

**BOROUGH OF MEDFORD LAKES, NEW JERSEY**

**SCHEDULED REGULAR MEETING (7:00pm)**

**April 14, 2016**

A scheduled Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, beginning at 7:00pm was held at Oaks Hall. Borough Clerk 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 and published in the Burlington County Times and also posted on the 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.

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**ROLL CALL**

Clerk Mark J. McIntosh called roll. Mayor Robert J. Burton, Councilman Robert D. Hanold, Sr., and Councilwoman Kathryn Merkh answered in attendance. Deputy Mayor Gary A. Miller and Councilman Thomas J. Cranston were absent. Also present was Manager Julie Horner-Keizer and Solicitor Douglas Heinold, Esq.

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**PUBLIC COMMENT #1**

*Mayor Burton opened the meeting to public comment.*

Joe Aromando of Medford Lakes questioned Resolution #60-16, a Shared Service with Willingboro. He was concerned that it was a backroom deal and asked how and why it came about.

Mayor and Council stated that interviews were conducted and the Willingboro Public Works Manager was the most qualified individual.

*Mayor Burton closed public comment.*

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**MINUTES**

*Councilwoman Kathryn Merkh motioned adoption of the March 24, 2016 Regular Session Minutes, seconded by Mayor Burton*

Vote to adopt

Yeas – Burton, Merkh

Nays – None

Abstain – Hanold

Absent – Miller, Cranston

Minutes Adopted

*Councilwoman Kathryn Merkh motioned adoption of the March 24, 2016 Executive Session Minutes, seconded by Mayor Burton*

Vote to adopt

Yeas – Burton, Merkh

Nays – None

Abstain – Hanold

Absent – Miller, Cranston

Minutes Adopted

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**ORDINANCES**

*Mayor Burton introduced Ordinance 633 on first reading, seconded by Councilwoman Merkh*

**ORDINANCE NUMBER 633**

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 603, AN ORDINANCE AMENDING ORDINANCE NUMBER 583, AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF NEW JERSEY SETTING A SCHEDULE OF FEES FOR THE UNIFORM CONSTRUCTION CODE AND REPEALING ALL OTHERS**

**WHEREAS**, the Borough Council would like to amend Ordinance 603 to include a section for Mechanical Sub code Fees.

**THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Medford Lakes, in the County of Burlington, and State of New Jersey, that Ordinance Number 603 is hereby amended as follows:

*Addition of:*

**SECTION N - MECHANICAL SUBCODE FEES:**

1. The fee for the installation or replacement of a gas or oil fired warm air furnace or electric heat pump shall be \$75.00.
2. The fee for the installation or replacement of a domestic hot water boiler, steam boiler or swimming pool heater shall be \$75.00.
3. The fees for the replacement or installation of a water heater shall be \$15.00 each.
4. The fee for installation or replacement of air conditioning equipment shall be \$15.00 each.
5. The installation of gas or oil piping shall be a flat fee of \$75.00.
6. The fee for a stand by generator shall be \$75.00.
7. The fee for the installation or replacement of a liquid propane gas cylinder and piping shall be \$75.00.
8. The fee for the installation or replacement of a residential heating oil storage tank shall be \$69.00 per tank.
9. Natural gas or LPG appliances connected to the gas system, including but not limited to, gas fireplaces, log lighters, gas fire pits, lights, outdoor cooking equipment shall be \$60.00.
10. The installation or replacement of ductwork shall be a flat fee of \$100.
11. The minimum fee for a mechanical inspection performed by the Mechanical Inspector shall in use groups R-3, R-4, R-5 shall be \$69.00

This ordinance shall take effect after publication and final passage, according to law.

