

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
MAY 22, 2008**

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. Following the Pledge of Allegiance, Mayor Casey 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.

In attendance were Mayor Casey, Councilman Weiss, and Councilman Woodend. Also present were Manager Urbanik, Clerk McIntosh, Police Chief Martine, CFO Condo and Borough tax assessor Kolton.

Council and the public observed a moment of silence to honor service men and women currently in harm's way overseas and at home.

APPROVAL OF MINUTES

Mayor Casey made a motion, seconded by Councilman Woodend, to approve the minutes for the May 8, 2008 Regular Council Meeting.

VOTE TO APPROVE MINUTES

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved for May 8, 2008 Regular Council Meeting

Mayor Casey made a motion, seconded by Councilman Woodend, to approve the minutes for the May 8, 2008 Executive Session.

VOTE TO APPROVE MINUTES

Ayes: Casey, Weiss, Woodend

Nays: None

Minutes are approved for May 8, 2008 Executive Session

Solicitor Lange advised Council that, even though Executive Session minutes have been approved, they remain privileged until released following the solicitor's review.

WORKSHOP PORTION OF THE REGULAR COUNCIL MEETING

REPORTS

TAX ASSESSOR – Borough tax assessor Doug Kolton discussed the County ordered property re-assessment. Every property in the Borough will be examined from outside the house, and the goal is to have a high percentage of homes examined from the inside. Council discussed the percentage of homes they wanted examined from the inside and how to pay the examiners. Values of properties in Medford Lakes now run about 48.17% of market value. A re-val would bring home values up to 100% of the market value. The State will approve the tax map prior to the start of inspections. Mr. Kolton suggested that the Borough hire a company to do the re-val and he would certify the numbers. Mr. Kolton advised the re-val could cost as much as \$150,000.

Council directed that the tax map be sent to the State for review and bid specs be prepared, with an alternate specification % for interior inspections.

MANAGER – the ceiling is almost finished in Oaks Hall. The furniture has been ordered and contracts for the site work have been signed and delivered.

Council and Manager Urbanik discussed outsourcing the operation of the wastewater plant. Council discussed having companies look at the facility, advise if it could be managed for less money if outsourced, and if it worth going out for bids.

Council directed Manager Urbanik to do a brief, outlining operational expenses, flow capacities, etc. for Council's review.

The Memorial Day parade will start at Brooks Field at 10:00am and will proceed to the Todd Memorial in front of the Cathedral of the Woods church. The memorial has been moved. as has the flagpole.

COUNCIL – work is proceeding slowly at Oaks Hall. W.J. Gross will prepare a revised time line for completion.

SOLICITOR - The project worksheet is ready for work on the Medical Missionaries' property. Mr. Kelchner has not replied to contacts from Solicitor Lange.

A non-profit clean water action committee wants to canvas in the Borough. Their stop time would be 9:00pm.

Mr. Lange recommended adopting the contract with Cricket Communications for a site lease agreement.

DISCUSSION OF PENDING ORDINANCES AND RESOLUTIONS

Council discussed each ordinance and resolution on the agenda, adding clarification and changes as needed.

ORDINANCES

Ordinance 546 – Second Reading, amends Ordinance 510, the Land Development Ordinance.

Ordinance 547 – Second Reading, adoption of the Salary Ordinance.

Ordinance 548 – Second Reading, appropriation from wastewater capital utility improvement fund for repairs.

Ordinance 549 – Second Reading, amends Ordinance 518, a bond ordinance.

Ordinance 550 – Second Reading, authorizes acquisition of a vehicle and authorizes road repairs.

Ordinance 551 – First Reading, compensation rate for police chief and lieutenant.

CONSENT AGENDA RESOLUTIONS

95-08 – A resolution proclaiming May 19 – 23, 2008 National Emergency Medical Services Week.

96-08 – A resolution authorizing a refund.

RESOLUTIONS

97-08 – A resolution approving audit recommendations.

98-08 – A resolution authorizing a contractual agreement with the police chief and lieutenant.

