

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING

MAY 11, 2011

A Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in Oaks Hall at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ 08055 beginning at 7:00pm. Following the pledge of allegiance and a moment of silence (Council and the public observed a moment of silence to honor service men and women defending our country). Clerk McIntosh read the Open Public Meetings Act: pursuant to the requirements of the Open Public Meetings Act, adequate notice of this 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

Clerk McIntosh called roll. Mayor Gary A. Miller, Deputy Mayor Thomas J. Cranston, Councilman Gregory C. 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, Solicitor Peter C. Lange, Jr., and Borough Engineer Jeff McNesby.

EXECUTIVE SESSION

Mayor Miller introduced Resolution Number 90-11, seconded by Councilman Fitzpatrick.

RESOLUTION NUMBER 90-11

A RESOLUTION EXCLUDING THE PUBLIC FROM A PUBLIC MEETING

WHEREAS, Section 7.a of Chapter 231, Public Law 1975, otherwise known as the "Open Public Meetings Act" states that except as provided by Section 7.a, all meetings of a public body, such as the Borough Council, shall be open to the public at all times: and,

WHEREAS, Section 7.b provides that the Borough Council may exclude the public only from the portion of a meeting at which Borough Council discusses certain subjects which are listed in the aforementioned Section; and,

WHEREAS, the Borough Council desires to discuss certain subject(s) which are listed in the aforementioned section and desires to exclude the public from the portion of the meeting at which the Borough Council will discuss said subject(s); and,

WHEREAS, Section 8 of Chapter 231, Public Law 1975 states that no public body shall exclude the public from any meeting to discuss any matter described in Section 7.b until the public body shall, at a meeting to which the public shall be admitted, first adopt a resolution making certain statements with respect to the subject(s) to be discussed;

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

1. That the Borough Council hereby declares that the general nature of the subject(s) to be discussed by the Borough Council in closed session as follows:

- *Potential Shared Services – Contract Matters*
 - *Personnel – Contract Matters*
 - *Lenape Regional School District – Contract 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.

VOTE ON ADOPTION

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

Mayor Miller stated that Resolution Number 90-11 was adopted at 6:00pm on this date allowing Council to enter a Closed/Executive Session to discuss the items listed therein.

PUBLIC COMMENT

Joe Aromando of 285 Shingowack Trail asked for updates to the Ballinger Sidewalk project, the CCTV of the sewer lines and if the Borough was aware of the odor in the cove by Minnetonka Trail.

Mayor Miller stated that all of those issues would be discussed under the manager’s report.

MINUTES

Mayor Miller motioned for approval/adoption of the April 27, 2011 executive/closed session meeting minutes, seconded by Councilman Lackey.

Vote to approve/adopt

Yeas – Miller, Cranston, Hanold, Lackey, Fitzpatrick

Nays – None

Minutes approved/adopted

Mayor Miller motioned for approval/adoption of the April 27, 2011 regular meeting minutes, seconded by Councilman Lackey.

Vote to approve/adopt

Yeas – Miller, Cranston, Hanold, Lackey, Fitzpatrick

Nays – None

Minutes approved/adopted

RESOLUTIONS

Mayor Miller motioned to introduce Resolution Number 91-11, seconded by Councilman Lackey.

RESOLUTION NUMBER 91-11

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; "NJDOT Fiscal Yr 2010 MUNICIPAL AID PROGRAM" IN THE AMOUNT OF \$150,000.00.

WHEREAS, NJSA 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 has received notice from the New Jersey Department Of Transportation, that it has been awarded funds from the 2010 Municipal Aid Program and wishes to amend its 2011 Budget to include this amount as a revenue;

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 \$150,000, 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:

NJDOT Fiscal Yr 2010 Municipal Aid Program

BE IT FURTHER RESOLVED that a like sum of \$150,000 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
 - NJDOT Fiscal Yr 2010 Municipal Aid Program;

Clerk McIntosh explained the purpose for the Resolution.

