

BOROUGH OF MEDFORD LAKES, NEW JERSEY

REGULAR MEETING (7:00pm)

April 14, 2021

A Regular Meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, beginning at 7:00pm was held in-person and via Zoom Electronic Meeting following the pledge of allegiance and a moment of silence (Council and the public observed a moment of silence to honor service men and women defending our country, those lost/suffering and serving during this COVID-19 Pandemic along with all Public Safety Professionals and Volunteers). Clerk McIntosh 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

Clerk Mark J. McIntosh (in-person) called roll; Mayor Thomas J. Cranston (in-person), Deputy Mayor Dr. Gary A. Miller (electronic), Councilman William R. Fields (in-person), Councilwoman Gail A. Caputo (electronic) and Councilman Dennis P. O’Neill answered in attendance. Also present was Borough Manager Dr. Robert J. Burton (in-person) and Solicitor Douglas L. Heinold (in-person).

PUBLIC COMMENT #1

Mayor Cranston called the meeting to order and opened public comment on agenda items only. Hearing none he closed Public Comment and asked if there were any written advance public comments.

Clerk McIntosh stated that the Borough received no written advance public comments.

MINUTES

Councilman Fields introduced adoption of the March 24, 2021 Regular Meeting Minutes, seconded by Councilman O’Neill.

Mayor Cranston called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Thomas J. Cranston			X			
Deputy Mayor Dr. Gary A. Miller	X		X			
Councilwoman Dr. Gail A. Caputo			X			
Councilman William R. Fields			X			
Councilman Dennis P. O’Neill		X	X			

ORDINANCE(S)

Mayor Cranston introduced Ordinance Number 677 on first reading, seconded by Councilman Fields.

ORDINANCE NUMBER 677

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2021 (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Medford Lakes in the County of Burlington finds it advisable and necessary to increase its budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$88,949.95 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Medford Lakes, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Medford Lakes shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$124,529.93, and that the CY 2021 municipal budget for the Borough of Medford Lakes be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Cranston explained that a public hearing on the Ordinance is scheduled for May 19, 2021.

Mayor Cranston called for the vote.

VOTE ON INTRODUCTION

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	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Thomas J. Cranston	X		X			
Deputy Mayor Dr. Gary A. Miller			X			
Councilwoman Dr. Gail A. Caputo			X			
Councilman William R. Fields		X	X			
Councilman Dennis P. O'Neill			X			

RESOLUTION(S)

Councilman Fields introduced Resolution Number 58-21, seconded by Deputy Mayor Miller

RESOLUTION NUMBER 58-21

A RESOLUTION AUTHORIZING REGISTRARS OF SHAMONG TOWNSHIP AND TABERNACLE TOWNSHIP TO SERVE AS DEPUTY REGISTRARS

WHEREAS, in light of the COVID-19 Pandemic, on March 17, 2020, the State Registrar issued a memorandum to ensure that registrar activities, particularly with respect to marriage license applications and issuance; and

WHEREAS the State Registrar recommends a cooperative arrangement with another municipality or municipalities to deputize a registrar from the other office to act on behalf of the municipality during an emergency. In the event an office is closed or an employee in one of the municipalities becomes ill, the deputized registrars can receive a marriage application and issue the license on behalf of the other; and

WHEREAS, the Borough Administration has communicated with Shamong Township and Tabernacle Township Administrations, and both are agreeable to mutually designate deputy registrars; and

WHEREAS the Borough Council desires to formally effectuate these deputy registrar designations.

NOW, THEREFORE, BE IT RESOLVED, by the Medford Lakes Council of the Borough of Medford Lakes that the Registrars of Shamong Township and Tabernacle Township are hereby designated as Deputy Registrars for the Borough of Medford Lakes.

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Medford Lakes hereby permits the Registrar of Medford Lakes to serve as a Deputy Registrar for Shamong Township and Tabernacle Township, if so, designated by the governing bodies of those municipalities.

Clerk McIntosh explained the need for the agreement and that the other two municipalities had passed similar Resolutions at their own meetings.

Mayor Cranston called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Thomas J. Cranston			X			
Deputy Mayor Dr. Gary A. Miller		X	X			
Councilwoman Dr. Gail A. Caputo			X			
Councilman William R. Fields	X		X			
Councilman Dennis P. O'Neill			X			

Deputy Mayor Miller introduced Resolution Number 59-21, seconded by Councilman O'Neill.