99-08 – A resolution authorizing a lease agreement with Cricket Communications for a position on the cell tower.

100-08 – A resolution authorizing a change order for Oaks Hall.

PUBLIC COMMENT

Mary Shannahan, 248 Shingowack Trail, asked Council for an estimate of the final cost for Oaks Hall, which they provided her.

Bob Hanold, 45 Natchez Trail, complimented police Chief Martine and the department for their quick action when he called 911 for a medical emergency. Mr. Hanold expressed interest providing signs for residents to erect on their lawns to prevent canvassing. Solicitor Lange will research wording for such signs and provide it to Mr. Hanold.

Joe Aromando, 285 Shingowack Trail, had several questions and suggestions for Council concerning items previously discuss. He suggested sending residents a post card asking them to describe their property prior to the re-val.

Joanne Tragesser, 6 Minnetonka Trail, suggested closing Stokes Road for the Memorial Day parade.

Jackie Cleaver, 169 Chippewa Trail, expressed her concern that the survey of Decotah Trail has not been completed yet.

BUSINESS PORTION OF THE REGULAR MEETING

ORDINANCES

Mayor Casey introduced Ordinance 546 on Second Reading, seconded by Councilman Weiss.

ORDINANCE 546

AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, AMENDING ORDINANCE NO. 510, AS AMENDED, THE BOROUGH OF MEDFORD LAKES LAND DEVELOPMENT ORDINANCE

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

I. Purpose: The purpose of this Ordinance is to amend Ordinance Number 510; and

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

i. Subsection A, paragraph 7, “temporary signs - definitions,” is hereby amended from the following:

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

to the following:

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

i. **Temporary Signs is hereby amended from the following:**

- b) Temporary signs shall be permitted only as hereinafter provided. All temporary signs are subject to the following requirements:
 - (1) Only one temporary sign shall be permitted at any time.
 - (2) The size of the sign shall not exceed six (6) square feet, and it shall not exceed four (4) feet in height.
 - (3) Said sign(s) shall not be illuminated, and shall have no moving parts.
 - (4) The sign shall be set so that same shall not encroach upon the public right-of-way.
 - (5) The sign shall be set back at least ten (10) feet from the roadway and fifteen (15) feet from the side property line.
 - (6) The period of time during which any such temporary sign is permitted shall not exceed 45 days.

to the following:

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

- (1) Only one temporary sign shall be permitted at any time.
- (2) The size of the sign shall not exceed six (6) square feet, and it shall not exceed four (4) feet in height.
- (3) Said sign(s) shall not be illuminated, and shall have no moving parts.
- (4) The sign shall be set so that same shall not encroach upon the public right-of-way.
- (5) No portion of the sign shall be closer than ten (10) feet from the roadway nor within fifteen (15) feet from the side property line, nor within fifty (50) feet of any lake, pond or stream.
- (6) The period of time during which any such temporary sign is permitted shall not exceed 45 days.

ii. **Real Estate Signs is hereby amended from the following:**

- (4) Real Estate Signs
 - (a) Signs indicating premises for sale or rent shall be no larger than six square feet in area. set back at least ten (10) feet from the roadway, as well as fifteen (15) feet from the side yard, and shall not be illuminated.
 - (b) Such signs shall not remain for more than 45 days from the date of erection. The sign shall have marked thereon, clearly visible from the roadway, the date of the erection thereof. Signs shall be removed within forty-eight (48) hours of a binding agreement of sale for the subject premises. There shall be no more than one sign erected in any six (6) month time period. The erection of said signs shall be deemed permission of the person or persons erecting said sign to permit the removal thereof in the event of non-compliance with the terms of this ordinance.

to the following:

- (4) Real Estate Signs
 - (a) Signs indicating premises for sale or rent shall be no larger than six square feet in area. No portion of the sign shall be closer than ten (10) feet from the roadway, nor within fifteen (15) feet from the side yard, nor within fifty (50) feet of any lake, pond or stream and shall not be illuminated. Signs shall be removed within forty-eight (48) hours of a binding agreement of sale for the subject premises. The erection of said signs shall be deemed permission of the person or persons erecting said sign to permit the removal thereof in the event of non-compliance with the terms of this ordinance.