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			
Councilman Gregory C. Lackey		X	X			
Councilman Robert D. Hanold, Sr.			X			
Councilman Jeffrey Fitzpatrick			X			

Councilman Lackey motioned introduction of Resolution Number 92-11, seconded by Councilman Hanold.

RESOLUTION NUMBER 92-11

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES, COUNTY OF BURLINGTON, STATE OF NEW JERSEY OPPOSING THE CONSTRUCTION OF A BIKE LANE ALONG TUCKERTON ROAD OVER THE SIOUX LAKE CULVERT

WHEREAS, the Borough of Medford Lakes understands and acknowledges that the County of Burlington is committed to connecting people and providing bike paths and lanes throughout Burlington County; and

WHEREAS, the Borough of Medford Lakes supports improvement to the Sioux Lake culvert; and

WHEREAS, the Borough of Medford Lakes understands that these improvements include a bike path that was envisioned in a Township of Medford Bike Network Plan dated July 3, 2002; and

WHEREAS, the Borough of Medford Lakes has two property owners that would be impacted negatively if the bike lane was included in the proposed improvements; and

WHEREAS, the Borough of Medford Lakes believes that opposition to this project will reduce overall costs for design and construction.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that it wished to express opposition to the inclusion of a bike path along Tuckerton Road over the Sioux Lake culvert.

AND, BE IT FURTHER RESOLVED by the Borough Council that they respectfully request the County of Burlington not construct the bike path in order to avoid impacting the adjoining property owners.

Mayor Miller asked for comment.

Joe Aromando of 285 Shingowack Trail expressed concern with the County's proposal and doesn't want the Borough to encourage this bike route given the speed of Tuckerton Road. He further stated that the Borough should develop a liaison with the County to further mutually beneficial projects.

Council discussed adding language stating that opposition would reduce costs for the project and adding language regarding public safety concerns. After further discussion it was agreed upon to only amend the Resolution to include the cost reduction language.

Mayor Miller called for a roll-call vote.

VOTE ON ADOPTION

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

Deputy Mayor Cranston motioned introduction of Resolution Number 93-11, seconded by Mayor Miller.

RESOLUTION 93-11

A RESOLUTION OF THE BOROUGH OF MEDFORD LAKES CERTIFYING THE 2011-2012 LENAPE REGIONAL HIGH SCHOOL DISTRICT TAX LEVY

WHEREAS, the proposed Lenape Regional High School District 2011-2012 school budget (the "Budget"), was the subject of an extensive review by New Jersey Department of Education staff; and

WHEREAS, that review resulted in Executive County Superintendent Peggy Nicolosi's determination that "Pursuant to N.J.S.A. 18A:7F-5 and 6, N.J.S.A. 18A7-8, and N.J.A.C. 6A:23A-8.1 and 9.1 et seq, I have reviewed this budget statement and have determined that all information submitted herein, which is verifiable from records on file in my office, is consistent with such records and the budget includes sufficient funds to provide curriculum and instruction to enable all students to achieve the Core Curriculum Content Standards. I have also reviewed this budget and determined that all efficiencies identified for 2011-12 have been adopted"; and

WHEREAS, the current 2010-2011 school budget, was the subject of a two month review by New Jersey Department of Education staff during the months of May and June of 2010, which resulted in then Commissioner of Education Schundler's determination that the tax levy was "necessary to provide a thorough and efficient system of public education" to the students attending the Lenape Regional High School District; and

WHEREAS, the proposed 2011-2012 Budget contains no new regular education programs, services or staff, and only adds special education staff mandated by federal and state law; and

WHEREAS, the increase in 2011-2012 school tax levy is \$1,775,836.00, or 1.68% more than the current 2010-2011 school budget; and

WHEREAS, the proposed 2011-2012 tax levy is \$884,060.00 less than the mandated 2% tax levy increase cap.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Medford Lakes that the Borough hereby certifies a general fund tax levy of \$99,043,457.00. This represents a general fund tax levy reduction of zero to the amount presented to the voters.

