

**BOROUGH OF MEDFORD LAKES, NEW JERSEY**

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

**January 28, 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 McIntosh called roll. Mayor Robert J. Burton, Deputy Mayor Gary A. Miller, Councilman Thomas J. Cranston, Councilman Robert D. Hanold, Sr. (via cell phone) and Councilwoman Kathryn Merkh answered in attendance. Also present was Manager Julie Horner – Keizer and Solicitor Douglas Heinold, Esq.

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**POLICE DEPARTMENT PROMOTION**

*John G. McGinnis, Jr. was sworn in by Tabernacle Mayor Emeritus John McGinnis, Sr. as Police Lieutenant. Manager Horner – Keizer had appointed John to the position earlier and Clerk McIntosh had completed the Oath-of-office earlier.*

*Lt. McGinnis thanked God, his family, his friends and Borough Council for their support.*

*Mayor Burton took a five-minute recess to allow attendees to personally congratulate Lt. McGinnis.*

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**PUBLIC COMMENT #1**

*Mayor Burton opened the meeting to public comment, hearing none he closed public comment.*

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**MINUTES**

*Deputy Mayor Miller motioned adoption of the January 14, 2016 Regular Session Minutes, seconded by Councilwoman Merkh.*

Vote to adopt

Yeas – Burton, Miller, Cranston, Hanold, Merkh

Nays – None

Minutes Adopted

*Deputy Mayor Miller motioned adoption of the January 14, 2016 Executive Session Minutes, seconded by Councilwoman Merkh.*

Vote to adopt

Yeas – Burton, Miller, Cranston, Hanold, Merkh

Nays – None

Minutes Adopted

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**ORDINANCES**

*Councilman Cranston introduced Ordinance #629 on second reading, seconded by Councilwoman Merkh.*

**ORDINANCE NUMBER 629**

**AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEES AND OFFICERS OF THE BOROUGH OF MEDFORD LAKES AND SPECIFYING THE METHOD OF PAYMENT THEREOF**

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

**Section 1.** The attached salary guide as designated herein is 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.

Overtime compensation for hours worked in excess of the regular workweek (40 hours) shall be at time and one-half rate.

**Section 2.** The rates of salaries stated herein are the rates and ranges. Employees may be paid up to these ranges at the discretion of the Municipal Manager. Members of the Police Department salaries are established in accordance with the agreement made between the Borough of Medford Lakes and the Medford Lakes Police Officers Association and Superior Officers Association. Such compensation however, shall not be less than permitted by applicable State and Federal Law.

**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.** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 5.** This Ordinance shall take effect immediately upon its final adoption and publication according to law.

Title	Minimum		Maximum		
Mayor and Borough Council	\$1.00		\$3,000.00		
Municipal Manager	\$5,000.00		\$95,000.00		
Deputy Municipal Manager	\$5,000.00		\$35,000.00		
Municipal Clerk	\$5,000.00		\$60,000.00		
Deputy Clerk	\$1.00		\$20,000.00		
Chief Financial Officer	\$5,000.00		\$43,000.00		
Deputy Treasurer	\$1.00		\$20,000.00		
Clerical Staff (full or part time)	\$1,000.00		\$35,000.00		
Clerical Staff (hourly)	Minimum Wage	per hour	\$25.00	per hour	
Recording Secretary	\$50.00	per meeting	\$175.00	per meeting	
Tax Assessor	\$5,000.00		\$35,000.00		
Tax Collector	\$5,000.00		\$45,000.00		
Sewer Collector	\$5,000.00		\$45,000.00		
Recycling Coordinator	\$1,000.00		\$10,000.00		
Safety Coordinator	\$1,000.00		\$10,000.00		
Secretary to Board	\$1,000.00		\$10,000.00		
Rabies Clinic Assistants	\$75.00	per clinic	\$175.00	per clinic	
Municipal Sound Recorder	\$25.00	per court	\$175.00	per court	
Municipal Court Administrator	\$10.00	per hour	\$50.00	per hour	
Deputy Court Administrator	\$100.00	per court	\$175.00	per court	
Deputy Court Administrator (on-call)	\$10.00	per call	\$100.00	per call	
Municipal Judge	\$500.00		\$15,000.00		
Police Chief	\$60,000.00		\$120,000.00		
Police Lieutenant	\$50,000.00		\$108,000.00		
Police Sergeant	\$40,000.00		\$95,000.00		
Police Corporal	\$40,000.00		\$90,000.00		