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

VOTE TO APPROVE ORDINANCE 546 ON SECOND READING

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance 546 is approved on Second Reading

Mayor Casey introduced Ordinance 547 on Second Reading, seconded by Councilman Woodend.

ORDINANCE 547

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 2008 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.

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.

ADMINISTRATION

<u>TITLE</u>		<u>MAXIMUM COMPENSATION EXCLUSIVE OF OVERTIME</u>
Mayor and Council		\$1,700.00
Municipal Manager		\$75,000.00
Municipal Clerk		\$33,600.00
Chief Finance Officer		\$43,000.00
Clerical Staff		\$48,000.00
Part Time Clerical	Per Hour	\$19.50
Tax Assessor		\$17,425.00
Tax Collector		\$13,000.00
Sewer Collector		\$17,156.00
Recycling Coordinator		\$3,900.00
Secretary to the Historic Commission		\$2,850.00
Secretary to the Planning Board		\$8,700.00
Deputy Clerk		\$15,250.00
Deputy Treasurer		\$6,600.00
Rabies Day Clinic Assistants	Up To / Per Clinic	\$125.00
Borough Council Meeting Secretary/LBD Bd Sec.	Per Meeting	\$125.00
Municipal Court Sound Recording Monitor	Per Court Session	\$50.00
Deputy Municipal Manager		\$20,000.00
Acting Municipal Clerk		\$26,215.00
Janitor	Per Hour	\$13.30

MUNICIPAL COURT

Judge		\$7,500.00
Municipal Court Administrator	Hourly Rate not to exceed	\$20.00
Deputy Court Administrator	Up To per court session & \$15.00 for each call-in	\$100.00

POLICE DEPARTMENT

Crossing Guards	Per Hour	\$14.59
Special Police	Per Hour	\$17.91

CODE ENFORCEMENT

Construction Official	\$11,400.00
Electrical Sub-code Official	\$5,175.00
Plumbing Sub-code Official	\$5,175.00
Fire Sub-code Official	\$5,175.00
Code Enforcement Officer	\$5,175.00
Zoning Officer	\$2,678.00

EMERGENCY MANAGEMENT

Emergency Management Coordinator	\$2,143.00
Emerg. Mgmt Coord.	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	\$4,175.00
Fire Inspector	\$1,894.00
Fire Administrator	\$5,795.00

PUBLIC WORKS/SANITATION

Superintendent	\$76,975
Foreman	Per Hour \$25.45
Laborer Class C	Per Hour \$14.27
Laborer Class B	Per Hour \$16.93
Laborer Class A	Per Hour \$21.28
Mechanic	Per Hour \$13.37

WASTEWATER TREATMENT UTILITY

Superintendent	\$74,600
Clerical	\$21,632.00
Operators Assistant	Up To / Per Hour \$22.15
Laborers	Up to / Per Hour \$24.84
Duty Pay	Per Week \$200.00

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, 2008.
This Ordinance shall become effective upon final adoption and publication in the manner prescribed by law.

VOTE TO APPROVE ORDINANCE 547 ON SECOND READING

Ayes: Casey, Weiss, Woodend
Nays: None
Ordinance 547 is approved on Second Reading

Mayor Casey introduced Ordinance 548 on Second Reading, seconded by Councilman Weiss.

ORDINANCE 548

AN ORDINANCE AUTHORIZING AN APPROPRIATION IN THE AMOUNT OF \$42,000 FROM THE WASTEWATER UTILITY CAPITAL IMPROVEMENT FUND, TO PROVIDE FOR THE REPAIRS NECESSARY TO THE SEWER PLANT SAND FILTER AND ELECTRICITY NECESSARY FOR THE UTILITY WATER PROJECT FOR THE WASTEWATER WATER DEPARTMENT

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 forty-two thousand dollars (\$42,000.00), which is now available in the Waste Water Utility Capital Improvement Fund of the Borough of Medford Lakes.

