

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

MAY 26, 2015
7:00 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 8:02 p.m. in the municipal building.

2. ROLL CALL

Ms. Reilly called the roll. All Council members were present except for Councilman Borin, who was absent, and Councilman Albergo, who arrived at 8:15 p.m. Also present were Borough Manager Richard Sheola, Borough Clerk Michele Reilly, and Borough Attorney Marty Murphy.

3. PLEDGE OF ALLEGIANCE

Mayor McWilliams led the salute to the flag.

4. EXECUTIVE SESSION

NONE

5. COMMUNITY ANNOUNCEMENTS

Mayor McWilliams commented on the success of the Memorial Day ceremony, citing fantastic participation by many community groups and a great turnout by residents. He commended the Memorial Day Parade Advisory Committee for their hard work.

Deputy Mayor Holmberg thanked Jane Hayward and her team for a successful Mountain Lakes Day.

Mayor McWilliams mentioned the possibility of a multi-year high school reunion held over the July 4th weekend and said he would announce more details as he received them.

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.

Sandy Batty – 15 Lockley Court

Ms. Batty said she had spoken to Mr. Sheola about the possibility of the Mountain Lakes Conservancy, a non-profit organization, filing an open space grant application to purchase the King of Kings property and said she hoped the Council would consider the offer. She stated that the deadline for the grant application was June 19th. She said that if the Borough chose to file a grant application the Conservancy would be happy to support the application with a letter of recommendation.

Ellen Emr – property owner, 19 Sherwood Court

Ms. Emr gave an overview of a Department of Environmental Protection (DEP) study on environmentally critical areas in the State, as well as an overview of a court case between a municipality and a property owner involving a parcel of land zoned as environmentally sensitive. She said she had sent the information to the Environmental Commission and Councilman Lester requested she send the links to the Borough Clerk for posting to the Borough website.

George Jackson – 20 Sherwood Court

Mr. Jackson spoke against the proposed changes to the Planning Board fees as listed in Ordinance 03-15. He said he feels an increase in fees discourages residents from improving their property. Mr. Jackson mentioned that the Mountain Lakes Club and the Park Lakes Tennis Club, of which he is a member, are both listed as conditional uses in their respective zones and he would like to see the Council make them permitted uses.

Fred Kanter – 81 Hanover Road

Mr. Kanter disagreed with the statements made by Mr. Jackson regarding fee increases affecting construction improvements. Mr. Kanter referenced a recent Open Public Records Act (OPRA) request that he had submitted for bills relating to improvements at Cove Park. He mentioned an invoice paid to Cerbo for plants and said it should not have been paid as Cerbo was supposed to guarantee the viability of the plants. Mr. Kanter said that improvements to Cove Park were supposed to facilitate a continuation of the activities taking place at the Park but that has not happened.

Jim Bailey – 111 Kenilworth Road

Mr. Bailey represented himself as Chair of the Planning Board. He requested that any information about affordable housing supplied to the Council also be supplied to the Planning Board so that the Board could complete the housing element of the Master Plan. He said that the housing element of the Master Plan has to be completed prior to any rezoning.

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

7. SPECIAL PRESENTATIONS
Eagle Scout – TJ Costello

Mr. Costello stated that he had been working with Mr. Prusina, the Department of Public Works (DPW) Director, on his project, which involves putting directional signs and trail heads signs around the trails at Birchwood leading to the sled run. The Council was supportive of Mr. Costello's project. Councilman Lester suggested coordinating with the Woodlands Advisory Committee and Councilman Albergio said he would put Mr. Costello in contact with the Committee chair.

8. DISCUSSION ITEMS

Professionals Appointment and Hiring Process

Mayor McWilliams, Deputy Mayor Holmberg and Councilman Happer said the Personnel Subcommittee had developed this written document in order to formalize current practices and to detail the activities that need to occur between the Manager and the Subcommittee regarding professional appointments and the review of professional services. Mr. Sheola recommended the review process occur every three (3) years and the Council concurred. Mr. Murphy recommended the Council adopt the policy by resolution at a future meeting. Mr. Sheola said he and the Subcommittee would determine a schedule of reviews and that this would be discussed with the Council at a future meeting during Executive Session. In response to Council questions, Mr. Sheola said the Borough Planner is currently appointed by the Planning Board and not by the Council. He felt that the Council might want to consider also appointing a Planner, and that this issue will be discussed by the Subcommittee.

Mayor McWilliams presented Citizen of the Year Marnie Vyff with her certificate and offered her congratulations and thanks for her service to the community. Ms. Vyff received a standing ovation from the audience.

Amending Borough Council Meeting Agenda

Councilman Lester said it did not make sense to hold board, committee, or commission chairs to the five (5) minute public speaking rule and therefore was proposing a change to the meeting agenda to include a separate agenda item allowing any chair in attendance the opportunity to address the Council. The consensus of the Council was that a resolution amending the Borough Council meeting agenda should be prepared for the next meeting.

9. 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.

