

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

APRIL 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 7:30 p.m. in the municipal building.

2. ROLL CALL

Ms. Reilly called the roll. All Council members were present except for Councilman Happer, who arrived at 7:33 p.m. Also present for the Executive Session were Borough Attorney Robert Oostdyk, Borough Planner Paul Phillips, Interim Manager Robert Hoffman and Borough Clerk Michele Reilly. Also in attendance during the public portion of the meeting was Fire Chief Matt DeSantis.

3. PLEDGE OF ALLEGIANCE

Mayor McWilliams led the salute to the flag.

4. EXECUTIVE SESSION

Resolution 95-15

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

- Affordable Housing Litigation
- Executive Session Minutes

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 Barrett, 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

Prior to the Community Announcements, Mayor McWilliams announced that the Fire Marshall, Tom Trapasso, had indicated that the size of the crowd in attendance exceeded the capacity of the Council chambers. Mayor McWilliams stated that in order to allow all those in attendance the opportunity to participate in the public meeting, the Council consensus was to carry the discussion on proposed revisions to the RC-1 Zone until the next scheduled meeting. He said that the meeting would be held at a bigger venue. Mayor McWilliams called for a five (5) minute recess in order to determine if the meeting could continue.

Mayor McWilliams encouraged nominations for the Citizen of the Year and Janice Hunts awards and mentioned that Janice Hunts had recently passed away.

Mayor McWilliams said the Fifty-Five Plus group would be hosting a presentation on April 17th, given by Mimi Kaplan about recycling efforts in the Borough.

Mayor McWilliams mentioned that Eco Weekend would occur April 24th through April 26th. He said Trash Day was scheduled for April 24th and 25th, Saturday's events included shredding, a blood drive, and free trees, and that residents could sign up on the website for the town clean-up.

Mayor McWilliams reported that the Easter Egg Hunt and Midvale Playground Ribbon Cutting had been held last weekend. Deputy Mayor Holmberg commended the Recreation Director and Recreation Commission, as well as the numerous volunteers who participated in making the event successful. Mayor McWilliams also thanked the Department of Public Works for their efforts.

Mayor McWilliams said that the Trout Stocking and Trout Derby had also taken place last weekend. Deputy Mayor Holmberg congratulated Councilman Barrett on his fourth (4th) place finish.

Mayor McWilliams mentioned that the Woods and Lakes Run would be held on April 25th.

Mayor McWilliams announced the Board of Education budget presentations would be held on April 16th and April 27th.

Mayor McWilliams said applications were available online for summer recreation employment opportunities.

Councilman Lester added his congratulations to the Recreation Director and Recreation Commission for their successful events and offered special commendations to the Trout Derby Committee.

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 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.

Mr. Oostdyk recommended that comments regarding the proposed revisions to the RC-1 Zone be made at the next Borough Council meeting as the discussion had been carried per Council consensus.

Marnie Vyff – 10 Vale Drive

Ms. Vyff said that the Rain Barrel Workshop would be occurring on the Saturday of Eco Weekend. She said Eco Weekend would begin on Friday with Arbor Day festivities at Wildwood School. She mentioned that free trees would be available to those visiting the Department of Public Works on Trash Days, and that the community clean-up event would occur all weekend long.

Jim Moody – 17 Robinhood Drive

Mr. Moody read a list of the founding members of the Bulletin Board Committee – Marge Jackson, Laurie Fisher, Beverly Moody, Carol Saunders, Jean Knowles, Barbra Gowen and Carol B. Conway.

George Jackson – 20 Sherwood

Mr. Jackson said he considered the Economic Development Subcommittee (EDS) highly inappropriate. He said he had been under the impression that the King of Kings issue would be referred to the Planning Board and subsequently learned the EDS had a meeting which was not announced to the public. He said he felt this was disrespectful to the public and asked the Council to reconsider opening the meetings for public input. He requested that the Council consider other options for the King of Kings property besides development.

