

**BOROUGH OF MOUNTAIN LAKES**  
**BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES**  
**973-334-3131**  
[www.mtnlakes.org](http://www.mtnlakes.org)

**JANUARY 28, 2015**  
**7:30 PM PUBLIC SESSION**

**MINUTES**

**1. CALL TO ORDER; OPENING STATEMENT**

This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting as originally scheduled and the agenda thereof had been reported to The Citizen and the Morris County Daily Record and The Star Ledger on January 8, 2015 (rescheduled date on January 26, 2015) and posted in the municipal building.

Mayor McWilliams called the meeting to order at 7:33 p.m. in the municipal building.

**2. ROLL CALL**

Ms. Reilly called the roll. All Council members were present with the exception of Councilman Barrett, who was absent. Also in attendance were Borough Attorney Martin Murphy, Borough Manager Robert Tovo, Borough Clerk Michele Reilly, Police Chief Shawn Bennett, Fire Chief Matt DeSantis, Acting Chief Financial Officer D. Timothy Roberts and Department of Public Works Director Mark Prusina.

**3. PLEDGE OF ALLEGIANCE**

Mayor McWilliams led the salute to the flag.

**4. EXECUTIVE SESSION**

**Resolution 58-15**

**Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege**

- Tax Appeal Settlement: Kapell, Bernard & Lydia Ann v. Borough of Mountain Lakes – Block 100, Lot 53.02
- Tax Appeal Settlement: Nadarajah, Daya & Ylone S. Xavier v. Borough of Mountain Lakes – Block 100, Lot 50
- Tax Appeal Settlement: Bolo/Almeida, Peter M./Laila M. v. Borough of Mountain Lakes – Block 78, Lot 57.02
- Tax Appeal Settlement: Kenneth & Jane Jewel v. Borough of Mountain Lakes – Block 101, Lot 56
- Tax Appeal Settlement: Lukas, Michael G. & Lisa A. v. Borough of Mountain Lakes – Block 52, Lot 15
- Tax Appeal Settlement: Natalia Kashnikow v. Borough of Mountain Lakes – Block 78, Lot 25
- Tax Appeal Settlement: Joyce Leuchten v. Borough of Mountain Lakes – Block 31, Lot 15.02

**Matters Relating to the Employment Relationship:**

**Borough Manager Resignation and Interim Manager Discussion**

Motion made by Deputy Mayor Holmberg, second by Councilman Borin, to enter into Executive Session with all members in favor signifying by "Aye".

Motion made by Deputy Mayor Holmberg, second by Councilman Happer, to close the Executive Session and return to the public portion of the meeting with all members in favor signifying by "Aye".

**5. COMMUNITY ANNOUNCEMENTS**

Deputy Mayor Holmberg thanked Department of Public Works Director Mark Prusina and the DPW staff for their efforts during the recent snowstorm.

Mayor McWilliams announced that the Borough Manager, Bob Tovo, had resigned his position. The Mayor said he wanted to publicly acknowledge Mr. Tovo's service to the Borough.

**6. PUBLIC COMMENT**

**Please state your name and address for the record.** Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

Mayor McWilliams opened the public comment portion of the meeting with the consent of the Council. Mayor McWilliams explained the Council's policy of limiting each speaker to five (5) minutes and no yielding of time to another person.

With no one wishing to be heard, Mayor McWilliams closed the public comment portion of the meeting.

**7. SPECIAL PRESENTATIONS**

-Fire Department Year End Report – Chief Matt DeSantis

Chief DeSantis highlighted the Volunteer Fire Department's 2014 year-end report for the Council. He stated that the Department responded to one hundred thirty-five (135) calls in 2014 and conducted ninety-one (91) drills and meetings. He mentioned that the Department had undergone an extensive audit program through ISO, an audit company which reviews fire suppression capabilities. Chief DeSantis said that ten (10) years ago the Department qualified with an audit rating of five (5) on a scale of one to ten (1-10), with one being the highest rank. The Chief said that in 2014 the Department qualified with an audit rating of a four (4) and was very close to a three (3). He said that these rankings are used to determine commercial insurance premiums.