RESOLUTION NUMBER 59-21

A RESOLUTION APPROVING CHANGE ORDER NUMBER 1 FOR A CONTRACT KNOWN AS 2020 ROAD IMPROVEMENT PROGRAM, INCREASING THE CONTRACT SUM FROM \$456,275.50 TO \$457,731.32 A NET INCREASE OF \$1,455.82

WHEREAS, the Borough has entered into a certain contract with GERALD BARRETT, LLC, 329 LAKEDALE ROAD, BERLIN, NJ 08009 for the 2020 ROAD IMPROVEMENT; and

WHEREAS, said project had resulted in the award of a contract to GERALD BARRETT, LLC in the amount of \$456,275.50; and

WHEREAS, the Project Engineer and Borough Manager recommend approval of Change Order Number 1 pursuant to the terms of said contract based on changes due to the difference in constructed quantities and contract quantities; and

WHEREAS, Change Order Number 1 dated March 22, 2021 amends the contract with GERALD BARRETT from the amount of \$456,275.50 to \$457,731.32, a net increase of \$1,455.82; 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 amount NTE \$457,731.32 from the General Capital Fund – Ordinance 671 – Account #C-04-55-964-001 and General Capital Fund – Ordinance 669 – Account #C-04-55-965-001.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that Change Order Number 1 is hereby approved; and

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

Clerk McIntosh explained the need for the Change Order.

Mayor Cranston called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Thomas J. Cranston			X			
Deputy Mayor Dr. Gary A. Miller	X		X			
Councilwoman Dr. Gail A. Caputo			X			
Councilman William R. Fields			X			
Councilman Dennis P. O'Neill		X	X			

Councilman Fields introduced Resolution Number 60-21, seconded by Deputy Mayor Miller

RESOLUTION NUMBER 60-21

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO YMCA CAMP OCKANICKON, INC. TO CONDUCT A LEGALIZED GAME OF CHANCE (ON-PREMISE MERCHANDISE RAFFLE) AT MEDFORD LAKES COUNTRY CLUB ON May 10, 2021, 10AM

to 10PM

WHEREAS, the **YMCA CAMP OCKANICKON INC.** has qualified in the prescribed manner and submitted an application #01-2021 to hold an **On-Premise Merchandise Raffle** on May 10, 2021 at MEDFORD LAKES COUNTRY CLUB, 70 OAK DRIVE, MEDFORD LAKES, NJ 08055; and

WHEREAS, Council has reviewed the findings and determinations and concur that the **On-Premise Merchandise Raffle** is to be conducted according to law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that a license to conduct the aforementioned **On-Premise Merchandise Raffle** be and is hereby granted to YMCA CAMP OCKANICKON, INC., 1303 STOKES ROAD, MEDFORD, NJ 08055.

Mayor Cranston called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Thomas J. Cranston			X			
Deputy Mayor Dr. Gary A. Miller			X			
Councilwoman Dr. Gail A. Caputo			X			
Councilman William R. Fields	X		X			
Councilman Dennis P. O’Neill		X	X			

Councilman Fields introduced Resolution Number 61-21, seconded by Deputy Mayor Miller

RESOLUTION NUMBER 61-21

A RESOLUTION AUTHORIZING THE ISSUANCE OF A RAFFLE LICENSE TO YMCA CAMP OCKANICKON, INC. TO CONDUCT A LEGALIZED GAME OF CHANCE (ON-PREMISE 50/50 RAFFLE) AT MEDFORD LAKES COUNTRY CLUB ON May 10,2021, 10AM to 10PM

WHEREAS, the **YMCA CAMP OCKANICKON INC.** has qualified in the prescribed manner and submitted an application #02-2021 to hold an **On-Premise 50/50 Raffle** on May 10, 2021 at MEDFORD LAKES COUNTRY CLUB, 70 OAK DRIVE, MEDFORD LAKES, NJ 08055; and

WHEREAS, Council has reviewed the findings and determinations and concur that the **On-Premise 50/50 Raffle** is to be conducted according to law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, New Jersey that a license to conduct the aforementioned **On-Premise 50/50 Raffle** be and is hereby granted to YMCA CAMP OCKANICKON, INC., 1303 STOKES ROAD, MEDFORD, NJ 08055.

Mayor Cranston called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Thomas J. Cranston			X			
Deputy Mayor Dr. Gary A. Miller		X	X			
Councilwoman Dr. Gail A. Caputo			X			
Councilman William R. Fields	X		X			
Councilman Dennis P. O’Neill			X			

Mayor Cranston introduced Resolution Number 62-21, seconded by Councilwoman Caputo

RESOLUTION NUMBER 62-21

**A RESOLUTION INTRODUCING AND APPROVING THE 2021 MUNICIPAL BUDGET
(FIRST READING)**

WHEREAS, the Municipal Budget of the Borough of Medford Lakes, County of Burlington for the year 2021 is hereby introduced; and

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021; and

BE IT FURTHER RESOLVED, that said Budget be published in summary form in the Burlington County Times in the issue of April 29, 2021; 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 2021.
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 April 14, 2021.
3. A hearing on the Budget and Tax Resolution will be held at Municipal Cabin, 1 Cabin Circle, Medford Lakes, NJ in Oaks Hall on May 19, 2021 at 7:00PM at which time and place objections to said Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons.

