

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
MARCH 9, 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 Peter Lange, and Colony representative Paul Weiss.

PUBLIC COMMENT

There was no public comment at this time.

APPROVAL OF MINUTES

Mayor Wasson made a motion, seconded by Councilman Casey, to approve the minutes of the Regular Council Meeting on February 26, 2006.

VOTE TO APPROVE MINUTES

Ayes: Wasson, Casey, Woodend

Nays: None

Minutes are approved

ORDINANCES

Councilman Casey introduced Ordinance 516, seconded by Mayor Wasson, on First Reading.

AN ORDINANCE AMENDING CHAPTER 190-21 OF THE CODE OF THE BOROUGH OF MEDFORD LAKES ENTITLED "SEWERS – RATE SCHEDULES"

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

SECTION 1. PURPOSE

The purpose of this Ordinance is to amend Chapter 190-21 of the Code of the Borough of Medford Lakes, entitled "Sewers – Rate Schedules" as follows:

SECTION 2. AMENDMENT

(a) Chapter 190-21 Schedule A, is hereby amended, by deleting the annual rate of \$ 560.00 for each dwelling unit, and replacing same with \$ 600.00 (\$150.00 per quarter).

(b) Chapter 190-21 Schedule B, is hereby amended as follows:

Church per separate building unit with sewer connection...\$560.00 is replaced with \$600.00 (\$150.00 per quarter);

Hotel or Bar/Restaurant facilities that serve alcoholic beverages...\$3,375.68 is replaced with \$3,612.00;

Restaurant / Luncheonette or Caterer.....\$1,685.60 is replaced with \$1,804.00

Grocery Store or Convenience Store.....\$1,122.24 is replaced with \$1,200.00;

Laundromat- Each washing machine.....\$280.00 is replaced with \$300.00;

Colony Club Building.....\$1,685.60 is replaced with \$1,804.00

Bank or Financial Institution.....\$1122.24 is replaced with \$1,200.00;

(c) Chapter 190-21 Schedule C, is hereby amended as follows:

Lenape Regional High School District

(Shawnee High School).....\$23,710.40 is replaced with \$25,376.00;

Other Commercial Building (under 2,000 Sq. Ft.).....\$ 560.00 is replaced with \$600.00

Other Commercial Building (Over 2,000 Sq. Ft.).....\$1,200.00

Other Professional and Quasi-Public Buildings.....\$560.00 is replaced with \$600.00 per unit;

YMCA Camp Ockanickon\$23,710.00 is replaced with \$25,376.00;

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its final passage and publication according to law, and shall be effective as of July 1, 2006.

Council discussed adding a new section for billing, which would divide commercial buildings into two categories: other commercial buildings under 2,000 square feet and other commercial buildings in excess of 2,000 square feet. Residences will pay the same rate as commercial buildings under 2,000 square feet. The changes were made to the ordinance prior to approval on First Reading.

Council directed Manager Knight to prepare a resolution to amend sewer billing for 2005 for Just Between Friends Catering on Trading Post Way. The fee will no mirror Riviera Pizza.

Second Reading will be at the Regular Council meeting on March 23, 2006.

VOTE TO APPROVE ORDINANCE 516 ON FIRST READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 516 is approved on First Reading

Councilman Casey introduced Ordinance 517, seconded by Mayor Wasson, on First Reading.

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEES AND OFFICERS OF THE BOROUGH OF MEDFORD LAKES FOR THE YEAR 2006 AND SPECIFYING THE METHOD OF PAYMENT THEREOF

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes in the County of Burlington, New Jersey that:

Section 1. The following salaries designated herein are fixed on an annual basis respective to the position listed below. All employees may be paid bi-weekly, monthly or quarterly, as directed by the Borough Manager.

Overtime compensation for hours worked in excess of the regular workweek (40 hours) shall be at time and one-half rate.

Section 2. The rates of salaries stated herein are the maximum rates and ranges. Employees may be paid up to these ranges at the discretion of the Municipal Manager.

