

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING

FEBRUARY 23, 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 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.

ROLL CALL

Clerk McIntosh called roll. Mayor Gary A. Miller, Deputy Mayor Thomas J. Cranston and Councilman Robert D. Hanold, Sr. answered in attendance. Also present were Manager Julie Horner-Keizer, Deputy Manager/Clerk Mark J. McIntosh and Borough Engineer Jeff McNesby. Councilman Lackey and Councilman Fitzpatrick had notified the Clerk in advance that they would be absent from the meeting.

EXECUTIVE SESSION

Councilman Fitzpatrick introduced Resolution Number 52-11, seconded by Councilman Lackey.

RESOLUTION NUMBER 52-11

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:
 - *Wastewater Teamsters – Contract Negotiations*
 - *Medford Lakes Emergency Squad – Contract Negotiations*

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	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 stated that Resolution Number 52-11 was adopted at 6:00pm on this date allowing Council to enter a Closed/Executive Session to discuss the items listed therein.

PUBLIC COMMENT #1

Mayor Miller opened the meeting for public comment.

Bob McGowan of 18 Cochise Circle stated that he had attended the recent budget workshop and recommended a 10% or other logical percentage be taken from each departments final budget request and that borough employees should receive 0% cost of living increases for 2011 which would be similar to what federal, state and county employees have experienced for the last two years. He also stated that an improved process for the collection of leaves was needed.

Joe Aromando of 285 Shingowack Trail asked for an update on the closed circuit televising of the sewer collection system. He also requested that Council keep the contingency format in the 2011 budget.

Councilman Hanold stated that many budget requests had been removed during preliminary meetings between Council Liaisons and the Public Works and Wastewater management.

Gary McGeever of the Medford Lakes Fire Company read a prepared statement that addressed his dismissal, his meeting with the Manager on February 16, 2011 and his numerous accomplishments during his career with the fire department to include; his level of training, his college degree in Fire Science, command experience, storm standby involvement, annual Canoe Carnival operations, MS Walk-a-thon involvement, overseeing the ceremony involving the receipt of the 911 World Trade Center Steel, the purchase of an AED with a Lions donation, personnel issues that he oversaw and involvement in numerous parades and other events. He stated that he did not agree with the procedure to dismiss him and asked to be re-instated.

Mayor Miller thanked Gary for his service and that he would not discuss personnel matters without advice of the Borough Solicitor. Mayor Miller asked Gary to forward a resume to him.

Councilman Hanold stated that he was aware of the issues surrounding the dismissal and supported the Manager's decision.

Richard Thurber of 198 Chippewa Trail asked that Borough Management review outstanding construction permits as a way to get additional revenue.

Manager Horner – Keizer and Councilman Cranston stated that the permits are being closed out properly and forwarded to the Assessor.

Mike Powers of 19 Onondago Trail stated that the Medford Lakes Fire Company elects the Fire Chief and Deputy Fire Chief and that a dismissal without an explanation is wrong and the dismissal was done by a non-member of the Company.

Bob McGowan of 18 Cochise Circle stated that Council should be involved in understanding the fire department situation and asked if Council concurs with the decision.

Councilman Hanold stated that the entire Council was aware of the situation and because of our form of government it was the Manager's decision.

Joe Aromando of 285 Shingowack Trail stated that even when people are replaced and it doesn't mean that something was done wrong it is up-to the Council and Manager to set the course for the Borough.

Clerk/Deputy Manager McIntosh stated that the fire department Chief's were made aware of concerns throughout 2010 and stated that at a meeting in September 2010 those same concerns were discussed by the entire officer staff of the fire department yet the concerns remained unchanged into 2011. Clerk/Deputy Manager McIntosh further stated that recent events necessitated the action the Borough undertook by removing both the Chief and Deputy Chief. Clerk/Deputy Manager McIntosh stated that as a retired borough Fire Chief and twenty-year member of the department he supported the Manager's decision.

Gary McGeever of the Medford Lakes Fire Company stated that he had not been given the opportunity to be heard prior to dismissal and wasn't provided a chance to make any adjustments regarding the Borough's concerns.

Mayor Miller closed public comment.

