

BOROUGH OF MOUNTAIN LAKES
BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES
973-334-3131

www.mtnlakes.org

FEBRUARY 23, 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 7:34 p.m. in the municipal building.

2. ROLL CALL

Ms. Reilly called the roll. All Council members were present with the exception of Councilman Albergo, who arrived at 7:38. Also in attendance were Borough Attorney Robert Oostdyk, Interim Borough Manager Robert Hoffmann, Borough Clerk Michele Reilly, Police Chief Shawn Bennett, Fire Chief Matt DeSantis, and Department of Public Works Director Mark Prusina.

3. PLEDGE OF ALLEGIANCE

Mayor McWilliams led the salute to the flag.

4. EXECUTIVE SESSION
Resolution 77-15

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

- Status of Tax Appeals – Tax Assessor Presentation
- 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 Kashnikov v. Borough of Mountain Lakes – Block 78, Lot 25
- Tax Appeal Settlement: Joyce Leuchten v. Borough of Mountain Lakes – Block 31, Lot 15.02
- Affordable Housing Agreement – Hornrock Properties LLC

Matters Relating to the Employment Relationship:

- Chief Financial Officer Position
- Tovo Consulting Agreement

Motion made by Councilman Happer, 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 Lester, 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 asked any council member who had not taken the online JIF training to please do so.

Mayor McWilliams announced that the Lakeland Hills YMCA was accepting nominations for its annual community service award and encouraged those in attendance to participate in the nomination process.

Deputy Mayor Holmberg stated that the Borough Council orientation session for volunteers would be held on Saturday, March 7th, at 9:00 am in the High School cafeteria. He said that board, commission, and committee chairs and representatives would be discussing their group's mission and achievements and that this forum would allow the Borough Council to give chairs an understanding of what the expectations were regarding communications, minutes, etc. He said that a high school group would be included thanks to the efforts of Councilman Lester.

Deputy Mayor Holmberg reviewed the process for the selection of the new Borough Manager. He said that close to forty (40) resumes had been received and that seven (7) individuals had been chosen for first round interviews, to be held next week. He anticipated the search committee would be making a recommendation to Council by the end of March.

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.

Linda Hyson – 23 Ronarm Drive

Ms. Hyson asked a question regarding the public comment sessions and asked if residents were allowed to comment during the Council's discussions.

Chris Sullivan – 4 Sherwood Drive

Mr. Sullivan read a letter on behalf of a group of citizens who said they were disturbed at the events involving the prospect of the purchase and development of the RC-1 zone, commonly known as the King of Kings property. Mr. Sullivan said previous Master Plans spoke to the difficulty of developing the property due to its size, physical constraints, steep slopes and water issues and recommended the area be zoned for low-density residential cluster. He said that twice the land has been considered for parkland purchase. He encouraged the Borough Council not to give in to what his group considered the pressure tactics of the developer and said more public and professional input was needed before any decisions were made.

Jim Moody – 17 Robinhood Drive

Mr. Moody said he was continuing the letter started by Mr. Sullivan. He said the group was asking the Council to delay an introduction of an Ordinance to affect a zone change in the RC-1 Zone. The group was suggesting that the Borough planner and Planning Board discuss the best use of the property before any further proposal is brought before the Council. He said that if the Borough Council has already sought the advice of the Borough planner, he would appreciate receiving a copy of any correspondence exchanged.

Steve Arnold – 4 Craven Road

Mr. Arnold said he supported the statements made by Mr. Sullivan and Mr. Moody. In addition he asked the Council to encourage community participation in government issues, such as special presentations to the Borough Council or the public hearing on the Master Plan, via the broadcast email.

Ellen Emr – property owner at 19 Sherwood Drive

Ms. Emr spoke of her long history of volunteer service to the Borough. She stated that she does not feel that the Borough has enough water usage to support this new project and that the recently approved hotel project has used $\frac{3}{4}$ of the the Borough's remaining water allocation. She said there had not been many references to the Economic Development Subcommittee in the minutes and asked to know the mission or strategy of the Subcommittee and also how many times they had met.

