

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING (7:00pm)

April 11, 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 Clerk Mark J. McIntosh and Solicitor Peter C. Lange, Jr.

EXECUTIVE SESSION

Mayor Lackey motioned to close the Regular Meeting and enter a Closed/Executive Session, seconded by Councilman Miller.

RESOLUTION NUMBER 61-12

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 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. That the Borough Council hereby declares that the general nature of the subject(s) to be discussed by the Borough Council in closed session as follows:

- *Tax Collector – Employment Matters*
 - *FEMA – Potential Litigation*
2. That the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at time when the Borough Solicitor advises 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. That 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 ADOPT

	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			

Mayor Lackey explained to the public the Resolution and need to enter Executive Session.

PUBLIC COMMENT #1

Mayor Lackey opened the meeting to public comment.

Joe Aromando of Shingowack Trail asked that the Colony News be used to notice the 2012 Budget Hearing and he asked if the status on Ballinger Sidewalk would be discussed.

Councilman Hanold stated that the Ballinger Project would be discussed under reports.

Jim Walker of Chicagami Trail asked for a status update on the following two concerns that he had previously advised Council about; Beach Drive intersection with Chicagami Trail and Beach #5 Drainage.

Mayor Lackey and Councilman Hanold stated that it was on the agenda for their next public works committee meeting and public safety committee meeting.

Rudy Levak of Onondago Trail commended the Leon E. Todd Memorial Park Committee on doing such an outstanding job of park maintenance. He stated that when most projects are complete they aren't maintained. He is very pleased with the follow through by the Park Committee and asked how the Veteran's section was progressing.

Councilman Miller stated that he was chairing a committee to oversee completion of that section and was working with vendors to get pieces of marble donated to mount the service plaques.

Mayor Lackey closed public comment.

MINUTES

Councilman Miller motioned for approval/adoption of the March 28, 2012 Regular Meeting minutes, seconded by Councilman Hanold.

Vote to approve/adopt

Yeas –Lackey, Cranston, Miller, Fitzpatrick, Hanold

Nays – None

Minutes approved/adopted

ORDINANCES

Deputy Mayor Cranston motioned adoption of Ordinance Number 596 on second 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
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 opened the meeting to a public hearing on Ordinance 596.

Joe Aromando of Shingowack Trail questioned the need for the position and if it was similar to the fire department position.

Councilman Fitzpatrick explained the purpose for the position.

Clerk McIntosh stated that the position is identical to the fire administrator.

VOTE ON ADOPTION

	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

Councilman Miller introduced Resolution Number 62-12, seconded by Mayor Lackey.

RESOLUTION NUMBER 62-12

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 April 28, 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.

VOTE TO ADOPT

	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			

Clerk McIntosh asked if Resolution Number 63-12 could be introduced with a rain date of April 29, 2012.

Councilman Miller introduced Resolution Number 63-12 as amended, seconded by Councilman Hanold.

RESOLUTION NUMBER 63-12

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS

IN SUPPORT OF A BLOCK PARTY FOR RESIDENTS ON MANHASSET TRAIL

WHEREAS, on April 28th, 2012, the residents of Manhasset Trail would like to hold a block party with a rain date of April 29, 2012; and

WHEREAS, said residents would like to close a specified trail within the Borough to enable safe pedestrian passage; and

WHEREAS, N.J.R.S. 39:4-197.3 provides that “the governing body of any municipality may, upon the adoption of a resolution declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1) b through h, (2) and (3) revised Statutes 39:4-197”; and

WHEREAS, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the block party is to be held;

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 Borough Council of the Borough of Medford Lakes does hereby find and declare that a temporary condition dictates adoption of special traffic regulations within the scope of N.J.R.S. 39:4-197(1) e.
2. Pursuant to N.J.R.S. 39:4-197(1)e, the following trail shall be closed to vehicular traffic:

Manhasset Trail between Hahiah Trail and Hiawatha Trail

3. The aforementioned street closing shall be between 3:00pm and 11:00pm on April 28, 2012 with a rain date of April 29, 2012.
4. Block party contact person #1 is Brian Meakim, (609) 953-8962, and contact person #2 is Meredith Del Rossi, (609) 694-1515, shall be responsible for contacting the Medford Lakes Department of Public Works to obtain and return barricades.
5. The applicants have stated that alcohol will not be present and/or consumed on the Public Roadway.
6. The Chief of Police of the Borough of Medford Lakes is hereby ordered and directed to take all actions appropriate and necessary for the implementation of the foregoing temporary traffic regulations.