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

Mayor McWilliams thanked the Bulletin Board Committee. He said in reference to the comments about the Economic Development Subcommittee, no Borough Council decisions were being made at the subcommittee level and that the Borough Council receives many recommendations from its different committees and commissions. Mayor McWilliams stated that no disrespect to the public was intended. Deputy Mayor Holmberg said the Council had requested that the Economic Development Subcommittee create a fact based document about the Kind of Kings property which the Borough Council could then refer to the Planning Board and Borough professionals for further review.

Deputy Mayor Holmberg requested that Mr. Oostdyk comment on the legality of subcommittees. Mr. Oostdyk said subcommittees are allowable as long as they include less than a voting majority of the Council and make recommendations only, not decisions. Mr. Oostdyk said subcommittee meetings do not have to be open to the public and the municipality is entitled to make this determination.

7. SPECIAL PRESENTATIONS

PROCLAMATION

PR02-15 A Proclamation Declaring April 24, 2015 as Arbor Day in the Borough of Mountain Lakes

Mayor McWilliams read the proclamation into the record.

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Mountain Lakes has again been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting practices,

NOW, THEREFORE, I, **G. Douglas McWilliams**, Mayor of the Borough of Mountain Lakes, on behalf of the Borough Council of the Borough of Mountain Lakes, do hereby proclaim **April 24, 2015** as **Arbor Day in the Borough of Mountain Lakes**, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Ms. Vyff, who is coordinating Arbor Day activities at Wildwood School, mentioned that all the school children will receive free trees. She invited all residents to attend the event and to watch the play written by Shade Tree Commissioner Janet Horst and performed by the school children. She said Deputy Mayor Holmberg will be in attendance to read the proclamation.

Mayor McWilliams also read and signed a letter which will be sent to the Mayor of Chaville, France, extending an invitation to the Commune of Chaville, France, to become a Twin Town with the Borough of Mountain Lakes.

Mr. Mayor:

Following the exploratory work from the AIJC (Amitiés Internationales et Jumelage de Chaville) under the leadership of Madame Charbonnier and Monsieur Ottria and of our young citizen William du Tertre, our town of Mountain Lakes has studied the opportunity to establish a twin city relationship with your own town of Chaville.

On the date of February 25, 2015, our Borough Council has unanimously approved to propose this sister city relationship between our two towns.

Therefore it is with great pleasure that, as Mayor of Mountain Lakes, I have the honor to propose in an official manner to have your town of Chaville have a twin city relationship with our town of Mountain Lakes.

This relationship is, without a doubt, an excellent opportunity for our citizens, especially the younger generation, to learn from one another and to establish links of friendship.

We are looking forward to a positive response on your behalf.

8. DISCUSSION ITEMS

Proposed Revisions to RC-1 Zone

This discussion was carried until the next Borough Council meeting.

Salary Ordinance Updates

Mr. Hoffmann stated that the Salary Ordinance, which had not been updated since 2008, would be ready for introduction on April 27th. He said that the Ordinance includes some new positions and he encouraged the Governing Body to review the draft and email him with any suggestions. Mr. Hoffmann mentioned that the Ordinance would be cross-checked with the Personnel Policy and Procedure Manual for consistency and to avoid duplications.

Councilman Happer stated that the rate per hour as listed was too high for some of the seasonal positions. Mr. Hoffmann recommended creating a single rate for a grouping of employees, for example, summer recreation counselors. He also suggested lowering the maximum range. Councilman Albergo recommended including "prevailing minimum wage" as the minimum salary language for seasonal positions.

The Council consensus was to move forward with the introduction of the Ordinance on April 27th. In addition, the Council determined that the Salary Ordinance should be reviewed yearly, at the same time as the Fee Ordinance, and instructed Ms. Reilly to reflect this in the record.

Abatement of Hazardous Substance Discharge Ordinance

Chief DeSantis discussed that the Borough has no methodology or Ordinance to allow charging for emergency services and/or supplies. He mentioned that certain supplies, particularly those used in the case of an event involving a hazardous substance, are expensive. He said that adopting a Hazardous Discharge Ordinance would allow the Borough to bill auto or homeowner's insurance for supplies used during a hazardous substance situation.