Sandy Batty – 15 Lockley Court

Ms. Batty said she had served for twenty-five (25) years on the Planning Board and that the Planning Board was charged with developing a Master Plan. She said that the Council has the right to adopt an Ordinance in conflict with the Master Plan or ignore the advice of the Planning Board but said she felt that to do so would be turning against the hard work of volunteers. She also recommended that the Council require an affordable housing component of twenty percent (20%) and not ten percent (10%) as stated in the Ordinance proposed by the developer.

Jim Hyson – 23 Ronarm Drive

Mr. Hyson said he was a former member of the Zoning Board. He said that a benefit of the project would be an increased tax base. However, he said that costs would be higher than any tax benefit due to increased costs for education, infrastructure and public services and quoted from a recent Rutgers study to support his statements. He mentioned unanticipated costs and cited as an example the need to install sidewalks on Intervale Road so children could walk to school. He said there was no guarantee that this project would result in a positive ratable for Mountain Lakes.

Jackie Bay – Morris Avenue

Ms. Bay said the character of Mountain Lakes is due to long term planning and that she felt this project does not seem like good long term planning. She said the area near the proposed development is already under a lot of pressure due to the potential Parsippany Waterview project. She said the developer's proposal for an affordable group home in a residential area would be difficult and a cash contribution to the Borough's COAH account would not be beneficial if there was no land available on which to build affordable housing.

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

7. SPECIAL PRESENTATIONS

NONE

8. DISCUSSION ITEMS

Request for Rezoning – RC-1 Zone

Mayor McWilliams thanked everyone for their comments and said no Ordinance was being introduced tonight. He said if development was a possibility in that zone that the Borough Council had the responsibility to explore this option. He also said that he felt the Council could review COAH issues and any D Variance issues and that the other details should be addressed by the Planning Board.

Mayor McWilliams asked Councilman Borin to talk about the Economic Development Subcommittee. Councilman Borin explained that the Economic Development Subcommittee was authorized by the Borough Council and was charged with examining possible opportunities for development, particularly along the Route 46 corridor. He stated that the Subcommittee is a purely advisory body and brings recommendations to the Borough Council. He said that in the case of this project, the Borough Manager came to the Subcommittee with the developer's proposal and that the Subcommittee had met twice with the developer. Councilman Borin said the first meeting was a preliminary introduction to the project and the second meeting included more detail.

Mayor McWilliams said it was important to note that no decisions on the project had been made and that starting with the Borough Manager had been the correct route for the developer. He also said that the Council had been mandated to find ways to raise revenues.

Councilman Lester mentioned that the agenda for the Borough Council meetings is set and posted on the Borough website every Friday prior to a meeting. Deputy Mayor Holmberg also pointed out that the Council cannot determine what information is important to each resident. Councilman Barrett said that the public process began two (2) weeks at the Council level.

Mr. Oostdyk said that in terms of process, the Borough Council had several options regarding the zone change: first, to make no changes to the existing Ordinance and refer the applicant apply to the Board of Adjustment for a variance; second, to move to introduce the Ordinance as it was presented; third, to make changes to the proposed Ordinance and possibly consult with the planner before introducing it; fourth, to ask the Planning Board to comment prior to any Ordinance introduction. Mr. Oostdyk said that any Ordinance introduction would require a referral to the Planning Board for an examination of the consistency with the Master Plan prior to its adoption. He also said that if an Ordinance was adopted, the developer would still be required to submit the plan for review by the Planning Board and there would be opportunity for public involvement in that process.

After much Council discussion, the Borough Council opted to refer the issue of development to the Planning Board. The Council will request that the Board examine the zone and address issues such as wetlands, density, water, and the environment in order to determine whether or not this property should be developed. In addition, the Borough Council agreed to concurrently review the COAH and water issues as these were policy issues.

2015 Budget Discussion: Capital Budget

Mr. Hoffmann said the target for the 2015 capital budget was \$750,000 as recommended by the Finance Advisory Committee and in keeping with past Council practice. He mentioned that he, the Recreation Director, the Department of Works Director, and the Borough Engineer would be meeting this Thursday afternoon to prioritize the list of capital projects and to develop a six (6) year capital plan.

Councilman Happer confirmed that \$750,000 is the target number as recommended by the Finance Advisory Committee and stated that the long range plan being developed will help the Committee and the Borough Council evaluate if the target number is appropriate for the future or needs to be reassessed. Mr. Hoffmann stated that the list of capital projects and the capital plan would be submitted to the governing body for review at a future meeting.

