

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING (7:00pm)

JULY 20, 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. This meeting was preceded at 6:00pm by a Closed/Executive Session meeting. 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 re-scheduled meeting had been provided to the Central Record, Burlington County Times, 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. Deputy Mayor Thomas J. Cranston, Councilman Gary A. Miller, Councilman Jeff Fitzpatrick and Councilman Robert D. Hanold, Sr. answered in attendance. Mayor Lackey had notified the clerk prior to the meeting that he would be absent. Also present were Manager Julie Horner-Keizer, Deputy Manager/Clerk Mark J. McIntosh, Engineer Jeff McNesby and Solicitor Peter C. Lange, Jr.

EXECUTIVE SESSION (6:00pm)

Deputy Mayor Cranston motioned to enter a Closed/Executive Session seconded by Councilman Miller to discuss contract matters with Environmental Resolutions, Inc., Potential Litigation with 32 Stokes Road and Potential Litigation with FEMA.

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:
 - *Environmental Resolutions, Inc. – Contract Negotiations*
 - *32 Stokes Road – Potential Litigation*
 - *FEMA – Potential Litigation*

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 Gregory C. Lackey					X	
Deputy Mayor Thomas J. Cranston	X		X			
Councilman Gary A. Miller		X	X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick			X			

Deputy Mayor Cranston motioned to adjourn the Closed/Executive Session and reopen the public meeting, seconded by Councilman Miller.

Solicitor Lange restated in public the matters discussed during the closed/executive session

PUBLIC COMMENT

Deputy Mayor Cranston opened the meeting to public comment.

Joe Aromando of 285 Shingowack Trail asked why the Easi Property was discussed in a closed session, he asked who is responsible for upkeep of Ballinger Walkway and he thanked Jodie and Sherry from the administrative staff with his recent zoning application.

Solicitor Lange stated that the matters discussed in closed/executive session were pursuant to the statute and once the matters are concluded the minutes from those meetings would be made available.

Manager Horner – Keizer stated that the Borough was responsible for the Ballinger Walkway maintenance and thanked Joe for his kind comments regarding the administrative staff.

Robert Harriett of 101 South Main Street, Medford read a prepared statement on behalf of Harriett’s Oil Service and Medford Heating Oil into the record regarding the Introduced Underground Storage Tank Ordinance.

Eric DeGesero, Executive Vice President of the Fuel Merchants Association explained the mission of his association. He further expressed his concerns with the following; use of the word, “toxic”, tank registration process, registration fee, UST vs. AST prohibition, local regulations vs. NJDEP standards and testing procedures.

Tony Gerike of 257 Chicagami Trail stated that he had replaced his UST in 1999 with a “State of the Art” UST and was concerned that the Borough was singling out the oil tanks.

Ed Mayer of 101 Manhasset Trail stated that many of the problems stem from improper installation of basement type tanks in an underground setting. He further stated concern with the cost to a homeowner for annual testing.

Bill Garvey of 165 Tabernacle Road stated that he had a UST removed in 1995 and was still battling with NJDEP on closing their case number out. He further stated that funding for the NJ State remediation program had ended. He further stated his concerns with the fiscal responsibilities being required of the property owners.

Elmer Heimach of 131 Mohawk Trail stated that he had his UST removed ten years ago and replaced it with a fiberglass tank that was approved by Tom Heck the Construction Official at that time. He also expressed concern with the financial burden placed on the property owners.

Joe Aromando of 285 Shingowack Trail stated that he chaired a subcommittee of the Planning Board that drafted a UST Ordinance. He stated that even one leaking tank is a concern and doing nothing is not an option.

Deputy Mayor Cranston thanked everyone for their comments.

MINUTES

Deputy Mayor Cranston motioned for approval/adoption of the June 22, 2011 regular meeting minutes, seconded by Councilman Hanold.

Vote to approve/adopt

Yeas –Cranston, Hanold, Fitzpatrick

Nays – None

Abstain - Miller

Absent – Lackey

Minutes approved/adopted

ORDINANCES

Councilman Hanold motioned to table Ordinance Number 587, seconded by Councilman Miller

ORDINANCE NUMBER 587

AN ORDINANCE REGULATING RESIDENTIAL UNDERGROUND STORAGE TANKS

WHEREAS, leaking underground fuel storage tanks pose an immediate and serious threat to groundwater; and

WHEREAS, the Borough of Medford Lakes does not have records sufficient to locate all such tanks installed within the Borough; and

WHEREAS, the Borough Council has determined that it is necessary to regulate the use of residential underground storage tanks located in the Borough of Medford Lakes in order to promote their safe use and to minimize the potential for unintended adverse environmental impacts;

NOW THEREFORE, BE IT ORDAINED, by the Council of the Borough of Medford Lakes that the following regulations are hereby adopted.

