

# **BOROUGH OF MEDFORD LAKES**

## **SEPTEMBER 14, 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 6:30pm. 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 47 through the end of the regular portion of the handbook provided by the MEL, offering suggestions or corrections and considering ways to integrate the different handbooks. The remaining section includes job descriptions.

Solicitor Lange will provide a black line copy of the handbook to Council prior to the next meeting for their perusal.

### **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, and Solicitor Peter Lange.

### **PUBLIC COMMENT**

*Walt Lyons, 164 Cheyenne Trail, asked why the current agenda and meeting minutes are not on the web site. The agenda is a work in progress until meeting time.*

*The minutes for each meeting cannot be posted until after they are approved at the next subsequent meeting, if available. After they are approved, they are usually posted on the web site within a few days.*

*Council directed Manager Knight will forward an agenda for the web site indicating it is a "proposed agenda."*

*Councilman Woodend asked Manager Knight to remove the names of mayor and council from the web site for General Code, which houses the Borough's ordinances.*

**PLANNER'S REPORT**

Mr. Augustyn had originally been scheduled to appear before Council, but postponed his appearance until the next meeting.

**APPROVAL OF MINUTES**

Mayor Casey made a motion, seconded by Councilman Weiss, to approve the minutes for the Regular Council Meeting on August 24, 2006, with two corrections.

VOTE TO APPROVE MINUTES

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved

**ORDINANCES**

Mayor Casey introduced Ordinance 524, on Second and Final Reading, seconded by Councilman Weiss.

**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 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 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.

*PUBLIC COMMENT: Ed Leggoe, 274 Chicagami Trail, expressed his reasons for not wanting the Borough to purchase the property at the corner of Stokes Road and Lenape Trail, known as the Easi property. He does not*

*believe there is a public mandate for the purchase and urged Council to get out of the contract. Mr. Easi is suing the Borough for damages following the flood; the two issues are separate and have been separate since the beginning of the negotiations.*

Solicitor Lange explained the “public purpose” for the purchase of the property, which includes the general improvement of the aesthetics of the area and the acquisition of open space.

VOTE TO APPROVE ORDINANCE 524

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance 524 is approved on Second and Final Reading

Mayor Casey introduced Ordinance 525 as amended on Reading, seconded by Councilman Woodend as amended.

**ORDINANCE 525**

**AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, AMENDING ORDINANCE NUMBER 517, THE 2006 SALARY ORDINANCE IN ORDER TO PROVIDE THE SALARY FOR THE POSITIONS OF ZONING OFFICER AND CONSTRUCTION OFFICIAL.**

**WHEREAS**, Ordinance Number 517 was adopted by the Borough of Medford Lakes, on March 23, 2006; and

**WHEREAS**, the Borough has created a separate Zoning Officer position within the salary ordinance; and

**WHEREAS**, the new rate for the Zoning Officer shall be an amount not to exceed \$2,500.00 effective August 1, 2006; and

**WHEREAS**, the salary for the Construction Official shall be an amount not to exceed \$10,500 effective January 1, 2006; and

**WHEREAS**, the Borough therefore desires to amend the salary ordinance for the year 2006 to reflect the changes as noted herein;

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey:

- I. The new salary for the Zoning Officer shall be an amount not to exceed \$2,500 effective August 1, 2006, and the salary for the Construction Official shall be an amount not to exceed \$10,500 effective January 1, 2006.
- II. This Ordinance shall become effective immediately pursuant to- N.J.S.A 40:49-2 et. seq.

The Second and Final Reading for Ordinance 525 will be on September 28, 2006, at the Regular Council Meeting.

VOTE TO APPROVE ORDINANCE 525

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance 525 is approved on First Reading

**RESOLUTIONS**

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

**RESOLUTION 122-06**

**A RESOLUTION APPOINTING A DEPUTY MAYOR**

**WHEREAS**, N.J.S.A. 37:1-13 provides that both a Mayor and a Deputy Mayor are authorized to perform weddings; and

**WHEREAS**, Councilman Woodend has been requested to perform a wedding ceremony in the month of October 2006; and

**WHEREAS**, the Borough of Medford Lakes desires to appoint a Deputy Mayor;

**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. Councilman Gary F. Woodend is appointed Deputy Mayor of the Borough of Medford Lakes for the month of October 2006, said appointment expires on October 31, 2006.

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 Woodend.

