

BOROUGH OF MEDFORD LAKES

AUGUST 24, 2006

SPECIAL WORKSHOP

A workshop 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 6:40pm. Mayor Casey presided. The agenda for the meeting was to continue review of the proposed employee handbook.

In attendance were Mayor Tim Casey, Councilman Paul Weiss, Councilman Gary Woodend, Manager Rich Knight, Solicitor Peter Lange, and employee representative Dianne Forster.

Before the handbook is approved and implemented by Council, information such as employee rights and obligations, workplace policies, paid and unpaid time off policies, employee benefits policies, managerial and supervisory procedures, and forms is being examined by those present.

Those in attendance at this meeting reviewed from the middle of page 42 through the middle of page 47 of the handbook provided by the MEL, offering suggestions or corrections and considering ways to integrate the different handbooks.

The committee will meet again prior to the Regular Council Meeting on August 24, 2006, at 6:30pm.

REGULAR COUNCIL MEETING

The Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, began as usual in the Denby Annex of the Medford Lakes Colony beginning at 7:30pm. Mayor Casey presided and 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 Tim Casey, Councilman Paul Weiss, and Councilman Gary Woodend. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Solicitor Peter Lange, and Police Chief Frank Martine.

PUBLIC COMMENT

There was no public comment at this time.

PLANNER'S REPORT

Borough Planner Joe Augustyn provided Council and the public with an overview of the proposed re-configuring of the intersection of Trading Post Way and Stokes Road. The Borough was awarded a Safe Streets to School grant in the amount of \$125,000, the funds of which must be obligated by December 31, 2006. Mr. Augustyn presented four different concept drawings for evaluation. Council discussed the drawings and offered their opinions. Police Chief Martine preferred Alternate 2, which provided for a left turn lane on the right side of the island, so traffic would not back up on Trading Post Way.

PUBLIC COMMENT: a member of the public asked that Council consider using Public Works employees for as much of the work as possible, mirroring the way the island at the intersection of Dixontown Road and Cochise Circle was re-done. An option to widen the sidewalk was discussed; however, if the owners of Just- Between-

Friends Catering (the old bank building) remove the handicap ramp, the sidewalk will be wide enough. The business now has handicapped facilities in the rear of the building.

Mr. Augustyn will meet with County highway representatives concerning their interest in the intersection. He will also make Council's suggested changes to the concept drawings and e-mail them for perusal. Mr. Augustyn will attend the September 14, 2006, Regular Council Meeting with the drawings.

APPROVAL OF MINUTES

Mayor Casey made a motion, seconded by Councilman Woodend, to approve the minutes of the August 9, 2006 Regular Council Meeting.

Councilman Woodend asked that more of Council's views be included, while Councilman Weiss asked that a Councilman's reason for voting "Nay" be included in the minutes.

VOTE TO APPROVE MINUTES

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved for August 9, 2006

ORDINANCES

Mayor Casey introduced Ordinance 522 on Second and Final Reading, seconded by Councilman Woodend.

ORDINANCE 522

AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN AND BY THE BOROUGH OF MEDFORD LAKES, BURLINGTON COUNTY, 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 Borough Council hereby determines that it is in the public interest to acquire real property and improvements thereon designated as Block 30068, Lot 2812.01 on the municipal tax map of the Borough of Medford Lakes; and

Section 2. Pursuant to the local lands and buildings law, N.J.S.A. 40A:12-5(1), an expenditure not to exceed \$235,000 is hereby authorized to permit the acquisition of said real property; and

Section 3. The Mayor and Borough Manager are hereby authorized and directed to enter into a contract or contracts to accomplish the above purpose and to complete settlement by executing any and all necessary documents necessary to effectuate settlement, subject to the Municipal Attorney reviewing and approving the form and content of such documents; and

Section 4. This ordinance shall become effective immediately upon the final passage and publication as required by law.

