authorized to file with the Burlington County Board of Taxation such appeals as may be necessary to maintain accuracy and equality in the assessment list of the Borough of Medford Lakes; and

BE IT FURTHER RESOLVED, that the assessor is hereby authorized to execute stipulations of settlement on behalf of the Municipality.

BE IT FURTHER RESOLVED, that a certified copy of this resolution accompany any appeal filed by the assessor with the Burlington County Board of Taxation.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 177-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 177-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 178-04
A RESOLUTION APPOINTING JENNAFER HERNANDEZ AS TAX COLLECTOR

WHEREAS, there exists a need for a Municipal Tax Collector; and

WHEREAS, the Borough desires to temporarily appoint Ms. Jennafer Hernandez as Municipal Tax Collector; and

WHEREAS, Ms. Jennafer Hernandez is a Certified Tax Collector per NJSA 40A: 9-141-145.12 and is qualified to serve as Tax Collector;

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

1. Ms. Jennafer Hernandez is hereby temporarily appointed Tax Collector for the Borough of Medford Lakes; and
2. the term shall not exceed 90 days.

The salary for this position shall be set forth by the Municipal Salary Ordinance.

The position is statutory, four years in length, and tenure is achieved after the four years. Ms. Hernandez currently works in the Borough office once a week on Fridays. The motion was amended to extend Ms. Hernandez's term as temporary tax collector, not to exceed 90 days.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 178-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 178-04 is approved

Councilman Casey introduced the following resolution, seconded by Mayor Wasson:

RESOLUTION 179-04
A RESOLUTION PERMITTING EMPLOYEES TO WAIVE COVERAGE IN THE STATE HEALTH BENEFITS PLAN.

WHEREAS, the Borough of Medford Lakes participates in the State Health Benefits Program, which permits employees the opportunity to waive health benefits coverage in exchange for an agreed upon incentive (Ch. 259, PL 1995); and

WHEREAS, the Borough of Medford Lakes wishes to permit employees who receive health care benefits as a dependent of their spouse to waive employee coverage and receive an incentive. The incentive shall be 50% of the amount saved by the municipality because of the waiver of benefits, this incentive shall be paid quarterly; and

WHEREAS, the Borough of Medford Lakes will permit an employee, who has waived coverage under the provisions of this law, to immediately resume health coverage under his or her employer's health plan in the event that dependent coverage under the spouse's plan is lost; and

WHEREAS, the decision of the municipality to allow its employees to waive coverage and the amount of the incentive to be paid cannot be subject to the collective bargaining process; and

WHEREAS, employees who participate in the SHBP who wish to waive coverage in order to receive an incentive must file "State Health Benefits Program Coverage Waiver/Reinstatement Form" along with a SHBP Application. To reinstate coverage under the SHBP, an employee must complete a "State Health Benefits Program Coverage Waiver/Reinstatement Form" along with a SHBP Application. Reinstatement will be effective immediately following the loss of the employee's coverage through a spouse's active health benefits coverage.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Medford Lakes hereby approves the enrollment of the Borough of Medford Lakes in the State Health Benefits Program Coverage Waiver Plan. This plan will result in considerable cost savings to the Borough of Medford Lakes.

Council discussed the resolution and decided to table approval of it, so it could be re-worded to require employees to work full-time before they would be eligible for the waiver.

VOTE TO TABLE RESOLUTION 179-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 179-04 is tabled

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 180-04

A RESOLUTION AUTHORIZING CERTAIN BUDGETARY TRANSFERS

WHEREAS, the Borough Council of the Borough of Medford Lakes did adopt a budget for the year 2004 in accordance with the Municipal Budget Law (N.J.S.A. 40A:4 et seq.); and

WHEREAS, it has become necessary to transfer certain funds among the various line items as contained within the aforementioned adopted municipal budget; and

WHEREAS, N.J.S.A. 40A:4-58 allows for the transfer of funds among line items of an adopted municipal budget during the first three months of the next fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that in accordance with the provisions of NJSA 40A:4-58 and NJSA 40A:4-59, it hereby authorizes the Borough Manager to make the transfers as listed below among the various line items.

