

**BOROUGH OF MEDFORD LAKES  
WORKSHOP COUNCIL MEETING  
May 27, 2009**

A Workshop Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in Oaks Hall at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ 08055 beginning at 7:30pm. Following the pledge of allegiance and moment of silence (Council and the public observed a moment of silence to honor service men and women defending our country), Clerk McIntosh 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 and (5) filed with the Municipal Clerk. Advance written notice of this meeting was mailed or emailed to all persons who requested such notice according to the Clerk of the Municipality.

**ROLL CALL**

Acting Clerk McIntosh called roll. Mayor Paul G. Weiss, Esq., Councilman Timothy S. Casey and Councilman Gregory C. Lackey answered in attendance. Also present were Manager Geoffrey D. Urbanik, Solicitor Peter C. Lange, Jr., Esq., CFO Donna A. Condo, Auditor Robert Stewart, Borough Engineer Jim Giordano and Deputy Manager/Acting Clerk Mark J. McIntosh.

**PUBLIC COMMENT**

*Mayor Weiss opened the meeting to public comment for items not listed on the printed agenda and also announced that the microphones were not working properly.*

**Sue Mattio, 121 Wagush Trail:**

- Asked if council was pursuing the purchase of a trash truck.
- Was council awarding the bid to the lowest bidder?
- What will council do when the rear loader brakes down?
- The youngest truck in the fleet is the Lebric
- Are you keeping the Labrie which has been nothing but trouble
- The trash analysis by the borough is misleading the public
- Would like to see Council separate the Bond Ordinance on tonight's agenda with dams in one and trash truck purchase in another.
- Speaker/mic system very poor in Oaks Hall, please purchase lapel mic's.

*Councilman Lackey explained that they are reviewing the borough fleet; trash analysis was done properly with figures provided by public works and Waste Management.*

**David Johnson, Golden Equipment/Wayne USA**

- Had bid on the trash truck and was available if counsel had questions.

*Mayor Weiss thanked him for coming*

**Joe Aramondo, 285 Shingowack Trail:**

- Appreciative of the budget synopsis published by the Borough
- The trash truck purchase doesn't have overall support of the residents
- Would appreciate Council separating the Bond Ordinance, intention to focus signatures on trash funding not on dam funding

*Mayor and Council discuss with Solicitor separating the Bond Ordinance.*

*Mayor Weiss closed public comment*

**REPORTS**

**Manager Urbanik highlighted the following:**

- Borough had been awarded the SHARE grant
- Would be on vacation next week, Deputy Mgr. McIntosh would be in charge

**Deputy Manager/Acting Clerk McIntosh highlighted the following:**

- Under full court press to get the word out to the public regarding the polling place changes taking affect at the June primary.
- Gypsy Moth suppression efforts were completed

**Solicitor Lange highlighted the following:**

- Recommends adopting site lease agreement with Clear Wireless pending approvals from Planning Board
- Have had numerous discussions with attorneys from the County regarding Sioux Lake and escrows meeting letter faxed to Pete today from County with a listing of optional dates to meet and discuss issues.
- Had a productive meeting with Planning Board Reps; Klemas, Adamson and Adison regarding Ordinances. Driveway Ordinance was a priority

***Mayor Weiss recommends a workshop session with the Planning Board to discuss issues be scheduled for June 24<sup>th</sup> meeting.***

**DISCUSSION OF ORDINANCE(S)**

***Mayor Weiss introduced for second reading and public comment Ordinance #562, seconded by Councilman Casey***

**ORDINANCE NUMBER 562**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH  
OF MEDFORD LAKES CHAPTER 65 "ALCOHOLIC BEVERAGES"**

***Councilman Casey asked for title to be amended in agenda to be the same as on printed Ordinance and stated that by having this Ordinance in place, future requests for a waiver of similar circumstances can be granted via a resolution***

**Sue Mattio, 121 Wagush Trail:**

- Is the party for adults only?

**Dave Wasson, 97 Wabun Trail:**

- Is this event to be monitored by the Colony? Will Colony and Borough be liable for any issues?

**Mike Powers, 19 Onondago Trail:**

- If Colony owns the beaches, why would Borough have any liability?

