

BOROUGH OF MEDFORD LAKES, NEW JERSEY

SCHEDULED REGULAR MEETING (7:00pm)

May 12, 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 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 Solicitor Douglas Heinold, Esq.

PUBLIC COMMENT #1

Mayor Burton opened the meeting to public comment.

Terry Wade of Medford Lakes stated that his neighbor is running a 7-day per week Landscaping Business from his house. He loads/unloads his trailer early and late in the day. He stated that this activity causes traffic interference when backing in the landscape trailer, excessive noise with running equipment, ruts along Tabernacle Road causing runoff issues and the storage of flammable liquids is a fire hazard. All of the latter are in violation of the Lakes Residential Zoning Ordinance.

Clerk McIntosh stated that he spoke to Mr. Wade earlier and stated that the Borough Code Officer would be taking the appropriate action.

Robert Shoaf of Medford Lakes stated that he is a pontoon boat owner; it is a family friendly slow and maneuverable watercraft. They hold from 4 to 6. He understands the visibility concerns but believes that floaters/swimmers also have a responsibility to be aware of their surroundings. He admitted that he made a mistake allowing his son and friends to use it last Mardi Gras. He asked Council to reconsider grandfathering them and told a story of helping a senior citizen and longtime resident with a disability enjoy the lake by riding on the pontoon boat. He stated that four of the boat owners had hired an attorney to represent their interests and believes that lake usage is a shared responsibility and hopes that middle ground could be found by all.

Jeanie Watters of Medford Lakes stated that the boats are a safety risk. She said that the Colony did a good job of vetting the pros and con's. She also noted that the Borough has numerous Boards and Commissions that residents have to appear before to make sure that and construction/alterations are in keeping with the community and watercraft should also.

Edward Leggoe of Medford Lakes stated that the Colony Bylaws state any machinery powered boats are not allowed. This is a safety issue and these boats are unsafe.

Mayor Burton closed public comment.

MINUTES

Deputy Mayor Miller motioned adoption of the April 28, 2016 Regular Session Minutes, seconded by Councilman Hanold

Vote to adopt

Yeas – Burton, Miller, Cranston, Hanold, Merkh

Nays – None

Minutes Adopted

ORDINANCES

Deputy Mayor Miller introduced on first reading Ordinance Number 635, seconded by Councilman Cranston.

ORDINANCE NUMBER 635

AN ORDINANCE AMENDING THE CODE AT CHAPTER 185-10 GOVERNING “USE OF CERTAIN WATERCRAFT”

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, including the reasons for same; and

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

WHEREAS, the Borough acknowledged receipt of the Colony letter at its meeting on July 23, 2015; and

WHEREAS, at a Borough meeting of September 24, 2015, the governing body discussed a proposed Ordinance drafted in accord with the Colony request, and residents both for and against the measures spoke on issues related to the Ordinance. The matter was referred back to the Colony for further consideration. It was the governing body’s clear indication that this was a Colony request and Colony process, and that any review of the substance of the issue should occur at the Colony level; and

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

WHEREAS, during that review period, the Borough was alerted that additional watercraft of the type that may become subject to regulation had been purchased by another resident; and

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

WHEREAS, on February 11, 2016, the Borough, in response to the Colony’s request, passed a moratorium by ordinance with a sunset provision of May 31, 2016, in order to allow the Colony’s full review and recommendation to be completed without exacerbating the number of boats and property owners to be impacted; and

WHEREAS, the Colony issued a report dated April 12, 2016, entitled Medford Lakes Colony Recommendation for “Watercraft In Excess Of Four Persons” Ordinance (“Colony Report”), a copy of which is attached hereto and incorporated by reference; and

WHEREAS, the Borough is a unique community wherein the lakes are owned and maintained by the Colony, and the Borough regulation of the lakes is undertaken primarily to assist the Colony as an enforcement mechanism; and

WHEREAS, the Borough desires to act on the Ordinance amendment as requested by the Colony Club; 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. It shall 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 any boat, craft, vessel or the like with a manufacturing rating of more than four (4) persons.
- C. It shall 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 any boat, craft, vessel or the like:
- (1) with a deck of 50 square feet or more, or
 - (2) with modification of its original construction, including but not limited to adding additional decks, platforms, pontoons, slides, and the like, or
 - (3) that propels persons on or above the lakes, including but not limited to hovercraft, air boats, jet packs, and the like.