Clerk McIntosh stated that the May 12th scheduled meeting would be cancelled and changed to May 19th to allow for all Borough Officials to be present for the public hearing and by then he should have received the election certification from the May 11th Special Election.

Manager Burton provided a Budget Synopsis covering basic operations and capital requests.

Clerk McIntosh stated that the introduced CY21 Budget would be available upon request and posted to the website.

Mayor Cranston called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Thomas J. Cranston	X		X			
Deputy Mayor Dr. Gary A. Miller			X			
Councilwoman Dr. Gail A. Caputo		X	X			
Councilman William R. Fields			X			
Councilman Dennis P. O'Neill			X			

REPORT(S)

Manager Burton submitted a written report and thanked Council and the department heads for all of their work in helping develop the budget. He noted that due to Covid-19 the Borough did not have any budget workshops, but he will have a full presentation prepared for the public hearing. He noted that the Protestant Church will be having a historic dedication on May 22nd, the Beach #1 School traffic issue has been addressed, Tabernacle Phase II is underway again and Tabernacle Phase III will be going out to bid soon. He stated that the wastewater Sludge Press is working well, and they are working with Burlington County on disposal, and he has not received any indication from the State for when the Federal Stimulus monies are going to be distributed.

Clerk McIntosh submitted a written report and commented on meeting with the Leon E. Todd Memorial Park Committee members to discuss/plan for the twentieth anniversary of 9/11, the submission of the tonnage grant and preparation for the Special Municipal Election.

Manager Burton mentioned that he met with the Marketa family regarding planting/installing a Memorial Tree/Bench for their daughter at the new Ballinger Park and the girl scouts have a Silver Star applicant who would like to plant a Butterfly Garden at Ballinger Park.

Solicitor Heinold commented on meeting with the Manager and Lighting Expert Jeremy Sviben to discuss the proposed draft lighting ordinance. He stated that he will be making revisions based on the discussion and that Jeremy was in favor of time limits to maintain the character of the community. He asked that council have an Executive Session to discuss the Cannabis Legislation.

Deputy Mayor Miller thanked the Administration and Departments for their hard work developing a fiscally responsible budget given the complexity during the pandemic.

COMMUNICATION(S)

Clerk McIntosh stated that the Borough received an email from Ed Leggoe regarding a sewer issue and noted that Solicitor Heinold was involved.

BILL LIST(S)

- Dated April 13, 2021 with 135 Line Items, Total List Amount = \$1,044,626.93 plus one (1) bill for NJ Dept. of Labor in the amount of \$79.93**

Deputy Mayor Miller motioned approval of the Bill List, seconded by Councilman O'Neill.

Mayor Cranston called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Thomas J. Cranston			X			
Deputy Mayor Dr. Gary A. Miller	X		X			
Councilwoman Dr. Gail A. Caputo			X			
Councilman William R. Fields			X			
Councilman Dennis P. O'Neill		X	X			

PUBLIC COMMENT #2

Mayor Cranston opened the meeting to public comment.

1. Joe Aromando of Shingowack Trail asked why discussion regarding cannabis needs to be in a Closed/Executive Session, he asked if the Borough received NJ State Aid, he asked if all Borough department's submitted reports, stated that the Borough Website is badly outdated and managing content needs to be a priority. He concluded by asking that the Borough begin enforcing right-of-way encroachment laws as many properties are in violation and asked if the governing body has a policy for filling vacancies on various boards.

Solicitor Heinold stated that the cannabis discussion falls under the Attorney/Client exemption.

Manager Burton stated that the budget does include state funding and that the departments are all submitting monthly reports.

Mayor Cranston closed public comment.

Mayor Cranston introduced Resolution Number 63-21, seconded by Councilman Fields.

RESOLUTION NUMBER 63-21

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;

~~XXXXXX~~ 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 Cranston stated that the governing body does not anticipate taking action after the Closed/Executive Session.

Mayor Cranston called for the vote.

VOTE

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mayor Thomas J. Cranston	X		X			
Deputy Mayor Dr. Gary A. Miller			X			
Councilwoman Dr. Gail A. Caputo			X			
Councilman William R. Fields		X	X			
Councilman Dennis P. O'Neill			X			

Mayor and Council exited the Closed/Executive Session and returned to the Regular Meeting.

Deputy Mayor Miller motioned to adjourn.

Vote to adjourn:

Yeas –Cranston, Miller, Caputo, Fields, O’Neill

Nays – None

Meeting Adjourned