

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING (7:00pm)

June 13, 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 Gregory C. Lackey, Deputy Mayor Thomas J. Cranston, Councilman Gary A. Miller, Councilman Jeffrey Fitzpatrick and Councilman Robert D. Hanold, Sr. answered in attendance. Also present were Manager Julie Horner – Keizer, Clerk Mark J. McIntosh, Councilman Elect Robert Burton and Solicitor Peter C. Lange, Jr.

EXECUTIVE SESSION

Mayor Lackey introduced Resolution Number 86-12, seconded by Councilman Miller.

RESOLUTION NUMBER 86-12

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:

- *Verizon Wireless – Contract Matters*
- *Assessment Issues – Contract Matters*
- *MLEMS – Litigation Matters*

2. That the Borough Council hereby declares that its discussion of the aforementioned subject(s) may be made public at time when the Borough Solicitor advises the Borough Council that the disclosure will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

3. That the Borough Council for the aforementioned reasons hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

Mayor Lackey stated that an Executive/Closed Session had been held at 6:00pm to discuss the items identified in Resolution Number 86-12.

Mayor Lackey officially noted the passing of Dominick Paradise. A very active member of our community.

Mayor Lackey officially congratulated the entire Graduating Class of 2012 from our community.

PUBLIC COMMENT #1

Mayor Lackey opened the meeting to public comment.

Rudy Levak of Onondago Trail mentioned the recent demolition of the old Municipal Building in Evesham Township. He asked what procedures the Borough has in place to maintain Municipal Cabin and all of the Municipal structures. He further stated that the Department of Public Works did a great job of collecting leaves but many residents who didn't follow the schedule are now putting them at the curb and he would like to see code enforcement notify the residents to have them removed until the next collection.

Manager Horner – Keizer stated that the Department of Public Works has a maintenance schedule and that the Borough has a dedicated fulltime employee who is tasked with doing repairs and preventative maintenance.

Council discussed the options for leaf collection enforcement and noted that this past year was the first for the required rings and that the success/failure of the collection program was under review.

Mayor Lackey hearing no further comments closed public comment.

MINUTES

Deputy Mayor Cranston motioned for approval/adoption of the April 25, 2012 Regular Session Meeting minutes, seconded by Councilman Fitzpatrick.

Vote to approve/adopt

Yeas –Lackey, Cranston, Miller, Fitzpatrick, Hanold

Nays – None

Minutes approved/adopted

Councilman Miller motioned for approval/adoption of the May 9, 2012 Regular Session Meeting minutes, seconded by Councilman Hanold.

Vote to approve/adopt

Yeas –Lackey, Cranston, Miller, Fitzpatrick, Hanold

Nays – None

Minutes approved/adopted

RESOLUTIONS

Councilman Hanold motioned to untable and re-introduced Resolution Number 71-12, seconded by Mayor Lackey.

RESOLUTION NUMBER 71-12

A RESOLUTION AUTHORIZING THE EXECUTION OF A 20112 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.

Solicitor Lange explained the County’s position regarding their attempt to help municipalities with budgeting under CAP. He further explained that it would not be fiscally prudent to attempt to direct solid waste to another facility.

Councilman Hanold said that a proposed law is going to require that residential solid waste generated within the County can only be disposed of at the County site.

Mayor Lackey called for the vote.

VOTE TO ADOPT

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

Councilman Hanold introduced Resolution Number 87-12, seconded by Mayor Lackey

RESOLUTION NUMBER 87-12

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, BURLINGTON COUNTY, STATE OF NEW JERSEY, AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT WITH THE TOWNSHIP OF LUMBERTON CONCERNING THE SHARING OF VEHICLE MAINTENANCE SERVICES

WHEREAS, the Borough of Medford Lakes and the Township of Lumberton are municipalities located in the County of Burlington; and

WHEREAS, the Township of Lumberton has the technical and trained manpower to perform vehicle maintenance; and

WHEREAS, the Borough of Medford Lakes from time to time is in need of vehicle maintenance for its Borough vehicles but does not have the resources to perform such maintenance; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. provides the mechanism for local governments to enter into contracts for the joint provision of required services; and

WHEREAS, the Borough of Medford Lakes and the Township of Lumberton wish to enter into this Shared Services Agreement, in accordance with its terms for a period of two years, until December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Medford Lakes, Burlington County, NJ, that the Mayor and Municipal Clerk are hereby authorized to sign the Shared Services Agreement, annexed hereto together with the fee schedule, on behalf of the Borough of Medford Lakes and that their signature constitutes acceptance of the terms and conditions of said agreement.

Manager Horner – Keizer stated that the Borough has saved money with this agreement and recommends renewing.

Mayor Lackey called for the vote.

VOTE TO ADOPT

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

Mayor Lackey introduced Resolution Number 88-12, seconded by Councilman Fitzpatrick.