*Manager Horner – Keizer explains the need for adding a mechanical sub code section.*

*Councilman Hanold expressed his frustration with requiring inspections for work done by a “licensed professional”. What is the purpose of being “licensed”? He stated that it is one more financial burden on the residents.*

*Mayor Burton stated a Public Hearing will be held at the next meeting and called for the vote.*

**VOTE**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Robert J. Burton	X		X			
Deputy Mayor Gary A. Miller					X	
Councilman Thomas J. Cranston					X	
Councilman Robert D. Hanold, Sr.			X			
Councilwoman Kathryn A. Merkh		X				

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*Mayor Burton introduced Ordinance 634 on first reading, seconded by Councilwoman Merkh*

**ORDINANCE NUMBER 634**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2016**

**(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Medford Lakes in the County of Burlington finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$103,189.77 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Medford Lakes, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Medford Lakes shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$103,189.77, and that the CY 2016 municipal budget for the Borough of Medford Lakes be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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*Mayor Burton stated a Public Hearing will be held at the next meeting and called for the vote.*

**VOTE**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Robert J. Burton	X		X			
Deputy Mayor Gary A. Miller					X	
Councilman Thomas J. Cranston					X	
Councilman Robert D. Hanold, Sr.			X			
Councilwoman Kathryn A. Merkh		X				

**RESOLUTIONS**

*Councilman Hanold introduced Resolution Number 60-16, seconded by Councilwoman Merkh*

**RESOLUTION NUMBER 60-16**

**A RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF WILLINGBORO FOR CERTIFIED PUBLIC WORKS MANAGER**

**WHEREAS**, pursuant to the Uniform Shared Services Act, *N.J.S.A. 40A:65-1 et seq.*, any municipality of the State may enter into a contract with any other municipality for the joint provision of any service that any party to the agreement is empowered to render within its own jurisdiction; and

**WHEREAS**, the Borough of Medford Lakes (“Provider”) and the Township of Willingboro (“Recipient”) have reached a Shared Services Agreement, a copy of which is attached hereto, wherein Willingboro will provide Medford Lakes its employee in the position of Certified Public Works Manager (“CPWM”); and

**WHEREAS**, this Agreement is pursuant to the authority of the Uniform Shared Services Act, referenced above.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that the Mayor and Borough Clerk be and are hereby authorized to execute the Shared Services Agreement with the Township of Willingboro to receive the services of its employee for Certified Public Works Manager in a form substantially similar to the form of Agreement referenced above and attached hereto, subject to final review and approval by the Borough Attorney.

*Mayor Burton called for the vote.*

**VOTE**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Robert J. Burton			X			
Deputy Mayor Gary A. Miller					X	
Councilman Thomas J. Cranston					X	
Councilman Robert D. Hanold, Sr.	X		X			
Councilwoman Kathryn A. Merkh		X	X			

*Councilman Hanold introduced Resolution Number 61-16, seconded by Mayor Burton*

**RESOLUTION NUMBER 61-16**

**A RESOLUTION AUTHORIZING TRANSFER OF EMS TRUST FUND TO MEDFORD EMS**

**WHEREAS**, on or about June 19, 2013, the Borough Council of the Borough of Medford Lakes (“Borough”) entered into a Stipulation of Settlement in the matter of Borough of Medford Lakes v. Medford Emergency Squad, Inc., a/k/a Medford Lakes Emergency Squad, Docket No. BUR-C-53-12, which Stipulation was executed and entered by the Court; and

**WHEREAS**, under the terms of the Settlement, the Medford Lakes Emergency Squad transferred \$129,752.76 to the Borough, which the Borough placed in a dedicated trust fund; and

**WHEREAS**, the Borough expended funds related to EMS needs and services within the Borough in accordance with the accounting attached hereto; and

**WHEREAS**, the resulting balance of the fund is currently \$104,813.16; and

**WHEREAS**, pursuant to the terms of the Settlement, Paragraph 10(b), the Borough is no longer providing direct EMS services and as such the trust fund balance shall be transferred to Medford EMS; and

**WHEREAS**, the Settlement also provided that Medford Lakes Emergency Squad do a final winding up of its affairs and provide an accounting of all money expended on the wind up and transfer any remaining balance to the Borough for deposit in the trust fund.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the Borough hereby authorizes the transfer of the current balance of the EMS trust fund (\$104,813.16) to Medford EMS, conditioned upon the Medford Lakes Emergency Squad completing its wind up, providing the accounting, and transferring any remaining funds directly to Medford EMS in lieu of deposit in the Borough trust fund; and

**BE IT FURTHER RESOLVED** that the Mayor, Attorney, Borough Manager, Borough Clerk and Chief Financial Officer, as may be necessary, are hereby authorized and directed to effectuate the above transfer upon satisfaction of the condition precedent.