2006 BUDGET

<u>TITLE</u>	<u>MAXIMUM COMPENSATION EXCLUSIVE OF OVERTIME</u>
<u>ADMINISTRATION</u>	
Mayor and Council	\$ 1,700.00
Municipal Manager	32,307.00
Municipal Clerk	32,307.00
Chief Finance Officer	40,000.00
Clerical Staff	44,562.00
Part Time Clerical	per hour 17.83
Tax Assessor	16,211.00
Tax Collector	12,860.00
Sewer Collector	15,788.00
Safety Coordinator	5,570.00
Recycling Coordinator	3,640.00
Solicitor	26,000.00
Secretary to the Historic Commission	2,646.00
Secretary to the Planning Board	4,808.00
Prosecutor	6,031.00
Public Defender	2,874.00
Deputy Clerk	14,664.00
Deputy Treasurer	10,400.00
Rabies Day Clinic Assistants	up to \$125 per clinic
Borough Council Meeting Secretary	\$125.00 for each Council Meeting

Overtime compensation for clerical assistants for hours worked in excess of the regular workweek (35 hours) shall be at time and one-half rate.

MUNICIPAL COURT

Judge	9,286.00
Municipal Court Administrator	Hourly not to exceed 18,448.00
	\$100.00 per court session & \$30.00 for each call in
Deputy Court Administrator	\$100.00 per court session & \$15.00 for each call-in

POLICE DEPARTMENT

Crossing Guards	per hour 13.62
Special Police	per hour 16.71

CODE ENFORCEMENT

Construction Official	10,000.00
Electrical Sub-code Official	4,820.00
Plumbing Sub-code Official	4,820.00
Fire Sub-code Official	4,820.00
Code Enforcement Officer	4,821.00

EMERGENCY MANAGEMENT

Emergency Management Coordinator	2,080.00
Emergency Management Coordinator for State of Emergency Activation	per hour not to exceed 100 hrs 40.00
Deputy Emergency Management Coordinator	416.00

BUREAU OF FIRE PREVENTION

Fire Official	3,899.00
Fire Inspector	1,768.00
Fire Administrator	5,408.00

PUBLIC WORKS/SANITATION

Superintendent	71,856.00
Forman	per hour 23.75
Laborer Class C	per hour 13.32
Laborer Class B	per hour 15.80
Laborer Class A	per hour 19.87
Mechanic	per hour 12.48

WASTEWATER TREATMENT UTILITY

Superintendent	69,205.00
Clerical	20,800.00

Section 3. The Manager, at his/her discretion, can hire replacement employees up to and including the present maximum rates as set forth in this Ordinance.

Section 4. Members of the Police Department entitled to additional compensation for authorized duty in excess of the hours of ordinary duty or for allowances of expenses and promotion of officers shall be paid for such excess hours, expenses and promotions in accordance with the agreement made between the Borough of Medford Lakes and the Medford Lakes Police Officers Association. Such compensation however, shall not be less than permitted by applicable State and Federal Law.

Section 5. Longevity - All full time salaried and hourly employees shall be entitled to a longevity payment in November of the calendar year in which the second anniversary of continuous employment occurs, and annually thereafter. The annual longevity payment, upon entitlement, shall be calculated at the rate of \$100.00 per year of continuous employment ending in that calendar year provided however, that the annual longevity payment shall not exceed 7% of the current year's salary, or in the case of hourly employees, the annual regular time compensation based on 2,080 hours times the current hourly rate. In the event that an employee, who is otherwise eligible for a longevity payment, terminates his/her employment with the Borough prior to the time when such payments are regularly paid, he/she shall be entitled to a pro rated payment as of the date employment with the Borough terminated.

Section 6. Shift Differential - Members of the Police Department who are regularly assigned to continuous operation shifts or twenty-four rotating shift work, shall be paid a shift differential equal to two per cent (2%) of the employees base wages for the year. Such payment shall be made in a lump sum amount annually with the last regular pay period in November. In the event a member terminates employment before the November, payment shall be pro rated and paid upon termination.

Section 7. The salaries fixed by the foregoing section of this Ordinance shall respectively in lieu of any and all fees which the respective incumbents of said office might otherwise be entitled by Statute or otherwise by virtue of said office, which fees shall immediately upon collection thereof be paid over to the Chief Finance Officer of the Borough.

Section 8. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 9. This Ordinance shall take effect immediately upon its final adoption and publication according to law, but the rate of compensation provided for herein shall become effective as of January 1, 2006.

Second Reading will be at the Regular Council meeting on March 23, 2006.

VOTE TO APPROVE ORDINANCE 517 ON FIRST READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 517 is approved on First Reading

RESOLUTIONS

Mayor Wasson introduced Resolution 39-06, seconded by Councilman Casey.