The Medford Lakes Colony Club may grant exceptions to the prohibition contained in this subsection C to any boat, craft, vessel or the like built for the specific purpose of participating in Canoe Carnival or Colony-approved Canoe Carnival activities, and adhering to all Canoe Carnival rules of construction.

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.

Solicitor Heinold explained the prior Ordinance which created the sunshine provision. He emphasized that this Ordinance was based on the Colony's request and the reason for Borough action is due to the fact that the Colony has no enforcement powers. He explained that pro's and cons to the issue should have been brought before the Colony in advance of their finalizing a request to the Borough for action. He noted that the boat owner's attorney had requested a 45-day extension before adoption but since this matter is on a time deadline the Borough will be having a public hearing at their next meeting.

Robert Shoaf of Medford Lakes stated that he agreed with the process but this Ordinance is substantially different.

Solicitor Heinold stated again that the Colony was to have held meetings to ascertain membership input.

Claire Carlyle of Medford Lakes stated that this is a safety issue. She stated that the boats are lovely but this isn't Lake George. The boats offer limited vision and told a story of her Autistic Grandson swimming at Beach #5 when one of the watercraft came to close and scared him.

Councilman Cranston stated that the Solicitor's summary was very good.

Deputy Mayor Miller said that he will be reviewing notes from previous meetings to help guide him when the Ordinance comes up for adoption.

Mayor Burton called for the vote.

VOTE ON INTRODUCTION

	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			

RESOLUTIONS

Deputy Mayor Miller introduced Resolution Numbers 68-16, 69-16, 70-16, 71-16, 72-16 and 73-16 as a consent agenda given that they all involve raffle licensing, seconded by Councilwoman Merkh

RESOLUTION NUMBER 68-16

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO CONDUCT A LEGALIZED GAME OF CHANCE (ON-PREMISE 50/50 RAFFLE) TO NJ CENTER FOR TOURETTE SYNDROME & ASSOCIATED DISORDERS, INC.

WHEREAS, NJ CENTER FOR TOURETTE SYNDROME & ASSOCIATED DISORDERS, INC. has qualified in the prescribed manner and submitted Raffle Application Number 16-15 to hold an On-Premise 50/50 Raffle on September 18, 2016 at PJ's Whelihan's, 61 Stokes Road, Medford Lakes, NJ 08055; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that a license to conduct the aforementioned On-Premise 50/50 Raffle be and is hereby granted to the NJ CENTER FOR TOURETTE SYNDROME & ASSOCIATED DISORDERS, INC..

RESOLUTION NUMBER 69-16

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

WHEREAS, MEDFORD LAKES EDUCATION FOUNDATION, INC. has qualified in the prescribed manner and submitted Raffle Application Number 16-16 to hold an Off-Premise Merchandise Raffle on June 5, 2016 at Vaughan Hall, 79 Tecumseh Trail, Medford Lakes, NJ 08055; and

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

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

RESOLUTION NUMBER 70-16

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, INC.

WHEREAS, MEDFORD LAKES EDUCATION FOUNDATION, INC. has qualified in the prescribed manner and submitted Raffle Application Number 16-17 to hold an On-Premise 50/50 Raffle on June 5, 2016 at Vaughan Hall, 79 Tecumseh Trail, Medford Lakes, NJ 08055; and

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

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

RESOLUTION NUMBER 71-16

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

WHEREAS, MEDFORD LAKES EDUCATION FOUNDATION, INC. has qualified in the prescribed manner and submitted Raffle Application Number 16-18 to hold an On-Premise Merchandise Raffle on June 5, 2016 at Vaughan Hall, 79 Tecumseh Trail, Medford Lakes, NJ 08055; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that a license to conduct the aforementioned On-Premise Merchandise Raffle be and is hereby granted to the MEDFORD LAKES EDUCATION FOUNDATION, INC.

