

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING

JUNE 8, 2011

A Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in Oaks Hall at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ 08055 beginning at 7:00pm. Following the pledge of allegiance and a moment of silence (Council and the public observed a moment of silence to honor service men and women defending our country). Deputy Clerk Horner – Keizer 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 and posted on the official website and official bulletin board of the Borough of Medford Lakes. Those wishing to be notified for changes to scheduled meetings were notified via email or regular mail.

ROLL CALL

Deputy Clerk Horner - Keizer called roll. Mayor Gary A. Miller, Deputy Mayor Thomas J. Cranston, Councilman Lackey, Councilman Robert D. Hanold, Sr. and Councilman Jeffrey Fitzpatrick answered in attendance. Also present were Manager Julie Horner-Keizer, Deputy Manager/Clerk Mark J. McIntosh, Engineer Jeff McNesby and Solicitor Peter C. Lange, Jr.

PUBLIC COMMENT

Joe Aromando of 285 Shingowack Trail asked that the front page picture on the website be changed, updates to personnel occur and that staffing hours be posted for each department. He further stated that he was pleased to see that a thorough Department of Public Works and Wastewater monthly report was being provided to Council but asked that a vehicle maintenance spreadsheet be included in the future.

Mayor Miller thanked Joe for his concerns and compliments and asked that he send website recommendations to the Clerk.

MINUTES

Mayor Miller motioned for approval/adoption of the May 25, 2011 regular meeting minutes, seconded by Deputy Mayor Cranston.

Vote to approve/adopt

Yeas – Miller, Cranston, Hanold, Fitzpatrick

Nays – None

Abstain - Lackey

Minutes approved/adopted

RESOLUTIONS

Mayor Miller motioned to introduce Resolution Number 102-11, seconded by Deputy Mayor Cranston.

RESOLUTION NUMBER 102-11

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MEDFORD LAKES, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE RENEWAL OF A PLENARY RETAIL ALCOHOLIC BEVERAGE LICENSE TO THE MEDFORD LAKES ENTERPRISES, DBA P.J. WHELIHAN'S

WHEREAS, Medford Lakes Enterprises, dba P.J. Whelihan's has duly complied with the requirements of the State law relative to the renewal of a Retail Liquor License; and,

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

WHEREAS, said Medford Lakes Enterprises, dba P.J. Whelihan's 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 Enterprises, dba P.J. Whelihan's 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 Enterprises, dba P.J. Whelihan's a license #0321-33-001-002. The license to be named therein is Medford Lakes Enterprises, dba P.J. Whelihan's. The location of the Licensee's premises is Medford Lakes Enterprises, dba P.J. Whelihan's, 61 Stokes Road, Medford Lakes, New Jersey.

BE IT FURTHER RESOLVED that the License shall be effective July 1, 2011 until June 30, 2012 unless revoked prior thereto for cause.

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

VOTE ON ADOPTION

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

Deputy Mayor Cranston motioned introduction of Resolution Number 103-11, seconded by Mayor Miller.

RESOLUTION NUMBER 103-11

A RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE BOROUGH OF MEDFORD LAKES AND LENAPE REGIONAL HIGH SCHOOL DISTRICT BOARD OF EDUCATION

WHEREAS, pursuant to *N.J.S.A. 40A: 65-1 et seq.*, authorizes local government units, including school districts, to enter into contracts with each other to subcontract any service which the parties to an agreement are empowered to render within its own jurisdiction; and

WHEREAS, representatives from the Borough of Medford Lakes and Lenape Regional High School Board of Education have met to explore sharing services which will result in cost savings for both local units; and

WHEREAS, both entities agree that it is beneficial to both local units to utilize **fueling services in exchange for snow removal services** to accomplish the requirements of *N.J.S.A. 52:27D-126 et seq.*; and

WHEREAS, the Borough of Medford Lakes desires to enter into a Shared Services Agreement with the Lenape Regional Board of Education to reduce the cost to both local units in performing these functions, which Agreement is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes County of Burlington, State of New Jersey that the Mayor and Borough Clerk be and are hereby authorized to execute the Shared Services Agreement with the Lenape Regional High School District Board of Education pursuant to *N.J.S.A. 52:27D-126 et seq.*, upon approval of the Agreements by the Borough Solicitor.

Mayor Miller asked for comment.

Solicitor Lange expressed concern with the confidentiality section and the description of when snow mitigation begins.

