

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING (7:00pm)

August 15, 2012

A scheduled 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 Mark 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, 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.

ROLL CALL

Clerk Mark McIntosh called roll. Mayor Thomas J. Cranston, Deputy Mayor Robert D. Hanold, Sr., Councilman Fitzpatrick and Councilman Robert J. Burton answered in attendance. Councilman Miller was absent. Also present were Manager Julie Horner – Keizer, Clerk Mark J. McIntosh and Solicitor Peter C. Lange, Jr.

PUBLIC COMMENT #1

Mayor Cranston opened the meeting to public comment.

Joe Aramondo of Shingowack Trail expressed disappointment in Council allowing a recently appointed Planning Board Member to maintain their appointment given their attendance at only 4 of 7 meetings. He also expressed concern that the Borough does not provide portage from Upper Aetna to Lower Aetna Lake.

Greg Lackey of Paupukkeewis Trail was prepared to discuss the proposed Home Occupation Ordinance and asked if Council was reviewing the house to height ratios given the recent build on Lower Chippewa Trail.

Mayor Cranston stated that the Planning Board was reviewing the building height issue.

Mayor Cranston hearing no further comments closed public comment.

MINUTES

Deputy Mayor Hanold motioned for approval/adoption of the July 18, 2012 Regular Session Meeting minutes, seconded by Councilman Burton.

Vote to approve/adopt

Yeas –Cranston, Hanold, Fitzpatrick, Burton

Nays – None

Absent - Miller

Minutes approved/adopted

ORDINANCES

Deputy Mayor Hanold introduced on second reading Ordinance Number 598, seconded by Councilman Burton

ORDINANCE NUMBER 598

AN ORDINANCE AUTHORIZING THE APPROPRIATION IN THE AMOUNT OF \$66,595 FROM CAPITAL RESERVE AND GENERAL CAPITAL FUND BALANCES, FOR THE ACQUISITION OF

**CERTAIN EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS, FIRE DEPARTMENT AND
POLICE DEPARTMENT IN THE BOROUGH OF MEDFORD LAKES, IN THE COUNTY OF
BURLINGTON, AND THE STATE OF NEW JERSEY**

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

SECTION 1. The improvement described in Section 2 of this Ordinance is hereby authorized as general improvements to be made by the Borough of Medford Lakes, New Jersey. For the said improvements or purposes stated in Section 2, there is hereby appropriated the sum of SIXTY SIX THOUSAND FIVE HUNDRED AND NINETY FIVE dollars and 00/100 (\$66,595.00), which is now available in the Reserve for Public Works Equipment, Reserve for the Purchase of Fire Dept. Equipment, and General Capital Fund Balance of the Borough of Medford Lakes.

SECTION 2. (a) The improvements herein authorized and purposes, and the estimated cost therefore, and the period of usefulness of each improvements are as follows:

Acquisition of Equipment for Public Works Department	\$33,595.00	5 years
Acquisition of Equipment for Fire Department	21,000.00	5 years
Acquisition of Equipment for Police Department	12,000.00	5 years

(b) The estimated cost of the acquisition as authorized herein is not to exceed Sixty Six Thousand Five Hundred Ninety Five dollars (\$66,595.00) for the improvements described in Section 2 (a) above, which sum is hereby appropriated from the Reserve for Public Works Equipment Fund, Reserve of Purchase of Fire Equipment and General Capital Fund Balance.

(c) Funding for the improvements herein authorized shall be appropriated from the following available balances:

Reserve for Public Works Equipment	\$33,595.00
Reserve for Fire Equipment	5,000.00
General Capital Fund Balance	28,000.00

SECTION 3. The following matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 2 of this Ordinance is not a current expense, and is property or improvement which the Borough may lawfully acquire or make as a general improvement.

(b) The period of usefulness of said purpose, within the limitations of said Local Bond Law, and according to the reasonable life thereof, is five (5) years for Section 2 above.

SECTION 4. The 2012 general capital budget of the Borough of Medford Lakes is hereby amended to conform to the provisions of this Ordinance to the extent of any inconsistency herewith.

SECTION 5. This ordinance shall take effect after publication and final passage, according to law.

