

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING (7:00pm)

March 28, 2012

A scheduled Regular 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 7:00pm. Following the pledge of allegiance and a moment of silence (Council and the public observed a moment of silence to honor service men and women defending our country). Clerk Mark McIntosh read the Open Public Meetings Act: pursuant to the requirements of the Open Public Meetings Act, adequate notice of this scheduled meeting had been provided to the Central Record, Burlington County Times, Courier Post, posted on the official website and official bulletin board of the Borough of Medford Lakes. Those wishing to be notified for changes to scheduled meetings were notified via email or regular mail.

ROLL CALL

Clerk Mark McIntosh called roll. Mayor Gregory C. Lackey, Deputy Mayor Thomas J. Cranston, Councilman Gary A. Miller, Councilman Jeffrey Fitzpatrick and Councilman Robert D. Hanold, Sr. answered in attendance. Also present were Manager Horner – Keizer, Clerk Mark J. McIntosh and Solicitor Peter C. Lange, Jr.

PUBLIC COMMENT #1

Mayor Lackey opened the meeting to public comment.

Mayor Lackey hearing none he returned to the agenda.

SPECIAL PRESENTATION

Councilman Fitzpatrick explained that the Medford Emergency Squad Inc., t/a Medford Lakes Emergency Squad Inc. would be transferring ownership of their two (2) ambulances to the Borough of Medford Lakes for the new Emergency Medical Services Department.

Mayor Lackey noted the decades of outstanding service provided by the squad to the Borough residents and the donation of the ambulances would be most welcome.

MEMS Trustee Ron Kane and Treasurer Mary Shanahan presented the titles of both ambulances to Mayor Lackey and Councilman Fitzpatrick.

The attending public showed their appreciation with a strong round of applause.

Trustee Kane spoke about this being the first step as the members develop the future Company or Board of Directors.

Councilman Hanold thanked Ron for all of his efforts in making the process seamless.

Manager Horner – Keizer thanked Ron Kane, Mary Shanahan and Dave Mayo for all of their help and positive demeanor as the transition of EMS responsibilities evolved during the last few months.

Councilman Fitzpatrick also noted the help received from EMS member Sue Dilliard.

MINUTES

Councilman Miller motioned for approval/adoption of the March 8, 2012 Special Meeting – Budget Workshop Session minutes, seconded by Councilman Hanold.

Vote to approve/adopt

Yeas –Lackey, Cranston, Miller, Fitzpatrick, Hanold

Nays – None

Minutes approved/adopted

Councilman Miller motioned for approval/adoption of the March 14, 2012 Regular Session Meeting minutes, seconded by Councilman Hanold.

Vote to approve/adopt

Yeas –Lackey, Cranston, Miller, Fitzpatrick, Hanold

Nays – None

Minutes approved/adopted

Councilman Miller motioned for approval/adoption of the March 19, 2012 Special Meeting – Farmer’s Market minutes, seconded by Mayor Lackey.

Deputy Mayor Cranston noted that he recused himself from the March 19, 2012 meeting so as to participate as a Trading Post Way business owner.

Vote to approve/adopt

Yeas –Lackey, Cranston, Miller

Nays – None

Abstain – Fitzpatrick, Hanold

Minutes approved/adopted

ORDINANCES

Deputy Mayor Cranston motioned introduction of Ordinance Number 596 on first reading, seconded by Councilman Miller.

ORDINANCE NUMBER 596

AN ORDINANCE AMENDING ORDINANCE NUMBER 591, PROVIDING FOR AND DETERMINING THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEES AND OFFICERS OF THE BOROUGH OF MEDFORD LAKES

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes in the County of Burlington, State of 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 Borough Manager.

Title	Minimum Compensation	Maximum Compensation
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Emergency Medical Services Administrator \$0

\$3,000

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. The salary range fixed herein is in addition to the compensation levels for other positions fixed by previous Ordinance. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. The Salary ranges previously adopted under Ordinance 591 continue in full force and affect.