**RESOLUTION 123-06**

**A RESOLUTION AUTHORIZING THE REFUND OF A PLUMBING AND STREET OPENING PERMIT**

**WHEREAS**, on certain occasions a maintenance bond is required between a contractor and the Borough of Medford Lakes; and

**WHEREAS**, on September 7, 2006, the Construction Official authorized the refund of a Plumbing and Street Opening bond that is no longer required to be kept;

**THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that the following applicant receive a refund of their maintenance bond:

<u>APPLICANT</u>	<u>AMOUNT OF REFUND</u>	<u>PROJECT ADDRESS</u>
Betty Shine 32 Manhasset Trail Medford Lakes, NJ 08055	\$1,500.00	32 Manhasset Trail

VOTE TO APPROVE RESOLUTION 123-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 123-06 is approved

Mayor Casey introduced Resolution 124-06, seconded by Councilman Woodend.

**RESOLUTION 124-06**

**A RESOLUTION AUTHORIZING THE REFUND OF A PLUMBING AND STREET OPENING PERMIT**

**WHEREAS**, on certain occasions a maintenance bond is required between a contractor and the Borough of Medford Lakes; and

**WHEREAS**, on September 7, 2006, the Construction Official authorized the refund of a Plumbing and Street Opening bond that is no longer required to be kept;

**THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey, that the following applicant receive a refund of their maintenance bond:

<u>APPLICANT</u>	<u>AMOUNT OF REFUND</u>	<u>PROJECT ADDRESS</u>
Dennis Plasha 153 Narragansett Trail Medford Lakes, NJ 08055	\$1,500.00	153 Narragansett Trail

VOTE TO APPROVE RESOLUTION 124-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 124-06 is approved

Councilman Woodend introduced Resolution 125-06, seconded by Mayor Casey.

**RESOLUTION 125-06**

**A RESOLUTION RECOGNIZING PROBATIONARY APPOINTMENT FOR RECRUIT JOHN G. MCGINNIS, JR. WITH THE MEDFORD LAKES POLICE DEPARTMENT**

**WHEREAS**, the governing body of the Borough of Medford Lakes has been notified by Police Chief Frank Martine that John G. McGinnis, Jr. has been recommended for employment with the Medford Lakes Police Department as a police officer "untrained status" with all benefits and salary as described in the current police contract; and

**WHEREAS**, recruit John F. McGinnis, Jr. will begin his police training at the Burlington County Police Academy on October 2, 2006;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey that John G. McGinnis, Jr. be appointed as police officer untrained status to the Medford Lakes Police Department.

Solicitor Lange advised he has concerns with the empowering statute with regard to probationary status. Medford Lakes' charter does not recognize such a status.

VOTE TO APPROVE RESOLUTION 125-06

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 125-06 is approved

Mayor Casey introduced Resolution 126-06, seconded by Councilman Weiss.

**RESOLUTION 126-06**

**A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR CONSTRUCTION MANAGEMENT PROFESSIONAL SERVICES TO RICHARD A. ALAIMO ASSOCIATES CONSULTING ENGINEERS**

**WHEREAS**, the governing body of the Borough of Medford Lakes has a need to acquire construction manager services associated with reconstruction of the dams as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

**WHEREAS**, the performance of these services require knowledge of an advanced type in a field of learning pursuant to N.J.S.A. 40A: 11-2(6); and

**WHEREAS**, Richard A. Alaimo Associates is qualified to perform these services; and

**WHEREAS**, Richard A. Alaimo Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Richard A. Alaimo Associates 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 Richard A. Alaimo Associates from making any reportable contributions through the term of the contract; and

**WHEREAS**, the finance officer of the Borough has certified the availability of funds;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey that Richard A. Alaimo Associates, 200 High Street, Mount Holly, NJ 08060 is awarded a professional services contract through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.5 not to exceed \$350,000.

The words “non-fair” in the resolution might be somewhat confusing. An entity being awarded a contract under “non-fair” standards cannot make a political contribution over \$300 to any politician involved with the contract. Also, the entity must meet the requirement of full disclosure of eligibility.

**VOTE TO APPROVE RESOLUTION 126-06**

Ayes: Casey, Weiss

Nays: None

Abstain: Woodend

Resolution 126-06 is approved

Mayor Casey introduced Resolution 127-06, seconded by Councilman Weiss.

