

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
SEPTEMBER 8, 2005**

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 Tim Casey, and Councilman Gary Woodend. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Solicitor Vogdes, Police Chief Frank Martine, Borough Auditor Bob Stewart, Borough Financial Officer Donna Condo, and Colony representative Paul Weiss. Councilman Tim Casey was on vacation.

PUBLIC COMMENT

Claire Carlyle announced a bake sale and carwash scheduled for Saturday, September 10, 2005, with all proceeds to go to the American Red Cross to aid victims of Hurricane Katrina.

BACKGROUND - Bob Meyer Properties plans to develop the land in Medford Township which is located behind Nahma Trail. Plans are to build 46 homes using a septic system for each home, or 110 homes if allowed to hook-up to the Medford Lakes Wastewater system. They approached Medford Lakes and asked for the hook-ups. Councilman Woodend has negotiated for several months to reach an agreement that both parties can live with.

The company would shoulder all costs for connections, would pay the Borough a fee of \$2,530,000, and the homeowners would pay quarterly sewer bills. The money could be used to help rebuild the dams and to repair and maintain old sewer lines in the Borough.

The Medford Lakes Wastewater Plant is currently operating at approximately 70% of capacity. After the 110 hook-ups, it would operate at approximately 80% of capacity.

During negotiations, representatives of Bob Meyer Properties agreed that, should they obtain the sewer hook-ups, they will dedicate the land in Medford known as "Cow Point" and part of the Whalen farm as Green Acres property. This would permanently prohibit any building on the property, for which permits have already been obtained.

Resident Jeannie Watters read a prepared statement, voicing her concerns about over-development, traffic congestion, overcrowding at the high school, wildlife conservation, and problems with area wells if the development is built. Other residents expressed personal concerns, especially the environmental impact on the area. Many of those residents participating were fervent in their opposition to the development and discussions became heated at times. Residents also offered suggestions as to how to handle the situation or future negotiations.

Several residents appreciated Councilman Woodend's efforts in the negotiations, especially the protection of Cow Point from development.

Council addressed the issue of well problems due to the development and advised the residents that stringent regulations are in planning with regards to water runoff. These regulations will impact everyone. Wells in the development would be deeper than those in Medford Lakes and should not be affected by the new wells.

Council reiterated to the public that a development is coming to the tract of land behind Nokomis School. Whether it has 46 homes or 110 is the decision Council can affect. The agreement between Medford Lakes and Bob Meyer Properties would have three points of impact: 46 homes on septic could adversely affect nearby wells, the preservation of Cow Point as Green Acres would be a major plus in controlling housing development in the area with its attendant problems, and \$2,530,000 could make a positive difference in the Borough. Council reminded residents that their job is to do what they feel is right for all the residents of the Borough, not just a percentage of residents who might be adversely affected by a decision.

APPROVAL OF MINUTES

Mayor Wasson made a motion, seconded by Councilman Woodend, to approve the minutes of the Regular Council Meeting on August 11, 2005, with corrections.

VOTE TO APPROVE MINUTES

Ayes: Wasson, Casey

Nays: None

Abstain: Casey

Minutes are approved

ORDINANCES

Mayor Wasson introduced Ordinance 510, seconded by Councilman Casey, on Second and Final Reading.

ORDINANCE 510

AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, AMENDING ORDINANCE 452, AS AMENDED, THE BOROUGH OF MEDFORD LAKES LAND DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes that the Borough hereby amends Chapter One, Article V, section 519, of the Medford Lakes Land Development Ordinance, by deleting the language therein, and providing as follows:

I. **Purpose:** The purpose of this Ordinance is to amend Ordinance Number 452, as amended, to add a provision regarding commercial signs, and adding provisions regulating temporary signs.

II. **Amendment:** Section 519, paragraph A, Chapter One, Article V, general zoning provisions, entitled "Signs," is hereby amended as follows:

i. Subsection A, paragraph 6, "commercial signs," is hereby amended by adding the following:

Commercial signs shall not be permitted in any area other than in the Lakes Commercial Zone. This includes signs or advertisements on any athletic or recreation field or facility.

ii. Subsection A, paragraph 7, "temporary signs," is hereby deleted.

iii. There is hereby added a new subsection 7, as follows,
under A, 'Types of Signs':

7. Temporary Signs.

a) Definitions. As used in this subsection 7, the following terms shall have the meanings indicated:

PERSON – Any individual, partnership, association
profit or nonprofit corporation or other entity.