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
Public Works OE	Admin SW	\$13,000.00
OASI	Admin OE	3,500.00
OASI	Clerk SW	9,000.00
OASI	Tax Assessor SW	800.00
Public Works OE	Construction SW	1,000.00
Planning OE	Planning Board SW	350.00

OASI	Construction OE	5,000.00
Planning OE	Code Enforcement SW	200.00
Planning OE	Insurance-liability	600.00
Public Works OE	Fire Official SW	300.00
Planning OE	Street Lighting	1,800.00
Landfill	Gasoline	10,000.00
Planning OE	Postage & Printing	3,000.00
OASI	Contingent	500.00

Council questioned why the Borough Clerk’s salary was off by \$9,000. Manager Knight (also the Clerk) explained to Council what had happened and that he had checked with Auditor Stewart and Mr. Middleton prior to preparing the transfer of funds.

Council directed Manager Knight to obtain an explanation of what the error was and provide it to them.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 180-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 180-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 181-04

A RESOLUTION CANCELLING UNEXPENDED FUNDS

WHEREAS, there is a need to cancel unexpended funds in certain appropriations of the Borough; and

WHEREAS, adoption of this resolution amends Resolution 100-04, the Special Emergency Resolution adopted on July 22, 2004, from \$1,000,000.00 to \$750,000.00;

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that in accordance with the provisions of NJSA 40A: 4-60, it hereby authorizes the Borough Manager to cancel funds from the following appropriations:

<u>APPROPRIATION</u>	<u>TITLE</u>	<u>AMOUNT</u>
4-01-46-877-000	FLOOD EMERGENCY	\$250,000.00

Council directed Manager Knight to obtain definitive information from Wastewater Superintendent Paul Hayden and Public Works Superintendent Pat McCorriston as to what vehicles they need to replace and when they need to be replaced.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 181-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 181-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 182-04
A RESOLUTION APPOINTING CROSSING GUARDS FOR THE YEAR 2005

WHEREAS, it is the desire of the Borough to utilize Crossing Guards to assist in the safe movement of our children and other residents as they cross identified Borough crosswalks during School hours; and

WHEREAS, the New Jersey State Statute governing Crossing Guards requires that they be appointed each year; and

WHEREAS, it is the desire of the Borough Council to appoint qualified individuals to fill the position of Crossing Guard;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes that the following appointment(s) be made as Crossing Guards:

<u>Appointee</u>	<u>Class Designation</u>	<u>Commencement of Term</u>	<u>Expiration of Term</u>
Diane Albrecht	Crossing Guard	January 1, 2005	December 31, 2005
Irene Bamford	Crossing Guard	January 1, 2005	December 31, 2005
Cliff Brass	Crossing Guard	January 1, 2005	December 31, 2005
Don Bray	Crossing Guard	January 1, 2005	December 31, 2005
Bob Dorsey	Crossing Guard	January 1, 2005	December 31, 2005
Janet Dwier	Crossing Guard	January 1, 2005	December 31, 2005
Leslie Ferry	Crossing Guard	January 1, 2005	December 31, 2005
Debbie Gilmore	Crossing Guard	January 1, 2005	December 31, 2005
Barbara M. Hartford	Crossing Guard	January 1, 2005	December 31, 2005
Anne Hauck	Crossing Guard	January 1, 2005	December 31, 2005
Jim Hynes	Crossing Guard	January 1, 2005	December 31, 2005
Barbara Kinder	Crossing Guard	January 1, 2005	December 31, 2005
Lisa McGovern	Crossing Guard	January 1, 2005	December 31, 2005
Nancy Morgan	Crossing Guard	January 1, 2005	December 31, 2005
Joseph O'Neil	Crossing Guard	January 1, 2005	December 31, 2005
Cathy Playford	Crossing Guard	January 1, 2005	December 31, 2005
Donna Tonucci	Crossing Guard	January 1, 2005	December 31, 2005
Monica Whittaker	Crossing Guard	January 1, 2005	December 31, 2005

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 182-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 182-04 is approved

OLD BUSINESS

CODIFICATION – Deputy Clerk McIntosh spoke with Mr. Babb of General Code, who suggested pulling the traffic and historic ordinances and approving the codification as is into book and electronic forms. The extra sections could be added later.

Council directed Manager Knight to work with Solicitor Vogdes to identify what ordinances are outstanding and to be prepared to proceed with what is ready.