RESOLUTION NUMBER 88-12

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MEDFORD LAKES, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE RENEWAL OF A CLUB ALCOHOLIC BEVERAGE LICENSE TO THE MEDFORD LAKES COUNTRY CLUB

WHEREAS, Medford Lakes Country Club has duly complied with the requirements of the State law relative to the renewal of a Club Alcoholic Beverage License; and

WHEREAS, the Chief of Police has advised Council that following his investigation, there have been no problems associated with the club license; and

WHEREAS, said Medford Lakes Country Club is known by the Mayor and Council to be a fit and competent party to receive a License.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, New Jersey that upon payment by the Medford Lakes Country Club to the Chief Finance Officer of the fee provided by Ordinance, the Borough Clerk is hereby authorized and directed to issue and deliver unto said Medford Lakes Country Club license #321-31-002-002. The license to be named therein is Medford Lakes Country Club. The location of the Licensee's premises is Medford Lakes Country Club, 70 Oak Drive, Medford Lakes, New Jersey. The License shall be effective July 1, 2012. Also, the license shall run until June 30, 2013 unless revoked prior thereto for cause.

Mayor Lackey called for the vote.

VOTE TO ADOPT

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

Councilman Hanold introduced Resolution Number 89-12, seconded by Mayor Lackey.

RESOLUTION NUMBER 89-12

**A RESOLUTION REJECTING ALL BIDS FOR THE CONTRACT FOR
GROUNDS MAINTENANCE SERVICES**

WHEREAS, the Borough of Medford Lakes solicited bids for the contracting of Grounds Maintenance Services on April 3, 2012 at 11:00am; and

WHEREAS, the Borough of Medford Lakes wants to abandon the project for provision and performance of the goods and services pursuant to N.J.S.A. 40A:11-13.2.

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 all bids received on April 3, 2012 at 11:00am for the Contract for Grounds Maintenance Services are hereby rejected.

Mayor Lackey called for the vote.

VOTE TO ADOPT

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

Deputy Mayor Cranston introduced Resolution Number 92-12, seconded by Councilman Miller.

RESOLUTION NUMBER 92-12

A RESOLUTION CANCELLING RESOLUTION NUMBER 85-12; A RESOLUTION TO AMEND THE 2012 BUDGET

WHEREAS, the Borough Council adopted Resolution Number 85-12 on May 9, 2012 to amend the 2012 Budget; and

WHEREAS, the Governing Body would like to cancel Resolution Number 85-12.

THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, County of Burlington, that Resolution Number 85-12 is hereby cancelled.

Deputy Mayor Cranston stated that after discussion with the Auditor and Borough Finance Officer it was determined that a transfer of funds at the end of 2012 would suffice and a budget amendment was not needed.

Mayor Lackey called for the vote.

VOTE TO ADOPT

| | 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 introduced Resolution Number 90-12, seconded by Councilman Miller.

RESOLUTION NUMBER 90-12

A RESOLUTION ADOPTING AND APPROVING THE 2012 MUNICIPAL BUDGET

WHEREAS, the Municipal Budget of the Borough of Medford Lakes, County of Burlington for the year 2012 is hereby adopted; and

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2012; and

BE IT FURTHER RESOLVED, that said Budget was published in summary form in the Burlington County Times in the issue of March 25, 2012 and the Central Record in the issue of April 29, 2012; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Governing Body of the Borough of Medford lakes, County of Burlington, State of New Jersey:

1. Does hereby approve the following as the Budget for the Year 2012.

2. Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, on March 14, 2012.
3. A hearing on the Budget and Tax Resolution was held at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ in Oaks Hall on April 25, 2012 at 7:00PM at which time and place objections to said Budget and Tax Resolution for the year 2012 were presented by taxpayers or other interested persons.
4. A hearing on the Budget Amendment and Tax Resolution was held at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ in Oaks Hall on May 9, 2012 at 7:00pm at which time and place objections to said amendments for the year 2012 were presented by taxpayers or other interested persons.

Mayor Lackey called for the vote.

VOTE TO ADOPT

| | 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 introduced Resolution Number 91-12, seconded by Councilman Miller.

RESOLUTION NUMBER 91-12

**A RESOLUTION ACKNOWLEDGING RECEIPT AND REVIEW OF THE AUDIT
REPORT FOR THE PERIOD ENDING DECEMBER 31, 2011**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Clerk of the Borough of Medford Lakes as per the requirements of N.J.S.A. 40A: 5-6 and a copy has been made available to each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:2788-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the section of the annual audit entitled: GENERAL COMMENTS/RECOMMENDATIONS; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically, the sections of the Annual Audit entitled: GENERAL COMMENTS/RECOMMENDATIONS as evidenced by this resolution as a group affidavit of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the requirements of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgation of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:2788-52 - to wit:

R.S. 52:2788-52 - "A local official or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be find no more the one thousand dollars (\$1,000.00) or imprisoned for not more than one year or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Medford Lakes hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution as the required affidavit to said Board to show evidence of said compliance.

Deputy Mayor Cranston stated that the Auditor was extremely pleased with how the municipality is run from top to bottom.

Bob McGowan of Cochise Circle thanked Council for their fiscal responsibility.

Mayor Lackey called for the vote.

