

BOROUGH OF MOUNTAIN LAKES
BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES
973-334-3131
www.mtnlakes.org

OCTOBER 13, 2015
7:30 PM EXECUTIVE SESSION
8:00 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 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 except for Councilman Albergo, who arrived at 7:34 p.m., and Councilman Barrett and Councilman Borin, who were absent. Also present were Borough Manager Richard Sheola, Borough Clerk Michele Reilly, and Borough Attorney Martin Murphy.

3. PLEDGE OF ALLEGIANCE

Mayor McWilliams led the salute to the flag.

4. EXECUTIVE SESSION

Resolution 167-15

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

-Affordable Housing Litigation

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

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

5. COMMUNITY ANNOUNCEMENTS

Mayor McWilliams announced trash days on October 23rd and October 24th, as well as the shredding event and blood drive on October 24th. He mentioned that those who donate a pint of blood can shred a box of documents for free.

Mayor McWilliams reported that the Borough's website had been updated to include information regarding how to contact JCP&L about street light outages.

Mayor McWilliams said the Historic Preservation Committee was hosting an open house at the library this Friday and Saturday from 9:00 a.m. to 3:00 p.m.

Mayor McWilliams reminded those in attendance that Halloween candy donations were being accepted for the Safe Zone, and that the State of New Jersey was still under a drought watch. He said he deliberately did not supply too many details about all the different events happening in the Borough because he was hoping to encourage residents to visit the website.

Deputy Mayor Holmberg mentioned the recent League of Women Voters discussion on affordable housing and commended former Mayor and Councilwoman Blair Bravo, the featured speaker, on her presentation. He thanked her for bringing her time and expertise to such an important issue.

Councilman Albergo said the Department of Public Works (DPW) had installed a styrofoam recycling container and it should be open to the public by the weekend. He encouraged residents to use the recycling container for all styrofoam except peanuts, which he said are still accepted at local UPS stores. Mayor McWilliams commended the DPW for their willingness to explore and accommodate as much recycling activity as possible.

6. SPECIAL PRESENTATIONS

There were no special presentations.

7. REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES

No reports were presented.

8. 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 with 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 with no yielding of time to another person.

Fred Kanter – 81 Hanover Road

Mr. Kanter questioned why the electronic bulletin board in the front of Borough Hall did not indicate a Council meeting was being held this evening and requested the posting of all future Council meeting information. He asked for a more descriptive agenda as he said he was unclear as to what would be covered during the discussion on best practices. He encouraged the Council to select a new attorney and engineer as they considered professional appointments for next year.

Jeff Leman – 32 Sherwood Drive

Mr. Leman asked if the Council still planned to have a public hearing on Ordinance 12-15 at the next Borough Council meeting.

Mary Ellen Theel – 8 Center Drive

Ms. Theel said she has been following the discussion on King of Kings and has attended almost every Borough Council meeting on the topic. She said she wants the Council to know it is not just residents of the condos who object to the development of the property. She encouraged the Council not to change the Master Plan.

Kevin Dolan – 6 Crescent Drive

Mr. Dolan said he felt the Council is creating a lot of anxiety in the population and stated that he was against the rezone, especially because of traffic issues and concerns about damage to the aquifer. He mentioned that he understands the need to take care of ratables but cautioned against making what he considered to be too many compromises, as he said it sets precedents for future developments. He asked the Council to keep a healthy character to Mountain Lakes.

Lauren Brickner-McDonald – 7 Center Drive

Ms. McDonald stated that she agreed with the comments of Ms. Theel and Mr. Dolan. She told the Council that she moved to Mountain Lakes for the character, woods, lakes, schools, and the fact that residents had a voice. She urged the Council not to change the Master Plan and to keep the character of the Borough.