The Council consensus was that Chief DeSantis should do some additional research on the topic. The Council requested that Chief DeSantis contact the Joint Insurance Fund (JIF) to determine if any supplies are covered by the Borough's insurance. In addition, they requested the Chief explore whether the adoption of such an Ordinance would mean additional procedures for the Fire Department, and recommended he outline a policy covering how procedures and claims would be handled and processed and to include standards for waivers. Mr. Hoffmann suggested that Chief DeSantis also contact the League of Municipalities. Chief DeSantis was instructed to present his findings at a subsequent Borough Council meeting in discussion item format. Mr. Oostdyk said he would also do some research into the matter.

9. ORDINANCE 01-15

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2015 PURSUANT TO 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 to 1.5% 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 Mountain Lakes in the County of Morris, State of New Jersey finds it advisable and necessary to increase its Calendar Year 2015 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 2% increase in the budget for said year, amounting to \$105,715.27 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 succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Mountain Lakes, in the County of Morris, State of New Jersey, that a majority of the full authorized membership of this governing body affirmatively concurring, that, in the Calendar Year 2015 budget year, the final appropriations of the Borough of Mountain Lakes shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5% amounting to \$185,001.73, and that the Calendar Year 2015 municipal budget for the Borough of Mountain Lakes be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, 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.

If adopted this Ordinance shall take effect after publication and passage as provided by law.

PUBLIC HEARING

Mayor McWilliams opened the public hearing 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.

With no one wishing to be heard, Mayor McWilliams closed the public hearing.

VOTE AS INTRODUCED MARCH 23, 2015

VOTE TO ADOPT

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

10. ORDINANCE 02-15

ORDINANCE AMENDING CHAPTER 208 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND UPDATING THE APPLICATION PROCEDURES AND SUBMISSION REQUIREMENTS FOR CERTAIN PLANNING BOARD APPLICATIONS

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

Section 1. Chapter 208, Section 208-5 entitled "Applications; procedures for filing," shall be amended to read in its entirety as follows:

208-5. Applications; procedures for filing.

- A. Applications for development within the jurisdiction of the Planning Board, pursuant to the provisions of N.J.S.A. 40:55D-1 et seq. shall be filed with the administrative officer. The applicant shall file at least 15 business days before the date of the monthly meeting of the Board the number of required copies determined by the Planning Board Administrator of a sketch plat or concept plan if required, of the application for minor subdivision approval, plans for major subdivision approval, site plan review, conditional use approval, informal review or planned development. At the time of filing the application, but in no event less than 10 days prior to the date set for hearing, the applicant shall also file all plot plans, maps and other papers required by virtue of any provision of this chapter or any rule of the Planning Board. The applicant shall obtain all necessary forms from the administrative office of the Board who shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.
- B. Separate and complete applications shall be submitted for preliminary and final plans. A change in a duly approved subdivision or site plan shall require approval of the Planning Board or Zoning Board of Adjustment.

Section 2. Chapter 208, Section 208-6 entitled "Subdivision Review," subparagraph A., shall be amended to read as follows:

- A. Informal review. At the request of the developer, the Planning Board shall grant an informal review of a concept plan for development for which the developer intends to prepare and submit an application for development. The developer shall not be required to submit an application fee for such an informal review, but will be required to establish an escrow account to cover the cost for professional services. The developer shall not be bound by such a review. The informal review presentation shall be limited to 30 minutes.

Section 3. Chapter 208, Section 208-14 entitled "Informal Review," shall be amended to read in its entirety as follows:

208-14. Informal Review.

At the request of the developer, the Planning Board shall grant an informal review of a conceptual site plan for a development for which the developer intends to prepare and submit an application. The developer shall not be required to submit an application fee for such an informal review, but will be required to establish an escrow account to cover the cost for professional services. The developer shall not be bound by any concept plan for which review is requested, and the Planning Board shall not be bound by any such review. The informal review presentation shall be limited to 30 minutes.