DEFINITIONS.

“Toxic or Hazardous Materials” shall be defined as all liquid (at ambient pressure and temperature) hydrocarbon products, including but not limited to gasoline, fuel and diesel fuel, and any other substance controlled and regulated as being toxic and hazardous by the New Jersey Department of Environmental Protection.

“Underground Storage Tank” shall be defined as any tank or combination of tanks including appurtenant pipes, lines, fixtures and other related equipment used to store hazardous substances underground or partially underground.

SECTION 1. TANK REGISTRATION

All Owners of underground storage tanks located within the Borough of Medford Lakes shall file a Registration Certificate with the Borough Clerk on a form prescribed by the Borough Clerk on or before December 31, 2011. All owners shall be required to provide information detailing the size, composition, age and location of every underground storage tank located on property located within the Borough. Such registration certificate shall include evidence of the date of purchase or installation of the underground storage tank along with a sketch showing the location of such tanks on the property.

Upon registering the tank with the Borough Clerk, the tank owner will receive a permanent metal or plastic tag, embossed with the registration number unique to that tank. This registration tag must be affixed to the fill pipe associated with the storage tank in such a location as to be visible to any distributor or retailer of fuel oil or any retailer or distributor of toxic or hazardous materials when filling the tank and to any inspector authorized to perform inspections of such tanks within the Borough of Medford Lakes. A fee of \$10 will be charged to cover the cost of the tag and registration.

Effective upon passage of this Ordinance, all retailers or distributors of toxic or hazardous materials including fuel oils shall note on their respective invoices or bills the registration number appearing on the tag affixed to the tank that was filled when filling any underground storage tank located in the Borough of Medford Lakes. All retailers and distributors of toxic or hazardous materials including fuels shall notify the Borough Clerk of the existence and location of any untagged tank that they are requested to fill at any time after the effective date of this Ordinance. Such notification must be completed within two (2) working days of the time the retailer or distributor discovers that the tank registration tag is not affixed to the fill pipe.

Upon the effective date of this Ordinance and prior to the sale of any property located within the Borough of Medford Lakes containing an underground storage tank, the Borough Clerk must receive from the current owner a change of ownership form for the registration of the underground storage tank. Such form can be obtained from the Borough Clerk.

SECTION 2. INSTALLATION.

Upon the effective date of this Ordinance all new underground storage tanks shall be prohibited within the Borough of Medford Lakes.

SECTION 3. TESTING

All owners of underground storage tanks located within the Borough of Medford Lakes shall have each underground storage tank and its piping tested for tightness annually. Every underground storage tank shall be tested by any precision test, not involving air pressure, which can accurately detect a leak of .05 gallons per hour after adjustment

for relevant variables, or by any other testing method approved by the Medford Lakes Borough Construction Office as providing equivalent safety and effectiveness. All piping associated with such underground storage tanks shall be tested hydrostatically to 150% of the maximum anticipated pressure of the system.

Every owner of an underground storage tank located within the Borough of Medford Lakes, at the owner's expense, shall submit a certification of the testing to the Borough Clerk annually by December 31st each year.

Any underground storage tank failing such a test shall be removed within a reasonable time at the owner's expense.

SECTION 4. REPORTING LEAKS OR SPILLS

Any person who is aware of a spill, loss of product, or unaccounted for increase of consumption which may indicate a leak shall report such spill, loss or increase immediately to the Borough Clerk and to the owner of such underground storage tank.

SECTION 5. ENFORCEMENT

Any owner or operator who violates any provision of the regulations contained herein shall be subject to a fine of not less than \$50 nor more than \$500.

SECTION 6. SEVERABILITY

Provisions of this regulation are severable and if any provision hereof shall be held invalid under any circumstances such invalidity shall not affect any other provisions or circumstances. All tank removals shall be performed by a qualified license holder in accordance with the New Jersey Administrative Code and the applicable International Building Subcode.

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

VOTE ON TABLE

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

RESOLUTIONS

Councilman Miller motioned to introduce Resolution Number 117-11, seconded by Councilman Fitzpatrick.