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, 2012.

Mayor Lackey stated that a Public Hearing would be held on April 11, 2012.

VOTE ON INTRODUCTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey			X			
Deputy Mayor Thomas J. Cranston	X		X			
Councilman Gary A. Miller		X	X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick			X			

RESOLUTIONS

Deputy Mayor Cranston introduced Resolution Number 56-12, seconded by Councilman Fitzpatrick.

RESOLUTION NUMBER 56-12

APPOINTMENT OF DEPUTY COURT ADMINISTRATORS PURSUANT TO N.J.S.A. 2B:12-10

WHEREAS, there exists a need for a Deputy Court Administrator in order to serve in the absence of the Certified Municipal Court Administrator pursuant to N.J.S.A. 2B:12-10.

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

1. Colleen Guarerra and Susan Graubart are hereby appointed Deputy Court Administrators for the Borough of Medford Lakes, for the term commencing January 1, 2012 and ending December 31, 2012.
2. The salary for this position shall be set forth by the Municipal Salary ordinance.

VOTE TO ADOPT

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey			X			
Deputy Mayor Thomas J. Cranston	X		X			

Councilman Gary A. Miller			X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick		X	X			

Councilman Miller introduced Resolution Number 57-12 and Resolution Number 58-12, seconded by Deputy Mayor Cranston.

RESOLUTION NUMBER 57-12

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO CONDUCT A LEGALIZED GAME OF CHANCE (ON-PREMISE 50/50 RAFFLE) TO THE MEDFORD LAKES EDUCATION FOUNDATION, INC.

WHEREAS, the MEDFORD LAKES EDUCATION FOUNDATION, INC. has qualified in the prescribed manner and submitted an application to hold an On-Premise 50/50 Raffle on May 4, May 5, May 10, May 11 and May 12, 2012; and

WHEREAS, Council has reviewed the findings and determinations and concur that the On-Premise 50/50 Raffle is to be conducted according to law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that a license to conduct the aforementioned On-Premise 50/50 Raffle be and is hereby granted to the Medford Lakes Education Foundation, Inc.

RESOLUTION NUMBER 58-12

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO CONDUCT A LEGALIZED GAME OF CHANCE (OFF-PREMISE MERCHANDISE RAFFLE) TO THE MEDFORD LAKES EDUCATION FOUNDATION, INC.

WHEREAS, the MEDFORD LAKES EDUCATION FOUNDATION, INC. has qualified in the prescribed manner and submitted an application to hold an Off-Premise Merchandise Raffle on May 4, 2012; and

WHEREAS, Council has reviewed the findings and determinations and concur that the Off-Premise Merchandise Raffle is to be conducted according to law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that a license to conduct the aforementioned Off-Premise Merchandise Raffle be and is hereby granted to the Medford Lakes Education Foundation, Inc.

VOTE TO ADOPT

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey			X			
Deputy Mayor Thomas J. Cranston		X	X			
Councilman Gary A. Miller	X		X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick			X			

Councilman Hanold introduced Resolution Number 59-12, seconded by Councilman Fitzpatrick.

RESOLUTION 59-12

AWARDING A BID FOR EMERGENCY STREET, SEWER & DRAINAGE PIPE REPAIR SERVICE

WHEREAS, the Borough of Medford Lakes pursuant to the NJ State Public Contract Law received the following bids for the EMERGENCY STREET, SEWER & DRAINAGE PIPE REPAIR SERVICE on Thursday, March 15, 2012 @ 10:00am:

R. Moslowski Excavating Inc.	\$167,690.00
Mac-Rose Contractors Inc.	\$190,500.00
Neri's Construction & Rentals Inc.	\$260,780.00
4RO Services Company Inc.	\$181,235.00; and

WHEREAS, the Borough has reviewed the bids and recommends an as needed award to the three lowest responsible and responsive bidders; and

WHEREAS, the award of any contract for an emergency service will be contingent upon a certification of available funds.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes that R. Moslowski Excavating Inc., Mac-Rose Contractors Inc., and 4RO Services are hereby awarded an as needed contract in accordance with the specifications in the bid.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute the contract as proposed and included in the Borough's bid package and any other related document to complete said Contract.

