

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

**MARCH 9, 2015**  
**5:30 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 (change in meeting time on March 3, 2015) and posted in the municipal building.

Deputy Mayor Holmberg called the meeting to order at 5:35 p.m. in the municipal building.

**2. ROLL CALL**

Ms. Reilly called the roll. All Council members were present with the exception of Mayor McWilliams, who arrived at 5:36 p.m. and Councilman Borin, who arrived at 5:43 p.m. Also in attendance during the public portion of the meeting were Borough Attorney Robert Oostdyk, Interim Borough Manager Robert Hoffmann, Borough Clerk Michele Reilly, Police Chief Shawn Bennett, Fire Chief Matt DeSantis, and Planning and Zoning Board Administrator Cynthia Shaw.

**3. PLEDGE OF ALLEGIANCE**

Deputy Mayor Holmberg led the salute to the flag.

**4. EXECUTIVE SESSION**  
**Resolution 83-15**

**Matters Relating to the Employment Relationship:**  
-Borough Manager Interviews

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 said the Volunteer Orientation session held last Saturday was well attended and very informative and offered thanks to all who participated. Deputy Mayor Holmberg thanked Councilman Lester for developing the agenda and mentioned that the boards, committees and commissions had been challenged to involve students as a way to encourage community participation on all levels.

Councilman Albergo announced the dates of the Eco Weekend as April 24, 25, and 26th. He said events held would include a blood drive, shredding day, trash day, and pocket park clean-ups, and that residents would be able to sign up for the clean-up event on the Borough website. Mayor McWilliams mentioned that the proceeds from shredding day benefit the Mountain Lakes Volunteer Fire Department.

Deputy Mayor Holmberg stated that the annual Woods and Lakes Run would be held on April 25<sup>th</sup>.

Deputy Mayor Holmberg updated those in attendance on the process for the selection of the new Borough Manager. He said that first round interviews had been held and that the Council would be interviewing the top three (3) finalists this week.

**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.

Jim Moody – 17 Robinhood Drive

Mr. Moody spoke on behalf of the Spruce Edge Townhome Association, and identified himself as a Board member. He said the Association's Board, which represents sixty-eight (68) townhomes, voted to oppose the project as proposed by the developer to develop the piece of property commonly known as the King of Kings property.

Chris Sullivan – 4 Sherwood Drive

Mr. Sullivan asked if the Economic Development Subcommittee was a committee and Deputy Mayor Holmberg answered that it was a subcommittee of the Borough Council.

Fred Kanter – 81 Hanover Road

Mr. Kanter objected to the 2015 appointment for Borough Attorney and objected to the Borough Council's decision to have the 2012 Borough Attorney appointment carried over through 2013.

George Jackson – 20 Sherwood Drive

Mr. Jackson said it was his understanding that any development containing more than five (5) units is supposed to include a twenty percent (20%) affordable housing contribution, either through units or through a payment to the Borough's Affordable Housing Trust Fund. He suggested the developer be mandated to build units if the King of Kings property was developed. In addition Mr. Jackson said the King of Kings property is currently assessed as farmland and should be re-assessed as a different type of property since the King of Kings Church intends to develop the land. Mr. Jackson stated his opinion that the Economic Development Subcommittee was not truly a subcommittee as it contained more participants than three (3) council members. He also offered his opinion that the subcommittee should be disbanded or its meetings should be open to the public, and that subcommittee activities should be limited to the development of commercial properties only and not residential properties.

Penny Leman – 32 Sherwood Drive

Ms. Leman inquired as to what progress had been made with the Planning Board review of the RC1 Zone since the last Borough Council meeting.

Steve Arnold – 4 Craven Road

Mr. Arnold said he would appreciate receiving links to the Planning Board, Zoning Board, and Borough Council agendas via the broadcast email.

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

Mayor McWilliams reiterated that ongoing discussions between the developer and the subcommittee did not take place. Councilman Borin said the subcommittee will be discussing the RC1 Zone and that the Planning Board will be involved.

The Mayor stated that the Borough Council feels comfortable with the work done by the Borough Attorney which is why they were reappointed. Deputy Mayor Holmberg pointed out that a holdover situation, while not ideal, is allowed and this had been confirmed with both the Borough Attorney and outside counsel.

Mr. Oostdyk confirmed that if a property is farmland assessed and then sold for development a roll back tax is imposed. The consensus of the Council was to ask Mr. Hoffmann to contact Mr. DeGuercio regarding the current assessment of the King of Kings property.

Councilman Lester said that meeting agendas for the Planning Board, Zoning Board, and Borough Council are available on the Borough website, as are the meeting dates. He said residents have made it clear that they do not want to be overloaded with messages from the Borough and that the Borough Council and Administration are sensitive to this request when determining the contents of the broadcasts.