9. ORDINANCE

NONE

10. *RESOLUTIONS

- 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 Kashnikov 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)
- R78-15 Resolution Amending the Appointment of Municipal Court Personnel
- R79-15 Resolution Extending an Invitation to the Commune of Chaville, France to Become A Twin Town
- R80-15 Resolution Authorizing the Transfer of Appropriations
- R81-15 Authorizing the Payment of Bills

- 11. ***MINUTES**
February 9, 2015 (Regular)
- 12. ***DEPARTMENT REPORTS** **NONE**
- 13. ***BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS** **NONE**

Prior to the Consent Agenda vote Councilman Lester requested that Resolution 80-15, Resolution Authorizing the Transfer of Appropriations be considered separately from the Consent Agenda.

Councilman Lester questioned the long distance charges paid to AT&T. Mr. Hoffmann said he is in the process of reviewing phone service and has requested proposals from four (4) carriers. In response to Council questions Mr. Hoffmann said he expects to provide more information for the Council by the end of March. Mr. Hoffmann stated he is projecting a savings to the Borough of \$400 a month based on the one proposal he has already received. Councilman Lester asked Mr. Hoffmann to review the proposals with Councilman Albergo.

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.

**Councilman Borin abstained from voting on the regular minutes dated February 9, 2015 and the item on the bills list pertaining to the Mountain Lakes Library (PO #13487).

Resolution 80-15
Resolution Authorizing the Transfer of Appropriations

Mr. Hoffmann explained that the transfer of appropriations was necessary due to some unanticipated DPW expenses from 2014, such as equipment repairs and water leaks. He said that there were funds available due to projected litigation that had not taken place. In response to Councilman Happer's question, Mr. Hoffmann said that the State allows transfers of this type within the first ninety (90) days of the year and the Borough was operating within the State's parameters.

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

Mayor McWilliams congratulated and thanked the Department of Public Works employees for their efforts fixing a broken water main on the coldest day of the year. The Council and audience concurred and a round of applause ensued.

14. ATTORNEY'S REPORT

Mr. Oostdyk had nothing additional to report.

15. MANAGER'S REPORT

Councilman Happer left the meeting at 9:21 p.m.

Mr. Hoffmann reported on a meeting that occurred with the Township of Parsippany-Troy Hills regarding sewer fees from 2013. He said he and Mr. Roberts, the Acting Chief Financial Officer, met with the Township's CFO and that they are requesting additional payments. Mr. Hoffmann said he and Mr. Roberts had questions about the flow calculations and that the Township has agreed to review these calculations again. He said he will write a memo and update the Borough Council when the review of these calculations is complete and he receives a response from the Township.

Mr. Hoffmann spoke about the recent hacking events that have plagued several municipalities, citing Clark, Hoboken, and Holmdel as examples. Mr. Hoffmann said he was including an upgrade for virus protection with the addition of a Barracuda network upgrade in the 2015 budget and the expense would be approximately \$12,000. He said he was currently soliciting quotes and stated that he believed these upgrades were vital as the Borough has experienced hacking and virus infection in the past.

The consensus of the Council was to authorize the Interim Borough Manager to spend these funds as soon as quotes were received instead of waiting until the budget was passed in order to minimize the Borough's exposure to cyber events. Councilman Albergo asked to be included in the process as this was his area of expertise.

Resolution 82-15

Resolution Authorizing the Interim Borough Manager to Procure Computer Security Products and Contract for the Installation of Such Products

WHEREAS, the Interim Borough Manager has recommended that the Borough purchase additional computer security products and is in the process of investigating the options available; and

WHEREAS, the Council was advised that the cost of recommended security products and installation is not anticipated to exceed **\$14,000.00**; and

WHEREAS, the Interim Borough Manager advised the Council that he was in the process of obtaining quotations and recommendations concerning security products and would report further at the next Council meeting; and

WHEREAS, the Council does not want the Manager to be constrained from moving forward if the security needs of the Borough will be best served by immediate action.

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, that the Borough of Mountain Lakes that the Borough Manager is authorized to procure such computer security products and services as he deems necessary and appropriate in an amount not to exceed **\$14,000** without further approval from the Council subject to availability of funds.