Section 4. Chapter 208, Section 208-17 entitled "Site plan submission and design requirements", Subsection A shall be amended to read in its entirety as follows:

A. The site plan shall show or include the following information:

- (1) Name and address of applicant and owner.
- (2) Borough Tax Map block and lot numbers.
- (3) Name, title, professional seal and signature of person preparing the plat.
- (4) Place for the Chairperson, administrative officer of the Planning Board and the Borough Engineer to sign.
- (5) Scale shall equal 50 feet to the inch except, for one acre or less, the scale shall be 20 feet to the inch.
- (6) Date and revision dates of drawings.
- (7) North arrow.
- (8) Key map showing the entire site plan and its relation to surrounding areas. Where required for a public hearing, the key map shall show name and location of all property owners within 200 feet, with block and lot numbers.
- (9) Name and location of all contiguous property owners, with block and lot numbers.
- (10) Existing zoning and zone boundaries and contiguous zone classifications.
- (11) All existing and proposed streets within 200 feet.
- (12) Area of lot.
- (13) Lot frontage and lot depth.
- (14) All existing and proposed bearings and all setback lines.
- (15) Present and proposed elevations based on New Jersey Geodetic Control Survey Datum, at two-foot contour intervals.
- (16) Location, size and nature of all existing and proposed rights-of-way, easements and other lands, if any, to be dedicated to the Borough.
- (17) Location and type of all existing and proposed storm drainage facilities, watercourses and ditches, water and sanitary sewer lines.
- (18) Location of all major trees and tree masses.
- (19) Location of all existing and proposed buildings.
- (20) The location of all structures within 200 feet of the property.
- (21) Location of off-street parking areas with dimensions showing parking spaces, loading docks, access drives and a traffic circulation pattern showing all ingress and egress means to site.
- (22) Location and description of all proposed signs and exterior lighting.
- (23) Location, type and size of electric, telephone, cable television and gas mains and appurtenances, both above and below ground.
- (24) All landscaping, fences, walls, hedges or similar facilities.
- (25) The first floor plan and front elevation of all proposed buildings.
- (26) Environmental impact statement.
- (27) Soil erosion and sedimentation control plan.
- (28) Surface water management plan.
- (29) Groundwater management plan in the wellhead protection area.
- (30) Landscaping plan.
- (31) Wetlands and transition area delineation or waiver approved by the NJDEP.

Section 5. Chapter 208, Section 208-7 entitled "Subdivision submission requirements", Subsection D shall be amended to read in its entirety as follows:

D. Preliminary plat. The preliminary plat shall be designed and drawn by a New Jersey licensed professional engineer in accordance with Section III(C) of the County Development Standards, as the same presently exists and as may be amended or supplemented from time to time, and shall be accompanied by the other maps, documents, plans, items and other items specified in and required by Section III(C). It shall also meet the requirements of Subsection A, Common requirements, hereinabove. In addition, the developer shall:

- (1) Submit plans of any proposed utility layouts showing feasible connections to existing or any proposed utility system.
- (2) Submit a copy of any protective covenants, easements or deed restrictions which apply to the land being subdivided.
- (3) When an individual water supply or sewage disposal system is proposed, submit a plan for such system which has been approved by the appropriate local, county or state health agency. When a public sewage disposal system is not available, the developer shall have percolation tests made and submit the results, approved by the Borough Board of Health, with the preliminary plat.
- (4) Submit an environmental impact statement.
- (5) Submit a soil erosion and sedimentation control plan.
- (6) Submit a surface water management plan.
- (7) Submit a groundwater management plan in the wellhead protection area.
- (8) Submit a Landscaping Plan.
- (9) Submit a wetlands and transition area delineation or waiver approved by the New Jersey Department of Environmental Protection (NJDEP).

Section 6. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 7. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

If adopted this Ordinance shall take effect after publication and passage as provided by law.

PUBLIC HEARING

Mayor McWilliams opened the public hearing 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.