RESOLUTION NUMBER 117-11

A RESOLUTION REQUESTING THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BOROUGH OF MEDFORD LAKES BUDGET FOR THE YEAR 2011 TO INCLUDE A GRANT ENTITLED "DDEF – SPECIAL" IN THE AMOUNT OF \$5,000 WHICH HAS ALREADY BEEN RECEIVED BY THE BOROUGH OF MEDFORD LAKES

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, the Borough of Medford Lakes received \$5,000 from a DDEF special fund for specific equipment for the Medford Lakes Police Department.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2011 in the sum of \$5,000, which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the
Director of Local Government Services:

State and Federal Revenues Off-Set with Appropriations:
DDEF - Special

BE IT FURTHER RESOLVED that a like sum of \$5,000 be and the same is hereby appropriated under the caption of:

General Appropriations

(a) Operations Excluded from 5% "CAPS"
Public and Private Program's Off-Set by Revenues
DDEF – Special;

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

VOTE ON ADOPTION

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

Councilman Fitzpatrick motioned introduction of Resolution Number 118-11, seconded by Councilman Hanold.

RESOLUTION NUMBER 118-11

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS

WHEREAS, on August 5th and August 6th, 2011 the Medford Lakes Colony will be hosting their annual "Canoe Carnival" and "Festival of Lights" 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 following temporary traffic regulations:

**CANOE CARNIVAL
TRAFFIC REGULATIONS**

Chief Frank Martine advises all residents and operators of motor vehicles that the following special traffic regulations will be in effect for the annual **Canoe Carnival on Saturday, August 6, 2011**. Additional traffic regulations will also be in effect for Chippewa Trail on Friday, **August 5, 2011 for the annual Festival of Lights Night**.

There will be **NO PARKING** in the following areas between the hours of **4:00 pm, Saturday, August 6, and 4:00 am, Sunday, August 7, 2011**. Violators will be issued traffic citations and vehicles will be towed at the owner's expense.

Apache Trail	No Parking the entire length on the west side.
Beach Drive	No Parking the entire length on either side.
Beach One Park Lot	No Public Parking, reserved for VIP, handicapped and emergency vehicles.
Bowker Road	No Parking the entire length on the north side.
Cherokee Trail	No Parking southbound (Beach One side.)
Chippewa Trail	No Parking the entire length opposite Upper and Lower Aetna Lakes.
Comanche Circle	No Parking the entire length on either side.
Comanche Trail	No Parking from Stokes Road to Timbo Trail on the lakeside.
Hunter Road	No Parking the entire length on the golf course side.
Huron Trail	No Parking the entire length on either side.
Iroquois Trail	No Parking between Sagamore Trail and Powhatan Trail on the Beach One side.
McKendimen Road	No Parking on the northbound side between Tabernacle Road and Oak Drive.
Minnetonka Trail	No Parking the entire length on the Church side.
Navajo Trail	No Parking the entire length on the west side.

Oak Drive	No Parking the entire length on either side.
Omaha Trail	No Parking the entire length on the north side.
Pawnee Trail	No Parking the entire length on the north side.
Powhatan Trail	No Parking the entire length on either side.
Sagamore Trail	No Parking between Iroquois Trail and Tabernacle Road on the Powhatan side.
Stokes Road	No Parking on either side between Lenape Trail and Bowker Road.
Stokes Road	No Parking on the northbound side, south of the Bowker/Comanche intersection.
Tabernacle Road	No Parking on either side between Stokes Road and Oak Drive.
Timbo Trail	No Parking the entire length on either side.
Tonkawa Trail	No Parking the entire length on the Lower Aetna side.
Trading Post Trail	No Parking and Time Restrictions as designated.

NOTE: On **ALL** trails within the Borough of Medford Lakes, vehicles parked so as to interfere with traffic flow will be **cited and towed at the owner's expense.**

All illegally parked vehicles will receive a traffic citation and will be towed to various impound areas throughout Burlington County. **Towing and storage fees will be substantial** according to law.

FESTIVAL OF LIGHTS NIGHT – Friday, August 5, 2011

There will be NO PARKING in the following areas between the hours of 6:00 pm, Friday, August 5, and 2:00 am, August 6, 2011. Violators will be issued traffic citations and vehicles will be towed at the owner's expense.