Mayor Cranston explained that the Police were requesting three (3) pole mount speed signs, the Public Works Department was requesting barricades and signage and the Fire Department was requesting a new marine unit and water-rescue apparel. He then opened the meeting to public comment/public hearing.

Joe Aromando of Shingowack Trail stated that the price of barricades seemed excessive and he asked if they could be made in-house.

Deputy Mayor Hanold stated that new barricades are fiberglass and thus less injury potential and the man-hour/material costs for in-house build are comparable.

Manager Horner – Keizer stated that the in-house barriers are not NJDOT approved yet the new ones will be and the amount needed is to handle daily and extended operations. (i.e. storms, etc.)

VOTE TO ADOPT

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

RESOLUTIONS

Deputy Mayor Hanold motioned introduction of Resolution Number 105-12, seconded by Councilman Fitzpatrick.

RESOLUTION NUMBER 105-12

A RESOLUTION AUTHORIZING A MAINTENANCE DEPOSIT REFUND FOR A CERTAIN PLUMBING AND STREET OPENING PERMIT

WHEREAS, pursuant to Borough of Medford Lakes Ordinance Number 584 a street opening permit requires a maintenance deposit or bond; and

WHEREAS, once the requirement causing the need for the maintenance deposit is met by the permit holder there is due a refund to the applicant; and

WHEREAS, on August 2, 2012 the Certified Public Works Manager has certified that the standards defined by Ordinance Number 584 have been met.

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the following applicant receives a refund of their maintenance bond as described:

<u>Applicant</u>	<u>Amount of refund</u>	<u>Project Address</u>	<u>Block/Lot</u>	<u>Permit # Issued</u>
Demski	\$500.00 (Final)	137 Lenape Trail	30050/1953	11-003 Feb. 2011

Mayor Cranston called for the vote.

VOTE TO ADOPT

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

Councilman Jeffrey Fitzpatrick		X	X			
Councilman Robert J. Burton			X			

Deputy Mayor Hanold motioned introduction of Resolution Number 106-12, seconded by Mayor Cranston.

RESOLUTION NUMBER 106-12

A RESOLUTION AMENDING RESOLUTION NUMBER 187-10, A RESOLUTION AMENDING RESOLUTION NUMBER 68-10, A RESOLUTION AWARDED A PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING SERVICES

WHEREAS, the Borough of Medford Lakes has a need to amend a contract to acquire an Engineer pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the anticipated term of this contract is until completion; and

WHEREAS, Princeton Hydro, Inc. completed and submitted a Business Entity Disclosure Certification which certifies that Princeton Hydro, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Medford Lakes in the previous one year, and that the contract will prohibit Princeton Hydro, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, the CFO’s certification of the availability of funds requirements per N.J.A.C. 5:30-5.4 has been met; and

WHEREAS, there exists in the Borough of Medford Lakes a need for an Engineer to perform a Hypothetical Failure Analysis for the Borough in connection with Mishe Mokwa Dam Hydrology and Hydraulic Analysis; and

WHEREAS, the Local Public Contracts Law (NJSA 40A: 11-1 et seq) requires that the resolution authorizing awarding and amending of contracts for Professional Services without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that the contract with *Princeton Hydro, LLC, 1108 Old York Road, Suite 136, P.O. Box 720, Ringoes, NJ 08551*, be and is, hereby amended to include a Hypothetic Failure Analysis for Mishe Mokwa Dam for an amount not to exceed \$1,400 amending Resolution Number 187-10 from \$45,250.00 to \$46,, 650.00.

This contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by the law.

A copy of this resolution shall be published as required by law.

The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution. This resolution shall take place immediately.

Mayor Cranston opened the meeting to comment on the Resolution.

Deputy Mayor Hanold stated that he was not happy having to award this additional work.

Mayor Cranston called for the vote.

VOTE TO ADOPT

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

Deputy Mayor Hanold motioned introduction of Resolution Number 107-12, seconded by Councilman Fitzpatrick.

RESOLUTION NUMBER 107-12

**A RESOLUTION AUTHORIZING THE BOROUGH CLERK
TO SOLICIT BIDS FOR A REAR-LOADER GARBAGE TRUCK**

WHEREAS, the **Borough Council** has determined that the MEDFORD LAKES Public Works Department requires the use of a Rear-loader Garbage Truck to maintain the Garbage Collection Program.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that the Borough Clerk is authorized to solicit bids for the purchase of a Rear-Loader Garbage Truck.

