

**BOROUGH OF MEDFORD LAKES  
REGULAR COUNCIL MEETING  
OCTOBER 28, 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 and Councilman Timothy Casey. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Solicitor Jim Vogdes, Colony representative Paul Weiss, and Emergency Squad Chief Rosemary Countess.

**PUBLIC COMMENT**

*Paul Weiss, 167 Comanche Trail, advised Council that the Colony has scheduled two special meetings with regard to it's consideration of a special assessment to help pay for dam repair. A meeting on November 8, 2004, at 7:30pm, will be a public hearing, at which time anyone wishing to will be allowed to speak. The next day, November 9, 2004, the Colony will hold an election so members may vote on the recommendations. The Colony will also hold two "communication meetings" prior to the public meeting on November 8<sup>th</sup>.*

*Mike Powers, 19 Onondago Trail, received a notice from the Colony advising him the vote would be on November 11, 2004. He was advised this was in error and the vote would be on November 9, 2004. Voting will be from 8:30am to 9:00pm.*

**APPROVAL OF MINUTES**

Councilman Casey made a motion, seconded by Mayor Wasson, to approve the minutes of the Regular Council Meeting of October 14, 2004.

VOTE TO APPROVE MINUTES

Ayes: Wasson, Casey

Nays: None

Absent: Woodend

Minutes are approved for October 14, 2004

**ORDINANCES**

Councilman Casey introduced the following ordinance, seconded by Mayor Wasson, on First 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. The Second and Final Hearing is scheduled for November 23, 2004.

*PUBLIC COMMENT: Mike Powers, 19 Onondago Trail, asked how the new regulations differ from the BOCA code. These regulations replace the BOCA code. It is nearly identical to BOCA, but has the proper code methodology.*

**VOTE TO APPROVE ORDINANCE 500 ON FIRST READING**

Ayes: Wasson, Casey

Nays: None

Absent: Woodend

Ordinance 500 is approved on First Reading

Councilman Casey introduced the following ordinance, seconded by Mayor Wasson, on First 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 15 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.

The ordinance ratifies a 15-year contract with Comcast. It includes a technology grant in the amount of \$12,500; the remainder of the grant is dictated by the State and FCC regulations. The Second and Final Hearing is scheduled for November 23, 2004.

Mayor Wasson thanked Councilman Casey for his work on the ordinance and the contract.

*PUBLIC COMMENT: None*

VOTE TO APPROVE ORDINANCE 502 ON FIRST READING

Ayes: Wasson, Casey

Nays: None

Absent: Woodend

Ordinance 502 is approved on First Reading

**RESOLUTIONS**

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

**RESOLUTION 140-04**

**A RESOLUTION A RESOLUTION APPOINTING JENNAFER HERNANDEZ AS TAX COLLECTOR TO COMPLETE AN UNEXPIRED TERM OF DECEMBER 31, 2004**

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

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

**WHEREAS**, Ms. Jennafer Hernandez is a Certified Tax Collector 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 appointed Tax Collector for the Borough of Medford Lakes.
2. The term shall expire on December 31, 2004.

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

*PUBLIC COMMENT: None*

VOTE TO APPROVE RESOLUTION 140-04

Ayes: Wasson, Casey

Nays: None

Absent: Woodend

Resolution 140-04 is approved

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

**RESOLUTION 141-04**

**A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE CITY BUDGET FOR THE YEAR 2004.**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough of Medford Lakes has received notice from the New Jersey Division of Criminal Justice that it has been awarded funds from the Emergency Management Operations Fund and wishes to amend its 2004 Budget to include this amount as a revenue;

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2004 in the sum of \$2,405.72, which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations:  
Emergency Management Fund; and

**BE IT FURTHER RESOLVED** that a like sum of \$2,405.72 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% "CAPS"  
Public and Private Programs Off-Set by Revenues  
Emergency Management Fund;

**BE IT FURTHER RESOLVED** that the Clerk of the Borough of Medford Lakes forward two copies of this resolution to the Director of Local Government Services.

*PUBLIC COMMENT: None*

VOTE TO APPROVE RESOLUTION 141-04

Ayes: Wasson, Casey

Nays: None

Absent: Woodend

Resolution 141-04 is approved

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

**RESOLUTION 142-04**

**A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE CITY BUDGET FOR THE YEAR 2004.**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough of Medford Lakes has received notice from the New Jersey Division of Solid Waste Management that it has been awarded funds from the Clean Communities Fund and wishes to amend its 2004 Budget to include this amount as a revenue;

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2004 in the sum of \$4,336.59, which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations:  
Clean Communities Fund; and,

**BE IT FURTHER RESOLVED** that a like sum of \$4,336.59 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% "CAPS"  
Public and Private Programs Off-Set by Revenues  
Clean Communities Fund;