VOTE TO ADOPT

| | 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 | | | |

REPORTS

Manager Horner – Keizer submitted a report and stated that one DPW Laborer is enrolled in the Atlantic County Fire Academy. She is still awaiting word from the County regarding Ballinger Walkway and she thanked Mr. Munson for his alertness in identifying a sinkhole that developed on Minnetonka Trail in front of his house. The empty cavity below the street was roughly 8'wide by 5'deep. She thanked WWTP Back-up Operator for overseeing the repairs.

Councilman Hanold stated that Evesham MUA has completed 90% of the CCTV'ing of the sewer lines. He stated that it was time to review the Borough's relining/replacement ideas.

Manager Horner – Keizer also asked Council to reconsider the Finance Officers request to pay certain bills in-between meetings in order to avoid service shutoffs.

Council agreed to the Finance Officers request of numbers 1, 2, 3, 4 & 7 and requested a change to paragraph #3 to read that approval would be after review of the Manager, CFO and Administrative Committee. They asked that the proposed Resolution be amended accordingly.

Deputy Mayor Cranston introduced Resolution Number 93-12, seconded by Councilman Miller.

RESOLUTION NUMBER 93-12

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AUTHORIZING THE CERTIFIED MUNICIPAL FINANCE OFFICER (CMFO) TO PAY CERTAIN CLAIMS BETWEEN MEETINGS OF THE GOVERNING BODY

WHEREAS, N.J.S.A. 40A:5-17 provides that the governing body may, by resolution, designate one person who may approve claims between meetings of the governing body; and

WHEREAS, the Borough has specified the designee as the Certified Municipal Financial Officer (CFO) as the person authorized to pay these claims and present them to the governing body at its next meeting for ratification, except that, prior to being paid, such vouchers shall be brought to the attention of the CFO, Borough Manager and the Administration Committee of Borough Council for their approval.

WHEREAS, in order for a claim to be paid a purchase order must be presented in accordance with the Purchasing Policy of the Borough of Medford Lakes and approved by the Certified Municipal Finance Officer, Borough Manager and the Administration Committee of Borough Council. The claim shall be paid by a check drawn on the municipality, signed by the authorized signers designated by Resolution of the Borough of Medford Lakes but in no instance shall a check be issued in this manner without one signature being that of a governing body member.

NOW, THEREFORE BE IT RESOLVED that the following claims may be processed and paid between meetings of the governing body:

1. Statutory payments
2. Utility payments
3. Insurance payments
4. Installment payments of authorized debt
5. Contractual payments as prescribed in an approved contract

Bob McGowan of Cochise Circle asked if the Poll Worker’s from the May Municipal Election would be getting paid.

Clerk McIntosh stated that their payment was in this meetings bill list.

Mayor Lackey called for the vote.

VOTE TO ADOPT

| | 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 | | | |

Clerk McIntosh submitted a written report and commented on the recent Primary Election, that two (2) Requests for Proposals were being circulated. One for Leaf Collection and one for Court Debt Collection. He also stated that the recent on-line GovDeals auction had concluded with the sale of the police car at \$2,521 and the transmission jack at \$257.

Solicitor Lange stated that he was following issues involving the insuring of various municipal committees and commissions. He would report additional information as it develops.

OLD BUSINESS

Mayor Lackey states that he would like to see the introduction of the draft Home Occupation Ordinance.

Deputy Mayor Cranston introduced on first reading Ordinance Number 597, seconded by Councilman Fitzpatrick

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.
 - d. 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.

Solicitor Lange stated that Council's concerns and comments were incorporated into this final draft.

Mayor Lackey stated that the intent of amending the current Ordinance was to preserve the natural residential look of the community.

Mayor Lackey stated that his concerns with the final draft are; paragraph #1 has to broad a definition, paragraph #7 clarify if this includes signs, paragraph #9 against coming and going, paragraph #12 address unheated areas, paragraph #15 should not allow employees and must get zoning approval.

Council discussed Mayor Lackey's concerns and discussed commercial vehicle parking which already falls under a different Ordinance. In paragraph #5, Council decided to remove the word retail and state that all sales are prohibited. Deputy Mayor Cranston and Councilman Fitzpatrick were agreeable to the amendment. Deputy Mayor Cranston stated that he would like to hear comments from the public and the Planning Board.

Mayor Lackey called the vote.

VOTE TO INTRODUCE

| | 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 | | | |
| Councilman Jeffrey Fitzpatrick | | X | X | | | |

BILL LIST (dated June 7, 2012 – Total Line Items 350 – Total List Amount = \$836,301.54 + \$5,000 escrow)

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

VOTE TO APPROVE

| | 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 | | | |

PUBLIC COMMENT #2

Mayor Lackey opened the meeting for public comment.

Bob McGowan of Cochise Circle stated that legislating home occupation is difficult and believes that the Borough has enough traffic on the trails already.

Kevin Ellicott of Hiawatha Trail asked that Council consider grandfathering existing businesses.

Pete Rogers of Apache Trail reminded Council that there are a lot of existing contractors within the Borough.

Hearing no further comment, Mayor Lackey closed public comment.

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

Vote to adjourn

Yeas – Lackey, Cranston, Miller, Fitzpatrick, Hanold

Nays – None

Meeting Adjourned