Chippewa Trail	No Parking the side opposite Lower Aetna Lake from McKendimen Road to Beach Drive.
Huron Trail	No Parking the entire length on either side.
Tonkawa Trail	No Parking the entire length on the Lower Aetna Lake side.

NOTE: On **ALL** trails within the Borough of Medford Lakes, vehicles parked so as to interfere with traffic flow will be **cited and towed at the owner's expense.**

All illegally parked vehicles will receive a traffic citation and will be towed to various impound areas throughout Burlington County. **Towing and storage fees will be substantial** according to law.

There will be **SPECIAL TRAFFIC REGULATIONS** in effect in the following areas between the hours of 7:30 pm Saturday, **August 6, 2011** and 2:00 am Sunday, **August 7, 2011.** At 7:30pm, the entire area bounded by Lower and Aetna Lake, McKendimen Road and Hunters Road will be closed to motor vehicle traffic. Parts of Tabernacle and McKendimen Roads will also be restricted to motor vehicle traffic beginning at 8:30 pm.

Beach Drive	Closed to traffic, except emergency vehicles.
Chippewa Trail	Closed to traffic between McKendimen and Hunters Road, except emergency vehicles.
Sagamore Trail	One-way southbound.

Tonkawa Trail	One-way southbound.
Comanche Trail	Closed to traffic, except emergency vehicles.
Oak Drive	Closed to traffic between McKendimen and Chippewa, except emergency vehicles.
Tabernacle Road	Closed to traffic between Trading Post Trail and Sagamore Trail at 8:30 pm.
Tabernacle Road	Closed to westbound traffic between Oak Drive and McKendimen Road at 8:30 pm.
McKendimen Road	Closed to westbound traffic between Oak Drive and Tabernacle Road at 8:30 pm.

Pedestrian Traffic

Aetna Way	Pedestrians may not stop, stand or loiter on Aetna Way during the event. This area needs to remain free and clear for emergency vehicles.
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ALCOHOLIC BEVERAGES: The possession of alcoholic beverages on public areas and on Colony property is prohibited. **ALL VIOLATORS WILL BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.**

NO CONTAINERS of any sort may be carried onto Beaches One or Two during the evening of Friday, **August 5, 2011**, Festival of Lights or Saturday, **August 6, 2011**, Canoe Carnival.

LOITERING and **LITTERING** will be prosecuted.

Deputy Mayor Cranston asked for comment. Hearing none he requested a roll call vote.

VOTE ON ADOPTION

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

Deputy Mayor Cranston motioned introduction of Resolution Number 119-11, seconded by Councilman Miller.

RESOLUTION NUMBER 119-11

A RESOLUTION AUTHORIZING THE REFUND OF LAND USE BOARD OPEN ESCROW ACCOUNTS

WHEREAS, a refund is due on the following Land Use Board open escrow accounts:

**2/4/2011 MEDFORD LAKES BOROUGH
LAND USE BOARD OPEN ESCROW
ACCOUNTS**

APPLICANT	BLOCK	LOT	ADDRESS	AMOUNT
ANDERSON	30026.02	995	192 CAYUSE TR	\$ 5.00
ARMSTRONG	30029	1094	180 CONAWAGA TR	\$ 15.00
BAILY	30110	3880	90 NANTUCKET TR	\$ 10.00
BELL EDWARD	20018	438.02	171 CAYUGA TR	\$ 15.00
BEREZOW	30034.01	11	171 NARRAGANSETT TR	\$ 10.00
BIRCHENOUGH	10017	1	125 BLACKFOOT TR	\$ 15.00
BLANK	30099	3474	101 ONONDAGO TR	\$ 10.00
BOUCHARD	30019.01	1291	101 MEESHAWAY TR	\$ 10.00
BUCKALEW	30099	3468	96 MANHASSET TR	\$ 10.00
BURKE	30110	3970	158 NANTUCKET TR	\$ 15.00
CAIRA	30088	2296.01	107 ALGONQUIN TR	\$ 10.00
CARNEY	30019	734	100 MOHAWK TR	\$ 10.00
CAVICCHIA	30067	2794	58 ALGONQUIN TR	\$ 5.00
CORRY	30006	249	158 STOKES RD	\$ 10.00
DEFULIO	30097	3391	114 LENAPE TR	\$ 15.00
DEVINE	30098	3410	64 MANHASSET TR	\$ 10.00
DUBOIS	30001.01	51	58 MINNETONKA TR	\$ 15.00
FEAST	20008	203	246 CHIPPEWA TR	\$ 5.00
FRANK	30031	1211	133 SITTINGBULL TR	\$ 5.00
GERMANO	20026	667	267 CHICAGAMI TR	\$ 10.00
GILLILAND	30099	3489	85 ONONDAGO TR	\$ 15.00
GOLDMAN	30092	2164	99 LENAPE TR	\$ 10.00
GOLLUSCIO	30078	3084	214 KIHADÉ TR	\$ 10.00
HALLBERG	20006	134	190 MCKENDIMEN RD	\$ 15.00
HANOLD	30068	2855	45 NATCHEZ TR	\$ 10.00
HENRY & JOHNSON	30110	3989	188 LENAPE TR	\$ 10.00
HOLMES	30004	184	128 APACHE TR	\$ 10.00
HOLTZ	30112	4086	122 LENAPE TR	\$ 10.00
HOWARD	30076	3041	173 WEBENO TR	\$ 10.00
KING	30034	3	167 SITTINGBULL TR	\$ 10.00
KING/SCHAEFFER	30033.01	1660	161 NARRAGANSETT TR	\$ 15.00
KORNAFEL	20001	14	204 CHIPPEWA TR	\$ 5.00
LAFLEUR	30017	696	135 NOKOMIS TR	\$ 10.00
LARAGIONE	30074	2965	177 TONTONAVA TR	\$ 15.00
LEY	30016	653	127 MOHAWK TR	\$ 10.00
LILLIE	20018	430	14 TAHTEEPAY TR	\$ 15.00
LONG	20005	121	216 HUNTERS RD	\$ 10.00
MCANDREW	30031	1235	132 MEESHAWAY TR	\$ 15.00
MCDONOUGH	30098	3422	78 MANHASSET TR	\$ 5.00
MEDFORD LAKES COLONY			79 TECUMSEH TR	\$ 80.00
MURPHY GLEO	30009	359	56 MOHAWK TR	\$ 10.00
O'ROUKE	10034	26	153 STOKES RD	\$ 15.00
PANCOAST	10026	15	159 CHIPPEWA TR	\$ 10.00
PANETTA	10018	6	137 IROQUOIS TR	\$ 25.00
PELLEGRINO	20008	201	242 CHIPPEWA TR	\$ 15.00
POLHEMUS	30015	588	109 MOHAWK TR	\$ 10.00
REYNOLDS	30003	154	129 APACHE TR	\$ 15.00

ROTH	10019	1	182 TABERNACLE RD	\$	15.00
SCHINDLER	30106	3750	77 OSWEGO TR	\$	10.00
SHERIDAN	10025	2	152 MCKENDIMEN RD	\$	15.00
SHOAF	10027	8	126 CHIPPEWA TR	\$	10.00
SINGH	30011	421	98 HIAWATHA TR	\$	15.00
STEFANO	10022	5	67 MOHAVE TR	\$	15.00
SUMMERSVILLE	30043	1571	144 PAUPUKKEEWIS TR	\$	15.00
SVIBEN	30051	1987	122 ALGONQUIN TR	\$	25.00
VIQUERS	10033	15	193 COMANCHE TR	\$	15.00

WHEREAS, the total refund in the amount of \$735.00 should be granted to the property owner owners listed herein.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that a check representing the refund amount as indicated herein be dispensed to the applicants listed.

Manager Horner – Keizer stated that this Resolution was just more housekeeping of outstanding items.

VOTE ON ADOPTION

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

Deputy Mayor Cranston motioned introduction of Resolution Number 120-11, seconded by Councilman Miller.

RESOLUTION NUMBER 120-11

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, BURLINGTON COUNTY, STATE OF NEW JERSEY, APPROVING A CORRECTIVE ACTION PLAN IN CONJUNCTION WITH THE 2010 AUDIT RECOMMENDATIONS AND COMMENTS

WHEREAS, the Chief Financial Officer has submitted her recommended Corrective Action Plan relative to the 2010 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.

Manager Horner – Keizer stated that the one item listed was corrected and the corrective action plan has been implemented.

Deputy Mayor Cranston opened the meeting to comment. Hearing none he requested a roll-call vote.

VOTE ON ADOPTION

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

Councilman Hanold motioned introduction of Resolution Number 121-11, seconded by Deputy Mayor Crantson.