TEMPORARY SIGN – Any exterior poster, sign, billboard, handbill, advertisement or other material
which is not intended to remain permanently at a particular location.

(b) Temporary signs shall be permitted only as hereinafter provided. All temporary signs are subject
to the following requirements;

(1) Only one temporary sign shall be permitted at any time.

(2) The size of the sign shall not exceed six (6) square feet, and it shall not exceed four (4) feet
in height.

(3) Said sign(s) shall not be illuminated, and shall have no moving parts.

(4) The sign shall be set so that same shall not encroach upon the municipal right-of-way.

(5) The sign shall be set back at least fifteen (15) feet from the roadway and fifteen (15) feet
from the side property line.

(6) The period of time during which any such temporary sign is permitted shall not exceed 30
days.

(c) The following temporary signs shall be permitted:

(1) Temporary signs announcing any educational, charitable, civic, religious, community or like
event.

(2) Election signs. Temporary election signs (political or community) shall not be erected prior
to thirty (30) days before any election, and shall be removed not more than forty-eight (48) hours
after the election. The name and address of the person or organization responsible for the sign
shall be printed on the sign, in accordance with N.J.S.A.19: 34-38.1. Election signs shall not
exceed 6 square feet in area. No permit or fee shall be required for their installation. The signs
must be erected fifteen (15) feet from the roadway, and at least fifteen (15) feet from adjoining
property.

(3) Garage and Yard Sale Signs, and Directional Signs

(a) Temporary directional signs shall be permitted providing directions to a garage or
yard sale, real estate open houses, or other similar event.

(b) Such signs shall not exceed six (6) square feet in size, and shall only be displayed
during a period beginning at 6:00 p.m. Friday to 5:00 p.m. Sunday, after which time they
must be removed. Such signs shall not be permitted more than twice per year per
property.

(c) There shall be no more than three (3) directional signs and one (1) sign at the garage
or yard sale, or property location.

(d) Signs must be located on the property of persons who authorize same.

(e) Any garage or yard sale, or other directional sign not conforming to this article shall
constitute prima facie evidence that the addressee shown on the sign has violated this
article.

(4) Real Estate Signs

- (a) Signs indicating premises for sale or rent shall be no larger than six square feet in area, set back at least 15 feet from the roadway, as well as fifteen (15) feet from the side yard, and shall not be illuminated.
- (b) Such signs shall not remain for more than 30 days. Signs shall be removed within forty-eight (48) hours of a binding agreement of sale for the subject premises.

(5) Truck, automobile, and other vehicles or water craft for sale or rent signs, subject to New Jersey Motor Vehicle Code laws and regulations, shall be permitted for a period of time not exceeding 21 days. The signs must be affixed in the window of the vehicle. Such vehicles must be located on the property or the front portion of the owner's property. Such signs shall not be permitted more than twice per year per property.

(d) The Zoning officer shall have the discretion to prohibit the erection, and/or to remove or order the removal of any temporary sign he or she deems to present a hazard to the public, or to be in non-compliance with this Ordinance, and he or she shall have the authority to remove such sign.

(e) The Borough of Medford Lakes Police Department is given the authority, in addition to the Zoning Officer, to enforce the provisions of this Subsection relating to signs.

(f) Mobile signs of any kind are expressly prohibited.

(g) Sandwich board or small freestanding signs of any type are expressly prohibited in all zones.

(h) The provisions of this ordinance shall be enforceable against the owner of the property bearing a non-conforming sign, the person responsible for erecting a non-conforming sign, and the person or persons advertising the subject matter of a non-conforming sign.

(i) Signs shall not be affixed to any tree or utility pole. They shall be mounted on their own stakes or stanchions along any public street in a safe manner, without projecting over the Borough right-of-way. Said signs shall not be located in a sight triangle.

