

**BOROUGH OF MEDFORD LAKES**  
**REGULAR COUNCIL MEETING**  
**JANUARY 26, 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 Timothy Casey, and Councilman Gary Woodend. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Solicitor James Vogdes, Colony representative Paul Weiss, and Peter Lange.

**SOLICITOR'S REPORT**

Solicitor Vogdes forwarded a letter to Karen McGinnis of Brown & Connery, with regard to pending flood litigation. Mr. Vogdes asked Council for authorization to forward to Ms. McGinnis files of paperwork concerning the litigation. Mr. Vogdes advised he will continue to assist with the flood litigation.

Mayor Wasson made a motion, seconded by Councilman Casey, to authorize the forwarding of flood files and reports to Karen McGinnis at Brown & Connery.

VOTE TO APPROVE MOTION  
Ayes: Wasson, Casey, Woodend  
Nays: None  
Motion carries

Mr. Vogdes commented on an ongoing issue with resident Ed Leggoe, who questioned an ordinance ruling with regard to his property. Mr. Vogdes prepared a letter to Mr. Leggoe stating the ordinance is valid and Mr. Leggoe's appeal time has expired.

Mr. Vogdes resigned his position, effective January, 2006. Attorney Peter Lange has been hired to take his place.

Solicitor Vogdes provided Council with his final report. He met with Mr. Lange on January 23<sup>rd</sup>, to facilitate the transition. Mr. Vogdes complimented Mr. Lange as qualified and prepared for the position.

Mr. Vogdes thanked Council for the opportunity to serve the Borough and it's residents.

Councilman Casey introduced Resolution 22-06, seconded by Councilman Woodend.

**RESOLUTION 22-06**  
**A RESOLUTION APPOINTING A MUNICIPAL SOLICITOR**

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

**WHEREAS**, the Borough of Medford Lakes has a need to acquire a Municipal Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one (1) year; and

**WHEREAS**, Peter C. Lange, Jr., Esq., will complete and submit a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Medford Lakes in the previous one year, and that the contract will prohibit Peter C. Lange, Jr., Esq. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the certification of the availability of funds requirements per N.J.A.C. 5:30-5.4 has been met; and

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

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Peter C. Lange, Jr., Esq.
2. This contract is awarded without competitive bidding as a Professional Service in accordance with 40A:11-1 of the Local Public Contracts Law because, Peter C. Lange, is a person authorized by law to practice a recognized profession in the State of New Jersey, to wit, the profession of attorney. These professional services are necessary and are required by this municipality.
3. A notice of this action shall be printed in The Central Record.
4. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.
5. This resolution shall take place immediately.

VOTE TO APPROVE RESOLUTION 22-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 22-06 is approved

**PUBLIC COMMENT**

*There was no public comment at this time.*

**APPROVAL OF MINUTES**

Councilman Casey made a motion, seconded by Mayor Wasson, to approve the minutes of the Special Council Meeting on November 23, 2005.

VOTE TO APPROVE MINUTES

Ayes: Wasson, Casey, Woodend

Nays: None

Minutes are approved for November 23, 2005

Councilman Casey made a motion, seconded by Mayor Wasson, to approve the minutes of the Regular Council Meeting on January 12, 2006.

VOTE TO APPROVE MINUTES

Ayes: Wasson, Casey, Woodend

Nays: None

Minutes are approved for January 12, 2006

**ORDINANCES**

Councilman Casey introduced Ordinance 514, seconded by Councilman Casey, on Second Reading.

Councilman Woodend advised Council his intent had been to mirror the holiday schedule followed by State employees. He is not sure Ordinance 514 provides for this.

Manager Knight advised it does mirror the State, with the exception of the Friday after Thanksgiving and Election Day.

Councilman Casey made a motion, seconded by Councilman Woodend, to adjourn approval of the ordinance and re-advertise the Second Reading.

VOTE TO TABLE ORDINANCE 514

Ayes: Wasson, Casey, Woodend

Nays: None

Approval of Ordinance 514 is tabled

Mayor Wasson introduced Ordinance 515, seconded by Councilman Casey, on Second and Final Reading.

**ORDINANCE NO. 515**

**A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF SEWER COLLECTION LINE CLEANING EQUIPMENT; APPROPRIATING THE SUM OF \$160,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$160,000 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, 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 capital equipment 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 improvements or purposes described in Section 3, there is hereby appropriated the sum of \$160,000.