Police Officer 2nd -8th Year		\$30,000.00		\$86,000.00		
Police Officer Academy & Field Trained		\$25,000.00		\$48,000.00		
Police Officer Untrained		\$25,000.00		\$45,000.00		
Police Officer – Off Duty Details		\$0.00	per hour	\$85.00	per hour	
Crossing Guards		Minimum Wage	per hour	\$16.00	per hour	
Special Police		\$12.00	per hour	\$25.00	per hour	
Police Secretary		\$500.00		\$50,000		
Construction Official		\$1,000.00		\$15,000.00		
Sub code Officials		\$500.00		\$5,500.00		
		\$10.00	per inspection	\$25.00	per inspection	
Code Enforcement		\$1,000.00		\$11,000.00		
Deputy Code Enforcement		\$500.00		\$5,000.00		
Zoning Officer		\$500.00		\$5,000.00		
Deputy Zoning Officer		\$250.00		\$2,500.00		
Emergency Management Coordinator		\$500.00		\$5,000.00		
Emergency Management Coordinator during Emergency		\$20.00	per hour	\$40.00	per hour	not to exceed 100 hours
Deputy Emergency Management Coordinator		\$250.00		\$2,500.00		
Deputy Emergency Management Coordinator during Emergency		\$20.00	per hour	\$40.00	per hour	not to exceed 100 hours
Fire Official		\$1,500.00		\$6,000.00		
Fire Inspector		\$500.00		\$2,500.00		
Fire/EMS Technician		Minimum Wage	per hour	\$15.00	per hour	
Emergency Medical Services Administrator		\$0.00		\$3,000.00		
Special Projects Foreman		\$15.00	per hour	\$65.00	per hour	
Special Projects Foreman		\$2,500		\$25,000		
Fire Fighter Safer Grant		\$5.00	Per call	\$35.00	Per Call	
Fire Administrator		\$500.00		\$7,500.00		
Borough Engineer/Superintendent of Public Works		\$15,000.00		\$55,000.00		
Borough Engineer/Superintendent of Wastewater		\$15,000.00		\$55,000.00		
Public Works Assistant Superintendent		\$5,000.00		\$60,000.00		
Certified Public Works Manager		\$15,000		\$70,000.00		
Public Works Foreman		\$15.00	per hour	\$40.00	per hour	
Public Works Laborer		Minimum Wage	per hour	\$30.00	per hour	
Mechanic		\$10.00	per hour	\$25.00	per hour	
Wastewater Laborers		Minimum Wage	per hour	\$25.00	per hour	
Wastewater Operator Assistant		\$10.00	per hour	\$35.00	per hour	
Backup Wastewater Operator		\$5,000.00		\$80,000.00		
Wastewater Operator		\$15.00	per hour	\$80.00	per hour	

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Mayor Burton opened the meeting to the public for a hearing on the Ordinance.

Joe Aromando of Shingowack Trail asked why a new Ordinance was needed and noted that many listed positions are not currently filled and should be deleted.

Manager Horner – Keizer explained that the change was needed to account for two new positions, a firefighter title to allow payment within the SAFER Grant and the other for the Special Foreman position which is for both Public Works and Wastewater Departments.

Mayor Burton closed the public hearing and 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			
Councilwoman Kathryn A. Merkh		X	X			

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Deputy Mayor Miller introduced Resolution Number 31-16, seconded by Councilman Cranston.

**RESOLUTION NUMBER 31-16**

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

**WHEREAS**, the MEDFORD LAKES EDUCATION FOUNDATION has qualified in the prescribed manner and submitted Raffle Application Number 16-03 to hold an On-Premise 50/50 Raffle on February 20, 2016 at Vaughan Hall; 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.

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

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Deputy Mayor Miller introduced Resolution Number 32-16, seconded by Mayor Burton.

**RESOLUTION NUMBER 32-16**

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

**WHEREAS**, the MEDFORD LAKES EDUCATION FOUNDATION has qualified in the prescribed manner and submitted Raffle Application Number 16-04 to hold an On-Premise 50/50 Raffle on May 6, May 7, May 13 and May 14, 2016 at Neeta Elementary School; 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.

*Mayor Burton called for the vote.*

**VOTE**

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

*Councilman Cranston introduced Resolution Number 33-16, seconded by Deputy Mayor Miller.*

**RESOLUTION NUMBER 33-16**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MOSQUITO SPRAYING AGREEMENT**

**WHEREAS**, the County of Burlington, Department of Highway, Division of Mosquito Control will be conducting aerial Larval Mosquito Control in the Borough of Medford Lakes between April 1, 2016 through November 18, 2016; and

**WHEREAS**, the insecticides and aircraft to be used are approved and licensed aerial applicators; and

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Medford Lakes, of the County of Burlington, in the State of New Jersey that the Mayor is authorized to execute the attached agreement with the Burlington County Mosquito Commission.