Sandy Batty – 15 Lockley Court

Ms. Batty expressed her objection to the removal of the requirement to show steep slope delineations on the site plan. She said she feels it is important to show slopes fifteen percent (15% or greater). She said steep slopes offer the potential for erosion and increase the runoff, and in addition any grading that occurs on a steep slope affects the trees. Ms. Batty recommended adding language about requiring the shading of steep slopes fifteen percent (15%) or greater to Section 4A (15). She commented that she felt the inclusion of steep slope shading would help the Planning Board in their evaluation of the site plan. Ms. Batty said she had held two (2) conversations with the Planning Board Secretary and still doesn't have a clear understanding of why the steep slope delineation will not be required on the site plan.

Mr. Oostdyk said that completing the checklist is how the property owner is able to be heard by the Board and that the completion of the checklist triggers time frames and responsibilities. He said he thought the steep slope calculation was included elsewhere in the application. Mr. Oostdyk mentioned that the Planning Board had reviewed the proposed Ordinance and had found it was consistent with the Master Plan. Councilman Lester stated he felt the Council should support the recommendations of the Planning Board and the Borough professionals.

Jim Bailey – 111 Kenilworth Road

Mr. Bailey, chair of the Planning Board, said the steep slope calculation is still a requirement on the site plan but is just not included on the application checklist. He recommended asking Ms. Shaw, the Planning Board Secretary, and Bill Ryden, the Borough Engineer, for further clarification. Mr. Bailey said the Planning Board typically depends on the Borough Engineer to point out slope problems and if there is a slope issue the applicant has to apply for a variance.

George Jackson – 20 Sherwood Drive

Mr. Jackson said he did not see a downside in having the language recommended by Ms. Batty included in the Ordinance.

With no one else wishing to be heard, Mayor McWilliams closed the public hearing.

The Council consensus was to seek further clarification from the Borough professionals and Planning Board and to carry the public hearing until the next meeting. Councilman Happer asked Ms. Batty to email her questions and comments to Ms. Reilly. He instructed Ms. Reilly to forward the comments to Ms. Shaw and Mr. Ryden.

VOTE AS INTRODUCED MARCH 23, 2015

VOTE TO CARRY

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

11. ORDINANCE 03-15

ORDINANCE AMENDING CHAPTER 111 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND REVISING CERTAIN LAND USE, SEWER USE, AND FIRE INSPECTION FEES

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

Section 1. Chapter 111, Section 11-3 entitled "Fee Schedule"; Subsection K "Uniform Fire Safety Code" shall be amended so that the inspection fee for Fire Prevention Non-life hazard annual inspections shall be as follows:

Premises up to 3,000 square feet	\$ 65.00
Premises over 3,001 square feet and up to 6,000 square feet:	\$150.00
Premises over 6,001 square feet and up to 12,000 square feet:	\$250.00
Premises over 12,000 square feet:	\$400.00
Multi-level premises with up to and including three stories:	\$250.00

And the fee for fire extinguisher training shall be as follows:

1. Group of one to five people:	\$100.00
2. Group of six to ten people:	\$150.00
3. Group of eleven or more people:	\$200.00

Section 2. Chapter 111, Section 11-3 entitled "Fee Schedule"; Subsection G,

"Planning Board Fees" shall be amended by the following additional fees:

2. Major Subdivision	
e. Informal Review	No Charge
3. Site Plan	
g. Additional fee for variance, per application	\$250.00 per variance
h. Informal Review	No Charge
5. Escrow Fees	
Informal Review	\$750.00

Section 3. Chapter 111, Section 111-3 entitled "Fee Schedule", C. "Department of Public Works", (7) "Sewer" shall be amended to include the following minimum fees as follows:

Minimum Charge for sewer usage, pro rata when meter is connected for less than a quarter:

Residential sewer fee:	\$ 63.60
Commercial sewer fee:	\$ 69.00

Section 4. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Following introduction, the above Ordinance will be published in accordance with the law and a public hearing will be held on **April 27, 2015.**

Ms. Reilly said that she and Mr. Oostdyk had conversations with the Fire Marshall, Tom Trapasso, and he had recommended the removal of language regarding fees for multi-family dwellings and garages or storage areas within multi-family dwelling units. Councilman Albergo and Councilman Barrett requested some additional language changes, "premises up to and including 3,000 square feet" and "premises over 3,000 square feet and up to and including 6,000 square feet" and "premises over 6,000 square feet and up to and including 12,000 square feet" and "premises over 12,000 square feet". The Councilmen also requested the Fire Official clarify how he would determine fees for a multi-level premise such as a hotel and if the fee would be based on square footage or fixed at the "multi-level premises with up to and including three stories" rate.