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			

Councilman Fitzpatrick introduced Resolution Number 64-12, seconded by Councilman Miller.

RESOLUTION NUMBER 64-12

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES OPPOSING SENATE BILL 1451

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-1451); and

WHEREAS, the governing body of the *Borough of Medford Lakes* agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and

- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the provisions of S-1451 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-1451 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, while the governing body of the *Borough of Medford Lakes* strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the *Borough of Medford Lakes*, County of Burlington, and State of New Jersey for reasons stated above, does hereby oppose S-1451, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 8th State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks’ Association of New Jersey.

Council explained their concerns with the Senate Bill in its present form.

Mayor Lackey opened the meeting to public comment.

Christine Lumunyon of Cutchogue Trail questioned whether the website could be used to incorporate the Senate Bill demands.

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			
Councilman Jeffrey Fitzpatrick	X		X			

Councilman Fitzpatrick introduced Resolution Number 65-12, seconded by Councilman Miller.

RESOLUTION NUMBER 65-12

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES OPPOSING SENATE BILL 1452

WHEREAS, legislation has been introduced to reform and modernize the Open Public Records Act (S-1452); and

WHEREAS, the governing body of the *Borough of Medford Lakes* agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens' reasonable expectation of privacy; and

WHEREAS, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for "advisory, consultative or deliberative" material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make "hard copies" or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for "reasonable" that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians' Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency's website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by "access to a computer"; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

WHEREAS, the provisions of S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, while the governing body of the *Borough of Medford Lakes* strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1452 will make government inefficient;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the *Borough of Medford Lakes*, County of Burlington, and State of New Jersey for reasons stated above, does hereby oppose S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of the 8th State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

Council explained their concerns with the Senate Bill in its present form.

Mayor Lackey opened the meeting to public comment.

Joe Aromando of Shingowack Trail expressed concern with Councilman Fitzpatrick's stance on the Resolution and believes in the importance of the Open Public Records Act.

Councilman Fitzpatrick clarified his position stating that he also believes in the transparency of government and supports the Open Public Records Act.

Deputy Manager Cranston explained his position in support of the Resolution.

Bob McGowan of Cochise Circle agreed with Council's decision to support this Resolution.

Councilman Hanold explained his position in support of the Resolution.

Mayor Lackey called for the vote.

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			

Councilman Miller introduced Resolution Number 66-12, seconded by Mayor Lackey.

RESOLUTION NUMBER 66-12

A RESOLUTION AUTHORIZING THE APPLICATION FOR THE BURLINGTON COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM

WHEREAS, the Burlington County Board of Chosen Freeholders has approved the Open Space, Recreation, Farmland and Historic Preservation Trust Fund (“Trust Fund”) and established a Municipal Park Development Program (“Program”) to provide grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for municipal public park and recreation development purposes; and

WHEREAS, the Governing Body of the Borough of Medford Lakes desires to obtain County Municipal Park Development Program funds in the amount of \$50,000 to fund the Cabin Circle Recreational Area and Veteran’s Memorial; and

WHEREAS, the County will be the holder of any interest acquired through the Program.

WHEREAS, the Borough of Medford Lakes is the owner of and controls the project site.

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

1. Julie L. Horner-Keizer, Borough Manager is authorized to (a) make an application to the County of Burlington for Municipal Park Development Program Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Park Development Program and (c) act as the municipal contact person and correspondent of the above named municipality;

2. The Borough of Medford Lakes is committed to this project and will provide the balance of funding necessary to complete the in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If awarded a grant by the County of Burlington under the Municipal Park Development Program, the municipality will use the approved funds in accordance with the Municipal Park Development Program Policy and Procedure Manual, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. Gregory C. Lackey, Mayor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Burlington for the approved Funds; and

5. This resolution shall take effect immediately.

VOTE TO ADOPT

	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			

Councilman Hanold introduced Resolution Number 67-12, seconded by Mayor Lackey.