III. Effective Date. This Ordinance shall become effective upon passage and publication according to law.

IV. Violations and Penalties. Any person, association or corporation installing any temporary or permanent sign without being properly licensed therefore, or who or which shall violate any of the other terms and regulations of this Subsection 7 shall, upon conviction, be fined no less than fifty dollars (\$50.00), nor more than one thousand dollars (\$1,000.00) for each violation. Each day that such installation of any temporary or permanent sign shall continue without being duly licensed shall be considered a separate violation.

The existing sign ordinance is out of date, somewhat unconstitutional, and not enforceable by police. This ordinance contains some errors and needs to be reformatted. The Medford Lakes Planning Board has "no position" on the ordinance. The Colony regulates its own property but remains subject to Borough Ordinances.

Councilman Woodend made a motion, seconded by Mayor Wasson, to table the vote to October 13, 2005, to allow for public input.

VOTE TO TABLE VOTE
Ayes: Wasson, Casey, Woodend
Nays: None
Vote tabled

Mayor Wasson introduced Ordinance 511, seconded by Councilman Casey, on Seconded and Final Reading.

ORDINANCE 511

AN ORDINANCE AUTHORIZING THE APPROPRIATION IN THE AMOUNT OF \$29,000 FROM THE RESERVE FOR PUBLIC WORKS EQUIPMENT FUND, FOR THE ACQUISITION OF CERTAIN EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY

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

SECTION 1. The improvement described in Section 2 of this Ordinance is hereby authorized as general improvements to be made by the Borough of Medford Lakes, New Jersey. For the said improvements or purposes stated in Section 2, there is hereby appropriated the sum of \$29,000, which is now available in the Reserve for Public Works Equipment of the Borough of Medford Lakes.

SECTION 2. (a) The improvement hereby authorized is for the acquisition of equipment for use by the Borough of Medford Lakes Public Works Department.

(b) The estimated cost of said acquisition is \$29,000 for the improvements described in Section 2 (a) above, which sum is hereby appropriated from the Reserve for Public Works Equipment Fund.

SECTION 3. The following matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 2 of this Ordinance is not a current expense, and is property or improvement which the Borough may lawfully acquire or make as a general improvement.

(b) The period of usefulness of said purpose, within the limitations of said Local Bond Law, and according to the reasonable life thereof, is five (5) years for Section 2 above.

SECTION 4. The 2005 General Capital Budget of the Borough of Medford Lakes is hereby amended to conform to the provisions of this Ordinance to the extent of any inconsistency herewith.

SECTION 5. This ordinance shall take effect after publication and final passage, according to law.

VOTE TO APPROVE ORDINANCE 511 ON SECOND AND FINAL READING

Ayes: Wasson, Casey, Woodend
Nays: None
Ordinance 511 is approved

Councilman Casey introduced Ordinance 512, seconded by Mayor Wasson, on Second and Final Reading.

ORDINANCE 512

A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO UPPER AND LOWER AETNA LAKE DAMS AND THE QUOGUE DAM; APPROPRIATING THE SUM OF \$8,846,561 THEREFORE; AUTHORIZING THE ISSUANCE OF \$7,875,000 BOND OR NOTES OF THE BOROUGH TO FINANCE SAID IMPROVEMENTS; AND MAKING CERTAIN DETERMINATIONS AND CONVENANTS AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey (not less than two-thirds of all members therefore affirmatively concurring) pursuant to the provisions of the local bond law, chapter 169 of the laws of 1960 of the state of new jersey, as amended and supplemented (“local bond law”), as follows:

SECTION 1. The improvements described in Section 3 of this Ordinance are hereby authorized to be undertaken by the Borough of Medford Lakes (the "Borough"), situate in the County of Burlington, New Jersey as general improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$8,846,561, including the sum of \$971,561 received from the State of New Jersey, Department of Environmental Protection, Office of Engineering and Construction.