**RESOLUTION 127-06**

**A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ENGINEERING PROFESSIONAL SERVICES TO DEWBERRY-GOODKIND, INC.**

**WHEREAS**, the governing body of the Borough of Medford Lakes has a need to acquire engineering services associated with reconstruction of the dams as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

**WHEREAS**, the performance of these services require knowledge of an advanced type in a field of learning pursuant to N.J.S.A. 40A: 11-2(6); and

**WHEREAS**, Dewberry-Goodkind, Inc. is qualified to perform these services; and

**WHEREAS**, Dewberry-Goodkind, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Dewberry-Goodkind, Inc. 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 Dewberry-Goodkind, Inc. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the finance officer of the Borough has certified the availability of funds;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey that Dewberry-Goodkind, Inc., 600 Parsippany Road, 3<sup>rd</sup> Floor, Parsippany, NJ 07054-3715 is awarded a professional services contract through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.5 not to exceed \$180,000.

**VOTE TO APPROVE RESOLUTION 127-06**

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 127-06 is approved

Mayor Casey introduced Resolution 128-06, seconded by Councilman Weiss.

**RESOLUTION 128-06**

**A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR ARCHITECT PROFESSIONAL SERVICES TO RAGAN DESIGN GROUP**

**WHEREAS**, the governing body of the Borough of Medford Lakes has a need to acquire architect services associated with the Oaks Hall Project as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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

**WHEREAS**, the performance of these services require knowledge of an advanced type in a field of learning pursuant to N.J.S.A. 40A: 11-2(6); and

**WHEREAS**, Ragan Design Group is qualified to perform these services; and

**WHEREAS**, Ragan Design Group has completed and submitted a Business Entity Disclosure Certification which certifies that Ragan Design Group 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 Ragan Design Group from making any reportable contributions through the term of the contract; and

**WHEREAS**, the finance officer of the Borough has certified the availability of funds;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey that Ragan Design Group, Jackson Commons, 30 Jackson Road, Suite C-3, Medford, NJ 08055 is awarded a professional services contract through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.5 not to exceed \$25,000; and

**BE IT FURTHER RESOLVED**, that the Borough Manager is authorized to pay any and all approved outstanding balances.

Councilman Woodend asked that the proposal include a detailed outline of what is in it. Council postponed action on Resolution 128-06 until changes can be made to it.

Mayor Casey introduced Resolution 129-06, seconded by Councilman Weiss.

**RESOLUTION 129-06**

**A RESOLUTION FOR INCREASING BID THRESHOLD AND APPOINTING A QUALIFIED PURCHASING AGENT**

**WHEREAS**, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$29,000; and

**WHEREAS**, N.J.S.A. 40A: 11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

**WHEREAS**, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

**WHEREAS**, Donna A. Condo possesses the designation of Qualified Purchasing Agent as issued by the Director of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

**WHEREAS**, the Borough of Medford Lakes desires to take advantage of the increased bid threshold;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, County of Burlington, and State of New Jersey hereby increases its bid threshold to \$29,000; and

**BE IT FURTHER RESOLVED**, that the governing body hereby appoints Donna A. Condo as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A: 11-2(30), with specific relevance to the authority, responsibility and accountability of the purchasing activity of the contracting unit; and

**BE IT FURTHER RESOLVED**, that in accordance with N.J.A.C. 5:34-5.2 the local unit Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Donna A. Condo's certification to the Director of Local Government Services.

Council discussed the resolution at length, in an effort to understand the change. The resolution does not create a new position, but only a designation within the position.

**VOTE TO APPROVE RESOLUTION 129-06**

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 129-06 is approved

**OLD BUSINESS**

**BULK TRASH** – Council asked that DPW Superintendent Pat McCorristan and new Code Official Dave Crane attend the October 12, 2006 Regular Council Meeting to discuss the issues with bulk trash collection.

**MEETING DATES** - Council made changes to the scheduled meetings as follows:

September 28, 2006	-	6:30pm start
October 12, 2006	-	6:30pm start
November 2, 2006	-	6:30pm start (pending publication notice)
November 16, 2006	-	6:30pm start (pending publication notice)
December 14, 2006	-	7:30pm start
December 28, 2006	-	7:30pm start

The Regular Council Meeting on October 26, 2006 has been cancelled.