RESOLUTION NUMBER 67 – 12

A RESOLUTION APPROVING CHANGE ORDER NUMBER 1 FOR A CONTRACT KNOWN AS OTTAWA TRAIL DRAINAGE PROJECT, INCREASING THE CONTRACT SUM FROM \$ 22,544.75 TO \$ 27,134.00, AN INCREASE OF \$ 4,589.25

WHEREAS, the Borough has entered into to a certain contract with R. MOSLOWSKI EXCAVATING, INC. (RME, Inc.) for the OTTAWA TRAIL DRAIANGE PROJECT; and

WHEREAS, said contract has resulted in the award of a contract to RME, Inc. in the original amount of \$ 22,544.75; and

WHEREAS, the Borough Manager recommends approval of Change Order Number 1 pursuant to the terms of said contract based on changes due to field conditions; and

WHEREAS, the procedures for change orders which exceed the 20% limitation pursuant to N.J.S.A. 5:30 – 11.1 et seq have been met; and

WHEREAS, Change Order Number 1 dated March 24, 2012 amends the contract with R. MOSLOWSKI EXCAVATING, INC. from \$ 22,544.75 to \$ 27,134.00, an increase in the contract of \$4,589.25; 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 Number 1 is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor, Chief Financial Officer and Borough Clerk are hereby directed and authorized to execute any and all necessary documents required to effectuate said Change Order.

VOTE TO ADOPT

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

Councilman Hanold introduced Resolution Number 68-12, seconded by Mayor Lackey.

RESOLUTION NUMBER 68-12

A RESOLUTION AUTHORIZING APPLICATION FOR THE 2011 RECYCLING TONNAGE GRANT

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2011 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of Borough Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution acknowledges **Judy Scherf** is a *Certified Recycling Professional* to ensure the application is properly completed and timely filed under the law.

NOW THEREFORE BE IT RESOLVED that **Medford Lakes Borough** hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

VOTE TO ADOPT

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

Councilman Fitzpatrick introduced Resolution Number 69-12, seconded by Councilman Hanold.

RESOLUTION NUMBER 69 -12

A RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR EMERGENCY MEDICAL SERVICES PURSUANT TO N.J.S.A. 40A:50-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, N.J.S.A. 40A:50-29 allows municipalities to receive amounts for costs incurred for the provision of Emergency Medical Services to the Borough of Medford Lakes; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for the provision of emergency medical services as per N.J.S.A. 40A:4-39. Expenditures from this dedicated trust will be utilized for capital expenditures related to the provision of emergency medical services and must have a useful life of 5 years. Expenditures from this account will not be utilized for the day to day operation of the emergency medical services department. The use of these funds will be limited to the provision of emergency medical services for the Medford Lakes Emergency Services Department.

2. The municipal clerk of the Borough of Medford Lakes is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Mayor Lackey opened the meeting to public comment.

Joe Aromando of Shingowack Trail asked if the fire department had a similar trust fund.

Clerk McIntosh explained that they did not.

Mayor Lackey closed public comment and requested a vote.

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			

SPECIAL PRESENTATION

Mayor Lackey invited Colony Property Director Jim Palmer and Shawnee High School Architecture Class Teacher Mrs. Stefani Kirk and her students; Rob Hanold, Wes Porter, Zach Adam, Joey Zurzolo, Luke Dale and Andrew Bertolino to present their powerpoint presentation of their proposed municipal building rain garden project.

The students explained the project including location and materials.

Mrs. Kirk and Mr. Palmer explained the benefits of rain gardens and how they anticipate this project will aid in water runoff.

Mayor and Council thanked the students for a great presentation.

Councilman Miller thinks that a similar project might help out with the drainage problems at Beach #5.