SECTION 2. (a) The Improvement hereby authorized is as follows:

Improvements and Repairs to the Sand Filter	\$23,000.00
Electric for Utility Water Project	\$19,000.00

(b) The estimated cost of said acquisition is forty-two thousand dollars (\$42,000) for the improvements described in Section 2 (a) above, which sum is hereby appropriated from the Waste Water Utility Capital Improvement Fund.

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

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

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

SECTION 4. The 2008 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: Joe Aromando, 285 Shingowack Trail, asked how the amounts were based; wastewater superintendent Carl Goodfellow prepared the estimates.

VOTE TO APPROVE ORDINANCE 548 ON SECOND READING

Ayes: Casey, Weiss, Woodend
Nays: None
Ordinance 548 is approved on Second Reading

Mayor Casey introduced Ordinance 549 on Second Reading, seconded by Councilman Weiss.

ORDINANCE 549

AN ORDINANCE AMENDING AND SUPPLEMENTING A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, FINALLY ADOPTED ON MAY 11, 2006, ENTITLED "A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON AUTHORIZING THE ACQUISITION OF VEHICLES AND THE CONSTRUCTION IMPROVEMENTS TO BOROUGH ROADS AND THE EXISTING SEWER COLLECTION SYSTEM; APPROPRIATING THE SUM OF \$705,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$689,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE SAID IMPROVEMENTS; AND MAKING CERTAIN DETERMINATIONS AND COVENANTS AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING."

BE IT ORDAINED by the Council of the Borough of Medford Lakes, in the County of Burlington, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION A. Section 3.(a)C. of Bond Ordinance 518 finally adopted on May 11, 2006 is hereby amended, revised, replaced, and supplemented to read as follows:

<u>PURPOSE/ IMPROVEMENT</u>	<u>ESTIMATED TOTAL COST</u>	<u>DOWN PAYMENT</u>	<u>A MOUNT OF OBLIGATION</u>	<u>PERIOD OF USEFULNESS</u>
C. Acquisition of a twenty-five (25) yard trash truck-rear loader and a backhoe for the Borough's public Works Department, Including the Acquisition of all Related Materials and Performance of all Work Necessary Therefore and Incidental Thereto.	\$120,000	\$6,500	\$113,500	5 years

SECTION B. All other ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION C. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as separate, distinct and an independent provision, and such holding shall not effect the validity of the remaining portion of the Ordinance adopted by the Borough Council on May 11, 2006.

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

PUBLIC COMMENT: Joe Aromando asked how exactly the money would be spent.

VOTE TO APPROVE ORDINANCE 549 ON SECOND READING

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance 549 is approved on Second Reading

Mayor Casey introduced Ordinance 550 on Second Reading, seconded by Councilman Weiss.

ORDINANCE 550

A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF VEHICLES AND EQUIPMENT AND FURTHER AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO BOROUGH ROADS; APPROPRIATING THE SUM OF \$115,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$109,250 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 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 improvements described in Section 3 of this Ordinance are 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 improvements. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$115,000, including the sum of \$5,750 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 purposes or improvements and to meet the part of said \$115,000 appropriation not provided for by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$109,250 pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

<u>PURPOSE/ IMPROVEMENT</u>	<u>ESTIMATED TOTAL COST</u>	<u>DOWN PAYMENT</u>	<u>AMOUNT OF OBLIGATIONS</u>	<u>PERIOD OF USEFULNESS</u>
A. Construction of drainage improvements to Mudjekeewis Trail and Tontonava Trail, including the acquisition of all related materials and performance of all work necessary therefore and incidental thereto.	\$70,000	\$3,500	\$66,500	5 years
B. Acquisition of a utility truck, for the Borough's public works department, including the acquisition of all related materials and performance of all work necessary therefore and incidental thereto.	\$45,000	\$2,250	\$42,750	5 years

- (b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$109,250.
- (c) The estimated cost of the improvement or purposes is \$115,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefore being the amount of \$5,750, 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 5 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 \$147,300 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: Joanne Tragesser, 6 Minnetonka Trail, asked for an explanation of how the Borough repays bonds.

