

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING (7:00pm)

January 29, 2020

A Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, beginning at 7:00pm was held 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 Burton read the Open Public Meetings Act: pursuant to the requirements of the Open Public Meetings Act, adequate notice of this regular meeting has been published in the Burlington County Times and posted on the 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.

NOTICE – Each public body shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law. “Reasonably comprehensible” does not mean “comprehensive.” Minutes are not transcripts. The minutes are not intended to be a verbatim recitation of a public meeting.

ROLL CALL

Deputy Clerk/Manager Dr. Robert J. Burton called roll; Mayor William R. Fields, Deputy Mayor Dr. Gary A. Miller, Councilwoman Kathryn Merkh and Councilman Thomas J. Cranston answered in attendance. Councilman Robert D. Hanold, Sr. and Clerk Mark J. McIntosh were absent. Also present was Solicitor Douglas L. Heinold.

EXECUTIVE SESSION

RESOLUTION NUMBER 28-20

A RESOLUTION AUTHORIZING A CLOSED/EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting,
and

WHEREAS, the Governing Body of Medford Lakes Borough has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of Medford Lakes Borough will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12:

_____Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public;

_____Any matter in which the release of information would impair a right to receive funds from the federal government;

_____Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

- _____ Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body;
- _____ Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;
- _____ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;
- _____ Any investigations of violations or possible violations of the law;
- X Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;
- _____ Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting;
- _____ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

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

BE IT FURTHER RESOLVED 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 Fields called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor William R. Fields			X			
Deputy Mayor Dr. Gary A. Miller	X		X			
Councilman Thomas J. Cranston			X			
Councilman Robert D. Hanold, Sr.					X	
Councilwoman Kathryn A. Merkh		X	X			

Mayor and Council re-open the regular meeting.

PUBLIC COMMENT #1

Mayor Fields opened the meeting to public comment.

1. Joe Aromando of Shingowack Trail stated that the Notice of Executive Session was too vague and needed specificity and he provided examples.
2. Debra Nickles asked to speak about the impact a vicious dog is having on the community.

Mayor Fields stated that this item would be discussed during the second public comment. He closed public comment.

MINUTES

Deputy Mayor Miller motioned adoption of the January 8, 2020 mtg. minutes, seconded by Councilwoman Merkh

Mayor Fields called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor William R. Fields			X			
Deputy Mayor Dr. Gary A. Miller	X		X			
Councilman Thomas J. Cranston			X			
Councilman Robert D. Hanold, Sr.					X	
Councilwoman Kathryn A. Merkh		X	X			

RESOLUTIONS

Councilman Cranston introduced Resolution Number 23-20, seconded by Deputy Mayor Miller.

RESOLUTION NUMBER 23-20

A RESOLUTION RE-APPOINTING AN ALTERNATE CLASS 1 MEMBER TO THE PLANNING BOARD

WHEREAS, pursuant to the provisions of N.J.S.A. 40:55D-23 the Borough has a need to fill an expiring Alternate Class “1” member; and

WHEREAS, the current Alternate Member Class 1, Jeff West would like to be re-appointed; and

WHEREAS, the term of the Alternate Class “1” shall be two years commencing January 1, 2020.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey that Jeff West is hereby re-appointed as an Alternate Class “1” member to the Planning Board for a term in accordance with Medford Lakes Borough Code 39-3.

Mayor Fields called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor William R. Fields			X			
Deputy Mayor Dr. Gary A. Miller		X	X			

Councilman Thomas J. Cranston	X		X			
Councilman Robert D. Hanold, Sr.					X	
Councilwoman Kathryn A. Merkh			X			

Deputy Mayor Miller introduced Resolution Number 24-20, seconded by Councilwoman Merkh.

RESOLUTION NUMBER 24-20

A RESOLUTION AUTHORIZING A MAINTENANCE DEPOSIT REFUND FOR CERTAIN PLUMBING AND STREET OPENING PERMITS

WHEREAS, pursuant to Borough of Medford Lakes Code a street opening permit requires a maintenance deposit or bond; and

WHEREAS, once the requirement causing the need for the maintenance deposit is met by the permit holder there is due a refund to the applicant; and

WHEREAS, the Public Works Department has certified that the standards defined by the Borough Code have been met on the following permits.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the BOROUGH OF MEDFORD LAKES that the following applicant (s) receive a refund of their maintenance deposit as described:

<i>Applicant</i>	<i>Amount of Refund</i>	<i>Project Address</i>	<i>Block/Lot</i>	<i>Permit #</i>	<i>Issued</i>
Brennan	\$1,500.00	87 Setauket Trail	30087/2305	20-002	01-06-20

Mayor Fields called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor William R. Fields			X			
Deputy Mayor Dr. Gary A. Miller	X		X			
Councilman Thomas J. Cranston			X			
Councilman Robert D. Hanold, Sr.					X	
Councilwoman Kathryn A. Merkh		X	X			

Deputy Mayor Miller introduced Resolution Number 25-20, seconded by Councilwoman Merkh.

