

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING (7:00pm)

July 18, 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 Gary A. Miller and Councilman Robert J. Burton answered in attendance. Councilman Fitzpatrick was absent. Also present were Manager Julie Horner – Keizer, Clerk Mark J. McIntosh and Solicitor Peter C. Lange, Jr.

SPECIAL PRESENTATION

Mayor Cranston welcomed representatives of the Bricklayers and Allied Craftworkers Union Local's Number 5 and Number 7. Mayor Cranston stated that the work done by their members had helped create a beautiful community gathering place and a lasting tribute to our Veterans.

Councilman Miller (Veteran's Committee Chairman) expressed his personal appreciation to the representatives of both Union Local's for their guidance and workmanship.

Mayor Cranston read the following three Proclamations into the record:

A PROCLAMATION OF APPRECIATION

Whereas, Apprentices under the leadership of the Instructor and Apprentice Coordinator of Bricklayers & Allied Craftworkers (BAC) Local Union No. 5 have been instrumental in building a fitting Memorial to our United States Military Veterans; and

Whereas, the level of professionalism and craftsmanship shown by members of BAC Local No. 5 is second to none and deserves to be recognized; and

Whereas, the Memorial Wall that they have completed will serve as a permanent monument to honor the dedicated men and women who have served in the Armed Forces and the sacrifices that have been made toward the preservation of the freedom of this nation and her people.

Now, therefore, be it resolved, that the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey wish to express their appreciation to the leadership and each member of Bricklayers & Allied Craftworkers Local No. 5.

Be, it further resolved, that on behalf of the residents of the Borough of Medford Lakes we wish you and your members much success.

A PROCLAMATION OF APPRECIATION

Whereas, Apprentices under the leadership of the Instructor and Apprentice Coordinator of Bricklayers & Allied Craftworkers (BAC) Local Union No. 7 have been instrumental in building a fitting Memorial to our United States Military Veterans; and

Whereas, the level of professionalism and craftsmanship shown by members of BAC Local No. 7 is second to none and deserves to be recognized; and

Whereas, the Memorial Wall that they have completed will serve as a permanent monument to honor the dedicated men and women who have served in the Armed Forces and the sacrifices that have been made toward the preservation of the freedom of this nation and her people.

Now, therefore, be it resolved, that the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey wish to express their appreciation to the leadership and each member of Bricklayers & Allied Craftworkers Local No. 7.

Be, it further resolved, that on behalf of the residents of the Borough of Medford Lakes we wish you and your members much success.

A PROCLAMATION OF APPRECIATION

Whereas, as our community looks back over its many years of being, a few individuals stand out for their caring, their skills and their contributions, which have made Medford Lakes such a fine place to live; and

Whereas, David Kensler, Apprentice Coordinator of the Bricklayers & Allied Craftworkers Local No. 5 is such an individual, known both for his valuable skills and for his caring contributions; and

Whereas, David Kensler was very instrumental in the construction of the main entranceway and Veterans Wall within the Leon E. Todd Memorial Park; and

Whereas, David Kensler has earned the respect and admiration of all our citizens by his whole-hearted and dedicated participation in these projects.

Now, therefore, be it resolved, that the Governing Body of the Borough of Medford Lakes desires to publicly recognize and show its appreciation to David Kensler for the great impact that he has made on this community.

Mayor Cranston and Councilman Miller presented the framed Proclamations to David Kensler (BAC Local #5, Apprentice Coordinator, Retired), Tom Feeney (BAC Local #5, Apprentice Coordinator), Bill Higgins (BAC Local #7, Instructor) and Don Engelhardt (BAC Local #5, President).

The recipients received a standing ovation and round of applause from all in attendance.

PUBLIC COMMENT #1

Mayor Cranston opened the meeting to public comment.

Joe Aramondo of Shingowack Trail asked for an update on what follow-up was being done regarding the recently built house on Lower Chippewa Trail and what the status was on registration of Underground Storage Tanks.

Mayor Cranston asked the Clerk to provide a report to Council at the next meeting on the UST Registrations.

Mayor Cranston hearing no further comments closed public comment.

MINUTES

Councilman Miller motioned for approval/adoption of the June 27, 2012 Regular Session Meeting minutes, seconded by Deputy Mayor Hanold.