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*Mayor Burton called for the vote.*

**VOTE**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Robert J. Burton		X	X			
Deputy Mayor Gary A. Miller					X	
Councilman Thomas J. Cranston					X	
Councilman Robert D. Hanold, Sr.	X		X			
Councilwoman Kathryn A. Merkh			X			

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*Councilman Hanold introduced Resolution Number 62-16, seconded by Councilwoman Merkh*

**RESOLUTION NUMBER 62-16**

**A RESOLUTION INTRODUCING AND APPROVING THE 2016 MUNICIPAL BUDGET (FIRST READING)**

**WHEREAS**, the Municipal Budget of the Borough of Medford Lakes, County of Burlington for the year 2016 is hereby introduced; and

**BE IT RESOLVED**, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2016; and

**BE IT FURTHER RESOLVED**, that said Budget be published in summary form in the Central Record in the issue of April 28, 2016; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Governing Body of the Borough of Medford lakes, County of Burlington, State of New Jersey:

1. Does hereby approve the following as the Budget for the Year 2016.
2. Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, on April 14, 2016.
3. A hearing on the Budget and Tax Resolution will be held at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ in Oaks Hall on May 12, 2016 at 7:00PM at which time and place objections to said Budget and Tax Resolution for the year 2016 may be presented by taxpayers or other interested persons.

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*Mayor Burton called for the vote.*

**VOTE**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Robert J. Burton			X			
Deputy Mayor Gary A. Miller					X	
Councilman Thomas J. Cranston					X	
Councilman Robert D. Hanold, Sr.	X		X			
Councilwoman Kathryn A. Merkh		X	X			

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*Councilman Hanold introduced Resolution Number 63-16, seconded by Councilwoman Merkh*

**RESOLUTION NUMBER 63-16**

**A RESOLUTION AUTHORIZING SELF-EXAMINATION OF BUDGET**  
*[as required by DCA]*

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Medford Lakes has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2016 budget year.

**NOW THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Medford Lakes that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
  
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
  
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
  
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will
  - d. permit the exercise of the comptroller function within the municipality.
  
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
  
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED**, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

*Councilman Hanold thanked the Administration Committee for doing a good job and reminded the public that potential School and County Budget increases are not factored into this budget.*

*Manager Horner – Keizer stated that the road program was funded again. The average homeowner will see an increase of \$37.18 in their local purpose tax. She thanked Donna Condo (Certified Municipal Finance Officer) and the department heads for their work.*

*Mayor Burton called for the vote.*

**VOTE**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Robert J. Burton			X			
Deputy Mayor Gary A. Miller					X	
Councilman Thomas J. Cranston					X	
Councilman Robert D. Hanold, Sr.	X		X			
Councilwoman Kathryn A. Merkh		X	X			

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## REPORTS

Manager Horner – Keizer provided a written report and noted that the Borough received notice that Stokes Road will be closed for repairs to Saipe Lake, Camp Ockinichon is mulling over having fireworks again this year and she asked for Council's thoughts on applying for a Safe Routes to Schools Grant for Mohawk Trail. She discussed the recently received Park's Grant and the Sewer Plant landscape drawing.

Councilman Hanold stated his only concern would be Federal Mandates for sidewalks, etc.

Clerk McIntosh submitted a written report and commented on the awards received for the 2015 Safety Incentive Program, the closing of the GovDeals on-line auction and the Wastewater Treatment Plant Licensed Operator proposals.

Solicitor Heinold submitted a written report and noted that review of the Historic Ordinance is in the pipeline and stated that he recently attended a public meeting at another town and Medford Lakes was spoken highly of.

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## SUBCOMMITTEE REPORTS

Mayor Burton thanked Chief Dugan for a thorough report.

Councilwoman Merkh provided an update on the Colony meeting and noted that the Colony would be limiting the amount/type of events.

Councilman Hanold stated that the Public Works dump truck had been ordered, Public Works and Wastewater met to discuss the Cochise Circle project and DPW is looking into a possible leaf incinerator to be housed in a vacant Wastewater Building.