SECTION 2. In order to finance the cost of the purposes or improvements and to meet the part of said \$8,846,561 emergency related appropriation not provided by the application of the grant received by the State of New Jersey, negotiable bonds are hereby authorized to be issued in the principal amount of \$7,875,000 pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose; and the period of usefulness of each said purpose within the limitations of the Local Bond Law, all as more fully described in accordance with specifications on file in the office of the Borough Clerk, are as follows:

| <u>Purpose/ Improvement</u> | <u>Estimated Total Cost</u> | <u>Down Payment</u> | <u>Amount Obligations</u> | <u>Period of Usefulness</u> |
|---|---------------------------------|-------------------------|-------------------------------|---------------------------------|
| A. Construction of improvements to the Upper and Lower Aetna Lake Dams and the Quogue Dam, including the acquisition of all materials and performance of all work necessary therefore and incidental thereto. | \$8,846,561 | \$971,561 | \$7,875,000 | 30 years |

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$7,875,000.

(c) The estimated cost of the improvement is \$8,846,561, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefore in the amount of \$971,561, the grant monies for set purpose.

SECTION 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Borough's financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the financial officer. The financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8(a). The financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The financial officer is directed to report in writing to the Borough Council at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser. The financial officer is authorized and directed to comply with all post-issuance requirements under the Internal Revenue Code of 1986, as amended, to insure that the interest on such bonds or notes remains exempt from gross income for federal income tax and New Jersey Gross Income Tax Act purposes, if so sold, and to make any and all determinations or elections necessary or desirable with regard to such tax status and may invest the proceeds of any such sale in accordance therewith.

SECTION 5. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution, in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and is available there for public inspection.

SECTION 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this ordinance is not a current expense. They are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property benefited thereby.

(b) The average period of usefulness of the improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, taking into consideration the respective amounts of bonds or notes, is not less than 30 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$7,875,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

The improvements described in Section 3 of this ordinance are hereby authorized to be undertaken in order to immediately repair and/or reconstruct essential municipal improvements within the Borough that were lost or significantly damaged as a result of severe storm damage on July 12, 2004. Pursuant to the provisions of N.J.S.A. §40A:2-7(a), the Borough hereby establishes that the gross debt authorized for the improvements in Section 3 of this Ordinance is hereby determined to be an exception to the debt limitation of the Borough.

(d) An aggregate amount not exceeding \$1,400,000 for items of expense listed in and permitted under N.J.S.A. §40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The financial officer is authorized to designate such bonds or notes as "Qualified Tax Exempt Obligations" pursuant to I.R.C. Section 265 so long as the Borough has not issued other such obligations beyond the limitations set forth in the Internal Revenue Code of 1986, as amended.

SECTION 7. All grant monies from any source received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9. The Borough hereby declares its official intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Borough prior to the issuance of such bonds or bond anticipation notes.

SECTION 10. In the event that any section or part of this ordinance shall be declared to be unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, such section or part shall, to the extent that it is not unconstitutional, invalid, or inoperative, remain in full force and effect and no such determination shall be deemed to invalidate the remaining sections or parts of this ordinance or the ordinance as a whole.

SECTION 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Auditor Stewart and CMFO Condo answered questions from the public concerning the need for the ordinance. The Borough needs the ordinance to go out for bonds to begin work on the dams. When the funding comes in from various agencies and loans, it will be used to pay down the bonds. If the funds do not become available, the bonds would be paid back at a rate of \$375,000 per year for 20 years. Solicitor Vogdes advised Council that the published version of the ordinance has been changed slightly; however, there is no need to re-advertise.

Councilman Casey amended his introduction of the ordinance, seconded by Mayor Wasson, to include the change to SECTION 6.

VOTE TO APPROVE ORDINANCE 512 ON SECOND READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 512 is approved

RESOLUTIONS

Councilman Casey introduced Resolution 111-05, seconded by Mayor Wasson.

RESOLUTION 111-05

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 BOROUGH BUDGET FOR THE YEAR 2005.

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 a check for a technology grant from Comcast in the amount of \$12,500 and wishes to amend its 2005 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, and 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 2005 in the sum of \$12,500, 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:

Private and Public Programs Off-Set with Appropriations:
Comcast Technology Grant; and

BE IT FURTHER RESOLVED that a like sum of \$12,500 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
Comcast Technology Grant; and

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.

