

BOROUGH OF MEDFORD LAKES, NEW JERSEY

SCHEDULED REGULAR MEETING (7:00pm)

February 11, 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.

ROLL CALL

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

POLICE DEPARTMENT PROMOTION

William H. Thompson, III was sworn in by Mayor Robert J. Burton as a Police Corporal.

Corporal Thompson thanked his family, his friends and Borough Council for their support.

Mayor Burton took a five-minute recess to allow attendees to personally congratulate Corporal Thompson.

PUBLIC COMMENT #1

Mayor Burton opened the meeting to public comment.

Joe Aromando of Shingowack Trail asked for clarification on the Architect's Resolution and the Engineer's Resolution related to FEMA.

Mayor Burton explained that the architect was being contracted to revise the drawings for the DPW & Firehouse facility based on recommendations from the recent public meeting and further discussion with the department heads and administration.

Clerk McIntosh explained the Engineer's Resolution noting that FEMA was requiring an NJDEP freshwater permit be applied for.

Mayor Burton closed public comment.

MINUTES

Councilman Hanold motioned adoption of the January 28, 2016 Regular Session Minutes, seconded by Councilwoman Merkh.

Vote to adopt

Yeas – Burton, Cranston, Hanold, Merkh

Nays – None

Absent - Miller

Minutes Adopted

ORDINANCES

Councilman Cranston introduced on second reading Ordinance Number 630, seconded by Councilman Hanold

ORDINANCE NUMBER 630

**AN ORDINANCE AMENDING THE CODE AT CHAPTER 185-10
GOVERNING “USE OF CERTAIN WATERCRAFT”
AND PROVIDING A SUNSET PROVISION ON SAME**

WHEREAS, the Medford Lakes Colony Club submitted a letter to the governing body dated July 7, 2015, wherein the Colony asked the Borough to pass an ordinance to prohibit the use of large paddle boats, as the Colony finds them unsafe for the reasons stated in the letter; and

WHEREAS, the Colony also requested that those boats that are already in existence be grandfathered subject to certain conditions; and

WHEREAS, at a Borough meeting discussing a proposed Ordinance, residents spoke on issues related to the Ordinance and the matter was referred back to the Colony for further consideration; and

WHEREAS, the Colony is in the review process to make a determination as to what regulations, if any, it would like the Borough to institute by Ordinance; and

WHEREAS, in the interim, an additional watercraft of the type that may become subject to regulation has been purchased by a resident; and

WHEREAS, the Colony has asked the Borough to pass a temporary moratorium to prevent additional boats on the waterways; and

WHEREAS, the Borough wishes to assist the Colony with this ordinance amendment to allow the Colony to maintain the safety of the lakes as it sees fit and allow it additional time to review the issue for a long-term solution; and

WHEREAS, the Borough finds the passage of this ordinance to be in the best interests of the health, safety and welfare of the Borough residents and the public in general.

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

Section 1.

Chapter 185-10, governing “Use of Certain Watercraft” is hereby amended as follows:

§185-10. Use of Certain Watercraft.

A. It shall be unlawful for any person (except those authorized by the Borough of Medford Lakes, or by the Medford Lakes Colony Club for maintenance, emergency or waterway bottom preservation or treatment purposes) to operate, use, or in any manner, place in any of the waterways located within or bounding the Borough of Medford Lakes any watercraft or vessel which is temporarily or permanently equipped with machinery for propulsion, to include, but not be limited to, jet motors, air motors, outboard motors, or electric motors. This section shall also be applicable to miniatures, or models, of vessels or watercraft. This section shall not affect or include vessels propelled wholly by sails or by muscular power.

B. Notwithstanding subsection “A” above, it shall further be unlawful for any person to operate, use, or in any manner, place in any of the waterways located within or bounding the Borough of Medford Lakes a paddleboat watercraft or similar vessel that is:

- (1) twelve feet (12’) or more in length, or
- (2) designed to carry more than five (5) people.