**DAM RECONSTRUCTION** – the Borough is waiting for approved permits from the DEP. A meeting is scheduled with DEP for September 19, 2006. If permits are approved, Council wants the professionals to be prepared to begin work as soon as possible.

Three semi-trailers will be parked in the Beach 1 parking lot. They will be parallel to Tabernacle Road and should not cause any problems.

Council discussed establishing a baseline of the condition of the homes along the two empty lakes, prior to the start of construction. The information would then be available if, at a later date, a resident reported structural damage from the construction of the dams.

Council directed Manager Knight to obtain information from the JIF and the MEL concerning their suggestions for a baseline and monitoring of the homes.

Council also directed Manager Knight to determine if there is a Project Worksheet for repairs to Quoque Dam.

Council directed Solicitor Lange to obtain material from Councilman Woodend concerning action taken during the reconstruction of the Ballinger Lake dam. The information includes access, property maintenance, and a permanent structural baseline.

**NEWSLETTER** – Council plans to send out a newsletter to inform residents about several ongoing projects in the Borough.

Council discussed the Easi property and how to advise the public of the purchase and the reasons for it.

Councilman Woodend asked that the newsletter explain the \$8.2 for the reconstruction of the dams, which has already been factored into the 2005 and 2006 budgets. Council does not anticipate a tax increase for these repairs in subsequent budgets. Councilman Weiss will prepare the information for the repairs for the newsletter.

The definition of bulk trash will be included, as will a specification of construction debris.

The newsletter will include the plans for the reconstruction of the intersection of Stokes Road and Trading Post Way. The island will be removed soon, to allow for trucks that are doing the dam repairs to make the turn there.

The trench has been dug for the footings for Oaks Hall. The area is fenced and Mr. Heck has issued permits. The logs are on order and can be delivered at any time. The current projection is to have the shell erected by the end of November.

### **CORRESPONDENCE**

Mr. Knight received a letter of appreciation from the Make-a-Wish Foundation for the Borough's involvement.

### **REPORTS**

**SOLICITOR** – Mr. Lange received a proposed lease agreement from CFO Condo. He is seeking a better rate. Cingular and AT&T (both currently on the tower) have merged and are in the process of determining which towers in the area are needed for their service. There is the possibility the new company could decide to drop service on the Borough's tower.

Council approved Solicitor Lange's suggestion that he discuss the issue with his brother, who is in the business. They would try to determine if the Borough's tower is valuable to the new merged company.

**COUNCIL** – Mr. Woodend reported he met with Medford’s new Director of Public Safety, Steve Addezzio, to discussed possible daytime coverage by the township’s EMS services. Director Addezzio asked for the Borough’s EMS call records; Councilman Woodend asked Squad Chief Countess, but has yet to receive them. Chief Countess advised Mr. Woodend she is not in favor of entering into an agreement with Medford to cover the Borough’s daytime emergency medical calls.

Mr. Woodend discussed police grids for Medford Lakes and Medford and also the possible availability of “shared services” funds. He will continue discussions with Director Addezzio, and hopes to create a committee to share ideas and then prepare a proposal.

Councilman Weiss received notice of safety seminars for wastewater and DPE employees. Wastewater employees will be attending a Safety Expo on September 21, 2006. A safety workshop for public works superintendents is scheduled for September 27, 2006. Superintendent McCorrison advised he does not plan to attend the workshop; Mr. Weiss encouraged him to change his mind.

Mr. Weiss advised Council that the DEP has approved funds for repairs to the Ballinger Dam, which the Colony will complete. The Colony is considering transferring ownership of the dam to the Borough, through a quit claim deed, following the repairs.

### **PAYMENT OF BILLS**

Councilman Weiss asked for a clarification of the benefits plan provided to the Borough’s employees.

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

#### **VOTE TO APPROVE PAYMENT OF BILL LIST**

Ayes: Casey, Weiss, Woodend

Nays: None

Bill List is approved for payment

### **ADJOURNMENT TO EXECUTIVE SESSION**

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

#### **RESOLUTION 130-06**

#### **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:

Sapi Lake litigation  
Easi property contract  
Bob Meyer contract  
Personnel issues / Contract negotiations;
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; and
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 Woodend, 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 Woodend, to adjourn the meeting.

**VOTE TO ADJOURN**

Ayes: Casey, Weiss, Woodend  
Nays: None  
Meeting adjourned

Respectfully submitted,

Richard Knight  
Acting Borough Clerk