Council and the Manager discussed the Solicitor's concerns and agreed to modify the agreement. The Manager will forward the amendments to the Lenape BOE.

Joe Aromando of 285 Shingowack Trail stated his interpretation of the agreement is that the Borough will be responsible for snow mitigation of the entire Transportation Center and he is not in favor of the agreement.

Manager Horner – Keizer stated that the Borough will maintain the fueling area only and not the bus parking area.

Mayor Miller closed the comment section and requested a roll-call vote.

VOTE ON ADOPTION

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

Mayor Miller motioned introduction of Resolution Number 104-11, seconded by Deputy Mayor Cranston.

RESOLUTION NUMBER 104-11

A RESOLUTION AUTHORIZING TEMPORARY TRAFFIC REGULATIONS IN SUPPORT OF A BLOCK PARTY FOR THE MEDFORD SCHOOL OF MUSIC

WHEREAS, on July 15, 2011, August 19, 2011 and September 23, 2011, the Medford School of Music would like to hold a block party; and

WHEREAS, said business would like to close a specified trail 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 block parties 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 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.
2. Pursuant to N.J.R.S. 39:4-197(1)e, the following trail shall be closed to vehicular traffic:

Trading Post Way between Stokes Road and the entrance of Unishippers

3. The aforementioned street closing shall be between 6:00pm and 8:00pm on the dates listed above.
4. Block party contact person #1 is Medford School of Music, 3B Trading Post Way, (609) 975-8286, and contact person #2 is Jim and Michelle Riddle, (609) 922-5542, Pemberton, NJ, shall be responsible for contacting the Medford Lakes Department of Public Works to obtain and return barricades.
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.

Mayor Miller asked for comment.

Clerk McIntosh stated that the applicant submitted the proper insurance showing the Borough as named holder and that notification of the application had been sent to all Trading Post Way property owners.

Council discussed in the future the business notifications vs. just property owners.

Clerk McIntosh stated that changes would be made to the application.

Mansur Seer of 32 Trading Way stated that he was supportive of the event but would like to see 4 – 5 parking spots in the municipal lot be isolated for his customers.

Council discussed creating a load/unload parking area in front of the Laundromat and having that addressed in the Traffic Ordinance.

Mayor Miller asked Clerk McIntosh to meet/discuss Mr. Seer’s concerns.

Joe Aromando of 285 Shingowack Trail expressed concerns that more needs to be done to delineate parking in the municipal lot, perhaps signs or emblems.

Mayor Miller thanked everyone for their input and requested a roll-call vote on the Resolution.

VOTE ON ADOPTION

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

Mayor Miller motioned introduction of Resolution Number 105-11, seconded by Deputy Mayor Cranston.

RESOLUTION NUMBER 105-11

A RESOLUTION FOR FAIR DISTRIBUTION OF STATE AID FOR EDUCATION

WHEREAS, the Borough of Medford Lakes believes that every child should have equal resources of state aid distributed by the legislature for an education in the State of New Jersey by utilizing a fair school funding mechanism; and

WHEREAS, the current distribution of state aid for education to the schools has not been distributed in a fair and equitable manner to provide property tax relief to all the citizens of the State of New Jersey; and

WHEREAS, Article III., Paragraph 1, of the New Jersey State Constitution states, “The powers of government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution;” and

WHEREAS, Article VIII, Section IV, Paragraph 1, of the New Jersey State Constitution states, “the Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the State between the ages of five and eighteen year;” and

WHEREAS, Article VIII, Section IV, Paragraph 2, of the New Jersey State Constitution states, “the fund for the support of free public schools . . . shall be annually appropriated to the support of free public schools, and for the equal benefit of all the people of this State;” and

WHEREAS, Article VIII, Section I, Paragraph 7.a. of the New Jersey State Constitution states, the income tax is to be “annually appropriated . . . exclusively for the purpose of reducing or offsetting property taxes;” and

WHEREAS, this body can no longer bear the burden of the continued diversion of its fair share of state school aid for the students between the ages of five and eighteen years of age who reside within this jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey do hereby call upon the Legislature of the State of New Jersey to fulfill

its constitutionally assigned duty to distribute the state aid for education to the school districts in this state in a fair manner that is for the equal benefit of all the people of the state and not by means that are prejudiced by the actions of special interests that may have been presented before the Court or other venue.