C. Grandfather Provision. At the time of consideration and passage of the prohibition set forth in subsection “B” above, the Medford Lakes Colony Club advises that there are five (5) residents that have paddle boats that would violate subsection “B”. The Borough intends to grandfather those residents and permit the use of their boats, subject to the following conditions and restrictions:

- (1) The resident must show that they owned the paddle boat on or before February 11, 2016;
- (2) During use of the boat, there shall be at least two (2) adults on board, with one (1) being the paddler of the boat;
- (3) Such boats may only be used during daylight hours and may not be operated before dawn or after dusk;
- (4) Such boats may not be used during the times that Medford Lakes Colony Club camp is in session;
- (5) Such boats may not be used on Lower Aetna lake during the period seven (7) days prior to or seven (7) days after the date of the annual Canoe Carnival, as there is increased activity on the lake during that period of time; and
- (6) The grandfather provision shall apply only to the resident in ownership at the time of adoption of this ordinance and the protections of this grandfather provision cannot be conveyed to any other individual by transfer of the boat or any other means.

Section 2. Repealer. Any Ordinances inconsistent with this ordinance is hereby repealed to the extent of its inconsistency.

Section 3. Severability. If any provision of this Ordinance is deemed to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Ordinance shall continue in full force and effect.

Section 4. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

Section 5. Sunset provision. This Ordinance is intended as a temporary moratorium to allow time for the Colony to review the action and determine which regulations it desires the Borough to institute by Ordinance. As such, this Ordinance shall sunset on May 31, 2016.

Mayor Burton opened the meeting to a Public Hearing on the Ordinance.

Joe Aromando of Shingowack Trail asked if the affected boat owners were notified regarding their requirements as outlined in the Ordinance. He further asked if the Ordinance was still scheduled to sunset if no further action is asked for by the Colony. He concluded by stating that the Colony hadn’t presented any evidence to the safety concerns other than, “fear”. He said if you are going to say “no” to any future paddle boats then the Borough should say “no” to all.

Mayor Burton stated that the Ordinance will sunset unless the Colony makes a proposal.

Solicitor Heinold stated that the Ordinance provisions were based on a Colony request. He believes that if the Colony resubmits a proposal to Council, it will be based on their own discussions.

Mayor Burton closed public comment and asked for Council comment.

Councilman Hanold stated that he agrees with this Ordinance as hopefully it halts a potential purchase of any additional until that matter is resolved by the Colony.

Mayor Burton called for the vote.

VOTE ON ADOPTION

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

Councilman Hanold introduced Resolution Number 35-16, seconded by Councilwoman Merkh.

RESOLUTION NUMBER 35-16

A RESOLUTION AWARDED A CONTRACT FOR PROFESSIONAL SERVICES RELATED TO THE PUBLIC WORKS/FIRE DEPARTMENT PROJECT

WHEREAS, the Borough of Medford Lakes has a need to acquire a Special Projects Architect; and

WHEREAS, the Borough of Medford Lakes has solicited proposals for professional services through a Fair and Open Process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, REGAN YOUNG ENGLAND BUTERA had submitted a proposal and is identified as a qualified Architect in accordance with Borough of Medford Lakes Resolution Number 131-15; and

WHEREAS, it has been determined that revisions to the original drawings are needed; and

WHEREAS, REGAN YOUNG ENGLAND BUTERA is able to supply these revisions; and

WHEREAS, award of this contract is dependent upon certification of the availability of funds requirements per N.J.A.C. 5:30-5.4.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey hereby awards a contract NTE \$2,400 to REGAN YOUNG ENGLAND BUTERA for revised drawings associated with the Public Works/ Fire Department Project and as defined in their proposal attached hereto and made part of.

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 Cranston introduced Resolution Number 36-16, seconded by Councilman Hanold.

RESOLUTION NUMBER 36-16

A RESOLUTION AWARDED A CONTRACT FOR PROFESSIONAL SERVICES RELATED TO FEMA DISASTER DECLARATION 4021-DR-NJ, a.k.a. HURRICANE IRENE

WHEREAS, the Borough of Medford Lakes has a need to acquire a Special Project Engineer for engineering and surveying services associated with a NJDEP Freshwater Wetlands Permit Application as it relates to Hurricane Irene; and

WHEREAS, the Borough of Medford Lakes has solicited proposals for professional services through a Fair and Open Process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Environmental Resolutions, Inc. has submitted a proposal and is identified as a qualified Special Project Engineer in accordance with Borough of Medford Lakes Resolution Number 130-15 ; and

WHEREAS, award of this contract is dependent upon certification of the availability of funds requirements per N.J.A.C. 5:30-5.4.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey hereby awards a contract NTE \$6,000 to, Environmental Resolutions, Inc., 815 East Gate Drive, Suite 103, Mount Laurel, NJ 08054 for Items 1, 2 & 3 as identified in their proposal attached hereto.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized to execute all documents related to the award of this contract.