Vote to approve/adopt

Yeas –Cranston, Hanold, Miller, Burton

Nays – None

Absent - Fitzpatrick

Minutes approved/adopted

Councilman Miller motioned for approval/adoption of the July 1, 2012 Special Session Meeting minutes, seconded by Deputy Mayor Hanold.

Vote to approve/adopt

Yeas –Cranston, Hanold, Miller, Burton

Nays – None

Absent - Fitzpatrick

Minutes approved/adopted

ORDINANCES

Mayor Cranston introduced on first reading Ordinance Number 597, seconded by Councilman Miller.

ORDINANCE NUMBER 597

AN ORDINANCE REGULATING HOME OCCUPATIONS AS AN ACCESSORY USE IN THE BOROUGH OF MEDFORD LAKES

WHEREAS, the Medford Lakes Borough Council after reviewing existing regulations and pursuant to the recommendation of the Borough Planning Board and the Borough Solicitor, finds that there is a need to modify the Medford Lakes Borough Code provisions as they currently exist under Article VI GENERAL ZONING PROVISIONS, Chapter 145 BOROUGH OF MEDFORD LAKES ZONING ORDINANCE, Section 52 HOME OCCUPATION in the Borough Ordinances which are applicable to home occupations as an accessory use.

NOW, THEREFORE, BE IT RESOLVED by the Medford Lakes Borough Council that the Medford Lakes Borough Code Article VI GENERAL ZONING PROVISIONS, Chapter 145 BOROUGH OF MEDFORD LAKES ZONING ORDINANCE, Section 52 HOME OCCUPATION be and is hereby repealed and replaced in its entirety to read as follows:

145-52 Home Occupation

A.Purpose

Accessory home occupations are activities accessory to uses defined as residential. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations further ensure that accessory home occupation remains subordinate to the residential

use and that the residential viability of the dwelling is maintained. The regulations recognize that many types of occupations can be performed in a home with little or no impact on the surrounding neighborhood.

B. Conditions

1. Allowed uses: Permitted home occupations shall be limited to the office of a recognized professional occupation or service occupations.
2. Prohibited uses: Prohibited uses shall include but not be limited to those activities which include the repair or assembly of vehicles or mechanical equipment or any other work related to hazardous material of any sort.
3. Accessory home occupations may not serve as a headquarters or dispatch center where employees of said occupation report to the residential site and are then dispatched to outside locations.
4. Accessory home occupations shall not be permitted in any residence which maintains a pre-existing and/or approved accessory dwelling unit.
5. The sale of goods is prohibited in an accessory home occupation.
6. The exterior display of goods related to the accessory home occupation are prohibited.
7. The exterior appearance of a dwelling cannot be altered to promote the home occupation and make the dwelling appear less residential in nature.
8. No more than one home occupation is permitted within a single family residence.
9. Customers or clients of accessory home occupations shall be limited to one customer account being present at a time and all Borough parking regulations must be complied with and observed.
10. All activities associated with the accessory home occupation must be conducted in a completely enclosed structure.
11. The accessory home occupation shall not create any external physical effects such as noise, smoke, odor, vibration, electromagnetic interference, electrical fluctuations or similar impacts.
12. No more than 15% of the total floor area of the dwelling (including basements and garages) may be used in connection with any accessory home occupation.
13. Deliveries of goods by large commercial semi-trucks will be prohibited, however deliveries of parcels and small packages by delivery vans is permissible.
14. The work area shall be located in the principal dwelling in which the person owning the home occupation is a bona fide resident of that property.
15. The home occupation may not employ more than one person who is not a permanent resident of the dwelling.

C. Permits

1. Zoning Permits for accessory home occupations must be obtained annually through the zoning department to ensure the following:
 - a. The applicant/owner is aware of the accessory use regulations and restrictions.

- b. The Borough has all of the information necessary to evaluate whether the proposed home occupation initially meets and/or continues to meet the regulations established herein and/or any condition of any prior permit.
- c. The Borough can document all approved and permitted accessory home occupations.

2. Procedure:

- a. All permits shall be issued on an annual basis and valid for one year from the date of issuance.
- b. Applicants/owners must file an initial application and obtain the required Zoning permit prior to the commencement of any home occupation.
- c. Applicants/owners must file for renewal of the annual permit not less than thirty (30) days prior to expiration of any existing zoning permit.
- c. A floor plan depicting the entire floor area of the dwelling and specifying those areas to be dedicated to the accessory home occupation use shall be submitted along with a permit application to ensure that the proposed use meets all minimum building codes and the use regulations and restrictions as set forth herein.