Manager Horner – Keizer explained the rationale for awarding multiple contracts in the event of a regional emergency if one vendor is unavailable the others might be. It also allowed the Borough to lock into pricing so that in an emergency the Borough can anticipate repair costs.

Joe Aromando of Shingowack Trail asked why the amounts were so high.

Mayor Lackey stated that this was based on a list of materials that the vendors individually priced with a resulting total.

Deputy Mayor Cranston stated that he would abstain from the vote due to a client conflict.

VOTE TO ADOPT

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey			X			
Deputy Mayor Thomas J. Cranston						X
Councilman Gary A. Miller			X			
Councilman Robert D. Hanold, Sr.	X		X			
Councilman Jeffrey Fitzpatrick		X	X			

Councilman Miller introduced Resolution Number 60-12, seconded by Councilman Hanold.

RESOLUTION 60-12

A RESOLUTION PROCLAIMING APRIL 2012 AS ALCOLHOL AWARENESS MONTH IN THE BOROUGH OF MEDFORD LAKES

WHEREAS, alcohol is a primary factor in the four leading causes of death for young person’s ages 10-21 and

WHEREAS, almost 100,000 persons die each year from alcohol-related causes: drinking and driving crashes, other accidents, falls, fires, alcohol-related homicides and suicide and

WHEREAS, approximately 15 million current drinkers in the United States are dependent on alcohol; and

WHEREAS, adolescents use alcohol more than tobacco or illicit drugs; and

WHEREAS, young people begin drinking, on average, at 13.1 years of age; and

WHEREAS, young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, alcohol is involved in fifty percent of criminal assault, traffic, theft, fraud, vandalism and sex crime cases in the juvenile justice system. Older friends and siblings are the primary source by which underage youth obtain alcohol. Providing alcohol to minors is against the law, and that together we should work to keep it out of their hands, and

WHEREAS, it is imperative that we join with others in advancing efforts to strengthen the enforcement of our underage drinking laws, and build partnerships among local agencies, elected officials, law enforcement, businesses, schools, and communities to prevent underage drinking and alcoholism;

NOW, THEREFORE, the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey join the National Council on Alcoholism and Drug Dependence, Inc, (NCADD) and The New Jersey Division of Alcohol Beverage Control and do hereby proclaim that April 2012 is Alcohol Awareness Month in the Borough of Medford Lakes, New Jersey.

Mayor Lackey read the entire Resolution into the Official Record of the meeting.

Joe Aromando of Shingowack Trail asked if the Police Department and Municipal Alliance would be having any special events to promote the awareness.

Mayor Lackey stated that both organizations would be made aware.

VOTE TO ADOPT

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey			X			

Deputy Mayor Thomas J. Cranston			X			
Councilman Gary A. Miller	X		X			
Councilman Robert D. Hanold, Sr.		X	X			
Councilman Jeffrey Fitzpatrick			X			

REPORTS

Manager Horner – Keizer submitted a report and commented on the Grounds Maintenance Bid, Ballinger Sidewalk, Cameras on the street signals at Trading Post Way and Lenape Trail, the new EMS Department, completion of the Ottawa Trail Drainage Project, Mishe Mokwa Bridge, FEMA reimbursement from Hurricane Irene damage, completion of the Municipal Audit and noted the small Municipal Budget reduction.

Councilman Hanold discussed the projected Cell Tower expansion project.

Mayor Lackey asked Council to review the draft Home Occupation Ordinance and forward comments to Solicitor Lange. The Mayor would like to see this introduced at the next meeting. He also stated that he would like to work with the Clerk on a plan to educate the public on the new Underground Storage Tank Ordinance.