**BE IT FURTHER RESOLVED** that the Clerk of the Borough of Medford Lakes forward two copies of this resolution to the Director of Local Government Services

*PUBLIC COMMENT: None*

VOTE TO APPROVE RESOLUTION 142-04

Ayes: Wasson, Casey

Nays: None

Absent: Woodend

Resolution 142-04 is approved

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

**RESOLUTION 143-04**

**A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE CITY BUDGET FOR THE YEAR 2004.**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough of Medford Lakes has received notice from the New Jersey Division of Solid Waste Management that it has been awarded funds from the Solid Waste Administration and wishes to amend its 2004 Budget to include this amount as a revenue;

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2004 in the sum of \$617.31, which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations:

Recycling Tonnage Grant; and,

**BE IT FURTHER RESOLVED** that a like sum of \$617.31 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% "CAPS"

Public and Private Programs Off-Set by Revenues

Recycling Tonnage Grant;

**BE IT FURTHER RESOLVED** that the Clerk of the Borough of Medford Lakes forward two copies of this resolution to the Director of Local Government Services.

*PUBLIC COMMENT: None*

VOTE TO APPROVE RESOLUTION 143-04

Ayes: Wasson, Casey

Nays: None

Absent: Woodend

Resolution 143-04 is approved

Councilman Casey introduced the following resolution under the Doctrine of Necessity, it was seconded by Mayor Wasson:

**RESOLUTION 144-04**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO CONDUCT A LEGALIZED GAME OF CHANCE (ON-PREMISE RAFFLE) TO THE MEDFORD LAKES LIONS CLUB CHARITIES.**

**WHEREAS**, the Medford Lakes Lions Club Charities has qualified in the prescribed manner and submitted an application to hold an On Premise Raffle on November 17, 2004; and

**WHEREAS**, Council has reviewed the findings and determinations and concur that the On Premise Raffle is to be conducted according to law;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, New Jersey that a license to conduct the aforementioned On Premise Raffle be and is hereby granted to the Medford Lakes Lions Club Charities.

*PUBLIC COMMENT: None*

**VOTE TO APPROVE RESOLUTION 144-04**

Ayes: Wasson, Casey

Nays: None

Absent: Woodend

Resolution 144-04 is approved

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

**RESOLUTION 145-04**

**A RESOLUTION A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE CITY BUDGET FOR THE YEAR 2004.**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount; and

**WHEREAS**, the Borough of Medford Lakes has received notice from the New Jersey Division of Solid Waste Management that it has been awarded funds from the Solid Waste Administration and wishes to amend its 2004 Budget to include this amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2004 in the sum of \$2004.00, which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations:

Domestic Violence Reimbursement Grant; and,

**BE IT FURTHER RESOLVED** that a like sum of \$2,004.00 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% "CAPS"

Public and Private Programs Off-Set by Revenues

Domestic Violence Reimbursement Grant;

**BE IT FURTHER RESOLVED** that the Clerk of the Borough of Medford Lakes forward two copies of this resolution to the Director of Local Government Services.

*PUBLIC COMMENT: None*

VOTE TO APPROVE RESOLUTION 145-04

Ayes: Wasson, Casey

Nays: None

Absent: Woodend

Resolution 145-04 is approved

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

**RESOLUTION 146-04**

**A RESOLUTION A RESOLUTION AUTHORIZING THE BOROUGH TO ENTER A GRANT AGREEMENT BETWEEN THE BOROUGH OF MEDFORD LAKES AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**WHEREAS**, the governing body of the Borough of Medford Lakes desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$6,822.00 to fund the following project:

1. Implementation of activities pursuant to requirements of the NJ Pollution Discharge Elimination System, Municipal Storm water General Permit, Watershed Protection & Management Act of 1997 and Section 319 (h) of the Federal Clean Water Act.

**NOW, THEREFORE, BE IT RESOLVED**, the governing body resolves that Richard J. Knight or the successor to the office of Borough Manager is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$6,822.00 and not more than \$6,822.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

*PUBLIC COMMENT: None*

VOTE TO APPROVE RESOLUTION 146-04

Ayes: Wasson, Casey

Nays: None

Absent: Woodend

Resolution 146-04 is approved

**OLD BUSINESS**

**PROJECT WORKSHEET** – The Borough has received a check for over \$200,000, to reimburse for expenses during the days immediately after the flood. The money has been deposited. The amount was “to the penny” as to what was submitted on the project worksheet.

Giberson has installed a noise reduction structure over the pump on Beach Drive.

The rental generator for the sewer plant has been returned; repair to the wastewater building is ready to start.

Heaters have been ordered for the firehouse.

Council discussed repairs to the dams. Plans are to proceed with the conceptual design without waiting for the hydrologic study.