RESOLUTION NUMBER 121-11

A RESOLUTION APPROVING CHANGE ORDER NUMBER 3 FOR A CONTRACT KNOWN AS BALLINGER PEDESTRIAN SAFETY IMPROVEMENTS PROJECT, INCREASING THE CONTRACT SUM FROM \$ 96,268.00 TO \$ 114,268.00, AN INCREASE OF \$ 18,000.00

WHEREAS, the Borough has entered into to a certain contract with CURBCON, INC. for the BALLINGER PEDESTRIAN SAFETY IMPROVEMENTS PROJECT; and

WHEREAS, said contract has resulted in the award of a contract in the original amount of \$ 84,775.00; and

WHEREAS, the Project Engineer, Wayne D. Simpson, P.E., of Richard A. Alaimo Association of Engineers recommends approval of Change Order Number 3 pursuant to the terms of said contract based on changes due to field conditions; and

WHEREAS, the procedures for change orders which exceed the 20% limitation pursuant to N.J.S.A. 5:30 – 11.9 have been met as evidenced by the certifications attached hereto; and

WHEREAS, Change Order Number 3 dated June 10, 2011 amends the contract with CURBCON, INC. from \$ 96,268.00 to \$ 114,268.00, an increase in the contract of \$ 18,000.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that Change Order Number 3 is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor, Chief Financial Officer and Borough Clerk are hereby directed and authorized to execute any and all necessary documents required to effectuate said Change Order.

Deputy Mayor Cranston closed public comment and requested a roll call vote.

VOTE ON ADOPTION

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

Clerk McIntosh read Resolution Number 123-11 by title and explained the content of said Resolution.

Councilman Hanold motioned introduction of Resolution Number 122-11, seconded by Councilman Miller.

RESOLUTION NUMBER 122-11

A RESOLUTION AWARDED CONTRACT FOR PROFESSIONAL SERVICES FOR ENGINEERING SERVICES

WHEREAS, the Borough of Medford Lakes has a need to acquire the services of the Engineer for the Ballinger Dam pursuant to N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Borough of Medford Lakes was unable to solicit proposals pursuant to local Ordinance Number 577 since this Dam is owned by the Medford Lakes Colony, a private entity and the Borough was required to utilize their Engineer; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Princeton Hydro has completed and submitted a Business Entity Disclosure Certification which certifies that they have 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, LLC. from making any reportable contributions through the term of the contract; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that the following are hereby awarded contracts for Special Projects Engineer:

1. Princeton Hydro, LLC., 1108 Old York Road, Suite 136, P.O. Box 720, Ringoes, NJ 08551

2. The agreed to contract attached shall not exceed \$2,100 and be for the period of 1/1/11 to 12/31/11.
3. The Clerk shall publish once in the Official Newspaper a legal notice stating the nature, duration, type and amount of contract.
4. The Business Disclosure Entity Certification and the Determination of value be placed on file with this resolution.

Deputy Mayor Cranston asked for comment. Hearing none he and requested a roll call vote.

VOTE ON ADOPTION

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

Clerk McIntosh read Resolution Number 123-11 by title and explained the content of said Resolution.

Councilman Fitzpatrick motioned introduction of Resolution Number 123-11, seconded by Councilman Hanold.

RESOLUTION NUMBER 123- 11

**A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS
IN SUPPORT OF THE AUGUST 28, 2011 SECOND ANNUAL MEDFORD LAKES COLONY
SPONSORED TRIATHLON**

WHEREAS, on Sunday, August 28, 2011, the Medford Lakes Colony would like to hold their 2nd Annual Triathlon; and

WHEREAS, said entity would like to close specified trails/roads within the Borough to enable safe pedestrian passage; 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) b through h, (2) and (3) revised Statutes 39:4-197”; 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 triathlon is 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 Borough Council of the Borough of Medford Lakes does hereby find and declare that a temporary condition dictates adoption of special traffic regulations within the scope of N.J.R.S. 39:4-197(1)e; and
2. pursuant to N.J.R.S. 39:4-197(1)e, the following trails/roads shall be closed to vehicular traffic:

**Tabernacle Road between Stokes Road and McKendimen Road; and
 McKendimen Road between Tabernacle Road and Oak Drive; and
 Powhatan Trail between Tabernacle Road and Tecumseh Trail; and
 Trading Post Trail between Stokes Road and Tabernacle Road; and**
3. the aforementioned street closing shall be between 7:30am and 10:30am on August 28, 2011; and
4. Triathlon Event contact person for the Medford Lakes Colony is Ken Wolson, and shall be responsible for contacting the Medford Lakes Department of Public Works to obtain barricades; and
5. 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 foregoing temporary traffic regulations.