VOTE TO APPROVE RESOLUTION 111-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 111-05 is approved

Councilman Casey introduced Resolution 112-05, seconded by Councilman Woodend.

RESOLUTION 112-05
A RESOLUTION AUTHORIZING THE TRANSFER OF AN OVERPAYMENT

WHEREAS, an overpayment in the amount of \$1,369.94 was created on Block: 30086 Lot: 2353 known as 97 Wabun Trail for the third and fourth quarters of 2005, due to the reduction of the assessment to \$58,500; and

WHEREAS, the homeowner has requested that this overpayment be transferred to Block: 10023 Lot: 16 known as 133 McKendimen Road;

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 Borough Tax Collector be allowed to transfer \$1,369.94 from Block: 30086 Lot: 2353 to Block: 10023 Lot: 16.

VOTE TO APPROVE RESOLUTION 112-05

Ayes: Casey, Woodend

Nays: None

Abstain: Wasson

Resolution 112-05 is approved

Councilman Casey introduced Resolution 113-05, seconded by Mayor Wasson.

RESOLUTION 113-05
A RESOLUTION AUTHORIZING THE TRANSFER OF AN OVERPAYMENT

WHEREAS, Security First Title Partners and First American Real Estate Tax Service both made the third quarter 2005 tax payment in the amount of \$1,491.31 on Block: 30091 Lot:2152 known as 113 Lenape Trail; and

WHEREAS, this has created an overpayment on the afore-mentioned property; and

WHEREAS, First American Real Estate Tax Service is entitled to the refund of the overpayment;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that a Borough check representing the amount of \$1,491.31 be drawn to the order of First American Real Estate Tax Service.

VOTE TO APPROVE RESOLUTION 113-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 113-05 is approved

Councilman Casey introduced Resolution 114-04, seconded by Mayor Wasson.

RESOLUTION 114-05
A RESOLUTION AUTHORIZING THE TRANSFER OF AN OVERPAYMENT

WHEREAS, Delaware Valley Abstract and First American Real Estate Tax Service both made the third quarter 2005 tax payment in the amount of \$1,943.45 on Block: 30024 Lot:898.01 known as 170 Nahma Trail; and

WHEREAS, this has created an overpayment on the afore-mentioned property; and

WHEREAS, First American Real Estate Tax Service is entitled to the refund of the overpayment;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that a Borough check representing the amount of \$1,943.45 be drawn to the order of First American Real Estate Tax Service.

VOTE TO APPROVE RESOLUTION 114-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 114-05 is approved

Councilman Casey introduced Resolution 115-05, seconded by Mayor Wasson.

RESOLUTION 115-05
A RESOLUTION AUTHORIZING THE TRANSFER OF AN OVERPAYMENT

WHEREAS, Countrywide Tax Service and First American Real Estate Tax Service both made the third quarter 2005 tax payment in the amount of \$1,567.92 on Block: 20027 Lot:5 known as 206 Tabernacle Rd.; and

WHEREAS, this has created an overpayment on the afore-mentioned property; and

WHEREAS, First American Real Estate Tax Service is entitled to the refund of the overpayment;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that a Borough check representing the amount of \$1,567.92 be drawn to the order of First American Real Estate Tax Service.

VOTE TO APPROVE RESOLUTION 115-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 115-05 is approved

Councilman Casey introduced Resolution 116-05, seconded by Mayor Wasson,

RESOLUTION 116-05
A RESOLUTION AUTHORIZING THE TRANSFER OF AN OVERPAYMENT

WHEREAS, First American Real Estate Tax Service made an overpayment for the third quarter 2005 tax payment in the amount of \$2,030.40 on Block: 30024 Lot:894 known 161 Mohawk Trail; and

WHEREAS, this has created an overpayment on the afore-mentioned property; and

WHEREAS, First American Real Estate Tax Service is entitled to the refund of the overpayment;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that a Borough check representing the amount of \$2,030.40 be drawn to the order of First American Real Estate Tax Service.

VOTE TO APPROVE RESOLUTION 116-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 116-05 is approved

Councilman Casey introduced Resolution 117-05, seconded by Mayor Wasson.