Council is considering a special tax assessment for flood recovery. Discussion will continue in November. The Borough has been referenced in 114 Tort Claim notices.

Manager Knight will send a letter to the residents around Quoque Pond to advise them that the lake will be lowered until Quoque Dam can be repaired.

Paul Weiss advised Council the Colony is investigating fencing for the entire area around Jackson Park and along Beach 1. The Colony is hoping to use recreational fencing, which is less expensive. The lakebeds are still not safe and should not be entered.

*PUBLIC COMMENT: Sandy Wasson, 97 Wabun Trail, asked if the Colony has made any decisions about dredging the lakebeds. The cost is significant and the Colony is still in discussion on the subject.*

*Jim Walker, 251 Chicagami Trail, asked Council why Birchwood Lakes are full, even though the dam there was breached. Medford spent \$2,000,000 to rebuild Jackson Road and the dam underneath. The DEP now says the dam is not acceptable. Council is not inclined to make the same mistake.*

Fire Chief Mark McIntosh asked Council for clarification of reimbursements for volunteers for property lost or damaged during the flood. Chief McIntosh will obtain the Blue Book values for vehicles. Out of pocket expenses and deductibles have been paid.

New State regulations concerning leaf collection are in effect. The Public Works Department is reviewing the possibility that leaves must be picked up seven days from the date the Borough is notified of their position at the curb.

### **NEW BUSINESS**

Sandy Wasson has been named the Grand Marshall of the Halloween Parade in Medford on Saturday, October 30, 2004.

### **CORRESPONDENCE**

No correspondence to be discussed at this time.

### **REPORTS**

**MANAGER'S REPORT** – Manager Knight reported a permit has been issued for Nextel to locate on the cell tower.

The merchants on Trading Post Way sent a letter to Manager Knight about the no parking regulation on the street. Manager Knight will meet with Police Chief Martine to discuss their concerns and suggestions.

Police Officer Ken Langefeld has accepted a position with the New Jersey State Police. He begins their academy on Monday, November 1, 2004. His resignation is effective that date.

Council discussed the Superior Officer's contract. Solicitor Vogdes advised Council the contract was extensive, with points buried inside. Council was under the impression that the contract was one page in length. Following the finalization of the Superior Officer's contract, Council will begin negotiations with the Medford Lakes Police Officer's Association on their contract.

The roof on the Administration was sealed on Wednesday, October 27, 2004.

Tests have been completed on the soil surrounding the oil tank that was removed from under the slab under the Oaks Hall building. It did not appear to have leaked and the tank was full to the top with heating oil.

**SOLICITOR'S REPORT** – the contract agreement with Project Manager Jim Madden has not been checked prior to final signatures.

Mr. Vogdes advised Council that a resident of Chippewa Trail had filed suit challenging a Zoning Board ruling. The resident built a structure, which was in violation. Code Official Tom Heck advised the resident the structure had to be removed; the resident refused to do so. Zoning Board Solicitor Robert Kingsbury will handle the suit.

Paul Weiss had been asked to consider preparing the Borough's discovery for the JIF attorneys for the suits being filed against Medford Lakes Borough and the Colony, as a result of the flood. He has declined to do so; Council asked retired fire chief and former councilman Bud Wingert to prepare the discovery; Lou Potter offered to assist Mr. Wingert. Mr. Weiss will make copies of the Colony's discovery available to the Borough.

**COUNCIL REPORTS** – Councilman Casey, liaison to the Administration department, advised an auditor would be at the Borough on Mondays and Wednesdays to review the Borough's finances.

Mayor Wasson, liaison to the Public Works and Wastewater departments, reported Wastewater Superintendent Paul Hayden will return to work on Monday, November 1, 2004, following rotator cuff surgery. Advertisements have been posted to fill two vacancies in the Public Works department.

Town Watch will be patrolling the trails during the Halloween weekend; Mayor Wasson asked motorists to use caution during Trick-or-Treat hours.

Councilman Woodend, liaison to the departments of Public Safety, was not at the meeting. Emergency Squad Chief Rosemary Countess advised Council the squad had received the first reimbursement payment from FEMA. The squad is waiting for a copy of the amended contract.

Fire Chief Mark McIntosh reported the fire department responded to 34 calls in September. The Motorola radio system will be operational in January of 2005.

The Police Department received a supply of gun locks to be distributed to residents upon request. Council asked that an announcement be placed in the Colony News.

### **PAYMENT OF BILLS**

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

#### **VOTE TO APPROVE PAYMENT OF BILLS**

Ayes: Wasson, Casey

Nays: None

Absent: Woodend

Motion carries

### **ADJOURNMENT**

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

#### **VOTE TO ADJOURN**

Ayes: Wasson, Casey

Nays: None

Absent: Woodend

Motion carries

Respectfully submitted,

Richard Knight  
Borough Manager