**7. SPECIAL PRESENTATIONS**

**NONE**

**8. DISCUSSION ITEMS**

**Update Application Requirements for Planning Board**

Ms. Shaw said it has been years since the Planning Board has revised its application forms and in order to make changes to the forms, certain minor changes to the Ordinance are needed. She said the Ordinance changes had been reviewed by both the Borough Attorney and the Borough Engineer. She said changes requested include increasing the number of days an application needs to be submitted before the monthly meetings, removing the reference to the number of copies required as this varies per the type of application, adding a time limit for informal review and establishing an escrow account to cover the costs of professional services, such as reviews by the Borough Engineer and Board Attorney and their attendance at meetings. Councilman Lester suggested Ms. Shaw change the language regarding the submission of applications to read "fifteen (15) business days". The consensus of the Council was that these Ordinance changes were acceptable and the Borough Attorney was instructed to prepare an Ordinance for introduction at the next Borough Council meeting.

**Updates to Check List for Planning Board**

Ms. Shaw said the check list used by the Planning Board also has not been revised in years and that in order to revise the document certain minor changes to the Ordinance will be required. She explained that items to be removed are either repetitive or reference requirements that no longer exist. She cited as an example the steep slope calculation, which is no longer a requirement for applications and has been revised to include a statement on the application that the property is free of slopes in excess of fifteen percent (15%) for new developments or the for creation of new lots.

The consensus of the Council was that these Ordinance changes were acceptable and the Borough Attorney was instructed to prepare an Ordinance for introduction at the next Borough Council meeting. Mr. Oostdyk mentioned that the fee Ordinance would also need a minor revision based on the updates requested by the Planning Board. Mr. Hoffmann commended Ms. Shaw and the Borough Engineer, Mr. Ryden for taking the initiative and pushing these revisions forward.

- 9. ORDINANCE** **NONE**
- 10. \*RESOLUTIONS**
  - R84-15 Resolution of Support Authorizing the Sustainable Jersey Grant Application
  - R85-15 Resolution Authorizing the Refund of Overpayment of Taxes – 94 Melrose Road, Block 71, Lot 20
  - R86-15 Resolution Authorizing the Refund of Overpayment of Taxes – 30 Oak Lane, Block 81, Lot 11
  - R87-15 Resolution Authorizing a Transition Service Agreement Between the Borough of Mountain Lakes and Robert Tovo
  - R88-15 Authorizing the Payment of Bills
- 11. \*MINUTES**
  - February 23, 2015 (Executive)
  - February 23, 2015 (Regular)
- 12. \*DEPARTMENT REPORTS** **NONE**
- 13. \*BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS** **NONE**

Prior to the Consent Agenda vote Mayor McWilliams stated that Resolution 84-15, Resolution of Support Authorizing the Sustainable Jersey Grant Application, would be pulled as it is no longer required. Councilman Lester requested that Resolution 87-15, Resolution Authorizing a Transition Service Agreement Between the Borough of Mountain Lakes and Robert Tovo be considered separately from the Consent Agenda and that the Executive Minutes be pulled for further discussion during a future Executive Session. Councilman Happer presented non-substantive changes to the minutes.

<b>Council Member</b>	<b>By:</b>	<b>2<sup>nd</sup>:</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Albergo</b>		X	X			
<b>Barrett</b>			X			
<b>Borin</b>			X**			
<b>Happer</b>			X			
<b>Lester</b>			X			
<b>Holmberg</b>	X		X			
<b>McWilliams</b>			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 Happer abstained from voting on the regular and executive minutes dated February 23, 2015 and Councilman Borin abstained from voting on the item on the bills list pertaining to the Mountain Lakes Library (PO #13487).

**Resolution 87-15**

**Resolution Authorizing a Transition Service Agreement Between the Borough of Mountain Lakes and Robert Tovo**

The Council discussed adding a specific list of tasks to the agreement. Councilman Lester expressed concerns that the resolution was not specific and made a motion to table the resolution. He did not receive a second. After further discussion the consensus of the Council was to add the following language to the Agreement under Item #2: "A non-exclusive list of items which Mr. Tovo will be addressing with the Interim Manager is set forth below" and to add the non-exclusive list of transition items previously discussed and shared with the Council by Deputy Mayor Holmberg to the bottom of the page.

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

**\*As Amended**

**14. ATTORNEY'S REPORT**

Mr. Oostdyk had nothing additional to report.

**15. MANAGER'S REPORT**

Mr. Hoffmann reported that the banking RFP has been released and sent to nine (9) banks within a five (5) mile radius. He said the bid opening has been set for Wednesday, April 8 at 10:00 a.m. and that a copy of the RFP would be posted on the website. Councilman Barrett recommended that Mr. Hoffmann check to see if Picatinny met the State banking requirements and if so, asked that a copy of the RFP be sent to them.