RESOLUTION 117-05
A RESOLUTION URGING STATE LEGISLATURE TO AMEND THE SENIOR PROPERTY TAX FREEZE PROTECTION ACT TO PROVIDE FOR HIGHER INCOME LIMITATIONS

WHEREAS, the Medford Lakes Council recognizes the severe plight of senior citizens with restricted incomes in meeting the monetary demands caused by ever increasing real property taxes, cost of living increases and the freeze of State aid to both municipalities and the Medford Lakes Board of Education; and

WHEREAS, the New Jersey State Legislature has enacted at N.J.S.A. 54:4-8.67 to 54:4-8.75 the New Jersey Senior Property Tax Freeze Protection Act (“ SPTFPA”) which purpose is to keep senior citizens on fixed incomes from being forced from their homes by unbearable real property tax increases; and

WHEREAS, the SPTFPA took effect in 1998; and

WHEREAS, eligible state resident homeowners receive a “ Homestead Property Tax Reimbursements,” defined as the difference between real property taxes paid on a residence and the amount of the property taxes paid in the base year when the applicant enrolled in the program if the amount in the base year is the lower amount; and

WHEREAS, the SPTFPA effectively freezes applicants’ real property taxes at an affordable level; and

WHEREAS, the SPTFPA is available for homeowners (1) at least 65 years of age or disabled who paid real property taxes on a principal residence in New Jersey; (2) who have paid property tax or rent for at least ten consecutive years, (3) including at least three years’ ownership of the homestead with respect to which the tax reimbursement is sought; and

WHEREAS, the amount payable to an eligible claimant in a given tax year is equal to the amount by which the claimants' property tax for that year exceeds the person's property tax liability for tax year 1997 (or such later tax year as the person qualifies for reimbursement under the program); and who meet certain income limits, which income eligibility limits increase annually by the amount of the maximum Social Security benefit cost of living increase for that year for singles and married persons respectively; and

WHEREAS, the calendar year 2004 limitations for single applicants was set by the Director of Taxation at \$40,869 and \$50, 113 for married couples; and

WHEREAS, the Medford Lakes Council strongly believes that such income eligibility limitations are insufficient to alleviate the plight of senior citizens in Medford Lakes given the cost of living in not only Medford Lakes but also in many municipalities in other Counties throughout New Jersey, based on information available from, in part, the 2000 Census, the 2004 Council On Affordable Housing Regional Income Limits; and

WHEREAS, the Medford Lakes Council is of the opinion that such income eligibility limitations for senior citizens should be increased by the New Jersey State Legislature to enable seniors to remain in the communities they have established as their home, despite the tremendous rise in property taxes and the cost of living increases realized within many counties;

NOW THEREFORE, BE IT RESOLVED, that the Medford Lakes Borough in the County of Burlington, State of New Jersey, by adoption of this resolution strongly urges the New Jersey State Legislature to proceed in a diligent and expeditious fashion to enact legislation that would amend the SPTFPA, N.J.S.A. 54:4-8.67 to 8.75, effectively to increase, for the calendar year 2005 and forward, the income eligibility limitations to the median regional income limits as established by the Council on Affordable Housing; and

BE IT FURTHER RESOLVED that the Clerk of Medford Lakes is directed to forward copies of this resolution to Assemblyman Chatzidakis, Assemblyman Bodine and State Senator Martha Bark and to each and every State Assemblyperson, State Senator and the Governors Office so that all members of the New Jersey State Legislature will seriously and diligently consider this request for amended legislation to alleviate the plight of senior citizens in Medford Lakes who continuously struggle with the increasing burdens of real property taxes; and

BE IT FURTHER RESOLVED that the Clerk of Medford Lakes is directed to forward copies of this resolution to the New Jersey League of Municipalities, to the clerks of each municipality in the State of New Jersey, and to the State and Local Office of AARP, to ask for their assistance in support of this legislative request.

VOTE TO APPROVE RESOLUTION 117-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 117-05 is approved

Councilman Casey introduced Resolution 118-05, seconded by Councilman Woodend.