Consuelo Murtagh – 8 Crescent Drive

Ms. Murtagh mentioned that she was on the Shade Tree Commission and that the Borough is in the process of writing its next Community Forestry Management Plan. She said the Borough is losing many trees as they are aging out and that funds for planting new trees are limited. She said the Borough will also be losing trees to an invasive bug, the Ash Borer. She asked the Council to consider the many challenges already faced by the Borough's tree population when they considered the proposed development.

Bill Theel – 8 Center Drive

Mr. Theel said the Planning Board had decisively said they were insulted that the Ordinance had been brought to them and that they rejected changes to the Master Plan in order to accommodate the proposed Ordinance. He requested the Council not act against the recommendations of the Planning Board. Mr. Theel asked why Halloween was not supported financially by the town and why there was not more police support as he felt this was a community event. He mentioned that there was a liability issue for him as a homeowner and wanted to know if the town was providing event liability coverage in the case of injury or damage to private property.

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

Mayor McWilliams mentioned that the electronic sign board can only accommodate a certain number of messages at one time. Deputy Mayor Holmberg said he thought the Borough should consider advertising Borough Council meetings on the board and expanding the agenda if appropriate.

Mr. Sheola mentioned that the Planner would be in attendance at the next meeting of the Planning Board and was scheduled to make a presentation. Deputy Mayor Holmberg said he expected Mr. Phillips to present a more comprehensive picture of the Ordinance and the draft amendment to the Master Plan than was given to the Board at its last meeting. Mr. Murphy recommended that if the Council was going to consider adjourning the public hearing on Ordinance 12-15, a motion would be in order. Mr. Sheola said Mr. Phillips, the Planner, would be attending the Council's November 23rd meeting. Motion made by Deputy Mayor Holmberg, second by Councilman Lester, to adjourn the public hearing on Ordinance 12-15 until November 23rd.

VOTE TO ADJOURN PUBLIC HEARING ON ORDINANCE 12-15 UNTIL NOVEMBER 23, 2015

| Council Member | By: | 2nd: | Yes | No | Abstain | Absent |
|-----------------------|------------|------------------------|------------|-----------|----------------|---------------|
| Albergo | | | X | | | |
| Barrett | | | | | | X |
| Borin | | | | | | X |
| Happer | | | X | | | |
| Lester | | X | X | | | |
| Holmberg | X | | X | | | |
| McWilliams | | | X | | | |

In response to Mr. Theel's questions, Mr. Sheola said the Borough does support Halloween financially by providing candy and by funding police overtime. Mayor McWilliams said the Safe Zone was a neighborhood event that the Borough has helped support, and he reminded those in attendance that the residents of the Village area were hoping to attract some volunteers to assist with the distribution of candy to trick-or-treaters. Councilman Lester asked Mr. Sheola to perform an assessment of the Halloween Safe Zone and present it to Council next year. He asked that the assessment include the possibility of a second safe zone, liability issues, police issues, and budget issues.

9. DISCUSSION ITEMS

-Best Practices

Mr. Sheola presented the Council with a copy of the yearly best practices survey for their review, as the Borough Council is required to review the worksheet and the results at a public meeting. Mr. Sheola mentioned that one of the difficulties presented by the best practices survey is that the Division of Local Government Services has never provided guidance as to what constitutes a best practice prior to the release of the list of questions. Mr. Sheola said he was pleased to report that the Borough had scored a ninety-two percent (92%) on the survey and therefore would be able to retain all State aid. In response to Council questions, Mr. Sheola said he would upload the survey results to the website. Councilman Happer recommended that the Finance Advisory Committee address the question regarding surplus at future meetings.

10. ATTORNEY'S REPORT (verbal)

Mr. Murphy had nothing additional to report.

11. MANAGER'S REPORT (verbal)

Mr. Sheola said that the street sign replacement program had recently been discussed at the Public Safety Subcommittee meeting. He said the program would be completed in three (3) phases over a three (3) year period and was expected to cost the Borough \$54,000.

Mr. Sheola reported that per Fire Chief Matt DeSantis, the mutual aid agreement revised by Ms. Reilly will be utilized by all the participating municipalities.