The consensus of the Council was to carry this Ordinance in order to allow Mr. Oostdyk to obtain additional clarification from the Fire Marshall, Mr. Trapasso.

12. ORDINANCE 04-15

ORDINANCE AMENDING THE SALARY, WAGE AND COMPENSATION OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF MOUNTAIN LAKES, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY

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

Section 1. The minimum annual respective salary, wage and compensation, to be paid for the following position shall be amended as follows:

Position	Salary
Chief Financial Officer	Minimum reduced to \$12,000.00

If adopted this Ordinance shall take effect after publication and passage as provided by law.

PUBLIC HEARING

Mayor McWilliams opened the public hearing 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.

With no one wishing to be heard, Mayor McWilliams closed the public hearing.

VOTE AS INTRODUCED MARCH 23, 2015

VOTE TO ADOPT

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

13. *RESOLUTIONS

- R96-15 Resolution Authorizing the Hiring of a Certified Arborist to Complete a Community Forestry Management Plan (CFMP) - Hasbrouck Forestry, LLC
- R97-15 Resolution Authorizing the Acceptance of the Proposal for General Banking Services Submitted By Provident Bank
- R98-15 Resolution Authorizing the Municipal Excess Liability Joint Insurance Fund to Add Junior Laker Basketball, Inc. and MLBT Lacrosse as Additional Insured to Its Class IV Coverage Document
- R99-15 Resolution Authorizing the Pavement of Various Roads in the Borough of Mountain Lakes Through the Morris County Cooperative Price Council – District #2
- R100-15 Resolution Authorizing the Transfer of Funds to Junior Laker Basketball, Inc.
- R101-15 Resolution Authorizing the Payment of Bills

14. *MINUTES

- February 23, 2015 (Executive)
- March 23, 2015 (Regular)

15. *DEPARTMENT REPORTS

NONE

16. *BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS

COMMISSION/BOARD	NAME	TERM	POSITION	DATES	NOTE
Shade Tree Commission	Sandy Batty	5 years	Member	1.01.15-12.31.16	Fill unexpired term

Prior to the Consent Agenda vote the Borough Council agreed that Resolution 98-15, Resolution Authorizing the Municipal Excess Liability Joint Insurance Fund to Add Junior Laker Basketball, Inc. and MLBT Lacrosse As Additional Insured To Its Class IV Coverage Document be carried to the next meeting and that the Executive Minutes from February 23, 2015 be carried to the next meeting which includes an Executive Session. In addition, the Council agreed that Resolution 97-15, Resolution Authorizing the Acceptance of the Proposal for General Banking Services Submitted by Provident Bank and Resolution 100-15, Resolution Authorizing the Transfer of Funds to Junior Laker Basketball, Inc., be considered separately from the Consent Agenda.

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			

***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 97-15

Resolution Authorizing the Acceptance of the Proposal for General Banking Services Submitted By Provident Bank

The Council commended Mr. Hoffmann and the Borough staff for their efforts during the proposal process. Mr. Hoffmann said he had spoken with representatives of the bank and they had agreed that the three (3) year fixed interest rate of forty (40) basis points could be renegotiated if short term interest rates rose during that time frame.

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

Resolution 100-15

Resolution Authorizing the Transfer of Funds to Junior Laker Basketball, Inc.

Councilman Happer said he wanted to strike the language in the sixth (6th) "whereas" regarding the Finance Advisory Committee as this issue had not been vetted through the Committee. The consensus of the Council was to vote on the Resolution minus this language.