Mayor Cranston opened the meeting to comment on the Resolution.

Deputy Mayor Hanold stated that the rear-loader trash truck had failed a DOT inspection due to a cracked frame. He further stated that by going out to bid the Borough was being pro-active and would have a better estimate on the cost to replace and then determine if continuing the service was worth the replacement cost. He stated that the Borough was down to one (1) trash truck.

Pete Rogers of Apache Trail asked if the Borough had looked into borrowing a truck from a neighboring town and also if the solicitation of bids would include both new and used.

Mayor Cranston stated that Medford Township was approached and they too are experiencing fleet issues and were unable to accommodate.

Joe Aromando of Shingowack Trail stated that he would hate to see services get cut and recommended going to Evesham Township and Lumberton Township.

Greg Lackey of Paupukkeewis Trail stated that many large trash piles are out. He asked that the Borough send notices to those properties and enforce the Ordinance.

Mayor Cranston called for the vote.

VOTE TO ADOPT

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

Mayor Cranston motioned introduction of Resolution Number 108-12, seconded by Deputy Mayor Hanold.

RESOLUTION NUMBER 108-12

A RESOLUTION AUTHORIZING EXECUTION OF SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF EVESHAM

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

WHEREAS, representatives from the Borough of Medford Lakes and the Township of Evesham have met to explore sharing services which will result in cost savings for both entities; and

WHEREAS, the entities agree that it is beneficial to both communities to utilize **the Township of Evesham** to provide Municipal Court Facilities to hold jail video hearings and to utilize **the Borough of Medford Lakes** for Conflict Judge services; and

WHEREAS, the Borough of Medford Lakes desires to enter into a Shared Services Agreement with the Township of Evesham to reduce the cost to both municipalities in performing these functions.

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 upon approval of the Agreement by the Borough Solicitor.

Mayor Cranston explains the reciprocity with the agreement.

Mayor Cranston called for the vote.

VOTE TO ADOPT

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

Deputy Mayor Hanold motioned introduction of Resolution Number 109-12, seconded by Councilman Burton.

RESOLUTION NUMBER 109-12

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

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

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

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 www.GovDeals.com pursuant

to NJ State Contract in accordance with the terms and conditions of the NJ State Contract. The terms and conditions of the agreement entered into with www.GovDeals.com are available online at www.govdeals.com and also available from the Office of the Clerk of Medford Lakes.

(2) The surplus property is as follows:

- 1999 Labrie Trash Truck – Not Operational
- 1996 Crane Carrier Trash Truck – Parts Only
- Good Roads Roll gate Salt Spreader
- Lincoln Jack Model #93731
- Power Pruner
- Pipe Joiner
- 1,000 Gallon Con Vault Diesel Tank
- 1,000 Gallon Con Vault Gasoline Tank

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.

Clerk McIntosh read the list of auction items.

Mayor Cranston called for the vote.

VOTE TO ADOPT

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

Councilman Fitzpatrick motioned introduction of Resolution Number 110-12, seconded by Deputy Mayor Hanold.

RESOLUTION NUMBER 110-12

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO CONDUCT A LEGALIZED GAME OF CHANCE (ON-PREMISE 50/50 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 50/50 Raffle on September 29, 2012; 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.

Mayor Cranston called for the vote.

VOTE TO ADOPT

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

Deputy Mayor Hanold motioned introduction of Resolution Number 111-12, seconded by Councilman Fitzpatrick

RESOLUTION NUMBER 111-12

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO CONDUCT A LEGALIZED GAME OF CHANCE (OFF-PREMISE DRAW 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 Off- Premise Draw Raffle on September 29, 2012; and

WHEREAS, Council has reviewed the findings and determinations and concur that the Off- Premise Draw 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 Draw Raffle be and is hereby granted to the Medford Lakes Education Foundation, Inc.

Mayor Cranston called for the vote.

VOTE TO ADOPT

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

REPORTS

Manager Horner – Keizer submitted a written report and highlighted the following; Oaks Hall Maintenance, Quogue Dam, Memorial Park, Tax Bills, Post Canoe Carnival Meeting and the Awarding of a Burlington County Parks Grant.