Council and the presenters discussed maintenance of the plantings.

Mayor Lackey opened the meeting to public comment.

Margo Pellegrino of Chippewa Trail expressed her enthusiasm for the project.

Rudy Levak of Onondago Trail asked if the event could be videotaped for reference. Similar to a time lapse program for future reference.

Joe Aromando of Shingowack Trail asked how the research was done and are the plants chosen readily available to the public.

The presenters explained the considerable amount of time taken in developing the project and stated that the plant materials are readily available to the public at area nurseries.

Mayor Lackey thanked the group and the public gave them a round of applause.

REPORTS

Manager Horner – Keizer submitted a report.

Council highlighted the Manager's report regarding being awarded a FEMA reimbursement for expenses incurred during Hurricane Irene.

Clerk McIntosh submitted a written report and commented on the upcoming election and the safety committee's meeting.

Solicitor Lange stated that he is continuing to work on various projects to include the Verizon Contract and is viciously pursuing the Ballinger Walkway project.

OLD BUSINESS

Mayor Lackey asked that Council forward their home occupation ordinance comments to Solicitor Lange and asked if the Planning Board is reviewing options related to the recent tear-down/re-build on Chippewa Trail.

Deputy Mayor Cranston (Planning Board Mayoral Appointee) stated that it was a discussion item at the last meeting and expects more discussion in the future.

Solicitor Lange stated that there are two available concepts to be looked at by the Planning Board; floor – area ratio and structural volume.

NEW BUSINESS

Councilman Miller stated that Burlington County Freeholders will be hosting their first Senior Citizen and Veteran's Expo at Vaughan Hall on April 27th from 10:00am until 1:00pm. He encouraged everyone to attend to meet representatives from the Office on Aging, County Parks, Veteran's Affairs, Social Security Administration,

Health Department, Deborah Hospital and others. A document shredding company will have a truck on location for on-site shredding services. Many local organizations will be donating food and drinks in support of the event.

BILL LIST (dated April 5, 2012 – Total Line Items 111 – Total List Amount = \$109,943.96)

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

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.

Bob McGowan of Cochise Circle expressed concern over election sign restrictions and recommended that Council allow a central sign location where all candidates could get equal exposure.

Shevon Doyle – Bell of Seneca Trail and owner of JR’s Corner Store expressed her disappointment in Council’s decision regarding the Farmer’s Market but believes that she and a neighboring business owner, Regina Lilly would like to undertake the operation of the market. She also expressed her desire to have Trading Post Way closed down to support functions by their businesses.

Councilman Miller thanked Ms. Bell for wanting to take on the operation of the market and offered his assistance in developing the plan.

Deputy Mayor Cranston reminded the public that Council didn’t vote to not have a market and only voted on the request by the market to close Trading Post Way on Friday nights.

Councilman Hanold echoed Deputy Mayor Cranston’s comments and asked that any group that would like to operate the market should get a plan to the Borough Manager.

Margo Pellegrino of Chippewa Trail asked that Council re-visit the Friday night option and also expressed her disappointment on Council’s treatment of the Market volunteers.

Joe Aromando of Shingowack Trail stated that Council has to make tough decisions and the market decision was an example, he also complained about the Sign Ordinance being created with bad intentions and Council should allow election signs on the right – of – ways. He further stated that we shouldn’t have to put up with the delays of the Ballinger Walkway project and stated that the Planning Board researched the floor ratio formula and it was not popular within the town.

Rudy Levak of Onondago Trail expressed concern over the school budgets and the lack of information to help communities understand the percentage formulas used to determine each town’s costs.

Councilman Hanold agreed that it is a difficult formula to understand and recommended Mr. Levak contact the Borough's School Board members and Regional School Board Member.

Solicitor Lange stated that research of recent lawsuits against the Lenape Regional School District by Mt. Laurel Township and Medford Township might prove helpful.

Hearing no further comment, Mayor Lackey closed public comment.

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

Vote to adjourn

Yeas – Lackey, Cranston, Miller, Fitzpatrick, Hanold

Nays – None

Meeting Adjourned