***Solicitor Lange stated that the Borough has an Ordinance which regulates certain practices in the interest of public health and safety on quasi public areas even if owned by a private entity. The Ordinance provides enforcement ability.***

**Joe Aramondo, 285 Shingowack Trail:**

- This a multiuse property ordinance (i.e. block parties, beach parties, etc.)

***Mayor Weiss closed the public hearing***

***Councilman Casey motions to amend the title in the agenda to that of the printed Ordinance, seconded by Mayor Weiss***

**Vote to amend Ordinance #562**

**Ayes: Casey, Weiss, Lackey**

**Nays: None**

**Amendment approved**

**Mayor Weiss introduced on first reading Ordinance #563, seconded by Councilman Lackey**

**Councilman Casey asked if we would actually go to the bond market**

**CFO Condo stated we would use short term BANS for the trash truck and State loan program for the dams**

**Mayor Weiss motions to amend Ordinance #563 to only the trash truck, seconded by Councilman Lackey**

**ORDINANCE NUMBER 563**

**A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF A TRASH TRUCK; APPROPRIATING THE SUM OF \$210,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$199,500 BONDS 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.**

**Vote to amend Ordinance #563**

**Ayes: Weiss, Lackey, Casey**

**Nays: None**

**Amendment approved**

**Mayor Weiss introduced for first reading – no public comment Ordinance #564, seconded by Councilman Lackey**

**ORDINANCE NUMBER 564**

**A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE QUOQUE AND MISHEMOKWA DAMS; APPROPRIATING THE SUM OF \$880,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$866,000 BONDS 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.**

**DISCUSSION OF RESOLUTION(S)**

**Mayor Weiss introduces Resolution Number 91-09 for discussion, seconded by Councilman Casey**

This resolution states that a full copy of the budget was available to the public one week prior to this hearing and posted in the regional library

**Mayor Weiss introduces Resolution Number 92-09 for discussion, seconded by Councilman Casey**

This resolution is required by the State to accept the SHARE grant

**Mayor Weiss introduces Resolution Number 93-09 for discussion, seconded by Councilman Casey**

This Resolution is to authorize the spending for capital projects

**Mayor Weiss introduces Resolution Number 94-09 for discussion, seconded by Councilman Lackey**

This Resolution was to submit a grant application to the NJ Dept. of Transportation for replacement of the Hiawatha foot bridge

**Mayor Weiss introduced Resolution Number 95-09 for discussion, seconded by Councilman Lackey**

This Resolution was to submit an application to the NJ Dept. of Transportation for projects related to the 2010 Medford Lakes Road Program. Borough Engineer Jim Giordano was completing a survey to grade/score trail conditions as they relate to asphalt, age, condition, etc.

**Mayor Weiss introduces Resolution Number 96-09 for discussion, seconded by Councilman Casey**

This resolution is to enter a site lease agreement with Clear Wireless for collocation on our cell tower as presented by Solicitor Lange and pending final approval of the Planning Board.

### **WORKSHOP BUSINESS**

**Acting Clerk McIntosh passed out to Council copies of the 2008 Audit Report**

**Auditor Stewart covered the basics of the audit and stated the one item needing to be addressed is creation and maintenance of a fixed asset report. Council should review the audit and Auditor Stewart would be happy to discuss any questions that they have.**

### **PUBLIC COMMENT**

**Mayor Weiss opened public comment**

Joe Aramondo, 285 Shingowack Trail:

- Regarding the Ordinances he feels we are getting away from lakes preservation
- Let's address the numerous UST issues
- The sound system is not working in Oaks Hall, believes that it is a violation of his rights when he can't hear
- Wasn't Quogue Dam named in a previous ordinance

Sara Plasha, 201 Migazee Trail

- Are resolutions 94 & 95 same as Safe Streets to Schools

**Council stated, no, that is a separate grant program.**

Sue Mattio, 121 Wagush Trail:

- Where is Mishe Mokwa dam

**Council explains**

- Currently working with Princeton Hydro doing lake testing with the data being recorded also taking aerial shots of all lakes

**Councilman Lackey stated we are currently evaluating the health of the lakes as they relate to storm water runoff issues**

Dave Wasson, 97 Wabun Trail:

- Why is Quogue a dam?

