

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
NOVEMBER 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 upstairs meeting room of the fire house, 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 Tim Casey, and Councilman Gary Woodend. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Police Chief Frank Martine, Borough engineer Wayne Simpson, and Colony representative Paul Weiss.

PUBLIC COMMENT

Jim Walker, 251 Chicagami Trail, asked if Council has a time-line for the long list of things that need to be done with regard to restoration of the two Aetna Lakes. He asked if items on the list could be completed out of order and if he could have a copy of the list. There is no "critical scheduling path." The Borough has not completed the first step, the conceptual design plan, which is not complete. Most of the initial steps for repair of the dams and restoration of the two lakes must be completed in order; it is difficult to proceed on multiple fronts.

APPROVAL OF MINUTES

Mayor Wasson made a motion, seconded by Councilman Casey, to approve the minutes for the November 4, 2004, Regular Council Meeting.

VOTE TO APPROVE MINUTES

Ayes: Wasson, Casey, Woodend

Nays: None

Minutes for November 4, 2004 are approved

ORDINANCES

Councilman Casey introduced Ordinance 500, seconded by Mayor Wasson, on Second and Final Reading.

ORDINANCE 500

AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES REPEALING ORDINANCE NO. 262, AND ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, NEW JERSEY EDITION 2000

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, the Department of Community Affairs has authorized municipalities to adopt the International Building Codes in place of present code provisions; and

SECTION 2. WHEREAS, the Borough of Medford Lakes wishes to implement the International Property Maintenance Code, as published by the International Code Council, Inc;

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

1. Ordinance No. 262 is hereby repealed.
2. The International Property Maintenance Code, New Jersey Edition 2000, and any amendments thereto, is hereby adopted and implemented to govern property maintenance and the property maintenance process in the Borough of Medford Lakes. Three (3) copies of same shall be kept on file at the Office of the Borough Clerk.

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 All other ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

The ordinance brings the Borough into conformance.

PUBLIC COMMENT: None

VOTE TO APPROVE ORDINANCE 500 ON SECOND READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 500 is approved

Councilman Casey introduced Ordinance 502, seconded by Councilman Casey, on Second and Final Reading.

ORDINANCE 502

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF MEDFORD LAKES, NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Medford Lakes, as follows:

SECTION 1. PURPOSE OF THIS ORDINANCE

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes, and other television conductors, fixtures, apparatus and equipment, as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations, shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. “Borough” or “Municipality” is the Borough of Medford Lakes, County of Burlington, State of New Jersey.
- b. “Company” is the grantee of rights under this Ordinance, and is known as Comcast of Garden State, LP.
- c. “Act” or “Cable Television Act,” is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. “FCC” is the Federal Communications Commission.
- e. “Board” or “BPU” is the Board of Public Utilities, State of New Jersey.
- f. “Office” or “OCTV” is the Office of Cable Television of the Board.
- g. “Basic Cable Service” means any service tier, which includes the re-transmission of local television broadcast signals, as defined by the FCC.
- h. “Application” is the Company’s Application for Renewal of Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully opened to the public, and the municipality having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications, and that the Company’s operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire years from the date of expiration of the previous Certificate of Approval issued by the Board with a year automatic renewal as provided by N.J.S.A.48:5A-19 and 25, and N.J.A.C.14: 18-13.6.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action; provided, however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Municipality, and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application.

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the nature of topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time, during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place, the Company shall, upon reasonable notice by the Municipality, remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, or other public places of the municipality, so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C.14: 18-1, et seq., and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service, and shall be prepared to report on it to the municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies, and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired, and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the Complaint Officer for the Municipality, pursuant to N.J.S.A.48: 5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and, in no event (except emergent circumstances), less than 9:00 a.m. to 5:00 p.m., Monday through Friday.