VOTE TO APPROVE ORDINANCE 550 ON SECOND READING

Ayes: Casey, Weiss, Woodend

Nays: None

Ordinance 550 is approved on Second Reading

Mayor Casey introduced Ordinance 551 on First Reading, seconded by Councilman Woodend.

ORDINANCE 551
AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR THE POLICE CHIEF AND LIEUTENANT OF THE BOROUGH OF MEDFORD LAKES FOR THE YEAR 2008.

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

Section 1. The following salaries designated herein are fixed on an annual basis respective to the position listed below. Employees will be paid on a bi-weekly basis.

<u>POLICE DEPARTMENT</u>	
Chief of Police	\$ 94,039.00
Lieutenant	84,460.00

SECTION 2 The titles listed above shall also be entitled to a one time payment, in addition to the compensation listed above, of 2% of their base salary in recognition of working shift work throughout the year 2008. This payment shall be paid the last pay in November 2008 and shall not be considered pensionable.

SECTION 3. 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 Financial Officer of the Borough.

SECTION 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. 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, 2008.

VOTE TO APPROVE ORDINANCE 551 ON FIRST READING
Ayes: Casey, Weiss, Woodend
Nays: None
Ordinance 551 is approved on Second Reading

CONSENT AGENDA RESOLUTIONS

“Consent Agenda” items are considered to be routine and will be enacted with a single motion; any items requiring expenditure are supported with a Certificate of Availability of Funds from the Chief Financial Officer; any item requiring discussion will be removed from the Consent Agenda; all Consent Agenda items will be reflected in full in the minutes.

Mayor Casey introduced Consent Agenda resolutions 95-08 and 96-08, seconded by Councilman Woodend.

RESOLUTION 95-08
A RESOLUTION BY THE GOVERNING BODY OF THE BOROUGH OF MEDFORD LAKES PROCLAIMING MAY 19 – 23, 2008 NATIONAL EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services provided in our community are an integral part of our citizens’ everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of the emergency medical system and programs such as community CPR training; and

WHEREAS, the health, safety and comfort of this community greatly depends on these services; and

WHEREAS, the quality and effectiveness of the emergency medical services provided, is vitally dependent upon the efforts and skill of emergency medical professionals; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff emergency medical organizations is materially influenced by the people’s attitude and understanding of the importance of the work they perform;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that we proclaim the week of May 19-23, 2008 “NATIONAL EMERGENCY MEDICAL SERVICES WEEK”, and we call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our emergency medical services and to recognize the contributions which these professionals make every day to our health, safety, comfort and quality of life.

VOTE TO APPROVE RESOLUTION 95-08

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 95-08 is approved

RESOLUTION 96-08

A RESOLUTION AUTHORIZING THE SECOND-HALF REFUND OF A PLUMBING AND STREET OPENING PERMIT FOR 80 NANTUCKET TRAIL ALSO KNOWN AS BLOCK #30110, LOTS #3860, 3861, 3862 & 3863, IN THE AMOUNT OF \$750.00

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

WHEREAS, once the requirement causing the need for the bond is met by the contractor there is on occasion a balance left in the account due the contractor; and

WHEREAS, on May 14, 2008 the Construction Official authorized the refund of all bonds no longer required to be kept;

THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, 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>
Roto Router 2854 Brookline Road Pennsauken, NJ	\$750.00	80 Nantucket Trail

VOTE TO APPROVE RESOLUTION 96-08

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 96-08 is approved

RESOLUTIONS

Mayor Casey introduced Resolution 97-08, seconded by Councilman Weiss.