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

Mayor Cranston called for the vote.

VOTE TO INTRODUCE

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

Deputy Mayor Hanold introduced on first reading Ordinance Number 598, seconded by Councilman Miller

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 called for the vote.

VOTE TO INTRODUCE

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

RESOLUTIONS

Mayor Cranston motioned introduction of Resolution Number 100-12, seconded by Councilman Miller.

RESOLUTION NUMBER 100-12

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, BURLINGTON COUNTY, STATE OF NEW JERSEY, APPROVING A CORRECTIVE ACTION PLAN IN CONJUNCTION WITH THE 2011 AUDIT RECOMMENDATIONS AND COMMENTS

WHEREAS, the Chief Financial Officer has submitted her recommended Corrective Action Plan relative to the 2011 Municipal Audit; and

WHEREAS, state statutes require the adoption of a corrective action plan within 60 days of the receipt of the municipal audit; and

WHEREAS, it is the desire of the Governing Body of the Borough of Medford Lakes to approve such Corrective Action Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Medford Lakes, Burlington County, NJ, that the attached corrective action plan as prepared by the Chief Financial Officer is hereby approved.

BE IT FURTHER RESOLVED, that a certified copy of this resolution and the corrective action plan be forwarded to the Division of Local Government Services, Bureau of Financial Regulation and Assistance, PO Box 803, Trenton NJ 08625.

Mayor Cranston explained the corrective action involved a software glitch that affected more than our municipality.

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	X			
Councilman Jeffrey Fitzpatrick					X	
Councilman Robert J. Burton			X			

Councilman Burton motioned introduction of Resolution Number 101-12, seconded by Mayor Cranston.

RESOLUTION NUMBER 101-12

A RESOLUTION IN SUPPORT OF THE AUGUST 26, 2012 SECOND ANNUAL MEDFORD LAKES COLONY SPONSORED TRIATHLON

WHEREAS, on Sunday, August 26, 2012, the Medford Lakes Colony would like to hold their 2nd Annual Triathlon; and

WHEREAS, said entity has asked for assistance from the Borough of Medford Lakes; and

WHEREAS, the Borough has received a Certificate of Insurance from the event organizers listing the municipality as an additional insured; and

WHEREAS, the Borough has received a Hold Harmless Agreement from the event organizers and the Medford Lakes Colony; and

WHEREAS, the Borough has received escrow funds to cover the municipal costs; and

WHEREAS, it is in the best interest of public health and safety that the Borough provide support for this event.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, supports the August 26, 2012 Second Annual Medford Lakes Colony Sprint Triathlon in the interest of public health and safety and directs all departments to assist with making this a safe event.

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	
Councilman Robert J. Burton	X		X			

Councilman Miller motioned introduction of Resolution Number 102-12, seconded by Councilman Burton.

RESOLUTION NUMBER 102-12

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS FOR THE 2012 MEDFORD LAKES COLONY SPONSORED CANOE CARNIVAL

WHEREAS, on August 3rd and August 4th, 2012 the Medford Lakes Colony will be hosting their annual “Festival of Lights” and “Canoe Carnival” events; and

WHEREAS, N.J.R.S. 39:4-197.3 provides that “the governing body of any municipality may, upon the adoption of a resolution, declaring that an emergency or temporary condition dictates adoption of special traffic regulations within the scope of any of the items listed in subparagraph (1 to 8); and

WHEREAS, it is in the best interest of public safety that special traffic regulations be imposed during the period of time during which the above events are to be held.

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 Chief of Police of the Borough of Medford Lakes is hereby ordered and directed to take all actions appropriate and necessary for the implementation of the attached temporary traffic regulations.

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	
Councilman Robert J. Burton	X		X			

Councilman Miller motioned introduction of Resolution Number 103-12, seconded by Deputy Mayor Hanold.