Councilman Happer said he wanted to set a policy and requirements for the groups that are considered quasi-entities and benefit from insurance coverage through the Borough. He stated that he felt that these groups should be required to file a yearly financial statement with the Borough and asked if the coaches were required to receive training.

Mr. Hoffmann explained that there is no additional insurance cost to the Borough if a group has been covered as a quasi-entity. He said that coaches are required to be certified and in addition the coaches receive background checks. Mr. Hoffmann told the Council that there should be a set of written policies and procedures for the quasi-entities and he would be meeting with the Recreation Director to discuss this issue. Mr. Hoffmann said the value of a quasi-entity was that it allowed the Recreation Department to provide more programs to the community and include more volunteers.

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

17. ATTORNEY’S REPORT

Mr. Oostdyk had nothing additional to report.

18. MANAGER’S REPORT

Mr. Hoffmann thanked the Council for passing the banking resolution and said he had scheduled a transition meeting for Wednesday morning with the representatives from the bank as well as Borough staff and Mr. Sheola.

Mr. Hoffmann also thanked the Council for their input on the Salary Ordinance.

Mr. Hoffmann mentioned he would be attending a meeting in Trenton on April 15th and that the goal of the meeting was to discuss the State’s pension roadmap. He said he would continue to keep the Governing Body informed.

Mr. Hoffmann said that the Borough was going to be able to participate in the first phase of the County Cooperative’s road paving program and that the Borough had received a good price on the purchase of asphalt.

Mr. Hoffmann reported that he memorialized the purchasing procedures on March 25th and that a copy of the memo will be included in the Personnel Policy and Procedure Manual.

Mr. Hoffmann stated that the contract for Facility Dude had been cancelled due to the company’s failure to comply with the terms of the contract. He said he has developed an energy tracking Excel spreadsheet which he will leave for the future administration.

Mr. Hoffmann mentioned that the State had instituted a requirement that the municipality fill out new budget forms effective with this year’s budget. He said that these new forms, designed to show the municipal budget in a user friendly format, are quite labor intensive and that they are due May 10th. Mr. Hoffmann said the Borough would meet the State deadline and that he would provide Council with a copy of the Local Finance Notice.

Mr. Hoffmann told the Council that Ferriero Engineering delivered a preliminary plan for the rehabilitation of Sunset Dam to the Department of Environmental Protection (DEP) at the end of January. He said the dam rehabilitation would be placed on the list of 2016 capital projects. Councilman Happer asked Mr. Hoffmann to review the schedule of dam inspections with Mr. Sheola prior to his departure.

Mr. Hoffmann thanked the Council for passing the resolution hiring the Arborist and said the Community Forestry Management Plan would be completed by October. Mr. Hoffmann said that once the plan was completed, the Borough would be in compliance with the fourth (4th) round and also eligible to apply for grants.

In response to Council questions about paving and the role of New Jersey Natural Gas (NJNG), Mr. Hoffmann said he had asked the Borough Engineer to call NJNG’s Engineer. Mayor McWilliams asked that the administration develop a comprehensive list of paving projects, including both the Borough’s paving projects and those to be completed in conjunction with the gas company. Councilman Happer said this list would be included in the long range capital plan.

Councilman Lester asked Mr. Hoffmann if Pubworks was operational and Mr. Hoffmann said it was not. Councilman Lester stated that one of the Council goals was to have Pubworks implemented in the Borough’s administrative offices by the beginning of the second quarter of 2015. Councilman Lester said he was considering making a recommendation at a future meeting that the Borough cancel the Pubworks project.

19. COUNCIL REPORTS

Historic Preservation Committee – Councilman Happer said the Committee had taken a tour of the dynamite shed located at Tower Hill Road. He said the Committee was very happy to note the structure was dry and a good size. He also reported that the Committee is hard at work on their mission and long range goals. Councilman Happer said two (2) houses located on the Boulevard are scheduled to be demolished and that the Committee had completed its review of the historic house scheduled for demolition.