RESOLUTION 39-06

A RESOLUTION AUTHORIZING THE APPLICATION FOR A NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS GRANT

WHEREAS, the Borough of Medford Lakes desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$48,000.00 (forty-eight Thousand Dollars) to carry out a project with the SMART GROWTH 2006 GRANT;

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. The Borough of Medford Lakes does hereby authorize the application for such a grant.
2. The Borough of Medford Lakes recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant application; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Medford Lakes and the New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

VOTE TO APPROVE RESOLUTION 39-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 39-06 is approved

Councilman Casey introduced Resolution 40-06, seconded by Mayor Wasson.

RESOLUTION 40-06

A RESOLUTION TO INTRODUCE AND APPROVE THE 2006 MUNICIPAL BUDGET

WHEREAS, the Municipal Budget of the Borough of Medford Lakes, County of Burlington for the year 2006 is hereby introduced; and

NOW, THEREFORE BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2006; and

BE IT FURTHER RESOLVED, that said Budget be published in the Central Record in the issue of March 23, 2006; and

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Medford Lakes, County of Burlington, and State of New Jersey:

1. Does hereby approve the following as the Budget for the year 2006.
2. Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, on March 9, 2006.
3. A hearing on the Budget and Tax Resolution will be held at Vaughan Hall, 79 Tecumseh Trail, Medford Lakes, NJ in Demby Annex on April 13, 2006 at 7:30PM at which time and place objections to said Budget and Tax Resolution for the year 2006 may be presented by taxpayers or other interested persons.

Public comment on the budget will be April 13, 2006.

Manager Knight commended Borough employees for their work ethic.

Councilman Casey commended Borough residents; the tax collection rate for 2005 was 99.4%. He also commended Donna Condo, Chief Financial Officer.

VOTE TO APPROVE RESOLUTION 40-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 40-06 is approved

Councilman Casey introduced Resolution 41-06, seconded by Mayor Wasson.

RESOLUTION 41-06

A RESOLUTION URGING RE-INTRODUCTION OF LEGISLATION TO EXEMPT MUNICIPAL CLERKS FROM PENALTIES FOR OPEN PUBLIC RECORDS ACT VIOLATIONS UNDER CERTAIN CIRCUMSTANCES

WHEREAS, A-4063 was introduced during the 2004-2005 legislative session and failed to be enacted and has subsequently died; and

WHEREAS, A-4063 exempts the municipal clerk from penalties for Open Public Records Act violations under certain circumstances; and

WHEREAS, currently under the Open Public Records Act, (OPRA) the municipal clerk is held responsible for not fulfilling the request, even when the record is in the possession of another official; and

WHEREAS, the proposed legislation would exempt the municipal clerk if it can be proven that a municipal clerk has exercised due diligence in attempting to collect a record requested under OPRA, by documenting at least two attempts to collect the records within seven days of receiving the request; and

WHEREAS, the municipal official in actual possession of the record will be deemed to be the custodian of the requested record, and therefore liable for any violations, penalties or disciplinary proceedings that may result from an unreasonable denial of access to the requested record; and

WHEREAS, it is the belief of the Borough Council that the official in possession of the requested record should be the one responsible for violations of the Open Public Records Act and considered custodian of the record; and

WHEREAS, the Mayor and Council of the Borough of Medford Lakes, urges the State Assembly to re-introduce the amendments to the Open Public Records Act as proposed in A-4063; and

WHEREAS, the Mayor and Council also urges the State Senate to join the Assembly with companion legislation that would similarly amend the Open Public Records Act.

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

1. That the Borough of Medford Lakes, Mayor and Council supports the intent and provisions of the proposed amendments to the Open Public Records Act.

2. That the Borough of Medford Lakes, Mayor and Council urge the re- introduction of this legislation during the next legislative session.
3. That the Borough of Medford Lakes, Mayor and Council urge the State Senate to join the Assembly with companion legislation; and

BE IT FURTHER RESOLVED, that the Municipal Clerk shall forward a certified copy of this Resolution to the following:

VOTE TO APPROVE RESOLUTION 41-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 41-06 is approved

Councilman Casey introduced Resolution 42-06, seconded by Councilman Woodend.