Solicitor Vogdes has some questions about the Soliciting Ordinance; he will research the ordinance.

DAMS – Council directed Manager Knight to meet with representatives from Dam Safety to determine what their expectations are for the conceptual drawings. Council hopes to have the conceptual drawings ready for Dam Safety by May, 2005.

GUARDRAIL – the rail on Tabernacle Road will be installed next week.

WASTEWATER PLANT – the repairs to the plant are approximately 70% complete.

COURT TRAILER – the trailer will be moved from the DPW lot to the Administration lot next week.

OAKS HALL – Council directed Manager Knight to advise Jim Madden that they want a project plan by the end of February. They also want Mr. Knight to have Mr. Madden attend the next meeting.

Council also directed Manager Knight to obtain the final report from the Department of Environmental Protection concerning the status of the soil where the oil tank had been located.

Council discussed the concrete foundation at the Oaks Hall site. Mr. Madden feels it provides a stable base and will not have to be replaced.

Councilman Woodend advised Council of a meeting he had with representatives of Bob Meyer Builders. They plan be building a development behind the Nokomis School, between Stokes and Tuckerton Roads. If septic systems are used, 46 homes can be built. However, if the builder uses a sewer system, 110 houses can be built. Councilman Woodend suggested allowing Bob Meyer Builders to hook into the Medford Lakes sewer system, for a substantial fee. The fee could provide a financial gain for the Borough. Solicitor Vogdes was pleased with the possible financial gain, and explained how to “make it work” legally. He questioned the sewer plant’s capacity.

Council discussed the possibility of have Bob Meyer Builders build the new Oaks Hall facility; however, the planned development may be delayed due to political issues in Medford. Council agreed they did not want to wait too long while Medford works out the legal and political issues. However, the Council will explore the development and the resulting gain for the Borough.

Councilman Casey made a motion, seconded by Mayor Wasson, to direct Councilman Woodend to pursue the possibility of the development using the Medford Lakes sewer system, in addition to the possibility of the company building the new Oaks Hall facility.

PUBLIC COMMENT: Dick Thurber, 198 Chippewa Trail, congratulated Council on their willingness to consider the addition to the sewer plant in exchange for financial gain.

VOTE ON MOTION

Ayes: Wasson, Casey

Nays: Woodend

Motion carries

REPORTS

MANAGER'S REPORT – Mr. Knight reported he had hired a contractor to collect the leaves; the Borough is severely behind in the collection. Currently, two or three crews are now on the roads doing the collections. Even so, leaf collection is only approximately 50% complete.

SOLICITOR'S REPORT – Mr. Vogdes had paperwork to distribute to Council. He discussed re-valuation of properties in the Borough with Council.

Council directed Manager Knight to have Tax Assessor Doug Kolton prepare a status report of home sales and the impact on the tax appeal process. Mr. Kolton will be asked to attend a meeting in the future to discuss the re-valuation.

PAYMENT OF BILLS

Mayor Wasson made a motion, seconded by Councilman Casey, to pay the bills on the Bill List.

Council discussed some of the bills on the list. \$4,000 is scheduled for disbursement to members of the fire department for their response to fire calls. It will be broken down by percentage as it has been in the past.

VOTE ON MOTION TO PAY BILLS

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries, Bill List is approved for payment

ADJOURNMENT TO EXECUTIVE SESSION

Councilman Woodend made a motion, seconded by Mayor Wasson, to adjourn to Executive Session.

RESOLUTION 183-04

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

**PENDING LITIGATION
CONTRACTURAL ISSUES**

2. the Borough Council hereby declares that it's discussion of the aforementioned subject(s) may be made public at a time when the Borough Solicitor advised 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. 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.

PUBLIC COMMENT: None

VOTE TO ADJOURN TO EXECUTIVE SESSION

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

RETURN TO REGULAR COUNCIL MEETING

Councilman Woodend made a motion, seconded by Mayor Wasson, to adjourn to Executive Session.

VOTE TO RETURN TO REGULAR COUNCIL MEETING

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

ADJOURNMENT

Councilman Woodend made a motion, seconded by Mayor Wasson, to adjourn to meeting.

VOTE TO RETURN TO ADJOURN

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

Respectfully submitted,

Richard Knight
Borough Manager