RESOLUTION NUMBER 103-12

A RESOLUTION AUTHORIZING A REFUND FOR A TREE REMOVAL APPLICATION FEE

WHEREAS, the property owner of 67 Lenape Trail, Block #30093, Lot #2192 submitted a Tree Removal Permit Application in the amount of \$15.00; and

WHEREAS, the application was reviewed and determined by the Code Enforcement Officer not to be required as the tree was within the Borough right-of-way; and

WHEREAS, the applicant is due a refund of the application fee.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, New Jersey, that the Chief Financial Officer of the Borough of Medford Lakes is hereby authorized to make a \$15.00 refund to Bruce Rickert, 67 Lenape Trail, Medford Lakes, NJ 08055.

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		X			
Councilman Jeffrey Fitzpatrick					X	
Councilman Robert J. Burton			X			

Mayor Cranston motioned introduction of Resolution Number 104-12, seconded by Deputy Mayor Hanold.

RESOLUTION NUMBER 104-12

A RESOLUTION AUTHORIZING A REFUND OF PETTY CASH FROM THE 2011 FARMERS MARKET

WHEREAS, Steven Bruder of the 2011 Farmers Market Committee expended \$30 for use as petty cash for the 2011 Farmers Market; and

WHEREAS, employees of the Borough found the \$30.00 while cleaning out the market trailer, and

WHEREAS, the \$30.00 was turned into the office and subsequently deposited into the Borough Account; and

WHEREAS, Steven Bruder is due a refund of the petty cash.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, New Jersey, that the Chief Financial Officer of the Borough of Medford Lakes is hereby authorized to make a \$30.00 refund to Steven Bruder, 125 Navajo Trail, Medford Lakes, NJ 08055.

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		X			
Councilman Jeffrey Fitzpatrick					X	
Councilman Robert J. Burton			X			

REPORTS

Manager Horner – Keizer submitted a written report and highlighted the following; the newly hired Wastewater Treatment Laborer was also a firefighter adding to the daytime response, she appointed Nancy Rogers to the Superintendent of Public Works (Nancy had been the interim for sometime), the Quogue Dam Permit is in, Ballinger Walkway is complete, and both the Fire and newly formed EMS departments are doing well.

Clerk McIntosh submitted a written report and commented on recycling, fertilizer permits and Open Public Records Requests.

Deputy Mayor Hanold stated that he was working with both Wastewater and Public Works regarding a landscape plan for the treatment plant. He stated that Public Works had expedited cleanup of the area. He remarked that the Bill List contained the final Wastewater Treatment Plant Debt payment and noted that the rear-load trash truck was permanently out of service due to mechanical issues.

Manager Horner – Keizer stated that Monday pickup service was cancelled until further notice.

Mayor Cranston stated that the Administration Committee met and would be starting the 2013 Budget process earlier than in past years.

Councilman Miller thanked everyone who was able to attend his daughter's welcome home event. The Miller Family was very appreciative.

Mayor Cranston stated that it pleased him to see Mrs. Lewis in the audience and learned that her son had recently moved back into town. He stated that it was a true testament of how unique and great a place Medford Lakes is when kids grow up in the Lakes then leave as young adults but come back to start their families. It is nice to see.

BILL LIST

(Dated July 10, 2012 – Total Line Items 156 – Total List Amount = \$1,089,065.92 with amendments of, \$20.00 Cancel Tax Lien + \$750.00 Soil Conservation Application + \$89,882.54 Payroll and \$10,772.55 Horizon Blue Cross & Blue Shield)

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

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	
Councilman Robert J. Burton		X	X			

PUBLIC COMMENT #2

Mayor Cranston opened the meeting for public comment.

Ken Wolson of Nahma Trail asked if there were any traffic questions regarding the upcoming Triathlon.

Clerk McIntosh stated that according to the Police Department no road closures were required.

Michelle Scullion of Wabun Trail asked if the Borough was looking at adopting a Solar Panel Ordinance to manage their installation. She also asked if planting of bamboo was prohibited.

Mayor Cranston stated that solar panel installation issues were discussed by past Planning Boards and it was determined that little could be done because of Federal and State regulations that would trump local laws.

Manager Horner – Keizer and Councilman Miller stated that they would have the Borough Code Enforcement Officer look into the bamboo issue.

Hearing no further comment, Mayor Cranston closed public comment.

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

Vote to adjourn

Yeas –Cranston, Hanold, Miller, Burton

Nays – None

Absent – Fitzpatrick

Meeting Adjourned