RESOLUTION 42-06

A RESOLUTION AUTHORIZING THE REFUND OF AN OVERPAYMENT

WHEREAS, a refund is due to overpayment of 2006 first and second quarter taxes to the Borough of Medford Lakes due to receipt of Tax Sale Certificate #050004 by the homeowner on February 21, 2006, and subsequent payments by the lien holder on February 24, 2006; and

WHEREAS, the property is located at 121 Kihade Trail also known as B: 30039, L: 1471; and

WHEREAS, a refund in the amount of \$3,064.40 should be granted to Life Center Academy;

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 check representing the overpayment amount of \$3,064.40 for certificate number 05-0004 be drawn to the order of:

1. Life Center Academy, 2045 Columbus Road, Burlington, NJ 08016.

VOTE TO APPROVE RESOLUTION 42-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 42-06 is approved

Councilman Casey introduced Resolution 43-06, seconded by Councilman Woodend.

RESOLUTION 43-06

A RESOLUTION TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2006 (NJSA 40A-4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized

by resolution to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by resolution, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Medford Lakes in the County of Burlington, finds it advisable and necessary to increase its CY 2006 budget by 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough of Medford Lakes hereby determines that a 3.5% increase in the budget for said year, amounting to \$22,704.99 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW THEREFORE, BE IT RESOLVED, by the mayor and council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring that, in the CY 2006 budget year, the final appropriations of the Borough of Medford Lakes shall, in accordance with this resolution and N.J.S.A. 40a: 4-45.14, be increased by 3.5%, amounting to \$22,704.99, and that the CY 2006 Municipal Budget for the Borough of Medford Lakes be approved and adopted in accordance with this resolution; and

BE IT FURTHER RESOLVED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution as introduced be filed with the Director of the Division of Local Government Services within five days of introduction; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution upon adoption, with the recorded vote included thereon, be filed with said Director within five days after such adoption.

VOTE TO APPROVE RESOLUTION 43-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 43-06 is approved

Councilman Casey introduced Resolution 44-06, seconded by Councilman Woodend.

RESOLUTION 44-06

A RESOLUTION APPOINTING SHARON A. DEVINEY AS TAX COLLECTOR FOR AN UNEXPIRED TERM OF MARCH 14, 2006, THROUGH DECEMBER 31, 2008

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

WHEREAS, the current Tax Collector Jennafer Hernandez is unable to complete the current term; and

WHEREAS, Ms. Sharon A. Deviney is a Certified Tax Collector per NJSA 40A: 9-141-145.12 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. Sharon A. Deviney is hereby appointed Tax Collector for the Borough of Medford Lakes; and
2. The term shall be from March 14, 2006 through December 31, 2008.

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

VOTE TO APPROVE RESOLUTION 44-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 44-06 is approved

Councilman Casey introduced Resolution 45-06 for discussion, seconded by Mayor Wasson, at the request of Solicitor Lange.

RESOLUTION 45-06

A RESOLUTION PURSUANT TO CHAPTER 145, SECTION 100 OF THE CODE OF THE BOROUGH OF MEDFORD LAKES AUTHORIZING THE REDUCTION OF A PERFORMANCE GUARANTEE TO P.J. WHELIHAN’S

WHEREAS, the developer of P.J. Whelihan’s has posted a Performance Guarantee consistent with Chapter 145, Section 100 of the Code of the Borough of Medford Lakes covering on site and off site improvements required by the approved plans for development; and

WHEREAS, a portion of the site improvements have been completed in a satisfactory manner in accordance with the requirements of the Code of the Borough of Medford Lakes; and

WHEREAS, a January 31, 2006, letter from the Borough Engineer has recommended that the Performance Guarantee be reduced in the amount of \$303,998.94 in accordance with the enclosed estimate leaving a balance on the Performance Guarantee of \$130,285.26; and

WHEREAS, pursuant thereto, the Council finds that the required improvements have been installed, inspected and approved as detailed in the January 31, 2006, letter from the Planning Board Engineer, Christopher Knoll, as revised February 21, 2006;

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. The Performance Guarantee associated with the aforementioned development by P.J. Whelihan’s Pub be and is hereby reduced to \$130,285.26.

VOTE TO APPROVE RESOLUTION 45-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 45-06 is approved

Mayor Wasson introduced Resolution 46-06, seconded by Councilman Casey, at the request of Solicitor Lange.