The Borough is purchasing the property now owned by Michael Easi, at the corner of Lenape Trail and Stokes Road.

Councilman Woodend advised that the property has been in disrepair for years and is considered “blighted.” The owner was given every opportunity to sell, but was unable to do so. It is in the Borough’s best interest to purchase the property. Current plans call for it to be a “green space.”

Mayor Casey advised there is no room for parking on the property for use as a business and no interest in building a home. The corner is considered the “gateway” to Medford Lakes and, at present, is a disgrace.

Councilman Weiss reiterated that Mr. Easi could not sell the property, after years of trying.

PUBLIC COMMENT: Those residents in attendance who favored the purchase of the property voiced gratitude at Council’s plan and were happy with the plans for green space. They agreed the property presents a poor impression of the Borough. Mr. Ned Steele offered the assistance of the Boy Scouts and Eagle Scouts with the project.

Those against the purchase of the property felt the expense was not warranted with taxes as high as they are now. They questioned why the property was allowed to sink into the current condition and why the owner was not made to maintain it.

By a margin of two-to-one, those residents in attendance supported of the purchase.

VOTE TO APPROVE ORDINANCE 522 ON SECOND AND FINAL READING

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance 522 is approved

Mayor Casey introduced Ordinance 523 on Second and Final Reading, seconded by Councilman Weiss

ORDINANCE 523

AN ORDINANCE AUTHORIZING THE APPROPRIATION IN THE AMOUNT OF \$750,000 FROM THE RESERVE FOR FLOOD RECOVERY COSTS FOR THE RECONSTRUCTION OF LOWER AETNA, UPPER AETNA AND QUOGUE DAM IN THE BOROUGH OF MEDFORD LAKES, IN THE COUNTY OF BURLINGTON, AND THE 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 Seven Hundred Fifty Thousand dollars and 00/100 (\$750,000), which is now available in the Reserve for Flood Recovery (from the 2005 & 2006 Budget) in the Borough of Medford Lakes.

SECTION 2. (a) The improvement is hereby authorized is for the reconstruction of Lower Aetna, Upper Aetna, and the repairs of Quogue Dam; and

(b) Seven Hundred Fifty Thousand dollars (\$750,000) is hereby appropriated for the project as listed in Section 2 (a) above.

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; and
- (b) the period of usefulness of said purpose, within the limitations of said Local Bond Law, and according to the reasonable life thereof, is thirty (30) years for Section 2 above.

SECTION 4. The 2006 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.

PUBLIC COMMENT: Residents asked about the purpose of the ordinance. The ordinance allows the Borough to transfer money from the Capital Reserve fund. The \$750,000 is a down payment on the repairs of the dams. The engineer monitors contractor spending and work. Council anticipates reimbursement for Upper Aetna Dam and is hopeful for reimbursement for Lower Aetna Dam.

VOTE TO APPROVE ORDINANCE 523 ON SECOND AND FINAL READING

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance 523 is approved

Mayor Casey introduced Ordinance 524, seconded by Councilman Weiss, on First Reading.

ORDINANCE 524

A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF REAL PROPERTY; APPROPRIATING THE SUM OF \$300,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$285,000 BOND OR NOTES OF THE BOROUGH TO FINANCE SAID ACQUISITIONS; 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, 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 real property described in Section 3 of this Ordinance is hereby authorized to be acquired and utilized by the Borough of Medford Lakes (the "Borough"), situate in the County of Burlington, New Jersey as general improvement. For the improvement described in Section 3, there is hereby appropriated the sum of \$300,000, including the sum of \$15,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement and to meet the part of said \$300,000 appropriation not provided for by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$285,000 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 improvement 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 OF OBLIGATION</u>	<u>PERIOD OF USEFULNESS</u>
(A) Acquisition of real property known as 32 Stokes Road, Medford Lakes, as further designated on the official tax map of the Borough as Block 30068, Lot 2812.01, including the acquisition of all related materials and performance of all work necessary therefore and incidental thereto.	\$300,000	\$15,000	\$285,000	40 years

(B) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$285,000.