Public Works Advisory Committee – Councilman Happer said the beach project is moving along and the Council needs to begin discussing options for financing the project. He mentioned that the options included paying for the project piece by piece or financing the entire project at one time. Councilman Happer said he felt there were some very good reasons to consider financing the entire project through a twenty (20) to thirty (30) year bond.

Councilman Borin offered thanks to Mr. Hoffmann for his hard work during his tenure at the Borough as the Interim Manager.

Lakes Management Advisory Committee – Deputy Mayor Holmberg said the Committee had met on April 7th and that Allied Biological, the Borough's Lakes Management vendor, had presented its annual state of the lakes report. He said he was happy to share that the Borough's lakes were in very good shape and that fecal counts were low. Deputy Mayor Holmberg mentioned that the aerators needed to be calibrated and Mr. Hoffmann said that Mr. Prusina had already spoken with Allied Biological in reference to this issue. Deputy Mayor Holmberg reported that Allied Biological had been purchased by Vector Disease Control but no immediate changes were expected.

Deputy Mayor Holmberg reported that the Committee continues to express concerns about beavers at Birchwood. He said he would work with the Borough Manager to attempt to secure a trapper.

Personnel Subcommittee – Deputy Mayor Holmberg said the Subcommittee had been assessing the process of hiring Borough professionals. He said the Subcommittee would be formalizing a policy and that he would present this plan to the Council at the second meeting in May.

Planning Board – Deputy Mayor Holmberg stated that the Parks Lakes Tennis Club had presented its revised plan and was hoping to gain approval for the construction of a new warming hut. He mentioned that membership in the Club was open to Boonton Township residents and asked Mr. Hoffmann to convey this information to Barbara Shephard, the Township Administrator. The Council consensus was that joining the Parks Lakes Tennis Club was an acceptable solution to the Township of Boonton's request to use the Borough's tennis facilities.

Public Safety Subcommittee – Councilman Albergo said the Subcommittee was discussing a vehicle purchasing policy. He said he expected that a template for the replacement of the Borough's street signs would be presented at the next meeting. Councilman Lester mentioned that the Towing Ordinance would be discussed at the second meeting in May. He reported that Chief Bennett had done a great job explaining the issues with overtime at the meeting but he felt the Chief still needed to communicate to Council the actions he would be taking to mitigate future overtime expenditures.

Councilman Lester stated that the new signs were up at Birchwood and that the police have been checking for violators, however, the problem of dogs on the beach seems to be getting worse. Deputy Mayor Holmberg said he hoped the signs were temporary and expressed concerns about sign pollution. Councilman Albergo said he had witnessed dogs off leash at the ribbon cutting at Midvale Park and that the Council needed to determine whether or not they should address this issue more definitively.

Communications Advisory Committee – Councilman Lester asked the other members of Council for assistance. He requested that the Council liaisons remind their chairs to send in notes from the Orientation session as the Committee wishes to incorporate this information into the website.

Memorial Day Advisory Committee – Mayor McWilliams said the Committee is still working on identifying a speaker and is also looking for volunteers to place flags along the Boulevard.

Mayor McWilliams mentioned that Mountain Lakes Day would take place at the Esplanade immediately following the Memorial Day ceremony. Ms. Reilly reported that she, Mr. Prusina and Earl Mabey, the Department of Public Works foreman, had recently met with Jane Hayward, who is chairing the event, to discuss details.

Councilman Barrett asked Mr. Hoffmann to look into an issue at the Midvale Boat Dock. He said that a pile of debris which had accumulated over the winter was washing into the lake.

20. 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.

James Bailey – 111 Kenilworth Road

As Chair of the Planning Board Mr. Bailey said he would like the Board to finish the Affordable Housing element in the Master Plan and he asked that the Council share any non-confidential affordable housing information with the Board. Mr. Oostdyk said he expected the Borough Planner would eventually be speaking to the Planning Board.

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

21. ADJOURNMENT at 10:31 PM

Motion made by Councilman Happer, second by Councilman Borin, to adjourn the meeting at 10:31 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: APRIL 13, 2015

Michele Reilly, RMC, Borough Clerk

G. Douglas McWilliams, Mayor