Deputy Mayor Cranston asked for comment.

Council discussed the length of time for road closures; they discussed complaints received from last year's event, amount of participants and property owner notification.

Manager Horner – Keizer stated that the Borough has made every attempt to accommodate the event on behalf of the Colony since it is a fundraiser for them. This event is very taxing on the Borough emergency crews of which the fire and EMS are volunteer staffed.

Bob McGowan of 18 Cochise Circle stated that the Borough shouldn't be shocked by the event. The Borough should have set hard deadlines.

Tom Sanson of 145 Algonquin Trail stated that he appreciates what Council does and questioned when the Borough was first notified of the event.

Manager Horner – Keizer stated sometime in March.

Joe Aromando of 285 Shingowack Trail stated that the Colony is ultimately responsible for getting the event program together and presenting the plan to the Borough. This was their fundraiser.

Deputy Mayor Cranston requested a roll-call vote.

VOTE ON ADOPTION

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Gregory C. Lackey					X	
Deputy Mayor Thomas J. Cranston			X			

Councilman Gary A. Miller						X
Councilman Robert D. Hanold, Sr.				X		
Councilman Jeffrey Fitzpatrick	X		X			

REPORTS

Manager Horner – Keizer reported on the savings being realized due to the healthcare switch and stated that she has been participating in the regional Mayor’s meetings with Councilman Miller. She also provided an update on the renovations at Todd Memorial Park and the installation of the emergency generator at Municipal Cabin.

Councilman Miller stated that the goal of the Mayor’s meetings is to share ideas, discuss shared service opportunities and review overall delivery of government services.

Deputy Manager/ Clerk McIntosh submitted a written report and asked permission from Council to dispose of the 1988 Fire Engine to the highest GovDeal.com bidder even though the bid didn’t meet the reserve.

Council gave approval to dispose of the property to the highest bidder.

Solicitor Lange stated he is working with the Manager on a property maintenance ordinance that he will have prepared for introduction at the next meeting.

Councilman Hanold stated that the recycling center had a new roof and that some minor painting needs to still be done. He also thanked the community for making Medford Lakes second in Burlington County for recycling collection rate which directly saves the tax payers in landfill tipping fees.

NEW BUSINESS

Manager Horner – Keizer asked Council for permission to have the CFO, Bond Counsel and the Borough Auditor prepare a Capital Bond Ordinance for introduction at the next meeting. The capital projects include a gas to oil switch in wastewater, emergency generators at the wastewater pump stations, new meters and a new computer system for the wastewater treatment plant. Additional capital items including stormwater improvements, chinking of Municipal Cabin and a police car.

Councilman Hanold stated that the Public Works Subcommittee didn’t support obtaining a replacement rear load trash truck and they were looking into alternate collection methods.

Council directed the Manager to proceed with preparation of the Capital Ordinance.

BILL LIST

Councilman Miller motioned for approval of the bill list, seconded by Councilman Hanold.

Manager Horner – Keizer stated that the generator bill was a duplicate and was actually paid at the last meeting.

VOTE TO APPROVE

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

PUBLIC COMMENT #2

Mayor Lackey opened the meeting for public comment.

Joe Aromando of 285 Shingowack Trail asked if the Borough was looking into talking with other communities to utilize one of their rear-loaders to continue with the existing curbside pickup schedule. He also stated that when bills get mailed out community wide the Borough should put a newsletter inside and he asked if the grass on the down slope of Beach Drive dam is going to be cut in anticipation of Canoe Carnival. He also stated that ordinances should be fully developed prior to introduction.

Councilman Hanold stated that the Borough is looking at many options to provide the service.

Manager Horner – Keizer stated that the Annual Newsletter will be coming out in the upcoming tax bills.

Councilman Miller stated that he agreed that ordinance development could be improved.

Bob McGowan of 18 Cochise Circle asked if Code Enforcement was enforcing destruction of Borough property, primarily as it relates to stickering Borough trashcans.

Clerk McIntosh stated that the Code Enforcement Officer was aware of the issue.

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

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

Vote to Adjourn

Yeas – Cranston, Miller, Fitzpatrick, Hanold

Nays – None

Absent – Lackey

Meeting Adjourned