Chief DeSantis mentioned that the Fire Department replaces a piece of apparatus every twenty (20) years. He said a new fire truck would cost approximately \$400,000. He said the Department had decided to spend \$15,000 on refurbishing the 1999 Pierce truck in order to extend its life approximately ten (10) more years. The Council commended the Chief on this decision.

Chief DeSantis asked the Council for their continued support and reminded the Council that the Department would celebrate its Centennial in 2016. Deputy Mayor Holmberg encouraged the Chief to write a press release and Councilman Lester encouraged the Chief to use the website in order to encourage volunteerism.

**8. DISCUSSION ITEMS**

-2015 Budget Discussion: Current, Water and Sewer Funds

Mr. Tovo presented the preliminary current budget and reviewed his memo to Council. Mr. Tovo highlighted substantial adjustments, such as additional monies set aside for tax appeal litigation, salary adjustments higher than the two percent (2%) cap, which he said had also been reviewed by the Personnel subcommittee, and increased funding for the Zoning Department in order to facilitate additional staffing and enforcement.

In response to Council concerns regarding Police overtime for 2014 and the requested overtime budget increase for 2015, Chief Bennett agreed to make a presentation to Council with a breakdown of 2014 overtime costs.

Mr. Tovo said the budget as currently presented represented a 1.65% increase over the 2014 operating budget and a 3.69% increase with the inclusion of debt service. Councilman Happer said the Finance Advisory Committee had met and discussed the budget and the debt service payments and was recommending the Borough continue its tradition of paying ten percent (10%) of outstanding debt.

Mr. Tovo said he planned to present the Capital Budget at the next Borough Council meeting. He said that the 2015 water and sewer operating budgets had a few minor cost adjustments but remained basically the same as in 2014.

Mayor McWilliams requested that Mr. Roberts review the monies received from ReCommunities for recycling and that he also review the tipping fees as compared to the trash bag revenues. Mr. Roberts will report his findings to the Council at the next meeting.

**9. ORDINANCE**

**NONE**

**10. \*RESOLUTIONS**

- R59-15 Resolution Designating Official Depositories for Borough Funds
- R60-15 Resolution Authorizing the Final Payment to Mark Paving Co. and Release of Performance Bond For the Crane Road and Briarcliff Road Project
- R61-15 Resolution Establishing An Ad Hoc Borough Manager Search Committee and Appointing Members
- R62-15 Resolution Authorizing the Settlement of a Tax Appeal (Kapell, Bernard & Lydia Ann v. Borough of Mountain Lakes – Block 100, Lot 53.02)
- R63-15 Resolution Authorizing the Settlement of a Tax Appeal (Nadarajah, Daya & Ylone S. Xavier v. Borough of Mountain Lakes – Block 100, Lot 50)
- R64-15 Resolution Authorizing the Settlement of a Tax Appeal (Bolo/Almeida, Peter M./Laila M. v. Borough of Mountain Lakes – Block 78, Lot 57.02)
- R65-15 Resolution Authorizing the Settlement of a Tax Appeal (Kenneth & Jane Jewel v. Borough of Mountain Lakes – Block 101, Lot 56)
- R66-15 Resolution Authorizing the Settlement of a Tax Appeal (Lukas, Michael G. & Lisa A. v. Borough of Mountain Lakes – Block 52, Lot 15)
- R67-15 Resolution Authorizing the Settlement of a Tax Appeal (Natalia Kashnikow v. Borough of Mountain Lakes – Block 78, Lot 25)
- R68-15 Resolution Authorizing the Settlement of a Tax Appeal (Joyce Leuchten v. Borough of Mountain Lakes – Block 31, Lot 15.02)
- R69-15 Resolution Authorizing the Payment of Bills

**11. \*MINUTES**

January 5, 2015 (Regular)

**12. \*DEPARTMENT REPORTS**

Construction Department	November, December 2014
Department of Public Works	November, December 2014
Fire Department	November, December 2014
Health Department	none
Police Department	November, December 2014
Recreation Department	November, December 2014
Tax Department	November, December 2014
Zoning Board of Adjustment	Annual Report 2014

**13. \*BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS**

COMMISSION/BOARD	NAME	TERM	POSITION	DATES	NOTE
Shade Tree Commission	Blair Bravo	5 years	Member	1.01.15-12.31.19	Appointment