RESOLUTION NUMBER 25-20

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MOSQUITO SPRAYING AGREEMENT

WHEREAS, the County of Burlington, Department of Highway, Division of Mosquito Control will be conducting aerial Larval Mosquito Control in the Borough of Medford Lakes between April 1, 2020 through November 30, 2020; and

WHEREAS, the insecticides and aircraft to be used are approved and licensed aerial applicators; and

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 the Mayor is authorized to execute the attached agreement with the Burlington County Mosquito Commission.

Mayor Fields called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor William R. Fields			X			
Deputy Mayor Dr. Gary A. Miller	X		X			
Councilman Thomas J. Cranston			X			
Councilman Robert D. Hanold, Sr.					X	
Councilwoman Kathryn A. Merkh		X	X			

Deputy Mayor Miller introduced Resolution Number 26-20, seconded by Mayor Fields

RESOLUTION NUMBER 26-20

A RESOLUTION AUTHORIZING A CONTRACT WITH TRI STATE ENVIRONMENTAL SERVICES LLC THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC) NATIONAL COOPERATIVE PURCHASING AGREEMENT PURSUANT TO N.J.S.A. 52:34-6.2(b)(3)

WHEREAS, the Borough of Medford Lakes has a need to acquire a Portable Camera for sewer line inspections; and

WHEREAS, the Wastewater Department has conducted its due diligence receiving three quotes and determined that the contract will result in a cost savings; and

WHEREAS, it has been determined that the HGAC contract #SC01-18 has met the equipment specifications determined by the Wastewater Department and has met the standards for New Jersey’s “fair and open” criteria; and

WHEREAS, the Certification of Available Funds has been met in accordance with N.J.A.C. 5:30-5.3 through 5.5 and is based on a dollar value of this contract in the NTE amount of \$38,368.00 from the CY2019 Wastewater Operating Fund – Collection Maintenance – Account(s) #9-07-55-501-252.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the BOROUGH OF MEDFORD LAKES that a contract be awarded to Tri State Environmental Services LLC, 112 Phillips Road, Milford, NJ 08848 pursuant to the quote dated 10/24/19 attached hereto.

1. The Business Disclosure Entity Certification and the Determination of value be placed on file with this resolution along with any/all other required documentation.

Mayor Fields called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor William R. Fields		X	X			
Deputy Mayor Dr. Gary A. Miller	X		X			
Councilman Thomas J. Cranston			X			
Councilman Robert D. Hanold, Sr.					X	
Councilwoman Kathryn A. Merkh			X			

Councilman Cranston introduced Resolution Number 27-20, seconded by Deputy Mayor Miller.

RESOLUTION NUMBER 27-20

**A RESOLUTION AUTHORIZING CERTAIN BUDGETARY TRANSFERS
FOR THE 2019 BUDGET**

WHEREAS, The Governing Body of the Borough of Medford Lakes did adopt a budget for the year 2019 in accordance with the Municipal Budget Law (N.J.S.A 40A-4 et seq) ; and

WHEREAS, it has become necessary to transfer certain funds among the various line items as contained within the aforementioned adopted municipal budget; and

WHEREAS, N.J.S.A 40A:4-58 allows for the transfer of funds among line items of an adopted municipal budget during the last two months of the fiscal year and the first three months of the next.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Medford Lakes, New Jersey, that the Chief Financial Officer of the Borough of Medford Lakes is hereby authorized to make the transfers as listed below among the various line items in the 2019 Municipal Budget:

Transfer To:	Account Title	Transfer From:	Account Title	Transfer Amount
9-01-20-100-100	Admin Exec S/W	9-01-20-120-100	Clerk S/W	\$2,103.24
9-01-20-130-100	Fin Admin S/W	9-01-20-120-100	Clerk S/W	\$194.50
9-01-20-155-200	Legal OE	9-01-26-300-200	DPW OE	\$1,389.50
9-01-21-180-200	Planning Board OE	9-01-26-300-200	DPW OE	\$1,609.11
9-01-23-220-000	Group Ins Prem	9-01-23-220-276	Health Waiver	\$6,618.51
9-01-23-220-004	Employ Group Ins Life	9-01-23-220-276	Health Waiver	\$1,268.80
9-01-25-265-200	Fire OE	9-01-26-300-200	DPW OE	\$92.80
9-01-25-266-100	Fire Official S/W	9-01-25-240-100	Police S/W	\$79.14
9-01-25-275-100	Prosecutor S&W	9-01-25-240-100	Police S/W	\$3,920.00
9-01-26-300-100	DPW S/W	9-01-26-300-200	DPW OE	\$133.87
9-01-26-305-200	Landfill Fees OE	9-01-32-465-200	Sanitation OE	\$4,917.35
9-01-36-471-000	Public Emp Retire	9-01-32-465-100	Sanitation S/W	\$21,283.95
9-01-36-472-000	Social Sec Taxes	9-01-23-220-276	Health Waiver	\$4,066.11
9-01-43-495-100	Public Defend S&W	9-01-43-490-200	Mun Court OE	\$1,950.00
9-01-45-940-200	Dam Safety	9-01-43-490-100	Mun Court S/W	\$0.01
				\$49,626.89

Mayor Fields called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor William R. Fields			X			
Deputy Mayor Dr. Gary A. Miller		X	X			
Councilman Thomas J. Cranston	X		X			
Councilman Robert D. Hanold, Sr.					X	
Councilwoman Kathryn A. Merkh			X			

REPORTS

Manager Burton submitted a written report and commented on the submission for a Burlington County Park Grant for Ballinger Park upgrades, attempted communications with 7-Eleven regarding a timeframe for re-opening. He stated rumors around town are that the Borough is holding up permits which is not the truth as NO PERMITS have even been submitted. The new owner of 14 Lenape Trail is moving along with repairs, the Auditor has started the CY2019 Audit, two (2) rounds of leaf collection are done with “zero” overtime needed. He further stated that the bids for the wastewater sludge-press are scheduled for February and the sewer re-lining project is moving along.

Mayor Fields explained that the re-lining project will not require roadways to be dug up as the process allows the contractor to go from manhole to manhole cleaning then re-lining all-in-one.

Manager Burton provided a project status report for other items to include; completion of the DPW storage tent, completion of the Pocahontas Trail drainage/repaving project, completion of the Aetna Way railings, completion of the Tabernacle Road bikeway and fence, pending status of the DPW/FD building upgrades, pending start of the Tabernacle Road Phase I drainage/repaving project and award of the Tabernacle Road Phase II drainage/repaving project.

Solicitor Heinold stated that he was working with Admin. And Police regarding the animal control issues and noted that the old real estate building across the street recently received a variance from Medford Twp. and we can expect that project to be completed soon.

COMMUNICATIONS

Manager Burton noted that a Special Event application had been received from Murphy’s Market and had also been approved by the Police Department.

Solicitor Heinold noted that the second communication was in reference to a resident concern of additional traffic issues associated with a proposed Soccer Tournament Field at a Shamong Township property along Stokes Road. He stated that the application by the farmer had been withdrawn.

BILL LIST (s)

(Dated January 24, 2020 with 131 Line Items, Total List Amount = \$1,020,547.84 plus \$2500 for NJDEP)

Deputy Mayor Miller motioned approval of the Bill List, seconded by Councilwoman Merkh

Mayor Fields called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor William R. Fields			X			
Deputy Mayor Dr. Gary A. Miller	X		X			
Councilman Thomas J. Cranston			X			
Councilman Robert D. Hanold, Sr.					X	
Councilwoman Kathryn A. Merkh		X	X			

PUBLIC COMMENT #2

Mayor Fields opened the meeting to Public Comment.

1. Kevin Ellicott of Medford Lakes thanked the Borough Administration, Public Works and Police Department for their quick assistance during his recent emergency street opening.
2. Bruno Distefano of Medford Lakes stated his opposition to moving the municipal election to November. He said that Medford Lakes is a unique community being non-partisan it keeps the focus on our towns.
3. Steve Bough of Medford Lakes asked council to address property lighting. He stated that a newly constructed garage across from his property has nine (9) exterior lights that are very bright and asked that council consider an “excessive light” ordinance.
4. Don Lamont of Medford Lakes asked council to address the recent dog bite incident that occurred on Chippewa Trail. He stated that on numerous occasions the dog owner has allowed the dog to run free without control or a muzzle. He asked how many times are we going to allow this to happen and noted that the problem isn’t the dog but the irresponsible owner.

Mayor Fields asked Solicitor Heinold to comment on the issue.

