

**BOROUGH OF MEDFORD LAKES, NEW JERSEY**

**REGULAR MEETING**

**APRIL 27, 2011**

A 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 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 and 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.

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**ROLL CALL**

Clerk McIntosh called roll. Deputy Mayor Thomas J. Cranston, Councilman Gregory C. Lackey, Councilman Robert D. Hanold, Sr. and Councilman Jeffrey Fitzpatrick answered in attendance. Mayor Gary A. Miller was absent. Also present were Manager Julie Horner-Keizer, Deputy Manager/Clerk Mark J. McIntosh, Solicitor Peter C. Lange, Jr., CFO Donna A. Condo, Auditor Robert Stewart and Borough Engineer Jeff McNesby.

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**EXECUTIVE SESSION**

*Deputy Mayor Cranston introduced Resolution Number 89-11, seconded by Councilman Hanold.*

**RESOLUTION NUMBER 89-11**

**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 Appeals – Potential Litigation Matters*
  - *Medford Lakes v. Gross – Litigation Matters*
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 ON ADOPTION**

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

*Clerk McIntosh stated that Resolution Number 89-11 was adopted at 6:00pm on this date allowing Council to enter a Closed/Executive Session to discuss the items listed therein.*

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**PUBLIC COMMENT**

**Robert McGowan of 18 Cochise Circle** thanked everyone involved with the upgrades to the crosswalk at Tabernacle Road and Powhatan Trail.

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**MINUTES**

*Deputy Mayor Cranston motioned for approval/adoption of the April 13, 2011 executive/closed session meeting minutes, seconded by Councilman Fitzpatrick.*

Vote to approve/adopt

Yeas – Cranston, Hanold, Lackey, Fitzpatrick

Nays – None

Absent - Miller

Minutes approved/adopted

*Deputy Mayor Cranston motioned for approval/adoption of the April 13, 2011 regular meeting minutes, seconded by Councilman Lackey.*

Vote to approve/adopt

Yeas – Cranston, Hanold, Lackey, Fitzpatrick

Nays – None

Absent - Miller

Minutes approved/adopted

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**RESOLUTIONS**

*Deputy Mayor Cranston motioned to introduce Resolution Number 85-11, seconded by Councilman Fitzpatrick.*

**RESOLUTION NUMBER 85-11**

**A RESOLUTION AUTHORIZING THE READING OF  
THE 2011 MUNICIPAL BUDGET IN TITLE ONLY**

**WHEREAS**, the Budget must be read in full unless at least one week prior to the date of hearing, a complete copy of the approved budget shall be made available for public inspection; and

**WHEREAS**, the Budget must be available for public inspection in the regional library of the County; and

**WHEREAS**, a resolution must be passed by a majority of the full membership stating that the law has been met and allowing that the budget be read by title.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that the Borough Clerk certifies all of the requirements by law have been met to read the 2011 Municipal Budget by title only.

*Deputy Mayor Cranston asked for comments, hearing none he requested a roll call vote.*

**VOTE ON ADOPTION**

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

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*Deputy Mayor Cranston motioned the second reading of Resolution Number 73-11(2), seconded by Councilman Hanold.*

**RESOLUTION NUMBER 73-11(2)**

**A RESOLUTION ADOPTING AND APPROVING THE 2011 MUNICIPAL BUDGET (SECOND  
READING)**

**WHEREAS**, the Municipal Budget of the Borough of Medford Lakes, County of Burlington for the year 2011 is hereby adopted; and

**BE IT RESOLVED**, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2011; and

**BE IT FURTHER RESOLVED**, that said Budget was published in summary form in the Central Record in the issue of April 7, 2011; 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 2011.
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 March 30, 2011.
3. A hearing on the Budget and Tax Resolution was held at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ in Oaks Hall on April 27, 2011 at 7:00PM at which time and place objections to said Budget and Tax Resolution for the year 2011 were presented by taxpayers or other interested persons.

*Deputy Mayor Cranston explained that this Budget Resolution is required to have two readings similar to an Ordinance.*

*Manager Horner – Keizer made a power-point presentation that showcased; historical data related to the proposed budget and past year budgets. It also showed trends in expenses, state aid and tax collection.*

*Deputy Mayor Cranston asked Council for comments.*

*Councilman Hanold expressed appreciation to Manager Horner – Keizer and the administrative committee for all of their work on creating the budget and the presentation.*

*Deputy Mayor Cranston stated that it was a true team effort of very committed employees.*

*Councilman Lackey stated that the new five member council format and the council sub-committees has allowed for better communication between staff and council.*

*Councilman Fitzpatrick stated that given the dilemmas many other municipalities are facing the Borough is a model community for others to emulate and learn from.*

*Deputy Mayor Cranston opened the Public Hearing portion of the meeting.*

**Joe Aromando of 285 Shingowack Trail** asked if the contingency program started in 2010 would continue in 2011, he asked for clarification of the CAP bank, he expressed concern over the tax collection rate, discussed cancellation of capital projects and expressed concern with underfunding of sick time. He also discussed the State Pension obligations, if any further FEMA reimbursements were coming and requested that Public Works Capital be very conservative.

*Council, Manager Horner – Keizer and CFO Condo answered that the contingency program will remain in effect, provided an explanation of the CAP bank, the tax collection rate is a byproduct of the current economy, cancellation of Capital Projects was done in December 2010, a full analysis was done on sick time, the Borough pays its State Pension obligations, the Borough continues to pursue any/all available FEMA reimbursements from the 2004 flood and provides FEMA officials with all requested information and that Borough Engineer McNesby had done a comprehensive study regarding Public Works Capital and some of the 2011 requests had been denied.*

**Robert McGowan of 18 Cochise Circle** stated that the non-political form of government in Medford Lakes works well for the community and that we are setting examples for other municipalities. He asked about the Police Department vacancy, asked for clarification of the accumulated sick leave, asked for clarification of the increases in the Mayor/Council budget and Fire Official budget. He also asked for the rational in the Borough's projection for lower Sewer Utility revenue.