SECTION 12. PERFORMANCE BONDS

During the life of the franchisee, the Company shall give to the municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company, as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation, as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY

- a. The Company shall provide Total Preferred cable television service on one (1) outlet at no cost to each school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 150 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.
- b. The Company shall provide Total Preferred cable television service at no cost on one (1) outlet to each police, fire, emergency management facility, and public library, in the Municipality, as well as the Borough Administration Office at 5 Cabin Circle, provided the facility is located within 150 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets.
- c. The Company shall provide free basic Internet service, via high-speed cable and modem, to one (1) non-networked personal computer in each qualified existing and future school in the City, public and private, elementary, intermediate and secondary, at no charge provided the facility is located within 150 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to the students, and not for administrative use only.
- d. The Company shall provide free basic Internet access via high-speed cable and modem on one (1) non-networked personal computer in each qualified existing and future public library at no charge provided the facility is located within 150 feet of active cable distribution plant. The Internet shall be installed on a personal computer that is accessible to library patrons and not for administrative use only.

SECTION 15. TWO WAY SERVICES AND INTERCONNECTION

In the event that the Municipality determines that it is necessary and feasible for it to contract with the Company for the purpose of providing two-way or interconnection services, the Company shall be required to apply to the BPU for approval to enter into and establish the terms and conditions of such contract. All costs for such application to the BPU shall be borne by the Municipality.

SECTION 16. EMERGENCY USES

The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations. The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system, as contemplated herein.

SECTION 17. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or “umbrella”) policy in the amount of \$5,000,000.

SECTION 18. INCORPORATION OF THE APPLICATION

All of the commitments and statements contained in the application, and any amendment thereto submitted in writing to the Municipality by the Company, except as modified herein, are binding upon the Company as terms and conditions of this Municipal Consent. The application, and any other relevant writing submitted by the Company, shall be annexed hereto and made apart hereof by reference, as long as it does not conflict with State or Federal Law. All ordinances or parts of ordinances or other agreements between the Municipality and the Company that are in conflict with the provisions of this agreement, are hereby declared invalid and superseded.

SECTION 19. COMPETITIVE EQUITY

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C 14:17-6.7.

SECTION 20. SEPERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES

Nothing in this Franchise, or in any prior agreement, is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a renewal Certificate of Approval from the BPU.

PUBLIC COMMENT: None

VOTE TO APPROVE ORDINANCE 502 ON SECOND READING

Ayes: Wasson, Casey, Woodend
Nays: None
Ordinance 502 is approved

RESOLUTIONS

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

**RESOLUTION 154-04
A RESOLUTION CANCELLING TAXES ON EXEMPT PROPERTY**

WHEREAS, Joseph T. Ciervo, residing at 148 Stokes Road, also known as B: 30006, L: 239 in the Borough of Medford Lakes, Burlington County, State of New Jersey, has been granted a tax exemption status under N.J.S.A. 54:4-3.30 et seq; and

WHEREAS, the property taxes need to be canceled on B: 30006, L: 239 in the amount of \$2,961.22 for the second half billing of 2004;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the property taxes on B: 30006, L: 239, also known 148 Stokes Road, have been cancelled with an effective date of November 18th for the tax year 2004; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Burlington county Board of taxation, the treasurer of Burlington County, and the Municipal/Regional School to advise them of action taken by the Borough Council of the Borough of Medford Lakes.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 154-04
Ayes: Wasson, Casey, Woodend
Nays: None
Resolution 154-04 is approved

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

**RESOLUTION 155-04
A RESOLUTION ALTERING THE TRAFFIC PATTERN ON TRADING POST TRAIL TO ALLOW FOR IMPROVEMENTS TO A PORTION OF THE CURBLINE**

WHEREAS, Whelihan's Restaurant is building a restaurant/bar on the corner of Stokes Road and Tabernacle Road; and

WHEREAS, Whelihan's has hired Design Line Construction to construct the pub; and

WHEREAS, Design Line Construction will make improvements to a portion of the curb line on Trading Post Trail and the entire Borough parking lot, which is adjacent to the Whelihan's property; and