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

Mr. Hoffmann reported that he is in the process of preparing a Request for Proposals (RFP) for banking services. Mr. Hoffmann said he would be requesting proposals from community banks as long as they had been approved by the New Jersey State Department of Banking.

Mr. Hoffmann said Cindy Shaw, the Planning and Zoning Board Administrator, is doing some research on grant funding available through the Green Acres program and what grants the Borough might qualify for.

Mr. Hoffmann mentioned the memo he had distributed describing the budget timeline and said it does not make sense to introduce the budget until the State aid numbers are released. He expects the numbers will be released in the next week or two.

In response to Council questions, Mr. Hoffmann said that the Township of Parsippany has changed their position with all three (3) towns involved, Mountain Lakes, Montville, and East Hanover, in respect to back payments. He said there had been no formal agreement with the Township even though there had been previous discussions in reference to solving the discrepancy between what was charged and the actual meter reads.

Councilman Lester reported that the next meeting of the Public Safety Subcommittee would be held on the following Tuesday and told Mr. Hoffmann that he would like the Chief's report on department overtime to be discussed with the goal of presenting the report at the next Council meeting.

16. COUNCIL REPORTS

Public Works Advisory Committee – Deputy Mayor Holmberg mentioned that Mr. Prusina had been able to secure enough salt which will hopefully last for the rest of the season. He said that some capital projects had been discussed as well as upgrades to the boat racks at Midvale. He mentioned that the new racks will include accommodations for kayaks of different sizes and stand up paddle boards. Councilman Albergo mentioned that a subgroup of the committee would be reviewing beach facility upgrades on Friday.

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.

Khizar Sheikh – 2 Warwick Road

Mr. Sheikh introduced himself as the new chair of the Environmental Commission and offered the Commission's help regarding the King of Kings property and/or any water issues. He said that water is one of the Commission's goals for 2015 and would appreciate the opportunity to assist the Council. He also offered his help reviewing any legal liability the Borough might have if a data breach occurred.

Ellen Emr – property owner at 19 Sherwood Drive

Ms. Emr suggested that the developer misrepresented the demographics and therefore the ratable value of the proposed development and recommended that every Council member read the Rutgers report mentioned by Mr. Hyson. Ms. Emr also suggested that the Economic Development Subcommittee meetings were not transparent enough to the public. Councilman Lester asked Ms. Emr to forward a copy of the report to the Clerk.

Marnie Vyff – 10 Vale Drive

Ms. Vyff asked the Council to consider the value of the eight (8) acre RC-1 parcel as woodlands and spoke of its environmental impact. She urged the Council to stay within the parameters of the Master Plan and said the Master Plan speaks to the importance of protecting the environment. She mentioned that the Borough's aquifer has the highest negative recharge rate in the State of New Jersey. She asked if the Council would consider re-attempting the grant purchase.

William DuTertre – 14 Lake Drive

Mr. DuTertre thanked the Council for passing the Sister Cities resolution and offered special thanks to Councilman Lester for his assistance. He mentioned that he had presented his proposal to the Board of Education and Mr. Frank Sanchez was now a member of his board.

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

18. EXECUTIVE SESSION

Resolution 77-15

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

- Status of Tax Appeals – Tax Assessor Presentation
- Tax Appeal Settlement: Kapell, Bernard & Lydia Ann v. Borough of Mountain Lakes – Block 100, Lot 53.02
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- Tax Appeal Settlement: Joyce Leuchten v. Borough of Mountain Lakes – Block 31, Lot 15.02
- Affordable Housing Agreement – Hornrock Properties LLC

Matters Relating to the Employment Relationship:

- Chief Financial Officer Position
- Tovo Consulting Agreement

Motion made by Deputy Mayor Holmberg, second by Councilman Lester, to re-enter into Executive Session at 9:47 p.m. with all members in favor signifying by "Aye".

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

19. ADJOURNMENT at 11:04 PM

Motion made by Councilman Borin, second by Deputy Mayor Holmberg, to adjourn the meeting at 11:04 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: FEBRUARY 23, 2015

Michele Reilly, RMC, Borough Clerk

G. Douglas McWilliams, Mayor