*Mayor Burton called for the vote.*

**VOTE**

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

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Councilman Hanold introduced Resolution Number 34-16, seconded by Councilwoman Merkh.

**RESOLUTION NUMBER 34-16**

**A RESOLUTION AUTHORIZING THE BOROUGH CLERK TO DISPOSE OF SURPLUS & FOUND PROPERTY PURSUANT TO N.J.S.A. 40A:11-36**

**WHEREAS**, the Borough of Medford Lakes is the owner of certain surplus and found property which is no longer needed for public use; and

**WHEREAS**, the Borough Council are desirous of selling said surplus & found property in an “as is” condition without express or implied warranties; and

**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 online sale of the surplus property shall be conducted through an online auction service known as [www.GovDeals.com](http://www.GovDeals.com) and pursuant to and in accordance with the terms and conditions of the NJ State Contract and Local Finance Notice 2008-9. The terms and conditions of the agreement entered into with [www.GovDeals.com](http://www.GovDeals.com) are available online at [www.govdeals.com](http://www.govdeals.com) and also available from the Office of the Clerk of Medford Lakes.
- (2) The surplus property is as follows:
  - Lot of 35 Self Contained Breathing Apparatus (SCBA) Masks
  - Lot of 33 Self Contained Breathing Apparatus (SCBA) 4500psi, 30-minute carbon fiber bottles
  - Lot of 18 Self Contained Breathing Apparatus (SCBA) Cylinder Harnesses, mask mounted regulators, PASS devices
  - 2004 Ford Explorer

The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property. The Borough of Medford Lakes reserves the right to accept or reject any bid submitted.

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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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**REPORTS**

Manager Horner – Keizer provided a written report and commented on the need to better educate the public on snow storm cleanup expectations. The new DPW Foreman will re-evaluate the use of steel blades vs. the rubber ones currently used. She noted that we are currently in zone 4 for leaf collection.

Mayor Burton stated that many residents reached out to him with both positive and negative comments regarding snow removal.

*Deputy Mayor Miller stated that he too received similar feedback and felt that many of the concerns were related to the volume of snow and where to place it all. He said that a good job was done overall.*

*Clerk McIntosh submitted a written report and commented on the 2016 Municipal Election, 2016 Contracts and the upcoming Free Rabies Clinic.*

*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.*

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## **SUBCOMMITTEE REPORTS**

*Council discussed the DRAFT Ordinance regarding Paddle Boats.*

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*Deputy Mayor Miller introduced on first reading Ordinance Number 630, seconded by Mayor Burton.*

### **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.

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*Mayor Burton called for the vote.*

**VOTE ON INTRODUCTION**

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

**BILL LIST (s)**

**(Dated January 21, 2016 – Total Line Items 70 – Total List Amount = \$668,184.23 plus payroll \$65,218.18)**

*Deputy Mayor Miller 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		X			
Councilman Thomas J. Cranston			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 expressed his frustration with the poor quality of the sound system in Oaks Hall. He stated that clip-on microphones may be a solution. He asked that Council not spend any additional funds on the Historic Ordinance review as this work was already done previously and the Borough Planner, Joe Augustyn had been involved. He asked for the status on the COAH report and asked if the new foreman had been prepared on how to handle snow storms in the Borough. He said that the employees seemed to be used all at once rather than in shifts.

*Solicitor Heinold said that he wished the Borough didn't have to spend funds to make changes but the Municipal Land Use Law dictates what procedures are to be followed as backup support is needed to amend the Master Plan.*

*Mayor Burton stated that COAH is an intricate issue and Council is following advice of legal counsel and adopted an internal memo. He also asked that administration have all departments conduct pre & post analysis of events to use as management tools.*

Emanuel Estacio of Pocahontas Trail expressed appreciation for the pontoon boat discussion but questioned if this is being driven by popularity or true safety issues.

Mayor Burton said that the Colony does not have enforcement ability where the Borough is primary. The question isn't if the boats meet Coast Guard standards but if they are able to be safely operated on our small lakes.

Pete Rogers of Apache Trail stated that the survey sent out by the Colony is biased. He recommended placing markers on top of swimmers or marking swimming lanes. He feels that a solution should be found to satisfy both user groups.

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*Deputy Mayor Miller 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		X			
Councilman Thomas J. Cranston			X			
Councilman Robert D. Hanold, Sr.			X			
Councilwoman Kathryn A. Merkh		X	X			

Vote to adjourn

Yeas –Burton, Miller, Cranston, Hanold, Merkh

Nays – None

Meeting Adjourned