RESOLUTION 118-05

A RESOLUTION CANCELING RESOLUTIONS NUMBER 96-05, 97-05 AND 98-05, RESOLUTIONS AUTHORIZING THE ISSUANCE OF VARIOUS LEGALIZED GAMES OF CHANCE LICENSES TO THE MEDFORD LAKES EDUCATION FOUNDATION

WHEREAS, on Thursday the 28th of July, at a Regular Council Meeting of the Governing Body of the Borough of Medford Lakes, Resolution 96-05 granting issuance of a On-Premise Raffle, Resolution 97-05 granting issuance of a On-Premise 50/50, and Resolution 98-05 granting issuance of a Casino Night were adopted; and

WHEREAS, the issuance of the licenses was to the Medford Lakes Education Foundation; and

WHEREAS, the Medford Lakes Education Foundation has canceled their event that required the Legalized Games of Chance Licenses;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that resolutions number 96-05, 97-05 and 98-05 are canceled.

VOTE TO APPROVE RESOLUTION 118-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 118-05 is approved

Councilman Woodend introduced Resolution 119-05, seconded by Mayor Wasson.

RESOLUTION 119-05

A RESOLUTION AUTHORIZING THE DEPLOYMENT OF POLICE PERSONNEL AND EQUIPMENT AS PART OF EMERGENCY RESPONSE TO KATRINA HURRICANE DISASTER

WHEREAS, the Borough of Medford Lakes has been requested to provide resources as part of the Burlington County Office of Emergency Management response to the Katrina Hurricane Disaster; and

WHEREAS, the Borough of Medford Lakes, a municipality of the County of Burlington, has the ability to support the County Emergency Response by providing police personnel, equipment and a police vehicle; and

WHEREAS, the Chief of Police of the Borough of Medford Lakes has determined that Lt. Stephen Carbone and Officer Lawrence Yurkonis have volunteered to be deployed as part of the Burlington County Response Team; and

WHEREAS, the Chief of Police has authorized these police officers to participate and further authorizes the utilization of a Police Department's Ford Expedition vehicle as part of the deployment; and

WHEREAS, in order to maintain the appropriate insurance coverage for the police personnel, equipment and vehicle, the authorization of the Borough Council is required;

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

1. Lt. Stephen Carbon and Officer Lawrence Yurkonis are authorized to participate as part of the Burlington County Office of Emergency Management Deployment in response to the Katrina Hurricane Disaster and to utilize a Borough Police Ford Expedition vehicle and necessary equipment to support

this participation and that a copy of this Resolution be forwarded to the Camden JIF / MEL to memorialize this authorization.

VOTE TO APPROVE RESOLUTION 119-05

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 119-05 is approved

OLD BUSINESS

OAKS HALL – Construction manager Jim Madden advised Council on the project's progress. All contaminated soil has been re-mediated at a cost of no more than \$10,000. One hundred forty-five yards of concrete have been poured and the foundation walls will be next. Heartbilt Homes in Illinois suffered a fire recently; however, Mr. Hansen has assured Mr. Madden that the Borough's structure would be delivered without too much delay. Mr. Madden is preparing the site to be ready to receive it. Security fence panels are being installed. Mr. Madden anticipates 22 more bids to go out for various aspects of the project.

Councilman Casey recommended the use of active solar power on the building, possibly solar roof panels.

Solicitor Vogdes presented Mr. Madden with an agreement, including an amendment, for his signature.

PAYMENT OF BILLS

Mayor Wasson made a motion, seconded by Councilman Casey, to approve payment of the bills.

Council discussed the Winzinger bill; Manager Knight is negotiating with the company with regard to the Jersey barriers being used on Trading Post Trail. The final codification is complete, with the exception of the traffic, land use, and Historic sections.

Councilman Woodend made a motion, seconded by Councilman Casey, to pay the bills with the exception of the Winzinger's bill.

VOTE TO APPROVE PAYMENT OF BILLS

Ayes: Wasson, Casey, Woodend

Nays: None

Payment is approved

ADJOURNMENT

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

VOTE TO ADJOURN

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned at 11:30pm

Respectfully submitted,

Rich Knight, Borough Manager

9-20-05:DSF