Solicitor Heinold stated that the incident is a matter for the municipal court and that the governing body may not influence those proceedings. He stated that he had spoken at length with the Borough’s Animal Control Officer and the Police Chief to ensure that we are doing everything possible to protect the rights of the citizens to include the rights of the defendant. He noted that the owner had refused turning the dog over to the Borough and the Borough is pursuing confinement through the legal process.

5. Debra Nickles of Medford Lakes stated that in preparation for future vicious or potentially dangerous dogs that a harness with a built-in tracking device be required. She expressed her personal concern with walking her own dog in the neighborhood given the situation.
6. Karen Andronici of Medford Lakes stated that in thirty (30) years she has never felt unsafe in the Borough but after the first attack by this dog she purchased pepper spray as protection. She stated that her walking route has been changed to avoid confrontation and recommended escalating financial fines for attacks.
7. Laura Rixham of Medford Lakes showed pictures to council of her dog who was recently attacked on the other side of town. She stated that the pictures were after her third surgery and has left permanent scarring on a former show dog. She said that she walks her dogs in fear now and the dog involved in the attack still walks around without a muzzle.

Mayor Fields asked if the police were called when this is observed.

Ms. Rixham stated that they were and upon arrival the owner and dog have left the area. She noted that catching him would be easy as he walks the dog every day at the same time.

8. Steve Heicklen of Medford Lakes stated that he has a lot of money invested in his own dog and it is just a matter of time for the dog that attacked Ms. Rixham's to get a hold of a person. He stated that the dangerous dog owner uses his dog to taunt other neighbors and their dogs.
9. Joe Aromando of Medford Lakes asked what's going on with moving the election. He noted that 62% of the voters asked for it to be moved and Council said they would introduce an Ordinance to effect the change. He said that the voters are at the top of the pyramid and this issue has gone unresolved since November 2019. He concluded saying that Council is trying to exclude the wishes of the voters.

Mayor Fields asked what the rush was given that this issue was of great importance and that council wanted to make sure they proceed respectfully. He noted that the council was not in full agreement on how to proceed.

10. Kristi Bradley of Medford Township said that it was her dog that was attacked on Chippewa Trail recently and her 70y.o. mom had to fight off the attacking pit-bull. She stated that her 10y.o. son doesn't feel safe with this dangerous dog in their neighborhood.
11. Kathleen Jackson of Medford Lakes asked what steps the governing body can take to change the lighting Ordinance; she feels that there are selective enforcement of Ordinances and that people are driving to fast on the Borough's narrow trails.
12. Giancarlo Decristoforo of Medford Lakes noted that the election was contentious, but the voters have spoken. He believes that the residents will be angry if the election is not moved.
13. Brent Blanchard stated that he concurred with drafting a dark sky ordinance to address nighttime lighting and he asked council to pause on the election decision due to confusion of the questions wording and binding vs. non-binding. He said that an illegal flyer sent around opposing keeping the May election was very official looking at caused additional confusion. He stated that he would be in favor of moving it to any other date than when rep/dem elections are held. He mentioned a petition that he has circulated asking for council to study the issue and concluded saying that council has a responsibility to study this issue more.
14. Kevin Ellicott of Medford Lakes concurs with Mr. Blanchard's comments and is also putting out a petition asking that Council pause on a decision.
15. Joe Aromando of Medford Lakes stated that the Borough has the certified election results and he read off the numbers. He said for some people to re-write the vote is inappropriate. Trying to insult the voters by inferring that they didn't understand the question is an insult.
16. Amy Beyer of Medford Lakes asked what the timeline for a decision by council will be.

Mayor Fields and Manager Burton discussed the rough timeline for either May or November election. He reiterated that it is a big decision for the town, and he wants to make the right decision for the community.

17. Carrie Miller of Medford Lakes expressed her concern for the dangerous dog along Chippewa Trail given she has dogs and small children. How else does she voice her concerns; will the court hear of these concerns?

Solicitor Heinold recommended she contact the police department to express her concerns.

18. Pete Rogers of Medford Lakes the sound system is not working properly. He said there are two sides to every story and 62% of the voters spoke to have it moved. He asked if petitions were circulated will that help with Council's decision.

19. Steve Warren of Medford Lakes stated the voters had their opportunity to express their opinion on the matter at the last election. Not sure if a petition after the fact is correct. Can this become a binding referendum?

Mayor Fields thanked everyone for their comments and closed public comment.

Deputy Mayor Miller motioned to adjourn the meeting, seconded by Mayor Fields

Vote to adjourn

Yeas –Fields, Miller, Merkh, Cranston

Nays – None

Absent – Hanold

Meeting Adjourned