**Council explains**

Joe Aramondo, 285 Shingowack Trail:

- Borough should be testing outflows into the lakes for contaminants

Sue Mattio, 141 Wagush Trail:

- DEP is testing Lower Aetna Lake

*Mayor Weiss explained that all major improvements require a plan and would be budgeted through the capital improvement*

*Mayor Weiss closed public comment*

**VOTE ON RESOLUTIONS**

*Mayor Weiss motions approval of Resolution Number 91-09, seconded by Councilman Casey*

**RESOLUTION NUMBER 91-09**

**A RESOLUTION AUTHORIZING THE READING OF  
THE 2009 MUNICIPAL BUDGET IN TITLE ONLY**

**WHEREAS**, the Budget must be read in full unless at least one week prior to the date of hearing, a complete copy of the approved budget shall be made available for public inspection; and

**WHEREAS**, the Budget must be available for public inspection in the regional library of the County; and

**WHEREAS**, a resolution must be passed by a majority of the full membership stating that the law has been met and allowing that the budget be read by title.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that all of the requirements by law have been met to read the 2009 Municipal Budget by title only.

**VOTE TO APPROVE RESOLUTION 91-09**

**Ayes: Weiss, Casey, Lackey**

**Nays: None**

*Mayor Weiss motions approval of Resolution Number 92-09, seconded by Councilman Casey*

**RESOLUTION NUMBER 92-09**

**A RESOLUTION CONFIRMING ELIGIBILITY TO RECEIVE A SHARE GRANT IN THE AMOUNT OF \$26,550.00**

**WHEREAS**, the Governing Body of the Borough of Medford Lakes received notice from the SHARE Program of its eligibility to receive a SHARE Grant in the amount of \$26,550.00; and

**WHEREAS**, the purpose of the award is to study the feasibility of sharing police services between Medford Lakes Borough and Medford Township.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the Governing Body does hereby accept the award of \$26,550.00 to study the feasibility of sharing police services between the two towns.

**BE IT FURTHER RESOLVED**, that the Chief Executive Officer of the Borough of Medford Lakes be and hereby is authorized to execute a Grant Agreement with the New Jersey Department of Community Affairs on behalf of the Borough of Medford Lakes and all other local units that are party to the SHARE Grant

Agreement, and upon execution of said Agreement, the Borough of Medford Lakes does accept the Terms and Conditions specified in the Agreement in connection to this grant award.

**VOTE TO APPROVE RESOLUTION 92-09**

**Ayes: Weiss, Casey, Lackey**

**Nays: None**

***Mayor Weiss motions approval of Resolution Number 93-09, seconded by Councilman Casey***

**RESOLUTION NUMBER 93-09**

**RESOLUTION TO APPROVE A TEMPORARY EMERGENCY BUDGET  
FOR 2009 IN ACCORDANCE WITH NJSA 40A:2-20**

WHEREAS, an emergent condition has arisen in that the Borough of Medford Lakes is expected to enter in contracts, commitments or payments prior to the 2009 budget adoption, and no adequate provision has been made in the 2009 temporary budget for the aforesaid purposes; and

WHEREAS, NJS 40A 2-20 provides for the creation of an emergency temporary appropriation for said purposes, and

WHEREAS, the total emergency appropriation resolutions adopted in the year 2009 pursuant to the provisions of Chapter 96, P.L. 1951 (NJSA 40A:4-20) including this resolution total \$26,550.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Medford Lakes, in the County of Burlington, New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of NJSA 40A:2-20:

1. Emergency temporary appropriations, be and the same are hereby made in the amount of \$26,550.00 as follows:
  - Private and Public Grants – Excluded from “CAPS”
  - Sharing Available Resources Efficiently Grant
2. Said emergency temporary appropriations will be provided for in the 2009 budget.
3. That one certified copy of this resolution be filed with the Director, Division of Local Government Service

**VOTE TO APPROVE RESOLUTION 93-09**

**Ayes: Weiss, Casey, Lackey**

**Nays: None**

***Mayor Weiss motions approval of Resolution Number 94-09, seconded by Councilman Lackey***

**RESOLUTION NUMBER 94-09**

**AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND EXECUTE A GRANT  
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR  
IMPROVEMENTS TO THE HIAWATHA BRIDGE**

WHEREAS, the New Jersey Transportation Trust Fund Authority Act provides that each community receive an annual state aid allotment for roads and bridge projects; and

WHEREAS, the Hiawatha Bridge Replacement has been identified as a potentially eligible project.