WHEREAS, the traffic pattern on Trading Post Trail will have to be altered for approximately seven to ten days to allow for the curb improvements;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that Trading Post Trail will be marked and enforced as a one-way street during the period of the improvements, in accordance with N.J.R.S. 39:4-197.3; and

BE IT FURTHER RESOLVED, that traffic will be directed in a westbound direction only, with vehicles entering Trading Post Trail only from Tabernacle Road and exiting only onto Stokes Road; and

BE IT FURTHER RESOLVED, that Design Line Construction will provide ample space for parking in the area of the Borough parking lot for patrons and employees of the area businesses during the period of the improvements.

Police Chief Martine explained the need for the new traffic pattern during improvements to the curb line Design Line will sign and post the area.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 155-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 155-04 is approved

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

RESOLUTION 156-04

A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO COMPLETE A NJDEP APPLICATION FOR THE BEACH DRIVE PUMPING STATION AND FORCED MAIN

WHEREAS, various parts of infrastructure within the Borough of Medford Lakes was damaged by flood waters from a flood that occurred on July 12, 2004; and

WHEREAS, the flood caused damage to the sewer lines and collection system that went through Upper Aetna Dam; and

WHEREAS, the sewer lines must be repaired to protect the environment and to protect the general population; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that the Manager of the Borough of Medford Lakes is hereby authorized to complete an application with the New Jersey Department of Environmental Protection for the Beach Drive Pumping Station and forced main.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 156-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 156-04 is approved

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

RESOLUTION 157-04

A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO A CONTRACT WITH MIBO CONSTRUCTION CO., INC. FOR VARIOUS REPAIRS TO THE SEWER PLANT

WHEREAS, the Borough of Medford Lakes Wastewater treatment facilities were damaged by flood waters from a flood that occurred on July 12, 2004; and

WHEREAS, the flood caused damage to various buildings within the treatment plant property; and

WHEREAS, the facilities must be repaired to create a safe work environment; and

WHEREAS, the Borough of Medford Lakes received quotes from qualified general contractors and has awarded the project to the lowest qualified bidder;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that the Mayor and Manager of the Borough of Medford Lakes are hereby authorized to enter an Agreement with MIBO Construction Company, 357 Whitehorse Pike, Atco, New Jersey, 08004, for various repairs to buildings located within the sewer plant, 14 Stokes Road not to exceed \$42,496.50.

The implementation of this Resolution and execution of contract is conditioned upon certification of availability of funds pursuant to law.

The resolution awards a contract for repairs to the Medford Lakes Sewer Plant. Council hopes the cost is subject to reimbursement by either FEMA or the Borough's insurance.

PUBLIC COMMENT: Jim Walker, 251 Chicagami Trail, asked if the process required competitive bidding; it does not. Council had previously declared a state of emergency, which only requires solicitation of bids.

VOTE TO APPROVE RESOLUTION 157-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 157-04 is approved

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

RESOLUTION 158-04

A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO A CONTRACT WITH FALCON FENCE FOR REPAIRS TO THE SEWER PLANT FENCE AND GATES

WHEREAS, the Borough of Medford Lakes Wastewater treatment facilities were damaged by flood waters from a flood that occurred on July 12, 2004; and

WHEREAS, the flood caused damage to the perimeter fence and gates within the treatment plant property; and

WHEREAS, the fencing must be repaired to create a safe work environment and to protect the property;
and

WHEREAS, the Borough of Medford Lakes received quotes from qualified general contractors and has awarded the project to the lowest qualified bidder;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that the Mayor and Manager of the Borough of Medford Lakes are hereby authorized to enter an Agreement with Falcon Fencing, 388 Bay Avenue, Tuckerton, New Jersey, 08087, for various repairs to fencing located within the sewer plant, 14 Stokes Road, not to exceed \$12,450.00.