Prior to the Consent Agenda vote the Council decided to carry Resolution 62-15, Resolution Authorizing the Settlement of a Tax Appeal (Kapell, Bernard & Lydia Ann v. Borough of Mountain Lakes – Block 100, Lot 53.02), Resolution 63-15, Resolution Authorizing the Settlement of a Tax Appeal (Nadarajah, Daya & Ylone S. Xavier v. Borough of Mountain Lakes – Block 100, Lot 50), Resolution 64-15, Resolution Authorizing the Settlement of a Tax Appeal (Bolo/Almeida, Peter M./Laila M. v. Borough of Mountain Lakes – Block 78, Lot 57.02), Resolution 65-15, Resolution Authorizing the Settlement of a Tax Appeal (Kenneth & Jane Jewel v. Borough of Mountain Lakes – Block 101, Lot 56), Resolution 66-15, Resolution Authorizing the Settlement of a Tax Appeal (Lukas, Michael G. & Lisa A. v. Borough of Mountain Lakes – Block 52, Lot 15) Resolution 67-15, Resolution Authorizing the Settlement of a Tax Appeal (Joyce Leuchten v. Borough of Mountain Lakes – Block 31, Lot 15.02) and Resolution 68-15, Resolution Authorizing the Settlement of a Tax Appeal (Joyce Leuchten v. Borough of Mountain Lakes – Block 31, Lot 15.02) until the February 9, 2015 meeting.

Council Member	By:	2 <sup>nd</sup> :	Yes	No	Abstain	Absent
Albergo			X			
Barrett						X
Borin			X			
Happer			X			
Lester		X	X			
Holmberg	X		X			
McWilliams			X			

**\*Indicates Consent Agenda Item**

Matters listed as Consent Agenda Items are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

**Resolution 70-15**

**Resolution Authorizing a Professional Service Agreement Between the Borough of Mountain Lakes and The Canning Group, LLC**

Deputy Mayor Holmberg stated the Borough Council was hoping for a smooth transition between Mr. Tovo's departure and the hiring of a new Borough Manager. He outlined the Search Committee's proposed time frame for the selection of the next Borough Manager; a February 5<sup>th</sup> deadline for applications, interviews with the Search Committee in late February, recommendations of the top three (3) candidates to the Council by March 2<sup>nd</sup>, Council interviews on March 9<sup>th</sup>, and a resolution to appoint a new Borough Manager on March 23<sup>rd</sup>. Councilman Happer said that the expectation was that the new Manager would begin work sometime between April 1 and May 1, depending on their current employment situation.

Deputy Mayor Holmberg said that the Personnel Subcommittee was recommending that the Borough Council enter into an agreement with The Canning Group, LLC, to provide interim Borough Manager Services until the selection of a new Borough Manager is made. He said that under the terms of the agreement, Robert S. Hoffmann, an experienced manager and an employee of The Canning Group, would start as the Interim Borough Manager effective February 2, 2015, for approximately twenty (20) hours per week.

**WHEREAS**, there exists the need for the Borough of Mountain Lakes to obtain interim administration services to assist the Borough with its day to day operational affairs during the search for a new Borough Manager; and

**WHEREAS**, it is agreed that Canning Associates, LLC will assign Robert S. Hoffmann to serve as Interim Manager for the Borough of Mountain Lakes; and

**WHEREAS**, the maximum amount of the contract is **\$71,200.00** (representing a \$1,000 placement fee, plus \$90.00 per hour for up to 30 hours per week for up to 26 weeks); and

**WHEREAS**, the Borough's Chief Financial Officer has certified that funds are available for this purpose; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Mountain Lakes, in the County of Morris, and State of New Jersey, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with The Canning Group, LLC for interim administration services to assist the Borough with its day to day operational affairs during the search for a new Borough Manager the Borough of Mountain Lakes for a total amount **not to exceed \$71,200.00**.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.
3. A notice of this action shall be printed once in the legal newspaper of the Borough of Mountain Lakes.

Council Member	By:	2 <sup>nd</sup> :	Yes	No	Abstain	Absent
Albergo		X	X			
Barrett						X
Borin			X			
Happer			X			
Lester			X			
Holmberg	X		X			
McWilliams			X			

**14. ATTORNEY'S REPORT**

Mr. Murphy had nothing additional to report.