Mr. Sheola told the Council that Chief Bennett had discussed with him the numerous complaints his department receives about cars traversing the Borough at high rates of speed. He said the Borough would be purchasing a small portable battery powered speed indicator with recording capabilities, which could be attached to a speed sign post and moved to different locations.

Mr. Sheola stated that the road inventory and fire hydrant inventory were complete and that these would be an important component of the Borough's long range planning exercise. He said he thought the Borough should consider increasing funding for the paving program as there are many roads in need of repair.

Mr. Sheola reported that the Borough staff had been trained on the Iworq program last week and he expected a soft rollout of the program to take place by the end of October.

Mr. Sheola commended Ms. Reilly for obtaining the assistance of the Borough's Fire Marshall, Tom Trapasso, to deal with the beaver issue, and he complimented Mr. Trapasso for facilitating a meeting with the New Jersey Division of Fish and Wildlife. Mr. Sheola said that Mr. Trapasso and the field representative from the State had found no damage to trails but had counted approximately seventy (70) trees that had been destroyed by beavers and also reported three (3) beaver lodges present in the Borough. Mr. Trapasso told Mr. Sheola that the field representative will be locating licensed trappers for the Borough prior to the start of the trapping season, which begins at the end of December.

Mr. Sheola said he was pleased to report that the Borough had been a recipient of a Community Forestry Grant and had received \$2,250 out of the \$3,000 requested.

Mr. Sheola stated that the personnel policy will be distributed via the payroll system on or about October 26th and thanked Ms. Reilly and Cara Fox, his assistant, for their work on the project.

Mr. Sheola reported a recent meeting with the Mayor and representatives from the Board of Education and said this meeting was a precursor to a broader meeting which he expected to schedule in the next few weeks.

Councilman Happer requested that Mr. Sheola email a copy of his Manager's report to the Council. Deputy Mayor Holmberg requested that Mr. Sheola forward a copy of Mr. Trapasso's memo to the Lakes Management Advisory Committee.

Mr. Sheola mentioned that the deadline for submission of the RFQ's was last Friday and that he had not received any responses for the position of Lakes Management vendor. He said he would reissue the RFQ specifically for Lakes Management.

12. ORDINANCE 10-15

ORDINANCE AMENDING CHAPTER 173 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND PROHIBITING PARKING IN PARKS AND RECREATION FACILITIES DURING CERTAIN HOURS

CHANGE IN PUBLIC HEARING DATE: Following introduction, the above Ordinance will be published in accordance with the law and a public hearing will be held on October 26, 2015.

13. *RESOLUTIONS

- R145-15 Resolution Approving Participation by the Borough of Mountain Lakes' Police Department In the 1033 Military Surplus Program (carried from July 27, 2015)
- R168-15 Resolution Authorizing Approval to Submit Grant Applications and Execute Grant Contracts With the New Jersey Department of Transportation for the Dartmouth Road Resurfacing Project and the Pocono Road Resurfacing Project
- R169-15 Resolution Authorizing the Payment of Bills

14. *MINUTES

- September 28, 2015 (Executive)
- September 28, 2015 (Regular)

15. *DEPARTMENT REPORTS

NONE

16. *BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS

NONE

Prior to the Consent Agenda vote Councilman Happer requested that Resolution 145-15, Resolution Approving Participation by the Borough of Mountain Lakes' Police Department In the 1033 Military Surplus Program and Resolution 168-15, Resolution Authorizing Approval to Submit Grant Applications and Execute Grant Contracts With the New Jersey Department of Transportation for the Dartmouth Road Resurfacing Project and the Pocono Road Resurfacing Project, be discussed separately from the Consent Agenda.

| Council Member | By: | 2 nd : | Yes | No | Abstain | Absent |
|----------------|-----|-------------------|-----|----|---------|--------|
| Albergo | X | | X | | | |
| Barrett | | | | | | X |
| Borin | | | | | | X |
| Happer | | | X | | | |
| Lester | | | 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 145-15