(C) The estimated cost of the improvement or purposes is \$300,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefore being the amount of \$15,000, the down payment for said purposes.

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 40 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 \$285,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$75,000.00 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.

The ordinance appropriates funds for the purchase of property, the contract of which was authorized by Ordinance 522. Second Reading for Ordinance 524 will be at the September 14, 2006, Regular Council Meeting.

VOTE TO APPROVE ORDINANCE 524 ON FIRST READING

Ayes: Casey, Weiss, Woodend
Nays: None
Ordinance 524 is approved

RESOLUTIONS

Mayor Casey introduced Resolution 122-06, seconded by Councilman Woodend.

**RESOLUTION 122-06
A RESOLUTION AUTHORIZING EXEMPTION FROM TAXATION**

WHEREAS, Robert D. Hurley, residing at 187 Peshekee Trail, also known as B: 30034.01 L: 4 in the Borough of Medford Lakes, Burlington County, and State of New Jersey, has filed for a tax exemption as a qualified 100% disabled veteran under N.J.S.A. 54:4-3.30 et. seq.; and

WHEREAS, Robert D. Hurley was assigned 100% disabled by the Department of Veterans Affairs with an effective date of June 1, 2006, in accordance with N.J.S.A. 54:4-3.30 et. seq.; and

WHEREAS, Robert D. Hurley is eligible for this exemption according to N.J.S.A. 54:4-3.30 et. seq. and has been granted this exemption effective June 1, 2006;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that Robert D. Hurley be granted such exemption.

VOTE TO APPROVE RESOLUTION 122-06

Ayes: Casey, Weiss, Woodend
Nays: None
Resolution 122-06 is approved

Mayor Casey introduced Resolution 123-06, seconded by Councilman Weiss.

RESOLUTION 123-06
A RESOLUTION AUTHORIZING A REFUND OF TAXES ON EXEMPT PROPERTY

WHEREAS, Robert D. Hurley residing at 187 Peshekee Trail also known as B: 30034.01 L: 4 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 have been paid on 187 Peshekee Trail also known as B: 30034.01 L: 4 through the second quarter of 2006; and

WHEREAS, Robert D. Hurley's effective date for this exemption granted was June 1, 2006; and

WHEREAS, the amount of property taxes that need to be refunded in accordance with N.J.S.A. 54:4-3.32 for Robert D. Hurley residing at 187 Peshekee Trail also known as B: 30034.01 L: 4 is \$728.93 which represents one-third of the second quarter 2006 taxes.

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 \$728.93 be drawn to the order of Robert D. Hurley.

VOTE TO APPROVE RESOLUTION 123-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 123-06 is approved

OLD BUSINESS

BULK TRASH – Manager Knight met with Department of Public Works Superintendent Pat McCorriston; they discussed options for overhauling bulk trash collection. One suggestion is to change the collection date from Friday to Monday. Another would be to assign large trash collection days to residents based on zones. Newly hired Code Enforcement Official Dave Crane will monitor large trash collection on Friday, August 25, 2006. The rear loader truck problems have been corrected and it is back on the road.

PUBLIC COMMENT: Members of the public generally agreed with the need to re-haul the large trash collection system and stop "coddling" the residents. They complained that neighbors put out large amounts of trash, which sits for weeks until it is collected.

Manager Knight advised the public that the Borough is trying to do an immediate fix and would then overhaul the entire system at a later date.

OAKS HALL – John D. Lawrence, Inc., the company awarded the contract for the footings and foundation, plans to be on-site by September 5, 2006. The hope is to have the shell of the building up by the end of November, then go to bid for a general contractor for the interior fitting.

Council directed Manager Knight to determine if it is possible for Heartbilt president Dwayne Hansen to meet with Jim Perry, the president of John D. Lawrence, and Jim Enlay, the project manager.