RESOLUTION 46-06

A RESOLUTION AUTHORIZING THE EXECUTION OF A UNION RECOGNITION AGREEMENT

WHEREAS, the Borough is in receipt of signed authorization cards from a majority of the wastewater employees of Medford Lakes Borough pursuant to New Jersey Assembly Bill Number 1820.211 which authorizes the unionization of Municipal Workers without notice to the municipality; and

WHEREAS, the Borough is in receipt of a February 17, 2006 letter from Teamsters Local Union #676 requesting that the Borough execute a recognition agreement with Teamsters Local Union #676 consistent with the recently enacted State Law and recognizing the aforementioned union as the sole collective bargaining agent for all of the Borough's employees coming within the jurisdiction of the wastewater employees;

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. The Mayor and Borough Clerk are hereby authorized and directed to execute the aforementioned recognition agreement thereby recognizing the Teamsters Local Union #676 as the sole and exclusive bargaining agent for the Wastewater employees of the Borough; and
2. The Borough Solicitor and Borough Manager are hereby authorized to meet at reasonable times and negotiate, in good faith, with respect to grievances, disciplinary disputes and all other terms and conditions of employment consistent with the requirements of State Law.

VOTE TO APPROVE RESOLUTION 46-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 46-06 is approved

OLD BUSINESS

DAMS - Manager Knight introduced Peter Black of Dewberry Goodkind and Wayne Simpson of Alaimo. The two attended the meeting to discuss the progress of the reconstruction of the dams.

Mr. Black presented drawings of the proposed Aetna Lake dams. The lake level will be exactly as it was before, within one-tenth of a foot. Council and the public discussed several issues, including the process for lowering the lakes.

Residents asked numerous questions concerning the function of the dams.

Cost estimate at the present time is approximately four million per dam. Mr. Black expects the rolled compacted concrete to be poured in the fall of 2006.

Mr. Black advised his company is ready to go out for bids. Six companies have the capability to construct the dam.

Manager Knight reminded the public that several contingencies will effect the construction, to include completion of lake dredging by the Colony and the presence of school children at the removal site.

Wayne Simpson explained the walkway at the Upper Aetna Dam, and answered questions about all aspects of the dam. A sand walkway will provide a pathway for walking from Upper Aetna to Lower Aetna Lakes.

The plans will now go to the Medford Lakes Historic Commission for input.

Councilman Casey asked for the plans on PDF format for inclusion on the Borough's website.

The Colony estimates it will take between three and five weeks to fill the lakes once construction is complete.

Paul Weiss advised the status of the Colony's project. "Round 2" is a period of interviewing contractors and examining their bid proposals. This had taken approximately two weeks longer than anticipated.

The Colony is still waiting for the Pinelands to approve permits and also waiting for approvals from the Soil Conservation District.

Eighty thousand cubic yards of sediment has to be dredged from the lakebeds.

Manager Knight thanked Mr. Black, Mr. Simpson, and Mr. Weiss for their time and presentations.

Councilman Casey made a motion to authorize the manager to work with the engineers to construct the bid and go to bid on the construction of Upper and Lower Aetna dams. Mayor Wasson seconded the motion.

RESOLUTION 47-06

A RESOLUTION A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO SOLICIT BIDS FOR DAM RECONSTRUCTION AND REPAIR

WHEREAS, the Borough of Medford Lakes needs to re-build Upper Aetna and Lower Aetna Dams and repair Quogue Dam, which were destroyed and/or damaged in a flood that occurred on July 12, 2004, and

WHEREAS, the Borough has received and accepted design plans from the engineering firms of Dewberry-Goodkind, Inc. and Richard A. Alaimo Associates;

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 Manager is authorized to solicit public bids for the reconstruction of Lower Aetna and Upper Aetna Dams and the repair of Quogue Dam.

VOTE TO APPROVE RESOLUTION 47-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 47-06 is approved

Council discussed the deed issue between the Colony and the Borough over ownership of the Lower Aetna Dam. Bids cannot be awarded until ownership is determined. The Colony is interested in conveying a Bargain and Sale Deed to the Borough for the blocks and lots associated with the Lower Aetna Dam. The Colony wants to retain certain covenants and restrictions, to include:

1. The dam would be solely used to retain the waters in Lower Aetna Lake and related structures, including the cart path, which would be solely used as a pedestrian pathway.
2. The grantee (Medford Lakes Borough) would agree that it is the sole cost of the Borough to complete the reconstruction of the dam and all improvements thereafter.
3. The grantee (Medford Lakes Borough) agrees that is the sole cost of the Borough to repair and maintain the dam and to keep it safe at all times. The dam shall comply with all Federal, State, and local regulations governing the dam, including inspections.
4. The deed shall include a covenant allowing the Colony the right to enter onto the property to inspect the dam for the above listed items maintenance.
5. The Colony shall retain a perpetual and non-exclusive easement to enter onto the property as necessary to perform any of the above listed items the Borough has failed to do.
6. The Colony shall retain the right to enter onto the property and use it for any purpose as historically used by Grantor.