RESOLUTION NUMBER 72-16

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO CONDUCT A LEGALIZED GAME OF CHANCE (ON-PREMISE 50/50 RAFFLE) TO SHAWNEE END ZONE CLUB, INC.

WHEREAS, SHAWNEE END ZONE CLUB, INC. has qualified in the prescribed manner and submitted Raffle Application Number 16-19 to hold an On-Premise 50/50 Raffle on June 13, 2016 at Medford Lakes Country Club, 70 Oak Drive, Medford Lakes, NJ 08055; 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 SHAWNEE END ZONE CLUB, INC.

RESOLUTION NUMBER 73-16

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO CONDUCT A LEGALIZED GAME OF CHANCE (ON-PREMISE MERCHANDISE RAFFLE) TO SHAWNEE END ZONE CLUB, INC.

WHEREAS, SHAWNEE END ZONE CLUB, INC. has qualified in the prescribed manner and submitted Raffle Application Number 16-20 to hold an On-Premise Merchandise Raffle on June 13, 2016 at Medford Lakes Country Club, 70 Oak Drive, Medford Lakes, NJ 08055; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that a license to conduct the aforementioned On-Premise Merchandise Raffle be and is hereby granted to the SHAWNEE END ZONE CLUB, INC.

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

Councilman Cranston introduced Resolution Number 74-16, seconded by Councilman Hanold

RESOLUTION NUMBER 74-16

A RESOLUTION AUTHORIZING READING OF THE BUDGET BY TITLE ONLY

WHEREAS, N.J.S.A. 40A:4-8, as amended by Chapter 95, P.L. 2015 provides that the Budget may be read by title only at the time of the Public Hearing if a Resolution is passed by not less than a majority of the full Governing Body, providing that at least one week prior to the date of hearing a complete copy of the Budget had been made available for public inspection and shall be made available to each person upon request.

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

1. The Borough Council, for the aforementioned reasons, hereby determines that the Budget shall be read by title only.

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 Cranston introduced Resolution Number 75-16, seconded by Councilman Hanold

RESOLUTION NUMBER 75-16

**A RESOLUTION INTRODUCING AND APPROVING THE 2016 MUNICIPAL BUDGET
(SECOND 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.

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			

REPORTS

Clerk McIntosh submitted a written report.

SUBCOMMITTEE REPORTS

Councilman Hanold commented on the Cochise Circle project, he is working with the DPW Foreman on a new leaf disposal process that may require permits. He also noted that he, Wastewater and a local plumber assisted a homeowner with identifying a sewer lateral which needed to be repaired.

Deputy Mayor Miller stated that the Canoe Carnival Committee was up and running. He noted that the committee had created an ad book to offset the skyrocketing costs for event security. He said that Murphy's Market was approached to sell "official" Canoe Carnival Tee-shirts vs. the "bootleg" ones. He also noted that the Colony was still raising funds to support the "Craft Shop".

BILL LIST (s)

**(Dated May 10, 2016 – Total Line Items 88 – Total List Amount = \$925,123.78
with additional animal control = \$170.00 plus NJ DOL & Workforce Development = \$3,945.60 plus payroll = \$69,501.55)**

Deputy Mayor Miller introduced approval of the Bill List, seconded by Councilman Hanold who noted that additional competitive pricing needs to be done by the department heads on some of the bills.

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	X			
Councilwoman Kathryn A. Merkh			X			

PUBLIC COMMENT #2

Mayor Burton opened the meeting to public comment.

Kevin Ellicott of Medford Lakes thanked Deputy Mayor Miller for his service on Council and thanked everyone for their efforts on developing a fiscally responsible budget.

Ed Leggoe of Medford Lakes noted that the Colony Bylaws reference Ordinance Number 203 regarding watercraft.

Mayor Burton closed Public Comment.

COUNCIL COMMENTS

Deputy Mayor Miller congratulated Mayor Burton, Councilman Elect Fields and Councilwoman Merkh on their election.

Mayor Burton congratulated Councilman Elect Fields and Councilwoman Merkh on their election. He thanked Clerk McIntosh for all that he does during elections and welcomed back the Central Record Reporter from her maternity leave.

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, Miller, Cranston, Hanold, Merkh

Nays – None

Meeting Adjourned