Council discussed whether to ask Heartbilt to do the roof sheathing and shingles or to sub the project out. Councilman Woodend wants to wait until the shell and roof are done before going out to bid for the interior.

NEW BUSINESS

There was no additional new business for discussion at this time.

CORRESPONDENCE

Correspondence for Council members was in their packets.

REPORTS

PUBLIC SAFETY – Police Chief Martine advised Council the Canoe Carnival on August 4, 2006, went smoothly. Fire Chief McIntosh advised the new command car is on the road.

ADMINISTRATION – the new tax bills have been sent to residents. The Borough received the announcement of the amount of State Extraordinary Aid it will be awarded, and was then able to determine the tax rate. Manager Knight complimented CFO Donna Condo for a job well done.

PUBLIC WORKS – Councilman Weiss met with the members of the Department of Public Works and the Wastewater Department to introduce himself as their new liaison. Mr. Weiss would like to meet with the departments at least quarterly.

SOLICITOR – Mr. Lange advised Council and the public of the lawsuit by Lou Eni against the Borough for the repairs to the Sapi Lake Dam. The lake runs along Stokes Road opposite the area of Beach Drive. Part of the lake water flows under Stokes Road and into Upper Aetna Lake. As such, Mr. Eni feels the Borough should bear some responsibility for the repair of the dam.

Also, Solicitor Lange updated Council on the ongoing lawsuit between the Borough and resident Joe Aromando. Mr. Lange received a letter from Mr. Aromando with regard to the litigation and responded to it.

PAYMENT OF BILLS

Payment of the bills will take place at the next Regular Council Meeting on September 14, 2006.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Casey made a motion, seconded by Councilman Weiss, to adjourn to Executive Session.

RESOLUTION 121-06

A RESOLUTION EXCLUDING THE PUBLIC FROM A PUBLIC MEETING

WHEREAS, Section 7.a of Chapter 231, Public Law 1975, otherwise known as the “Open Public Meetings Act” states that, except as provided by in Section 7.a, all meetings of a public body, such as the Borough Council, shall be open to the public at all times; and

WHEREAS, Section 7.b provides that the Borough Council may exclude the public only from the portion of a meeting at which Borough Council discusses certain subjects which are listed in the aforementioned Section; and

WHEREAS, the Borough Council desires to discuss certain subject(s) which are listed in the aforementioned section and desires to exclude the public from the portion of the meeting at which the Borough Council will discuss said subject(s); and

WHEREAS, Section 8 of Chapter 231, Public Law 1975 states that no public body shall exclude the public from any meeting to discuss any matter described in Section 7.b until the public body shall, at a meeting to which the public shall be admitted, first adopt a resolution making certain statements with respect to the subject(s) to be discussed;

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

1. the Borough Council hereby declares that the general nature of the subject(s) to be discussed by the Borough Council in closed session is as follows:
DEP V. ENI
2. the Borough Council hereby declares that it's discussion of the aforementioned subject(s) may be made public at a time when the Borough Solicitor advised the Borough Council that the disclosure will not detrimentally affect any right, interest, or duty of the Borough or any other entity with respect to said discussion.
3. the Borough Council for the aforementioned reasons hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

VOTE TO ADJOURN TO EXECUTIVE SESSION

Ayes: Casey, Weiss, Woodend

Nays: None

Meeting adjourned to Executive Session

RETURN TO REGULAR MEETING

Mayor Casey made a motion, seconded by Councilman Weiss, to return to the Regular Council Meeting. No official action will be taken at this time.

VOTE TO RETURN TO REGULAR MEETING

Ayes: Casey, Weiss, Woodend

Nays: None

Motion carries

ADJOURNMENT

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

VOTE TO ADJOURN

Ayes: Casey, Weiss, Woodend

Nays: None

Meeting adjourned

Respectfully submitted,

Richard Knight
Acting Borough Clerk