Clerk McIntosh submitted a written report and commented on application for a NJ Historic Commission Grant, submission of the NJ Governor’s Environmental Excellence Award and Underground Storage Tank Registrations.

Deputy Mayor Hanold commented on the many reports that were in the Council packets. The reports were from each department and very informative and thorough.

Councilman Burton commended the Police, Fire and EMS Departments on seeing that the Colony had a safe and enjoyable 2012 Canoe Carnival.

Councilman Fitzpatrick also commended the Emergency Service Departments on a job well done.

COMMUNICATIONS

Mayor Cranston reads a request from Sherwood Landscaping regarding access to Aetna Way for a landscape job at 105 Stokes Road.

Mark Marias of Sherwood Landscaping explains the project and answered questions from Council.

Mayor Cranston introduced Resolution Number 112-12, seconded by Councilman Fitzpatrick.

RESOLUTION NUMBER 112-12

A RESOLUTION OF THE MEDFORD LAKES BOROUGH COUNCIL SUSPENDING TRAFFIC RESTRICTIONS ON AETNA WAY

WHEREAS, Mr. Patrick O'Brien owns property adjacent to Aetna Way in the Borough of Medford Lakes and identified as 105 Stokes Road and also known on the Medford Lakes tax map as Block 10034, Lots 1,2,3 and 4; and

WHEREAS, Mr. Patrick O'Brien has requested permission from Borough Council to access his property by utilizing the public right of way known as Aetna Way and the walkway adjacent to Aetna Way in order to perform certain landscaping work upon his property; and

WHEREAS, Mr. Patrick O'Brien has elected to perform the landscaping work subject to the provisions below; and

WHEREAS, Mr. Patrick O'Brien agrees to have all contractors utilizing Aetna Way issue the Borough a Certificate of Liability Insurance naming the Borough as Additional Insured and sign a hold harmless agreement for the granted access in favor of the Borough and in a form and content acceptable to and approved by the Borough Solicitor; and

WHEREAS, Mr. Patrick O'Brien agrees to have all contractors provide the Borough with the Gross Vehicle Weight Rating (GVWR) of any vehicles utilizing Aetna Way prior to use of the roadway; and

WHEREAS, the passage of this Resolution shall not be construed in any way as an admission of liability by Medford Lakes Borough related to any damages and/or other claims which may or may not be presented to the Borough by Mr. Patrick O'Brien.

NOW THEREFORE, BE IT RESOLVED by the Medford Lakes Borough Council that the use restrictions currently in place restricting the use and passage on Aetna Way and the adjacent pedestrian walkway shall hereby be temporarily suspended in favor of Mr. Patrick O'Brien and his contractors for the sole purpose of accessing the property known as 105 Stokes Road between the dates of August 25, 2012 and September 30, 2012.

BE IT FURTHER RESOLVED, that no activity will be allowed on Aetna Way Monday through Friday between 7:45am and 8:30am also from 3:00pm and 3:45pm.

BE IT EVEN FURTHER RESOLVED, that no activity will be allowed on Aetna Way, September 6, 2012 between the hours of 7:45am and 8:30am also from 12:00pm and 12:45pm.

Council directed the Clerk to receive all Insurance and Hold Harmless Agreements and notify the Police Department.

Council further stated that this Resolution if approved is pending the applicant receiving final Planning Board, Zoning and Construction approvals of the project.

Mayor Cranston called for the vote.

VOTE TO ADOPT

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

BILL LIST

(Dated August 8, 2012 – Total Line Items 259 – Total List Amount = \$957,814.21 with amendments of, \$150.00 Land Use Attorney + \$500.00 Street Opening Escrow + \$71,729.57 Payroll + \$25.00 Burlco Soil Conservation and \$5,388.56 NJ Unemployment)

Deputy Mayor Hanold motioned for approval of the bill list as amended, seconded by Councilman Fitzpatrick.

VOTE TO APPROVE

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

PUBLIC COMMENT #2

Mayor Cranston opened the meeting for public comment, hearing none he closed public comment.

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

Vote to adjourn

Yeas –Cranston, Hanold, Fitzpatrick, Burton

Nays – None

Absent – Miller

Meeting Adjourned