RESOLUTION 97-08

RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, BURLINGTON COUNTY NEW JERSEY, APPROVING A CORRECTIVE ACTION PLAN IN CONJUNCTION WITH THE 2007 AUDIT RECOMMENDATIONS AND COMMENTS

WHEREAS, the Chief Financial Officer has submitted her recommended Corrective Action Plan relative to the 2007 Municipal Audit; and

WHEREAS, State statutes require the adoption of a corrective action plan within 60 days of the receipt of the municipal audit; and

WHEREAS, it is the desire of the governing body of the Borough of Medford Lakes to approve such Corrective Action Plan;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Medford Lakes, Burlington County, NJ, that the attached corrective action plan as prepared by the Chief Financial Officer is hereby approved; and

BE IT FURTHER RESOLVED that a certified copy of this resolution and the corrective action plan be forwarded to the Division of Local Government Services, Bureau of Financial Regulation and Assistance, PO Box 803, Trenton NJ 08625.

VOTE TO APPROVE RESOLUTION 97-08

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 97-08 is approved

Mayor Casey introduced Resolution 98-08, seconded by Councilman Woodend.

RESOLUTION 98-08

A RESOLUTION ADOPTING A CONTRACTUAL AGREEMENT WITH THE MEDFORD LAKES POLICE DEPARTMENT SUPERIOR OFFICERS' ASSOCIATION

WHEREAS, a contractual agreement between the Borough of Medford Lakes and the Superior Officers' Association has been reached; and

WHEREAS, the members of the Superior Officers' Association have voted to accept the terms and conditions included in the May 21, 2008 agreement which correspondence is attached hereto and made part hereof; and

WHEREAS, the Borough Council of the Borough of Medford Lakes deems it in the best interest of the Borough to adopt the proposed agreement;

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

1. The contractual agreement with the Medford Lakes Superior Officers' Association shall and is hereby adopted retroactively effective to January 1, 2008; and
2. The Borough Manager is hereby authorized and directed to execute any and all further documents necessary to effectuate the agreement; and
3. This agreement shall be for one (1) year, January 1, 2008 to December 31, 2008.

VOTE TO APPROVE RESOLUTION 98-08

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 98-08 is approved

Mayor Casey introduced Resolution 99-08, seconded by Councilman Woodend.

RESOLUTION 99-08

A RESOLUTION APPROVING A COMMUNICATIONS SITE LEASE AGREEMENT WITH CRICKET COMMUNICATIONS, INC.

WHEREAS, a Communications Site Lease Agreement between the Borough of Medford Lakes and Cricket Communications, Inc. has been reached; and

WHEREAS, Cricket Communications, Inc. has accepted the terms and conditions included in the agreement which correspondence is attached hereto and made part hereof; and

WHEREAS, the Borough Council of the Borough of Medford Lakes deems it in the best interest of the Borough to approve the proposed agreement;

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

1. The contractual agreement by and between the Borough of Medford Lakes and Cricket Communications, Inc., 62 Reads Way, New Castle, DE 19720 shall and is hereby adopted; and
2. The Borough Manager is hereby authorized and directed to execute any and all further documents necessary to effectuate the agreement.

VOTE TO APPROVE RESOLUTION 99-08

Ayes: Casey, Weiss, Woodend
Nays: None
Resolution 99-08 is approved

Mayor Casey introduced Resolution 100-08, seconded by Councilman Woodend.

RESOLUTION 100-08

A RESOLUTION APPROVING CHANGE ORDER NUMBERS 13 & 14, FOR THE PROJECT KNOWN AS MEDFORD LAKES BOROUGH HALL, AMENDING THE TENANT FIT-OUT CONTRACT WITH W.J. GROSS, INC. FROM \$764,181.00 TO \$778,170.00, AN INCREASE OF \$13,989.00

WHEREAS, Change Order Numbers 13 and 14 for the project known Medford Lakes Borough Hall are required to complete the project; and

WHEREAS, Change Order Numbers 13 and 14 dated May 9, 2008 amends the contract with W.J. Gross, Inc. from \$764,181.00 to \$778,170.00, a increase in the contract of \$13,989.00; and

WHEREAS, the Project Architect, Ragan Design Group has reviewed said change orders; and

WHEREAS, the Chief Financial Officer has certified the availability of funds;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that Change Order Numbers 13 and 14 be and is hereby approved; and

BE IT FURTHER RESOLVED that Change Order Numbers 13 and 14 hereby amends the contract price from \$764,181.00 to \$778,170.00, a increase in the contract of \$13,989.00; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the necessary documents relative to this change order.