Resolution Approving Participation by the Borough of Mountain Lakes' Police Department In the 1033 Military Surplus Program (carried from July 27, 2015)

Councilman Happer stated that he had reviewed the minutes from July 27th and that the Council had been very specific about requesting that a list of potential items for purchase accompany the resolution. He questioned why the resolution had been placed on the agenda for Council approval as no list has been provided. Councilman Lester said that the Public Safety Subcommittee had discussed the resolution and the list and had determined that developing a comprehensive list would be difficult, based on the scope of what the military uses and might have to offer through the program. He stated that the resolution now included language requiring the Police Chief and Borough Manager to approve any purchase. Councilman Happer requested a list of previous purchases made through the program and Councilman Albergo asked Mr. Sheola to confirm whether or not the Borough would forfeit previously purchased equipment if the resolution was not passed. Mayor McWilliams asked if the Fire Department and/or the DPW would be able to participate in the program. Due to the requests for more clarification the Council consensus was to table the resolution.

MOTION TO TABLE RESOLUTION 145-15

| Council Member | By: | 2 nd : | Yes | No | Abstain | Absent |
|----------------|-----|-------------------|-----|----|---------|--------|
| Albergo | | | | X | | |
| Barrett | | | | | | X |
| Borin | | | | | | X |
| Happer | | X | X | | | |
| Lester | | | | X | | |
| Holmberg | X | | X | | | |
| McWilliams | | | X | | | |

Resolution 168-15

Resolution Authorizing Approval to Submit Grant Applications and Execute Grant Contracts With the New Jersey Department of Transportation for the Dartmouth Road Resurfacing Project and the Pocono Road Resurfacing Project

Councilman Happer asked Mr. Sheola to explain why he was including two (2) roads in the grant application process. He said the Borough typically submits an application for one road and has been successful in receiving grant funding. Mr. Sheola explained that he would file two (2) separate applications and that Dartmouth Road would be the priority application. He said that each application is viewed independently. He mentioned that grant funds are specific to the project application and would not be split if the Borough did not receive more than one grant. He stated that if the Borough did not receive grant funds for the second application it could be refilled next year. Councilman Happer inquired about grants for sidewalks and Mr. Sheola replied that there were no sidewalk grants per se. He said sidewalks would be considered as part of the project if there was a history of sidewalks in the area and if there was funding available.

| Council Member | By: | 2 nd : | Yes | No | Abstain | Absent |
|----------------|-----|-------------------|-----|----|---------|--------|
| Albergo | X | | X | | | |
| Barrett | | | | | | X |
| Borin | | | | | | X |
| Happer | | X | X | | | |
| Lester | | | X | | | |
| Holmberg | | | X | | | |
| McWilliams | | | X | | | |

17. COUNCIL REPORTS

Lakes Management Advisory Committee – Deputy Mayor Holmberg reported that the Committee expressed concern over the beaver issue and he thanked Ms. Reilly and Mr. Trapasso for their involvement. He mentioned that there is a broken aerator which needs repair and that the Committee wants to make sure that aerator repair training will be set up between the DPW and Allied Biological. Finally, he said that the Committee was discussing the 2016 budget.

18. 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 with 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 with no yielding of time to another person.

Fred Kanter – 81 Hanover Road

Mr. Kanter said he was pleased to hear about the street sign replacement program but was wondering if signs that had been replaced in the past few years that were non retro-reflective would be included in the replacement program. He said in his opinion obtaining military equipment is a very serious issue. Mr. Kanter stated that by providing a designated Halloween Safe Zone the Borough is taking away one of the last vestiges of childhood freedom and doing its part to foster a nation of dependent, controlled, helicopter kids.

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

19. ADJOURNMENT at 9:23 PM

Motion made by Councilman Happer, second by Councilman Albergo, to adjourn the meeting at 9:23 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: OCTOBER 13, 2015

Michele Reilly, RMC, Borough Clerk

G. Douglas McWilliams, Mayor