Clerk McIntosh submitted a written report and stated that he is working on the upcoming Municipal Election and Primary Election. He also presented to Council an award the Borough received for having zero lost time injuries for CY2011 and that the Borough would be receiving a monetary safety award for compliance with the CY2011 Safety Program.

Solicitor Lange stated that he is continuing to work on various projects.

OLD BUSINESS

Deputy Mayor Cranston recused himself from the meeting to participate as a business owner in the Farmer's Market discussion.

Mayor Lackey asked for Council to comment and would then open the meeting to public comment.

Councilman Hanold motioned to vote on the request from the Farmer's Market Committee to close Trading Post Way on Friday night's to support the 2012 Market, seconded for discussion by Mayor Lackey.

Councilman Hanold stated that he personally visited "10" Trading Post Way businesses to ascertain there support or concerns related to closing TPW on Friday nights. He stated that two (2) were in favor, two (2) were neutral and six (6) were against. He further stated that he was not going to name the businesses that he spoke with as he promised them anonymity and he wanted to conduct a "no pressure" survey. He went on to state that in all his years he had never seen a volunteer organization cause such a stir within the community. He also expressed concern with the tone of the discussion which has pitted business vs. business and neighbor vs. neighbor. He expressed hope that when all of this discussion is over both sides can act like true "Lakers" and move on in a positive manor.

Councilman Miller stated "hats off" to the Market Organizers for all of the work they have done. He stated that he would like to see the Market stay in Medford Lakes and found it unfortunate that both the Businesses and Market Organizers were at an impasse and unable to find a solution. He looked forward to public comment.

Councilman Fitzpatrick mentioned the benefit of both entities and would like to hear from the public.

Mayor Lackey stated that Council supports the Market being held on Saturday's. He stated that a public meeting was held on March 19th and both businesses and market organizers were given the opportunity to speak. He stated that he was seeking a compromise to the concerns of both parties and is surprised that the market Organizers were sticking to their Friday night request given the concerns of the business owners.

Councilman Hanold asked that during the public comment section he didn't want to hear the same sentiments that have been spoken at other meetings. He is looking to hear of recommendations that haven't been discussed.

Mayor Lackey thanked the Farmer's Market for providing Council with a very detailed report that addressed the Market's objectives and rationale for keeping with the Friday night request. He echoed Councilman Hanold's request that public comment be kept to hearing new solutions and new ideas.

Jodi Wiker of Trading Post Way (Business Owner) stated her full support of the Market and suggested a shorter time-frame for the event and expressed her sadness that a solution couldn't be found.

John Tunis of Meeshaway Trail identified himself as the owner of the building at 5 Trading Post Way and expressed support for the Market being located only on Aetna Way starting at 5:00pm and was concerned with broken promises from last year's Market Organizers.

Joe Aromando of Shingowack Trail stated that the Businesses and Market Organizers have worked together for the last two years and disagrees with the characterization that they haven't.

Breelynn Johnston of Trading Post Way (Business Owner) stated that the Market should be held on Saturday's along Aetna Way. She doesn't want Trading Post Way closed as it affects her business and offered help with the market from a newly formed Medford Lakes Business Association.

Councilman Miller asked if the businesses can run the market if the current market organizers are unable too.

Kevin Ellicott of Hiawatha Trail asked that Council have a "breakout" meeting with just the Businesses and the Market Organizers.

Mayor Lackey stated that the meeting on March 19th was just that.

Rudy Levak of Onondago Trail recommended using the Borough Garage for hosting the market as there is ample space and parking available.

Leah Bruder of Navajo Trail (Market Organizer) clarified the Friday night request and spoke of the Music Stores request for Friday night Trading Post Way road closure. She stated that the Market Committee is a flexible group and don't want to be characterized as unbendable.

Margo Pellegrino of Chippewa Trail emphasized the positives of having a Farmer's Market and asked if the market could be held on the Fridays when the Music School isn't having one of their concerts.

Mayor Lackey stated that much time had been spent discussing the Markets hours and location yet the Market Committee was sticking to their request for Friday nights with closure of Trading Post Way.