Paul Weiss explained the ownership history of the dam. The Borough will pay the \$4,000,000 to reconstruct the dam. Council discussed the ownership issue at length and their reservations about the covenants and restrictions required by the Colony. The Borough will control the spillways and will determine when the lakes are lowered. Council discussed how to record the deed without a block and lot distinction and expressed concern about recording the deed with the covenants.

Solicitor Lange will prepare a draft easement for Council's approval and prepare the official Quit Claim Deed.

FIRE FACILITY – Fire Chief McIntosh advised Council of the status of the project.

OAKS HALL – removal of the footings and foundation walls was begun March 9, 2005. Council reviewed the plans and discussed removing a drive around the building to allow for more parking spaces.

Council directed Manager Knight to request Ragan Design to attend the April Historic Commission meeting.

Council effectively approved the specs from the drawings.

Councilman Casey made a motion, seconded by Mayor Wasson, to authorize the manager and solicitor to develop bid specs and go out for bid for the footings to be installed.

RESOLUTION 48-06

A RESOLUTION AUTHORIZING THE BOROUGH MANAGER TO SOLICIT BIDS FOR RECONSTRUCTION OF OAKS HALL

WHEREAS, the Borough of Medford Lakes needs to re-build the Oaks Hall Municipal Building; and

WHEREAS, the Borough has received and accepted design plans from the Architectural Firm of Ragan Design;

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 Manager is authorized to solicit public bids for the reconstruction of Oaks Hall Municipal Building.

VOTE TO APPROVE RESOLUTION 48-06

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 48-06 is approved

EMPLOYEE HANDBOOK – Solicitor Lange provided Council with the draft copy of the handbook via e-mail and asked for comments. The draft will then be forwarded to the employee committee. If all reviews and comments are completed in a timely manner, the approval resolution could be on the agenda for the next Regular Council Meeting on March 23, 2006. Job descriptions will be incorporated into the policy.

COLLECTIVE BARGAINING – the new union contract with Wastewater employees would supercede the handbook in cases of conflict.

MLCC WATER REUSE – the Club will meet with representatives of Alaimo to discuss outstanding engineering bills.

GRANTS – the 2005 DHS-AFG Fire Grant has been received and is being processed.

BOB MEYER PROPERTIES – Mr. Prime wants a copy of the adopted ordinance; no such document exists yet. He is in possession of a signed agreement.

Mr. Prime has an issue with paragraph 5, with regard to who would retain the \$44,000 should the project not come to fruition. Mr. Lange explained the differences of opinion between the Borough and Mr. Prime. Mr. Lange will forward a letter to Mr. Prime detailing Council’s position on the differences. Mr. Lange will also rewrite the agreement with amendments. Mr. Lange will contact former Solicitor Vogdes and obtain from him the \$44,000 check and deposit it in the bank.

Council discussed how Solicitor Lange would be paid from the retainer, cost estimates, sewer capacity, and the Inter-local Agreement with Medford Township.

MISCELLANEOUS – brush collection started Monday, March 6, 2006.

NEW BUSINESS

Solicitor Lange researched a legal issue at the direction of Councilman Casey. The information is privileged; copies were provided to Council.

CORRESPONDENCE

Safety Coordinator Mark McIntosh advised Council that the Borough employees met all the requirements for the safety incentive program and were awarded \$700. Also, the Borough received an award of \$1,100 for its overall safety program for second place for towns of 4,500 residents and under. The money will go to the safety program for training, etc. Manager Knight commended Mr. McIntosh and the Borough employees for a job well done.

Manager Knight provided Council with a report he received from the Department of Public Works, that he will share with them.

Manager Knight reviewed the previous two years of bulk trash pickup records, in an effort to determine residents who might be abusing the system.

Council discussed applying for an extension past December 31, 2006, for a grant in the amount of \$125,000, for use to reconfigure the island at Trading Post Trail and Stokes Road.

REPORTS

Neither Council nor the Solicitor had any additional information to report.

PAYMENT OF BILLS

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

VOTE TO ADJOURN

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned

Respectfully submitted,

Richard Knight
Borough Manager