MINUTES

Mayor Miller motioned for approval/adoption of the February 9, 2011 executive/closed session meeting minutes, seconded by Deputy Manager Cranston.

Vote to approve/adopt

Yeas – Miller, Cranston, Hanold

Nays – None

Absent – Lackey, Fitzpatrick

Minutes approved/adopted

Mayor Miller motioned for approval/adoption of the February 9, 2011 regular meeting minutes, seconded by Deputy Manager Cranston.

Vote to approve/adopt

Yeas – Miller, Cranston, Hanold

Nays – None

Absent – Lackey, Fitzpatrick

Minutes approved/adopted

Mayor Miller motioned for approval/adoption of the February 11, 2011 special meeting/budget workshop minutes, seconded by Deputy Manager Cranston.

Vote to approve/adopt

Yeas – Miller, Cranston, Hanold

Nays – None

Absent – Lackey, Fitzpatrick

Minutes approved/adopted

RESOLUTIONS

Mayor Miller motioned to untable and re-introduce Resolution Number 50-11, seconded by Deputy Mayor Cranston.

RESOLUTION NUMBER 50-11

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
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; 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 Miller asked for comment.

Clerk McIntosh explained that the Borough was provided the Material Safety Data Sheets for the chemicals to be used and that the Borough would receive pre-notification.

Mayor Miller 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	

Councilman Hanold motioned introduction of Resolution Number 53-11, seconded by Deputy Mayor Cranston.

RESOLUTION NUMBER 53-11

**A RESOLUTION AUTHORIZING THE BOROUGH CLERK TO DISPOSE OF SURPLUS
PROPERTY**

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 sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Office of the Clerk of Medford Lakes.
- (2) The surplus property is as follows:

- 1998 Dodge Dump Truck
- 1992 Dodge Power Ram Pickup Truck
- Rudox RM120 Diesel Generator
- Speed Monitor Trailer

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.

Mayor Miller asked for comment.

Council asked the Clerk to remove the 25kw generator from the Resolution and requested that the Borough Engineer conduct a condition review of the item and report back.

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	

Deputy Mayor Cranston motioned introduction of Resolution Number 54-11, seconded by Councilman Hanold.

RESOLUTION NUMBER 54-11

RESOLUTION AUTHORIZING EXECUTION OF A BURLINGTON COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM GRANT

WHEREAS, the Burlington County Board of Chosen Freeholders has awarded the Borough of Medford Lakes a Municipal Park Development Program grant for municipal public park and recreation development purposes; and

WHEREAS, the Municipal Park Development Program Grant award is in the amount of \$50,000 to fund the Memorial Circle Renovation Project at Stokes Road and Minnetonka Trail, Medford Lakes, NJ 08055 at Block #30002.01, Lot #1, ; and

WHEREAS, the County will be the holder of any interest acquired through the Program; and

WHEREAS, the Borough of Medford Lakes is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that:

1. The Mayor and Borough Clerk are authorized to execute the attached agreement.

Mayor Miller asked for comment.

Joe Aromando of 285 Shingowack Trail asked if a public copy of the agreement would be made available. Clerk McIntosh stated that it was on the website and attached to the posted agenda.

Councilman Hanold verified with the Borough Manager that it was for Memorial Circle and not the 911 Memorial itself.

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 Hanold motioned introduction of Resolution Number 55-11, seconded by Mayor Miller

RESOLUTION NUMBER 55-11

A RESOLUTION AUTHORIZING THE EXECUTION OF A 2011 MUNICIPAL SOLID WASTE SERVICES AGREEMENT WITH THE COUNTY OF BURLINGTON FOR PARTICIPATION IN THE SOLID WASTE MANAGEMENT PLAN

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

WHEREAS, the Borough Council is in receipt of an agreement with the County of Burlington which will provide for participation in the financed solid waste management system for the disposal or recycling of solid waste pursuant to the Burlington County District Solid Waste Management Plan; and

WHEREAS, the Borough Solicitor has found the agreement to be proper and in order; and

WHEREAS, the Borough of Medford Lakes wishes to participate in this program; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes that the Mayor and Borough Clerk are hereby authorized to execute said agreement in order to participate in the Solid Waste Management Program of Burlington County.