Mr. Hoffmann said he would be preparing a memo to the Council regarding water allocation. He said his preliminary research indicates the Borough has exceeded its thirty (30) million gallon per month DEP allotment on two (2) occasions, once in August of 2005 and once in August of 2006. He said these violations led to a five (5) year moratorium prohibiting new water connections, and that the moratorium expired in September, 2011.

Mr. Hoffmann mentioned that he has solicited and received quotes for the Barracuda spam filter and will forward the information to Councilman Albergo.

**16. COUNCIL REPORTS**

**Finance Advisory Committee** – Councilman Happer said the Committee meeting had been moved until next week.

**Historic Preservation Committee** – Councilman Happer said the Committee would be meeting this week and had secured a speaker.

**Shade Tree Commission** – Councilman Borin said the Shade Tree Commission was concerned about the completion of the Community Forestry Management Plan and the hiring of a new arborist. Mr. Hoffmann said he would concentrate on this issue now that the banking RFP has been completed.

**Recreation Commission** – Councilman Lester praised Recreation Director Audrey Lane's efforts to revitalize the Fifty-Five Plus Club.

Councilman Lester also reported that the Township of Boonton has asked for access to the Borough's tennis courts and that this issue had been discussed at the last Commission meeting. He stated that the Township has threatened to deny Recreation access to the Township fields for girl's lacrosse and Briarcliff baseball and softball programs if the Borough will not allow access to the tennis courts. The consensus of the Council was that Mr. Hoffmann should call Barbara Shepherd, the Township Administrator, to discuss the issue.

Councilman Lester mentioned that non-resident use of the beach is a concern of the Commission and Chief Bennett said he had met with Ms. Lane and they were developing a plan of action for the summer months.

Councilman Happer questioned the decision of the Commission to require residents who rent racks and rings to remove their watercraft by November 1<sup>st</sup> instead of the traditional December 1<sup>st</sup> date. He asked for further clarification on the rationale behind the decision.

**Public Safety Subcommittee** – Councilman Lester said the Subcommittee had met and reviewed overtime costs with Chief Bennett in order to determine if the overtime figures as stated in previous budgets was realistic, why overtime cost were incurred, and methods for controlling overtime. Chief Bennett said he would forward the report he prepared for the Subcommittee to the Council and that this report included information about overtime costs since 2010. Chief Bennett said his report indicates that seventy-one percent (71%) of overtime costs were incurred in 2014 due to the need to cover vacation and sick time, and that twenty-nine percent (29%) of costs were incurred for work related issues such as training, holiday events such as Fourth of July and Halloween, court, prisoner transport, etc. In response to Councilman Happer’s questions about overtime prior to 2010, Chief Bennett said that 2009 was when the Department dropped in staffing and he stated he had access only to records dating back to 2010. The Chief said that he would contact former Chief Tovo for some additional insight on overtime if the Council felt it necessary after reviewing his report.

Councilman Lester reported that Chief DeSantis had requested the administration place flags on the Borough’s two hundred eighty five (285) fire hydrants in order to ensure their visibility during the winter months and that the cost of the project would be \$4,500. Councilman Happer suggested the Fire Department fund the project through its capital budget allotment but Chief DeSantis pointed out that the hydrants are the responsibility of the Department of Public Works. The consensus of the Council was that Mr. Hoffmann should review the issue with Mr. Prusina and Acting Chief Financial Officer Tim Roberts.

**Public Works Advisory Committee** – Councilman Albergo said the Committee had reviewed initial designs for upgrades to the beach facilities. He said comments had been forwarded to the vendor and the Committee was waiting to receive revised designs.

**17. PUBLIC COMMENT**

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George Jackson – 20 Sherwood Drive

Mr. Jackson urged the Council to refuse Boonton Township’s request to use Borough facilities. He encouraged the Council to use the broadcast email more frequently and stated that people don’t use the website.

Jeff Leman – 32 Sherwood Drive

Mr. Leman asked if Mr. Tovo’s activities would be reported as part of Mr. Hoffmann’s reports or separately.

Fred Kanter – 81 Hanover Road

Mr. Kanter referenced an email from Mr. Tovo to the Borough Attorney relating to the firm’s selection and questioned how Mr. Tovo knew the firm would be selected if there had been no public discussion about the appointment. Mr. Kanter said the Borough Attorney should have advised the Council to sue the Borough Engineer in reference to flooding issues at Cove Park.

Deputy Mayor Holmberg said that the Borough Council would be tracking Mr. Tovo’s activities.

Mayor McWilliams said that the broadcast email reaches approximately thirty percent (30%) of households and stated that residents have expressed concern regarding email oversaturation.

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

**18. ADJOURNMENT at 9:39 PM**

Motion made by Deputy Mayor Holmberg, second by Councilman Happer, to adjourn the meeting at 9:39 p.m., with all members in favor signifying by “Aye”.

**\*Indicates Consent Agenda Item**

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**ATTEST: MARCH 9, 2015**

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Michele Reilly, RMC, Borough Clerk

G. Douglas McWilliams, Mayor