NOW, THEREFORE, BE IT RESOLVED by the Common Council, of the Borough of Medford Lakes that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as Hiawatha Bridge Replacement to the New Jersey Department of Transportation on behalf of the Borough of Medford Lakes.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Medford Lakes and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

BE IT FURTHER RESOLVED by the Common Council, of the Borough of Medford Lakes that the Engineer be authorized to complete the electronic grant application and associated documentation for submission to the New Jersey Department of Transportation for the Hiawatha Bridge Replacement Project.

**VOTE TO APPROVE RESOLUTION 94-09**

**Ayes: Weiss, Lackey, Casey**

**Nays: None**

***Mayor Weiss motions approval of Resolution Number 95-09, seconded by Councilman Lackey***

**RESOLUTION NUMBER 95-09**

**AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2010 MEDFORD LAKES ROAD PROGRAM**

WHEREAS, the New Jersey Transportation Trust Fund Authority Act provides that each community receive an annual state aid allotment for roads and bridge projects; and

WHEREAS, the 2010 Medford Lake Road Program has been identified as a potentially eligible project.

NOW, THEREFORE, BE IT RESOLVED by the Common Council, of the Borough of Medford Lakes that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as 2010 Medford Lake Road Program to the New Jersey Department of Transportation on behalf of the Borough of Medford Lakes.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Medford Lakes and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

BE IT FURTHER RESOLVED by the Common Council, of the Borough of Medford Lakes that the Engineer be authorized to complete the electronic grant application and associated documentation for submission to the New Jersey Department of Transportation for the 2010 Medford Lake Road Program.

**VOTE TO APPROVE RESOLUTION 95-09**

**Ayes: Weiss, Lackey, Casey**

**Nays: None**

***Mayor Weiss motions approval of Resolution Number 96-09, seconded by Councilman Casey***

**Resolution Number: 96-09**

**A RESOLUTION APPROVING A COMMUNICATIONS SITE LEASE AGREEMENT WITH CLEAR WIRELESS, LLC**

WHEREAS, a Communications Site Lease Agreement between the Borough of Medford Lakes and Clear Wireless, LLC has been reached; and

WHEREAS, Clear Wireless, LLC 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 Clear Wireless, LLC, 4400 Carillion Point, Kirkland, WA 98033 shall and is hereby adopted.
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 96-09**

**Ayes: Weiss, Casey, Lackey**

**Nays: None**

**BUDGET PUBLIC HEARING**

***Mayor Weiss and Manager Urbanik provide synopsis of 2009 Budget:***

The 2009 General Budget of the Borough of Medford Lakes is \$4,824,474.00. This is an increase of \$329,819 over the 2008 budget. The average taxpayer assessed at \$148,000 will pay \$1,707.92 in local purpose taxes, an increase of \$18.52.

The expenditure side of the budget reflects increases in pension costs of approximately \$49,452, position reductions or eliminations in Public Works, Administration and Zoning, saving approximately \$75,000. Nonunion borough employees are contributing a percentage of the cost of health benefits saving about \$8,000 this year and we are negotiating similar contributions from our two collective bargaining units. If successful this will go a long way towards controlling escalating healthcare costs. Capital Improvement and Retirement of Debt has increased by more than \$300,000 including \$576,613 in debt service related to Upper and Lower Aetna dams (which is offset by using FEMA recovery monies). Also, due to an anticipated drop in our tax collection rate the Reserve for Uncollected Taxes has increased by \$21, 236. Operations expenses have been reduced significantly.

On the Revenue side of the budget, the Borough has suffered a cut in state aid of \$9,335. Our use of Surplus, Fees and Permits, Municipal Court Revenue, Construction Code Fees and receipts from delinquent taxes are all below last year's levels. We are anticipating \$375,000 of capital surplus and \$220,000 of FEMA recovery monies to offset debt service and our capital program.

The Wastewater Budget is \$1,260,100.00 which represents a \$61,650.00 increase. This increase is due to a payment schedule for \$800,000 in outstanding debt that will be paid down over the next seven years. Payment of this debt necessitates a rate increase beginning January 1, 2010 of approximately 7% or \$10 per quarter for a residential customer.

It is important to acknowledge the contributions and efforts by Borough employees for their ongoing efforts to provide services to our residents at a reasonable cost and continuing to look for ways to operate more efficiently. This Budget reflects no reduction in services despite the challenges facing Municipalities on a daily basis.