VOTE TO APPROVE RESOLUTION 100-08

Ayes: Casey, Weiss, Woodend
Nays: None
Resolution 100-08 is approved

PAYMENT OF BILLS

Following discussion, Council decided to withhold the second progress payment to W.J. Gross, subject to his providing a completion time line for Oaks Hall.

Mayor Casey made a motion, seconded by Councilman Weiss, to approve the Bill List for payment, as amended.

VOTE TO APPROVE BILL LIST FOR PAYMENT

Ayes: Casey, Weiss, Woodend
Nays: None
Payment of bills is approved

ADJOURNMENT TO EXECUTIVE SESSION

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

RESOLUTION 101-08

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 are retiree benefits, part time employee benefits, NE Remsco contract, Alaimo contract, Dewberry contract, and the wastewater collective bargaining unit.
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 AJOURN TO EXECUTIVE SESSION

Ayes: Casey, Weiss, Woodend

Nays: None

Meeting adjourned to Executive Session

RETURN TO REGULAR MEETING

Councilman Woodend made a motion, seconded by Mayor Casey, to return to the Regular Council Meeting. Official action may be taken.

VOTE TO RETURN TO THE REGULAR MEETING

Ayes: Casey, Weiss, Woodend

Nays: None

Council returned to the Regular Meeting

Mayor Casey introduced Resolution 102-08, seconded by Councilman Woodend.

RESOLUTION 102-08

A RESOLUTION AMENDING RESOLUTIONS NUMBER 110-05 AND 126-06 PROFESSIONAL SERVICES CONTRACTS WITH RICHARD A. ALAIMO ASSOCIATES CONSULTING ENGINEERS

WHEREAS, the governing body of the Borough of Medford Lakes had a need to acquire dam engineering and designing services as outlined in Resolution Number 110-05; and

WHEREAS, the governing body of the Borough of Medford Lakes had a need to acquire construction manager services associated with reconstruction of the dams as outlined in Resolution Number 126-06; and

WHEREAS, the governing body has determined that both professional services contracts require amending there original amounts; and

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

WHEREAS, the performance of these services required 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, State of New Jersey the following:

1. Resolution Number 110-05 is amended from NTE \$120,000.00 to \$187,227.92, an increase of \$67,227.92; and
2. Resolution Number 126-06 is amended from NTE \$350,000.00 to \$408,881.72, an increase of \$58,881.72.

VOTE TO APPROVE RESOLUTION 102-08

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 102-08 is approved

Mayor Casey introduced Resolution 103-08, seconded by Councilman Weiss.

RESOLUTION 103-08

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH NORTHEAST REMSCO CONSTRUCTION, INC.

WHEREAS, the Borough of Medford Lakes entered into a contract with Northeast Remsco Construction, Inc. on July 27, 2006 to perform work for the restoration and reconstruction of Upper and Lower Aetna Dams; and

WHEREAS, a dispute arose between the Parties regarding payment for the labor, services and materials supplied by Northeast Remsco to the Borough for the Projects; and

WHEREAS, through an informal mediation a settlement agreement was reached;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the Mayor and Borough Clerk are authorized to execute the attached SETTLEMENT AGREEMENT AND MUTUAL RELEASE.

VOTE TO APPROVE RESOLUTION 103-08

Ayes: Casey, Weiss, Woodend

Nays: None

Resolution 103-08 is approved

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

5-10-08: DSF

Approved by Council 6-12-08