Councilman Hanold expressed his frustration with the State of New Jersey as he feels that the requirement for the NJDEP permit and its associated cost is extortion. He stated that it happens more and more with State Agencies as they attempt to grow their departments on the fee's to municipalities. He said that it especially hurts the small towns.

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		X			
Councilman Robert D. Hanold, Sr.		X	X			
Councilwoman Kathryn A. Merkh			X			

Councilman Hanold introduced Resolution Number 37-16, seconded by Councilwoman Merkh.

RESOLUTION NUMBER 37-16

**A RESOLUTION AWARDING A CONTRACT FOR PROFESSIONAL SERVICES
RELATED TO THE 2016 ROAD IMPROVEMENT PROGRAMS**

WHEREAS, the Borough of Medford Lakes has a need to acquire a Special Project Engineer for Surveying, Engineering and Construction Management Services related to the 2016 Road Improvement Program; and

WHEREAS, the Borough of Medford Lakes has solicited proposals for professional services through a Fair and Open Process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Environmental Resolutions, Inc. has submitted a proposal and is identified as a qualified Special Project Engineer in accordance with Borough of Medford Lakes Resolution Number 130-15 ; and

WHEREAS, award of this contract is dependent upon certification of the availability of funds requirements per N.J.A.C. 5:30-5.4.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey hereby awards a contract NTE \$26,750.00 to, Environmental Resolutions, Inc., 815 East Gate Drive, Suite 103, Mount Laurel, NJ 08054 for Items 1-9 as identified in their proposal attached hereto; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized to execute all documents related to the award of this contract.

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			

REPORTS

Manager Horner – Keizer provided a written report.

Clerk McIntosh submitted a written report.

Solicitor Heinold submitted a written report and stated that he is working with Administration and Code Enforcement regarding some property maintenance issues and also working with Administration on the Historic Commission Ordinance with draft Ordinance attached.

SUBCOMMITTEE REPORTS

Councilman Hanold stated that the wastewater department would like to replace two (2) additional pumps this year and will be added to the 2016 Budget request. He summarized the history of the wastewater treatment plant

office/lab project and noted that the Pinelands Commission is now involved and this is another example of government overreach as the costs just keep rising with professional fees.

BILL LIST (s)

Clerk McIntosh noted one correction listed under fuel usage.

(Dated February 4, 2016 – Total Line Items 69 – Total List Amount = \$795,392.33 plus payroll \$68,140.95, payroll \$66,060.79 and fuel usage change to \$7,276.12)

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

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		X			
Councilman Robert D. Hanold, Sr.			X			
Councilwoman Kathryn A. Merkh		X	X			

PUBLIC COMMENT #2

Mayor Burton opened the meeting to public comment.

Joe Aromando of Shingowack Trail asked if the Borough had sent a written request to the State to defer the permit requirement. He asked if the Borough would conduct a study to move the May Election to November and recommended that the County attach an absentee ballot when sending out the sample ballots to also improve voter participation.

Pete Rogers of Apache Trail asked for the status on the sound system, asked for status on brush collection and related a story regarding the excessive costs to Nutley NJ regarding the implementation of a Storm water Collection system imposed by the State.

Clerk McIntosh explained the recent visit from an actual Sound Engineer and stated that the Borough was waiting on a proposal.

Councilman Hanold stated that brush collection is currently underway.

Joe Aromando of Shingowack Trail stated to improve the quality of water, a system should be designed for storm water to be treated before entering the waterways.

Mayor Burton noted that according to a recent email from the Colony the doggie-depot stations have been important in reducing the pollution of the lakes.

Kevin Ellicott of Nantucket Trail stated that certain lakes are cleaner than others based on the type of runoff they receive.

Councilman Hanold said that he participated in the original Master Plan and road runoff is a difficult problem to solve.

Councilman Hanold motioned to adjourn the 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, Cranston, Hanold, Merkh

Nays – None

Absent – Miller

Meeting Adjourned