***Councilman Casey asked if funds had been found within the Capital Budget to insert the fire truck.***

*Manager Urbanik stated yes, without spending Fire Company funds which he explains were offered in letter to Mayor and Council that offered to come up with 2.5% of the funding necessary for the down payment of a fire truck in the 2009 Capital Budget.*

*Councilman Lackey is concerned with only receiving one bid.*

*Manager Urbanik asked if Councilman Lackey would like to see the truck re-bid*

*Councilman Casey would be agreeable to re-bid if the FD were to sharpen up their specs.*

*Solicitor Lange stated the fire department should sanitize the specifications to make them vendor neutral*

*CFO requested that Council complete the Budget public hearing first before getting caught up in the fire truck issue*

Joe Aramondo, 285 Shingowack Trail:

- The Borough went from \$400,000 to \$52,000 in capital
- The salary decreases are they artificial numbers or legit
- Why the drop off in Grants

*Manager Urbanik stated that salary were legit decreases, 2007 the borough got a \$150,000 grant that in 2008 they didn't receive.*

*Mayor Weiss closed the Budget public hearing*

*Councilman Casey motioned to reject the latest fire truck bids, seconded by Mayor Weiss*

*Mayor Weiss feels that the fire department manages the operation of the current truck which allows the replacement of the engine to take place in a future year where the economic climate maybe better.*

*Councilman Casey asked Chief Staples to meet with Clerk McIntosh and review specifications and make them biddable by more than one vendor.*

**VOTE TO REJECT BIDS**

**Ayes: Casey, Weiss, Lackey**

**Nays: None**

### **VOTE ON ORDINANCES**

*Mayor Weiss motions approval of Ordinance Number 562 on adoption, seconded by Councilman Casey*

### **ORDINANCE NUMBER 562**

### **AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MEDFORD LAKES CHAPTER 65 "ALCOHOLIC BEVERAGES"**

**WHEREAS**, the code of the Borough of Medford Lakes, Chapter 65 entitled "Alcoholic Beverages" contains certain prohibitions on the consumption of alcoholic beverages in public places; and

**WHEREAS**, specifically section 24 prohibits consumption of alcoholic beverages on privately owned property considered accessible to the public regardless of the owner's permission; and

**WHEREAS**, the Borough Council desires to allow consumption in certain circumstances in these areas with the permission of the property owner and approval by Borough Council.

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

Section I: The following amendments are hereby enacted:

A new Section 24 Paragraph E

“A temporary exemption from these regulations may be allowed on public or private property covered under this ordinance upon written request. In making such a request an individual or individuals must be identified as being in charge of the event and list the date, time, location and nature or purpose of the event. Alcoholic beverages may be consumed at certain events with the written permission of the property owner and approval by resolution of the Borough Council. Such exemptions will be limited to the immediate location, day and time of the event and all other State and local alcoholic beverages laws remain in effect. Any individual or individuals found to be in violation of this section are subject to the penalties outlined under section 26 of this ordinance.”

Section II. This Ordinance shall take effect upon adoption and publication in accordance with law.

**Vote to approve 2<sup>nd</sup> reading of Ordinance #562**

**Ayes: Weiss, Casey, Lackey**

**Nays: None**

**Ordinance Approved for Adoption**

***Mayor Weiss motions approval of Ordinance Number 563 on introduction, seconded by Councilman Casey***

**ORDINANCE NUMBER 563**

---

**A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF A TRASH TRUCK; APPROPRIATING THE SUM OF \$210,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$199,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE SAID IMPROVEMENTS; AND MAKING CERTAIN DETERMINATIONS AND CONVENANTS AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.**

---

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY** (not less than two-thirds of all members therefore affirmatively concurring) **PURSUANT TO THE PROVISIONS OF THE LOCAL BOND LAW, CHAPTER 169 OF THE LAWS OF 1960 OF THE STATE OF NEW JERSEY, AS AMENDED AND SUPPLEMENTED (“LOCAL BOND LAW”), AS FOLLOWS:**

**Section 1.** The 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 improvement. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$210,000, including the sum of \$10,500 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 \$210,000 appropriation not provided for by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$199,500 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 Acting 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. Acquisition of a trash 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.	\$210,000	\$10,500	\$199,500	5 years

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$199,500.