The implementation of this Resolution and execution of contract is conditioned upon certification of availability of funds pursuant to law.

Councilman Woodend is hopeful for reimbursement for the high cost of the fence.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 158-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 158-04 is approved

OLD BUSINESS

FLOOD RECOVERY – Wayne Simpson, the Borough’s engineer representing Alaimo Engineering, advised Council that he had contacted the Department of Environmental Protection. The DEP wants a “fully compliant” design for the two dams. A study will be needed on how to proceed in the event the dams upstream are not repaired for use. FEMA requires an hydrologic study by March 1, 2005.

The ownership of, and responsibility for, Lower Aetna dam is still in question. Council asked Paul Weiss to determine the Colony’s position on ownership of the dam. FEMA’s deadline for appealing ownership of the dam is December 6, 2004.

The Colony plans to fence in the area of Beach One, Aetna Way, and Jackson Park with deer fencing, which is 7.5’ in height. Also, cedar fencing will be used along part of Beach One to prevent access. Councilman Woodend suggested using 4’ fence. Councilman Casey suggested using 6’ fencing. Police Chief Martine advised Mr. Weiss that cedar board-on-board fencing would restrict officers view into the area. Mr. Weiss will take all suggestions and comments back to the Colony’s committee.

Sand testing from the Aetna Lake beds came back well within DEP standards.

PUBLIC COMMENT: Clair Carlyle, 250 Chicagami Trail, asked Council to repair the dams as soon as possible, without regard to ownership. She asked what remains of the dam on Upper Aetna Lake. The dam is gone, but the spillway remains.

Jim Walker, 251 Chicagami Trail, asked how Medford was able to repair their dams as quickly as they did. Medford's dams were not repaired to specifications, there is no water in the lakes, and the township may be fined for failure to repair the dams as required by the DEP.

Mr. Simpson reported that the low bid for sewer repair on Beach Drive was \$372,507, presented by Winzinger Associates.

Councilman Casey made a motion, seconded by Mayor Wasson, to award a contract to Winzinger Associates for a forced main on Beach Drive.

RESOLUTION 159-04

A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO ENTER INTO A CONTRACT WITH ROBERT T. WINZINGER, INC., FOR CONSTRUCTION OF THE BEACH DRIVE WASTEWATER PUMPING STATION AND STOKES ROAD FORCED MAIN

WHEREAS, the Borough of Medford Lakes Wastewater service line at Beach Drive was damaged by flood waters from a flood that occurred on July 12, 2004; and

WHEREAS, the flood caused damage to the service line leaving it exposed to environmental and security concerns; and

WHEREAS, the line must be repaired or an alternate method of pumping the wastewater must be designed to create a safe and secure environment; and

WHEREAS, Borough Council and the Borough engineers have deemed the safest and most economical solution is to build a pumping station at Beach Drive with a forced main to Stokes Road; and

WHEREAS, the Borough of Medford Lakes received quotes from qualified general contractors and has awarded the project to the lowest qualified bidder;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that the Mayor and Manager of the Borough of Medford Lakes are hereby authorized to enter an Agreement with Robert T. Winzinger, Inc., P.O. Box 537, Hainsport, NJ, 08036, for construction of a pumping station and forced main per the agreed contract and not to exceed \$372,507.00

The implementation of this Resolution and execution of contract is conditioned upon certification of availability of funds pursuant to law.

PUBLIC COMMENT: Dick Thurber, 97 Chippewa Trail, questioned why it would take one week to notify Winzinger of the contract. Mr. Simpson will hand deliver it on Wednesday, November 25, 2004, after having it signed during the meeting.

Jim Walker, 251 Chicagami, asked where the Beach Drive pumping station would be located. It will be on the island at Chicagami Trail.

Council and Mayor Wasson signed the Contract.