BE IT FURTHER RESOLVED, that the Clerk of this entity is hereby directed to forward a copy of this resolution to Governor Chris Christie, Senate President Stephen Sweeney, Senate Minority Leader Thomas Kean Jr., Assembly Speaker Sheila Oliver and Assembly Minority Leader Alex DeCroce.

Mayor Miller asked for comment.

Council discussed the process for which state aid for education is devised. They expressed concern with potential for tax increases.

Solicitor Lange interpreted the Resolution as a request that the NJ State Legislature follow the NJ State Constitution in distribution for state aid for education.

Pete Rogers of 156 Apache Trail stated that the per pupil cost for a student in an Abbott district is much more than the State average. He further stated that current funding is not fair and equal.

Mayor Miller closed the comment section and requested a roll-call vote.

VOTE ON ADOPTION

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

REPORTS

Manager Horner – Keizer submitted a written report.

Deputy Manager/ Clerk McIntosh submitted a written report and reported that the re-roof of the Recycling Center will be completed soon after being delayed by a budgeting issue.

Solicitor Lange stated he has created a draft “Right of Inspection” ordinance regarding illegal sewer hook-ups.

ORDINANCE

Councilman Lackey introduced Ordinance Number 587, seconded by Councilman Hanold.

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.

Council requested that the Solicitor provide a final version to the Borough Clerk.

OLD BUSINESS

Councilman Hanold discussed the Ballinger Walkway project and expressed a desire to have Council amend the Sign Ordinance to include fees.

Engineer McNesby discussed the site meeting at Ballinger Walkway next Wednesday with Alaimo Engineering, Curb Con and the Borough. He further explained the need for the inspection to identify a cabling issue.

Council discussed issues surrounding the initial engineering of the project.

Mayor Miller stated that he would like to attend the meeting and further stated that the Engineering firm was not at fault for the delay in the project's completion.

Clerk McIntosh requested a consensus from Council to proceed with having the Project Engineer proceed with developing the change order certifications.

Council unanimously agreed to have the Project Engineer proceed with meeting the change order requirements.

NEW BUSINESS

Mayor Miller discussed the possibility of locating an Automatic Teller Machine (ATM) on Trading Post Way. He asked if the Laundromat would have any interest in locating the machine in their establishment.

Mansur Seer of 32 Trading Post Way (Maytag Owner) stated that he isn't opposed to that but would have to see if he has room to locate it. He also stated on average the ATM contractor would charge a \$2.00 fee per transaction, thus \$20.00 would only yield \$18.00.

Joe Aromando of 285 Shingowack Trail discussed concern with parking issues and he feels that there are plenty of ATM's around the Stokes Road corridor including PJ Whelihan's and he would not be in favor of locating one on Trading Post Way.

CORRESPONDENCE

Manager Horner – Keizer stated that the Borough had received a sample amending Ordinance from the Pinelands Commission and after review by the Solicitor will bring it before Council for action. A copy of the amendment was provided in the Council packets.

BILL LIST

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

Clerk McIntosh stated one (1) additional bill in the amount of \$150 for a Clean Community Grant applicant and Manager Horner – Keizer added one (1) additional bill in the amount of \$5,000 was added for the Health Care data cards.

Mayor Miller and Councilman Hanold agreed to the two bill list amendments.

VOTE TO APPROVE

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

PUBLIC COMMENT #2

Mayor Miller opened the meeting for public comment.

Joe Aromando of 285 Shingowack Trail expressed his concerns with the lack of completion of the Ballinger Walkway Project and that Council should get Assemblywoman Addiego's office involved. He also stated that the Municipal Parking lot at Tabernacle Road and Trading Post Way was supposed to be only for PJ Whelihan's overflow. He further stated that he was not in favor of a load/unload zone.

Deputy Mayor Cranston stated that he has seen as a Trading Post Way business owner many users of the municipal lot are Trading Post Way visitors.

Hearing no further comment, Mayor Miller closed public comment.

MAYOR'S COMMENTS

Mayor Miller stated that this would be his last meeting holding the title of Mayor. Council would be voting in a new Mayor at their next meeting which he would be unable to attend. He expressed his deep appreciation to his fellow Councilman, Administrative Staff and the residents for their efforts and that it had been an honor for him to serve as the Borough's Mayor.

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

Vote to Adjourn

Yeas – Miller, Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Meeting Adjourned