**Section 2.** In order to finance the cost of the acquisition of the equipment, negotiable bonds are hereby authorized to be issued in the principal amount of \$160,000 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 a Sewer Collection Line Cleaning Machine, including the acquisition of all related materials and performance of all work necessary therefore and incidental thereto.	\$160,000	\$0.00	\$160,000	15 years

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$160,000.

(c) The estimated cost of the improvement is \$160,000.

**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 are 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 15 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 \$160,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$5,000.00 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 does not specify a truck for purchase; it appropriates the funds for when a purchase is imminent.

*PUBLIC COMMENT: None*

**VOTE TO APPROVE ORDINANCE 515 ON SECOND AND FINAL HEARING**

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 515 is approved on Final Hearing

**RESOLUTIONS**

Councilman Casey made a motion, seconded by Councilman Woodend, to remove resolution 11-06 from the table.

**RESOLUTION 11-06**

**A RESOLUTION PERMITTING EMPLOYEES TO WAIVE COVERAGE IN THE STATE HEALTH BENEFITS PLAN UNDER CHAPTER 259. P.L., 1995, WHICH PROVIDES FOR AN INCENTIVE IN LIEU OF COVERAGE**

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

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

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

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

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

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

The State health plan allows the Borough to reimburse employees up to 50% of their insurance coverage costs.

VOTE TO APPROVE RESOLUTION 11-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 11-06 is approved

**OLD BUSINESS**

**DAMS** – Manager Knight met with professionals involved in the rebuilding process and with property owners along the lakes. On February 10, 2006, he will be meeting with DEP/Dam Safety and hopes permits are approved by that time.

The Colony is looking for a disposal site for soil dredged from the lakes. DEP allows for dredging of the lake and levies a permit fee of \$800; however, Burlington County Soil Conservation wants a permit fee of \$7,800.

Councilman Casey asked for meetings with department heads and school representatives concerning traffic problems during the dredging time. A major school crossing post sits at the head of Lower Aetna Lake and could create problems during school crossing times.

*PUBLIC COMMENT: Joe Aromando, 295 Shingowack Trail, suggested obtaining a copy of the comments made by Freeholders at the Town Meeting following the flood, and then remind them of their comments and promises.*

*Paul Weiss advised maintaining a balance so as not to encourage DEP and Pinelands to reopen their permit processes.*

**JERSEY BARRIERS** – Manager Knight advised Council he has negotiated the best possible deal with Winzinger for the purchase of the barriers being used on Neeta Trail.

Councilman Woodend made a motion, seconded by Councilman Casey, to approve payment of a fee of \$2,200 for the purchase of the barriers.

**VOTE TO APPROVE PURCHASE**

Ayes: Wasson, Casey, Woodend

Nays: None

Purchase price is approved

**OAKS HALL** – the footings have been removed. Architect Rick Ragan indicated his firm requires an extra fee or work performed on the footings, the foundation, and plan changes. Changes in the original plan were required for the plans to conform to the IBC Code; original plans were drawn under the BOCA Code, which is no longer in effect. The plans will have to be redrawn. Ragan will also prepare bid specs for contractors.

**AIR QUALITY** – Public Works employees have complained of health issues incurred from working in the DPW building, which has significant damage and mold as a result of the flood. Black mold is growing on the second floor. Manager Knight has scheduled Hera Tech environmental Labs to test the air quality in the building. They will be working at the DPW building on Friday, January 27, 2006.

Council discussed the issue at length with input from new solicitor Peter Lange. Council eventually decided to proceed with the air testing to determine the extent of the mold problem.

**NEW BUSINESS**

Manager Knight received a letter from the Taxation Board, advising the Borough that the tax rate has fallen below 60%. Council discussed re-valuation; Councilman Woodend suggested waiting until the dams are repaired.

**REPORTS**

**MANAGER** – Mr. Knight reminded Council about the budget workshop on Saturday, February 4, 2006, at 9:00am in the Medford Lakes firehouse. Council members each received a copy of the departments' budgets for their review.

**SOLICITOR** – Mr. Lange advised he is ready to begin work as the solicitor; he will prioritize his responsibilities and submit a report for Council.

**COUNCIL** – Mayor Wasson presented Manager Knight with a plaque from the NJ Council of Mayors.

**PAYMENT OF BILLS**

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

**VOTE TO APPROVE PAYMENT OF BILLS**

Ayes: Wasson, Casey, Woodend

Nays: None

Bill List is approved for payment

**ADJOURNMENT**

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

**VOTE TO ADJOURN**

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned at 9:10pm

Respectfully submitted,

Richard Knight  
Borough Manager