VOTE TO AWARD CONTRACT TO WINZINGER

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 159-04 is approved

Mr. Simpson advised Council of the need for a well to supply wash down water at the pumping station, as required by the NJDEP. The lowest quote is for a 125 foot deep well into the Vincentown Aquifer, submitted by Glenn Robbins Water Well Service. The bid amount is \$4,345. Mr. Simpson recommended having Robbins do the work.

Guardrails need to be installed on Tabernacle Road. The needed approvals have been received; however, the Department of Transportation has not notified the Borough of a start date.

New heaters have been installed at the firehouse.

The administration trailer has been repaired; siding was removed and TYVEK was installed as a vapor barrier.

Manager Knight is obtaining quotes on the cost of moving the Department of Public Works to the Wastewater plant site.

Council discussed at length the issue of compensation for volunteers who suffered vehicle losses during the flood. Fire Chief McIntosh advised Council he was disappointed and frustrated at the pace with which the issue is being resolved. He reminded Council that volunteers respond immediately to squad or fire calls; he does not feel Council is reacting to volunteer's losses with the same immediacy.

Councilman Casey suggested using the Kelly Blue Book value of each vehicle as a starting point for determining each person's compensation. The amount would be the Borough's obligation to each individual. Councilman Woodend suggested asking a local adjuster to volunteer to determine the value of the vehicles damaged during the flood, to be used as a starting point. He will ask representatives from Commerce Insurance, present for an Executive Session, for their input.

PUBLIC COMMENT: Rich Igo, ML Fire Department volunteer member, advised Council that the gift of the vehicle donated to him by Medford Ford was not the result of any Borough initiative.

Rich Barnett, ML Fire Department volunteer member and resident of Medford Lakes, asked Council to do the right thing and reimburse the volunteers for their losses.

Following the heated discussion, it was decided that Manager Knight would discuss the issue with John Wagner from Commerce Insurance.

OAKS HALL PROJECT – the contract between the Borough and project manager Madden should be ready for signatures on Wednesday, November 24, 2004.

GRANTS – the Borough received a Clean Communities grant in the approximate amount of \$4,500.

MEETINGS – Borough Council meetings for December will be held on Thursday, December 9, and Thursday, December 23, 2004. Council hopes to hold another town meeting in January, 2005.

CORRESPONDENCE

Harriett's Oil Company sent a report to Council regarding the oil tank that was removed from under the old Oaks Hall building. The report shows the soil around the well to be within DEP limits.

REPORTS

Fire Chief Mark McIntosh reported his department's service program to senior citizens has resulted in the examination of smoke detectors in approximately 25 homes. New batteries were installed in those homes that needed one.

Chief McIntosh will include minutes from the Borough's safety meetings in Council's packets.

The fire department will provide a ride throughout town on one of its trucks for Santa Claus, when he visits the Borough.

Police Chief Frank Martine reported two new officers were given offers of conditional employment; their names will be forwarded to Manager Knight for appointment. Their target start date is December 13, 2004.

Chief Martine will forward a letter he received from Burlington County Prosecutor Robert Bernardi, asking all municipalities to check their survey maps concerning drug free school zones.

The police department cancelled its account with Verizon for the cable connect for records management. Comcast will provide the connection, and will save \$191 per month in connection fees.

PAYMENT OF BILLS

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

VOTE TO PAY BILLS

Ayes: Wasson, Casey, Woodend

Nays: None

Bill List is approved for payment

EXECUTIVE SESSION

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

RESOLUTION 160-04

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. That 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:

COMMERCE INSURANCE

2. That 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. 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 ADJOURN TO EXECUTIVE SESSION

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

Meeting adjourned to Executive Session

ADJOURN THE EXECUTIVE SESSION

Mayor Wasson made a motion, seconded by Councilman Woodend, to adjourn the executive session.

VOTE TO ADJOURN THE EXECUTIVE SESSION

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

Executive Session adjourned

ADJOURN PUBLIC MEETING

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

VOTE TO ADJOURN

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

Meeting adjourned

Respectfully submitted.

Richard Knight
Borough Manager