The Budget, as presented to the voters, is sufficient to provide a thorough and efficient education to the children of the Lenape Regional High School District.

Mayor Miller explained the Resolution and noted that our residents had voted in favor of the budget. He then asked for comment.

Joe Aromando of 285 Shingowack Trail asked what would occur if the Resolution is adopted.

Solicitor Lange explained the process and stated that passage of the Resolution may be a mute point given another sending town opposing the certification. In any event the regional budget may end up at the State Department of Education.

Mayor Miller closed the comment session 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 and discussed health insurance savings.

Engineer McNesby provided an update to the Ballinger Sidewalk project and stated that the project was pending information from the contractor.

Manager Horner – Keizer stated that the CCTV of the Sewer Lines is going smoothly except for some root intrusion and the Borough was monitoring the odor coming from the cove and may be due to pollen and other debris that gets washed into the cove where there is limited flow.

Councilman Lackey discussed waiting for the AT&T merger/acquisition before taking any further action on the cell tower.

Council directed the manager to contact the cell tower builders and run all of the recent engineering findings by them to get an opinion from them.

Deputy Manager/ Clerk McIntosh submitted a written report and reported the development of an on-line historic museum in memory of Clint Alexander, the prior Borough historian.

Solicitor Lange stated he is preparing a letter to South Jersey Gas for any costs incurred during the gas line/sewer line repairs and a letter to the County involving storm water infiltration. He asked that Mr. McNesby provide him with a list of costs for both. He stated that he will meet with Councilman Hanold to discuss the proposed public contract ordinance. He provided Council with a revised draft Underground Storage Tank (UST) Ordinance and asked that Council review and provide feedback.

Mayor Miller asked Council to develop basic questions and forward them to Solicitor Lange and he asked Clerk McIntosh to list this for discussion at the next meeting.

Council collectively thanked Solicitor Lange for his work on developing the UST Ordinance.

NEW BUSINESS

Councilman Lackey expressed his frustration with the amount of noise on Sundays. He stated that even on Easter Sunday and Mothers Day residents were using leaf blowers, chainsaws, etc. He stated that noise on Sundays was never an issue in the past. It's a quality of life issue. He further expressed his distaste for the numerous signs (i.e. real estate, contractor, etc.) popping up in town.

Deputy Mayor Cranston stated that our Code Enforcement Officer is doing the best he can with limited hours.

Councilman Hanold stated that he would be willing to revisit the Sign Ordinance.

Mayor Miller asked Solicitor Lange to craft a tighter Sign Ordinance and forward to Council for review.

Solicitor Lange stated that he would provide a sampling from other towns.

OLD BUSINESS

Mayor Miller stated that all old business was discussed under reports

BILL LIST

Clerk McIntosh stated that two (2) amendments were added, one for PH2o Services and the other was for Uniforms.

Council expressed concern with the disposal amounts the Borough is paying for treated wood. Engineer McNesby was asked to investigate.

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

VOTE TO APPROVE

	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			

PUBLIC COMMENT #2

Mayor Miller opened the meeting for public comment.

Joe Aromando of 285 Shingowack Trail asked that the Planning/Zoning Boards Underground Storage Tank Ordinance subcommittee be given the opportunity to comment on Solicitor Lange's draft. He further stated that he has been reviewing the Borough Master Plan in relation to the proposed UST Ordinance and the plan was designed to protect residents, properties and the environment. He further commented on the sign and noise concerns voiced by Councilman Lackey and he believes that it is a matter of enforcement.

Richard Thurber of 198 Chippewa Trail stated that he had his oil tank removed years ago and that some homeowner's policies won't allow underground tanks to remain. He also stated that the amount of signs in town is atrocious and they are not installed according to the setbacks in the sign ordinance.

Hearing no further comment, Mayor Miller closed public comment.

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

Vote to Adjourn

Yeas – Cranston, Lackey, Hanold, Fitzpatrick

Nays – None

Absent – Miller

Meeting Adjourned