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## COMMUNICATION

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### BILL LIST (s)

**(Dated April 11, 2016 – Total Line Items 150 – Total List Amount = \$1,063,079.51  
with additional payroll = \$64,538.60 & NJDEP Surface Discharge Permit = \$4,991.33)**

Councilwoman Merkh motioned approval of the Bill List, seconded by Councilman Hanold

Mayor Burton called for the vote.

### VOTE TO APPROVE BILLS

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Robert J. Burton			X			
Deputy Mayor Gary A. Miller					X	
Councilman Thomas J. Cranston					X	
Councilman Robert D. Hanold, Sr.		X	X			
Councilwoman Kathryn A. Merkh	X		X			

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## PUBLIC COMMENT #2

*Mayor Burton opened the meeting to public comment.*

Jen Heicklen of Medford Lakes thanked Manager Horner-Keizer for her management of the Borough and asked for council to support the 2016 Tourette's syndrome Walk. She explained the importance of this fundraiser and how two of her own children who have Tourette's have been teaching other kids about it. She noted that last year they were able to raise \$20,000 with the money raised staying local.

*Clerk McIntosh stated that she needs to submit a Special Event Application so that it could be processed and brought before Council.*

Sandy Wasson of Medford Lakes questioned how the EMS Trust went from \$116,000 to \$104,000. She asked if the EMS Chief's salary had been factored into the budget.

*Manager Horner-Keizer asked Sandy to stop by the office to review the account reconciliation completed by the CFO as that might explain the differences.*

*Solicitor Heinold explained the settlement agreement.*

Joe Aromando of Medford Lakes asked if this year's road grant includes completing Lenape Trail, asked for clarification on why the Planner would be needed for the Historic Ordinance review, asked for the status of the DPW/Firehouse building project and if it was being delayed due to the Municipal Election. He stated that the damaged guardrail along Stokes Road needs to be fixed and someone should tell the County to get it done. He concluded by stating the Colony was looking to the Borough to assist with the Brooks Field drainage issues and he asked for Council's position on doing the "robo-calls" to publicize the upcoming Municipal Election.

*Manager Horner – Keizer stated that Lenape Trail was included in the 2016 application.*

*Solicitor Heinold explained the requirement for the Planner to be involved with the Historic Ordinance review and any final changes will be after Planning Board review and a public hearing.*

*Mayor Burton stated that the DPW/Firehouse project is proceeding with additional public input.*

*Manager Horner-Keizer stated that the County has been aware of the guardrail issue and she was told that it is on their list.*

*Councilman Hanold stated that he would follow-up with the County to see the status/timetable for repair.*

*Mayor Burton stated that the Colony would again be posting an election notice and he supports any efforts to get out the vote.*

*Councilman Hanold stated that he disagreed with using the official "reverse 911" system for non-emergent matters. He recommended that Joe use the phone directory as he had done when he ran for Council.*

NOTE – The meeting was disrupted by Mr. Ellicott of Medford Lakes who stated that Mr. Aromando had spoken for sixteen minutes and was well beyond the allotted three minute public comment period. Mr. Aromando stated that he was being harassed by Kevin and demanded Council action. Mayor Burton brought the meeting back to order and continued with Public Comment.

Kevin Ellicott of Medford Lakes apologized to Council for his outburst but asked that everyone be made to follow the three-minute public comment timeframe. He asked that the public at-large do their due diligence.

Joe Aromando of Medford Lakes stated that Mrs. Wasson and Mrs. Heicklen spoke beyond their allotted three minutes and they weren't timed. He said that it is harassment and a constant barrage at these meetings.

Note – A lengthy discussion was held between Council and Mr. Aromando regarding voting, voter responsibility and voter apathy.

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*Councilman Hanold motioned to adjourn the Regular Meeting, seconded by Councilwoman Merkh*

**VOTE TO ADJOURN**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Robert J. Burton			X			
Deputy Mayor Gary A. Miller					X	
Councilman Thomas J. Cranston					X	
Councilman Robert D. Hanold, Sr.	X		X			
Councilwoman Kathryn A. Merkh		X	X			

Vote to adjourn

Yeas – Burton, Hanold, Merkh

Nays – None

Absent – Miller, Cranston

Meeting Adjourned