*Council, Manager Horner – Keizer and CFO Condo answered that the Police Department staffing is eight and accumulated sick leave is a contractual issue with the police union only. The increase in the Mayor/Council budget*

was a switch from the Fire and EMS budgets for the Public Safety banquet and the increase in the Fire Official budget was to correct a prior year typographical error. They also stated that the Wastewater Department is self liquidating thus revenues are projected to equal expenses.

Hearing no further comment, Deputy Mayor Cranston closed the Public Hearing and called for a roll-call vote.

VOTE ON ADOPTION

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

Councilman Lackey motioned introduction of Resolution Number 86-11, seconded by Councilman Hanold.

**RESOLUTION NUMBER 86-11**

**A RESOLUTION AUTHORIZING SUBMISSION OF A 2010 RECYCLING TONNAGE GRANT APPLICATION**

**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 **2010 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council of Medford Lakes to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS,** Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Medford Lakes hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Mark J. McIntosh, Borough Clerk to ensure that the application is properly filed; 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.

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*Mayor Miller arrived and requested that Deputy Mayor Cranston continue to run the meeting.*

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*Deputy Mayor Cranston opened the meeting for public comment, hearing none he requested a roll call vote.*

**VOTE ON ADOPTION**

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

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*Deputy Mayor Cranston motioned introduction of Resolution Number 87-11, seconded by Mayor Miller.*

**RESOLUTION NUMBER 87-11**

**A RESOLUTION AUTHORIZING SELF-EXAMINATION OF THE 2011 BUDGET**

**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 2011 budget year.

**NOW THEREFORE BE IT RESOLVED** by the governing body of *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 permit the exercise of the comptroller function within the municipality.
- 5. The budget has 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.

*Deputy Mayor Cranston opened the meeting for public comment.*

**Joe Aromando of 285 Shingowack Trail** stated that he was concerned that the State wouldn't be reviewing the budget.

*Council explained that the Borough qualified for the self-examination.*

*Hearing no further comment Deputy Mayor Cranston requested a roll-call vote.*

**VOTE ON ADOPTION**

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

*Mayor Miller motioned introduction of Resolution Number 88-11, seconded by Councilman Lackey*

**RESOLUTION NUMBER 88-11**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO CONDUCT A LEGALIZED GAME OF CHANCE (ON-PREMISE MERCHANDISE 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 Merchandise Raffle on June 2, 2011; 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.

*Deputy Mayor Cranston asked for public comment, hearing none he asked for a roll-call vote.*

#### **VOTE ON ADOPTION**

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

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#### **REPORTS**

*Manager Horner-Keizer submitted a written report and stated that the original agenda included a Resolution to switch energy carriers but she had recently become aware of issues involving proper award and tariff's and thus had pulled the Resolution until further investigation could be conducted.*

*Deputy Manager/ Clerk McIntosh submitted a written report and stated that he had received payment for the four items sold on GovDeals totaling \$12,610.00 and that three of the items had already been picked up by the winning bidders. He also reminded everyone that the annual school election was this day and polls would be open until 9:00pm.*

*Solicitor Lange stated he had received some comments regarding the draft Underground Storage Tank Ordinance and would present them to Council at a later date. He also stated that the T&M engineering contract had been modified per Council's authorization and asked that the Clerk pay particular attention to the insurance documents that he will be receiving from T&M. He further stated that the Borough will be hosting a meeting with the Burlington County Engineers office regarding a final Ballinger walkway agreement.*

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#### **OLD BUSINESS**

*Deputy Mayor Cranston noted that the Underground Storage Tank Ordinance had already been discussed and Solicitor Lange stated that he was working with Councilman Hanold regarding the Professional Service Contract Ordinance draft.*

*Deputy Mayor Cranston asked the Clerk for an update on the Oaks Hall sound system.*

Clerk McIntosh stated that the Borough had just awarded a contract for the sound system upgrades and also a contract for the recording software. He anticipates this work to be completed within a month.

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**NEW BUSINESS**

Clerk McIntosh stated that the Borough Engineer asked him to publish a request for proposals (RFP) for a vacancy in the Wastewater Department.

Council discussed the request and authorized the Clerk to publish the RFP.

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**BILL LIST**

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

**VOTE TO APPROVE**

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

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**PUBLIC COMMENT #2**

Deputy Mayor Cranston opened the meeting for public comment.

**Robert McGowan of 18 Cochise Circle** thanked Mayor Miller for his leadership and the great teamwork that the Mayor had implemented.

**Joe Aromando of 285 Shingowack Trail** asked if a Resolution from Council in support of municipalities making their own decisions on shopping for the best price for energy carriers would help change legislation. He also asked if the Underground Storage Tank Ordinance could be introduced in May and adopted by June to allow homeowners the chance to still get NJ State grant assistance. He further discussed the tax appeal process and his disappointment that more of an effort wasn't made to settle all of the appeals and the Borough was forcing five property owners to endure the expense of going to Administrative Court for a flawed revaluation process.

*Manager Horner – Keizer stated that the Borough wasn't forcing anyone to tax court. The County Tax Board upheld the Borough's assessment and it was the property owner's decision to continue the process.*

Rudy Levak of 77 Onondago Trail stated that he was happy that the Borough kept the Medford Lakes Police Department given the plight of Medford Township.

*Hearing no further comment, Deputy Mayor Cranston closed public comment.*

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Mayor Miller motioned to adjourn the meeting, seconded by Councilman Fitzpatrick.

Vote to Adjourn

Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Meeting Adjourned