**15. MANAGER'S REPORT**

Mr. Tovo had nothing additional to report.

**16. COUNCIL REPORTS**

**Finance Advisory Committee** – Councilman Happer said as previously mentioned, the Committee had met and held discussions on the 2015 preliminary budget. Councilman Happer said Mr. Tovo and Mr. Roberts would be presenting additional information at the next Committee meeting.

**Personnel Subcommittee** – Deputy Mayor Holmberg said the Subcommittee report had been covered earlier in the Council meeting.

**Public Works Advisory Committee** – Councilman Albergo said the Committee had been discussion storm drain repairs and beach renovations and reviewing preliminary estimates on some of the proposed renovations.

**Communications Advisory Committee** – Councilman Lester said the Committee had met recently.

**Recreation Commission** – Councilman Lester said that the Commission had elected Deb Shertzer as the new chair.

**Public Safety Subcommittee** - Councilman Lester said that he, Councilman Albergo, and Councilman Barrett had met and developed an agenda for 2015. He said the agenda included discussing concerns about the use of Roundup in the community, and that Councilman Barrett had agreed to discuss this with the Health Commission and that Councilman Albergo had agreed to discuss this with the Environmental Commission. Councilman Lester mentioned that the Subcommittee would be addressing the status of the Towing Ordinance and the Hazmat Ordinance. Mr. Tovo said research was ongoing regarding the Hazmat Ordinance and whether or not such an Ordinance would be necessary. Councilman Lester said the Subcommittee would be requesting a document with a projected plan for street sign replacement from the Administration and the Department of Public Works.

Councilman Lester said the Subcommittee would continue to address the issue of dogs running on the beach at Birchwood Beach. He said the issue hasn't gone away and he asked Mr. Prusina for some temporary signs and asked Chief Bennett to update the Council on the education process and any summonses being issued.

Councilman Lester mentioned the other agenda items were scheduling regular CERT training sessions, obtaining or developing a police car acquisition policy, and discussing the issue of police presence and perception. He said Chief Bennett will be discussing the need for unmarked cars and tinted windows with the Subcommittee.

**-2015 Council Goals**

The Council held a preliminary discussion about 2015 goals, including expanding CERT, facilitating a successful transition for the new Borough Manager, and a review of the Borough's water supply.

Deputy Mayor Holmberg stated that the Council would hold its biannual Chair/new volunteer event the last Saturday in February in the High School Auditorium. He said he planned to involve the high school students in this event.

**17. PUBLIC COMMENT**

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Mayor McWilliams opened the public comment portion of the meeting with the consent of the Council. Mayor McWilliams explained the Council's policy of limiting each speaker to five (5) minutes and no yielding of time to another person.

Fred Kanter – 81 Hanover Road

Mr. Kanter objected to what he feels is the large number of unmarked Police vehicles and Police vehicles with blacked out windows in the Borough. He said he feels these cars present a negative image of the Police and the Borough. In addition Mr. Kanter requested the Police paint a fluorescent stripe down the side of the car so they are more visible in the dark. Finally, said he finds the number of lights on a police car to be distracting and costly.

Stephen Shaw – 4 Point View Place

Mr. Shaw asked the Borough Council to consider a joint meeting with the Board of Education. He said that the Council should not waste its time trying to study and possibly regulate a broad spectrum herbicide such as roundup because it's already regulated on a higher level. Finally, Mr. Shaw said his main reason for speaking was to thank Mr. Tovo for his twenty-nine (29) years of serving the community.

With no one else wishing to be heard, Mayor McWilliams closed the public comment portion of the meeting.

**18. ADJOURNMENT at 9:38 PM**

Motion made by Deputy Mayor Holmberg, second by Councilman Happer, to adjourn the meeting at 9:38 p.m., with all members in favor signifying by "Aye".

**\*Indicates Consent Agenda Item**

Matters listed as Consent Agenda Items are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.

**ATTEST: JANUARY 28, 2015**

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Michele Reilly, RMC, Borough Clerk

G. Douglas McWilliams, Mayor