BE IT FURTHER RESOLVED THAT, certified copies of said Resolution be forwarded to the County of Burlington and the Medford Lakes Public Works Superintendent.

Mayor Miller asked for comment.

Manager Horner – Keizer stated that the main difference in this year’s contract vs. last years is a 2% increase.

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	
Councilman Robert D. Hanold, Sr.	X		X			
Councilman Jeffrey Fitzpatrick					X	

Councilman Hanold motioned introduction of Resolution Number 56-11, seconded by Mayor Miller

RESOLUTION NUMBER 56-11

A RESOLUTION AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE BOROUGH OF MEDFORD LAKES AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Borough Council of Medford Lakes Borough desires to further the public interest by obtaining a loan from the State of New Jersey in the amount of \$280,000.00 to fund the rehabilitation of the Mishe Mokwa Dam; and

WHEREAS, the Borough Solicitor has found the agreement to be proper and in order.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes that the Mayor and Borough Clerk or the successor to the offices of are hereby authorized to execute a loan agreement with the State of New Jersey for a loan in an amount not more than \$280,000.00, and to execute any amendments thereto..

BE IT FURTHER RESOLVED THAT, the Medford Lakes Borough Council authorizes and hereby agrees to complete the dam restoration project and reimburse the State of New Jersey in accordance with the terms and conditions of the loan agreement.

NOW, THEREFORE BE IT FURTHER RESOLVED THAT, Medford Lakes Borough agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performance pursuant to the agreement.

Mayor Miller asked for comment.

Joe Aromando of 285 Shingowack Trail stated that the Mishe Mokwa Dam is not an old dam and was concerned with soft costs representing 25% of the loan.

REPORTS

Manager Horner-Keizer submitted a written report and read two (2) letters, one that thanked the Police Department for investigating a monetary scam of a senior citizen and the second which thanked the Public Works Department for the cleanup after a recent storm. Manager Horner – Keizer also reminded the public about the Senior Citizen Scam Prevention seminar scheduled for Wednesday, March 2nd at 10:00am in Oaks Hall and hosted by the Borough Police Department in association with the Federal Bureau of Investigation.

Rudy Levak of 77 Onondago Trail stated that he was concerned with the laissezfaire attitude regarding issues with underground natural gas lines.

Council and Manager Horner - Keizer assured Mr. Levak that his concerns were not being ignored and the Borough would continue to monitor this issue.

Deputy Manager/ Clerk McIntosh submitted a written report.

Engineer McNesby provided an update on the Wastewater Sewer Collection System closed circuit television camera program.

BILL LIST

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

Council discussed expenses listed under the Public Service Electric vendor, the unclassified and street lighting bills.

Manager Horner – Keizer directed Borough Engineer McNesby to conduct a survey.

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	
Councilman Robert D. Hanold, Sr.	X		X			
Councilman Jeffrey Fitzpatrick					X	

PUBLIC COMMENT #2

Mayor Miller opened the meeting for public comment.

Bob McGowan of 18 Cochise Circle joked that tonight he was pleased to see a three member council get all of the public business done. He asked that more information be provided on the agenda further detailing the Resolutions. He also asked if any additional budget workshops would be scheduled.

Council stated that no additional budget workshops were scheduled at this time.

Joe Aromando of 285 Shingowack Trail stated that a thorough investigation of the \$750 electric bill discussed earlier is needed. He also asked if there were any plans to remove the old administration trailers. He further asked if there was an update to the planned Public Works/Fire House project.

Manager Horner – Keizer stated that the removal of the trailers would be determined upon an acceptance of the site plan and that the overall project was pending the architect's study of projected costs.

Rudy Levak of 77 Onondago Trail asked if large trash drop-off would be continuing on Saturday's.

Engineer McNesby stated that it would be.

Pete Rogers of 156 Apache Trail complained that it is hard to hear Council and the microphones do not work well.

Hearing no further comment, Mayor Miller closed public comment.

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

Vote to Adjourn

Yeas – Miller, Cranston, Hanold

Nays – None

Absent – Lackey, Fitzpatrick

Meeting Adjourned