(c) The estimated cost of the improvement or purposes is \$210,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefore being the amount of \$10,500, 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 Acting 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 five (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 Acting 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 \$199,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$5,000.00 for items of expense listed in and permitted under N.J.S.A. §40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.
- (e) The financial officer is authorized to designate such bonds or notes as "Qualified Tax Exempt Obligations" pursuant to I.R.C. Section 265 so long as the Borough has not issued other such obligations beyond the limitations set forth in the Internal Revenue Code of 1986, as amended.

**Section 7.** All grant monies from any source including but not limited to the New Jersey Dam Restoration Loan Program 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.

**Vote to approve 1<sup>st</sup> reading of Ordinance #563**  
**Ayes: Weiss, Casey, Lackey**

**Nays: None**  
**Ordinance Approved for Introduction**

*Mayor Weiss motions approval of Ordinance Number 564 on introduction, seconded by Councilman Casey*

**ORDINANCE NUMBER 564**

---

**A BOND ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE QUOQUE AND MISHEMOKWA DAMS; APPROPRIATING THE SUM OF \$880,000 THEREFORE; AUTHORIZING THE ISSUANCE OF \$866,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE SAID IMPROVEMENTS; AND MAKING CERTAIN DETERMINATIONS AND CONVENANTS AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING.**

---

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, NEW JERSEY** (not less than two-thirds of all members therefore affirmatively concurring) **PURSUANT TO THE PROVISIONS OF THE LOCAL BOND LAW, CHAPTER 169 OF THE LAWS OF 1960 OF THE STATE OF NEW JERSEY, AS AMENDED AND SUPPLEMENTED (“LOCAL BOND LAW”), AS FOLLOWS:**

**Section 1.** The 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 improvement. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$880,000, including the sum of \$14,000 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 purposes or improvements and to meet the part of said \$880,000 appropriation not provided for by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$866,000 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.** The improvements described in Section A of this Ordinance are hereby authorized to be undertaken in order to repair and/or reconstruct essential municipal improvements within the Borough that were lost or significantly damaged as a result of severe storm damage on July 12, 2004. Pursuant to the provisions of N.J.S.A. 40A:2-11(c), no downpayment will be appropriated to the improvements to be financed through this Bond Ordinance.

**Section 4.** (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 Acting 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 New Improvements to Quoque Dam, including the acquisition of all related materials and performance of all work necessary therefore and incidental thereto.	\$600,000	\$0.00	\$600,000	30 years
B. Construction of Maintenance Improvements to Mishemokwa Dam, including the acquisition of all related materials and performance of all work necessary therefore and incidental thereto.	\$280,000	\$14,000	\$266,000	30 years

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is \$866,000.

(c) The estimated cost of the improvement or purposes is \$880,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefore being the amount of \$14,000, the down payment for said purposes.

**Section 5.** 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 6.** 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 Acting Clerk and is available there for public inspection.

**Section 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 4(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 thirty (30) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Acting 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 \$866,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$300,000.00 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 8.** All grant monies from any source including but not limited to the New Jersey Dam Restoration Loan Program 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 9.** 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 10.** 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 11.** 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 12.** This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**Vote to approve 1<sup>st</sup> reading of Ordinance #564**

**Ayes: Weiss, Casey, Lackey**

**Nays: None**

**Ordinance Approved for Introduction**

***Councilman Casey motioned to authorize the Clerk to bid (3<sup>rd</sup> time) for a fire truck, seconded by Councilman Lackey***

**VOTE TO AUTHORIZE RE-BID FOR FIRE TRUCK**

**Ayes: Casey, Lackey, Weiss**

**Nays: None**

### **NEW BUSINESS**

Councilman Lackey said that Collingswood is selling wholesale compost bins

Councilman Casey asked that we look to grants to buy them.

Councilman Lackey also wanted to apologize to Sue Mattio but she had already left the meeting hall

### **ADJOURNMENT**

***Mayor Weiss motioned to adjourn the public meeting, Seconded by Councilman Casey***

**VOTE TO ADJOURN PUBLIC MEETING**

**Ayes: Weiss, Casey, Lackey**

**Nays: None**

**Public Meeting adjourned**

**May 27, 2009 Minutes: MJM**