Kent Hardwick of Briarwood Trail asked if the use of Aetna Way had been discussed.

Mayor Lackey stated that use of Aetna Way had been discussed and the Market Committee had concerns.

Councilman Fitzpatrick stated that Aetna Way would be a good compromise and discussed the logistics of it.

Councilman Miller proposed a partial closure of Trading Post Way and was informed by Manager Horner – Keizer that the Police Department wasn't in-favor of that option.

Shevon Doyle – Bell of Trading Post Way (Business Owner) stated that in her communications with the community she found the majority of people to be in-favor of the market. She further stated that more considerations should be made and closure of Trading Post Way during Friday night's would help keep kids visiting the businesses safer.

Mayor Lackey closed public comment and asked if Council had any further comments.

Councilman Hanold clarified his earlier comments and expressed his appreciation of the efforts by the Farmer's Market and recommended everyone to visit their website to read their position paper on why they requested moving the event from Saturday mornings to Friday nights.

Councilman Miller stated his goal has been to work toward a compromise. He further stated that this is a tough call since only one option was being presented. He would be happy to hear other thoughts.

Councilman Fitzpatrick stated that the Market brings a lot of value to the community and would like to see it continue.

Mayor Lackey restated the motion on the table.

Councilman Miller motioned to table the current motion, seconded by Councilman Fitzpatrick.

Council discussed the tabling motion and voted.

VOTE TO TABLE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey				X		
Deputy Mayor Thomas J. Cranston					X	
Councilman Gary A. Miller	X		X			
Councilman Robert D. Hanold, Sr.				X		
Councilman Jeffrey Fitzpatrick		X	X			

Motioned to Table failed.

Mayor Lackey requested a vote on the original motion.

VOTE TO APPROVE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey				X		
Deputy Mayor Thomas J. Cranston					X	
Councilman Gary A. Miller						X
Councilman Robert D. Hanold, Sr.				X		
Councilman Jeffrey Fitzpatrick						X

Motion to close Trading Post Way on Friday nights failed.

Council and Manager Horner- Keizer discussed possible future Market Organizers.

Manager Horner – Keizer stated that the Original Market Organizers were a great group of volunteers to work with. She stated that she would be available to help setup a new committee but it would be a difficult task given the current workload.

Councilman Miller offered to setup a meeting with interested parties.

Councilman Hanold stated any interested groups should approach the Borough with a plan.

Mayor Lackey explained the proposed school board budget and that their 2% CAP has numerous exclusions. They are concerned that the end result may be higher taxes. The residents need to get involved with attending School Board meetings and hold them accountable to fiscal responsibility.

Deputy Mayor Cranston stated that the Clerk had provided Council with information regarding major changes to the Open Public Meetings Act and the Open Public Records Act which will be very burdensome to all NJ municipalities.

Council directed the Clerk to list this for action at the next meeting.

BILL LIST (dated March 27, 2012 – Total Line Items 144 – Total List Amount = \$1,023,328.06)

Mayor Lackey motioned for approval of the bill list, seconded by Councilman Miller.

Mayor Lackey asked for clarification of the bill for fire department accountability tags.

Clerk McIntosh explained the use/need of the tags.

VOTE TO APPROVE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey	X		X			
Deputy Mayor Thomas J. Cranston			X			
Councilman Gary A. Miller		X	X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick			X			

PUBLIC COMMENT #2

Mayor Lackey opened the meeting for public comment.

Joe Aromando of Shingowack Trail stated that attendance at the School Board meetings is needed; he recommended using the Planning Board Planner to develop ideas on use of Borough property. He closed by voicing his disappointment with the abstention votes by certain Council members.

Hearing no further comment, Mayor Lackey closed public comment.

Councilman Hanold motioned to adjourn the meeting, seconded by Councilman Miller.

Vote to adjourn

Yeas – Lackey, Cranston, Miller, Fitzpatrick, Hanold

Nays – None

Meeting Adjourned