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 APRIL 27, 2015

VOTE AS ADOPTED MAY 26, 2015

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

10. ORDINANCE 05-15

ORDINANCE AUTHORIZING THE SALARY AND/OR WAGES OF THE OFFICERS AND EMPLOYEES OF THE BOROUGH OF MOUNTAIN LAKES, COUNTY OF MORRIS, 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. That the respective salary/wage range, to be paid to the **full and part-time professionals, full and part-time department heads and their full or part-time deputies** are as follows:

Position	Minimum	Maximum
Borough Manager/Treasurer	\$100,000	\$150,000
Borough Clerk/Registrar	\$ 50,000	\$ 85,000
Deputy Borough Clerk	\$ 20,000	\$ 55,000
Chief Financial Officer	\$ 10,000	\$ 85,000
Chief of Police	\$ 90,000	\$140,000
Director of Public Works	\$ 15,000	\$ 75,000
Tax Collector	\$ 30,000	\$ 50,000
Deputy Borough Treasurer	\$ 30,000	\$ 55,000
Accounts Payable/Finance Assistant	\$ 30,000	\$ 55,000
Qualified Purchasing Agent	\$ 1,000	\$ 10,000
Executive Assistant to Borough Mgr and/or Borough Clerk	\$ 30,000	\$ 50,000
Recreation Director	\$ 10,000	\$ 32,500
Construction Official	\$ 10,000	\$ 49,000

Section 2. That the respective salary/wage range, to be paid to the **full-time employees of the Police Department** be as follows:

Position	Minimum	Maximum
Patrolman		Per contract
Sergeant		Per contract
Lieutenant		Per contract
Detective Stipend	\$ 500	\$ 1,500

All Police Department employees with the exception of the Chief, Special Police, School Crossing Guards, Police Department Administrative Assistant/Records Clerk and Police Matrons are subject to a contract pursuant to Chapter 303 of the Laws of 1968. To the extent that the terms, conditions, and benefits of their employment as set forth in the contract are different from those set forth in this Ordinance, the contract supersedes and takes precedence over the conflicting Ordinance provisions. A copy of the contract is available for public inspection at the office of the Borough Clerk when finally executed. The terms and conditions of the contract shall remain in effect for the life of the contract. All terms and conditions of the current contract shall remain in force until a successor agreement has been approved by the Governing Body.

Section 3. That the respective salary/wage range, to be paid to the **full-time employees of the Department of Public Works** shall be as follows:

Position	Minimum	Maximum
Foreman	\$50,000	\$75,000
Crew Chief	\$40,000	\$70,000
Carpenter/Mason	\$30,000	\$72,500
Equipment Operator	\$25,000	\$57,500
Senior Public Utility Serviceperson	\$30,000	\$67,500
Junior Public Utility Serviceperson	\$25,000	\$55,000
Public Utility Serviceperson	\$25,000	\$45,500
Driver/Laborer	\$25,000	\$60,000
Mechanic	\$25,000	\$57,500
Administrative Assistant to DPW Director	\$20,000	\$47,500

11. *RESOLUTIONS

R115-15 Resolution Establishing a Petty Cash Fund
 R116-15 Resolution Amending the Members of the Memorial Day Parade Advisory Committee
 R117-15 Resolution Authorizing the Payment of Bills

12. *MINUTES

May 11, 2015 (Executive)
 May 11, 2015 (Regular)

13. *DEPARTMENT REPORTS

Construction Department	April 2015
Department of Public Works	April 2015
Fire Department	April 2015
Health Department	April 2015
Police Department	April 2015
Recreation Department	April 2015
Tax Department	April 2015

14. *BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS NONE

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.

***Councilman Happer abstained from voting on the minutes.

15. ATTORNEY'S REPORT

Mr. Murphy had nothing additional to report.

16. MANAGER'S REPORT

Mr. Sheola said he is continuing his Borough orientation by meeting with the advisory boards and that next week he will be taking a tour of the Borough with the DPW.

Mr. Sheola reported weed treatments would be occurring at Crystal and Wildwood.

Mr. Sheola stated that the Borough's operating expenses were on target with two areas of concern identified, Planning Board Engineer fees and overtime for Streets and Roads, likely attributed to the winter storms.

Mr. Sheola said that the grant application for King of Kings is in process and that the appraiser has been authorized to proceed with an appraisal. He said that water issues at the site were going to be addressed by the developer. Mr. Sheola mentioned that the Municipal Manager's Association was holding an affordable housing seminar on June 18th and he and Mr. Oostdyk would be attending on behalf of the Borough. He said that he expected the Planner to attend the June 8th Borough Council meeting in order to address the density issue with the Council and that he expected the Environmental Commission to present their concerns and comments that same evening.

In response to Council questions about who might submit the open space grant application for King of Kings, Mr. Sheola said he was concerned that a grant award to the Mountain Lakes Conservancy might subject the rest of Borough property to the provisions of Green Acres. Ms. Batty represented that she did not feel the award of a grant to the Conservancy would encumber the rest of the Borough property as available parkland to any resident of the State. Mr. Sheola stated that he would research the issue and report to the Council.

Councilman Barrett brought up concerns about the Midvale Boat dock and the rotting debris near the entry point. Mr. Sheola promised to follow up with Mr. Prusina.

Mr. Sheola reported that the Borough is moving forward with Pub Works.

Deputy Mayor Holmberg mentioned the number of signs at the beach and voiced concerns about sign pollution. Deputy Mayor Holmberg said he felt the issue of signs, both temporary and otherwise, should be addressed by the Council.

17. COUNCIL REPORTS

Environmental Commission – Councilman Albergo said the Commission’s draft response to Council questions about the King of Kings site is posted on the website. He said the Commission would appreciate feedback prior to the June 8th Council meeting so that they have the opportunity to make adjustments to the draft if necessary.

Public Works Advisory Committee – Councilman Albergo reported that the boat racks were ready by Memorial Day as promised. He said that the Committee met with the Dam Engineer regarding the Department of Environmental Protection (DEP) required renovations to Sunset Lake Dam. He told the rest of the Council to be prepared for an expensive project. Councilman Albergo said many trees will have to be removed as their roots are eroding the dam structure.

Historic Preservation Committee – Councilman Happer said the Committee was requesting Council permission to spend money from the Centennial surplus account. He stated the expenses as nine hundred dollars (\$900) for upgrades to the website and three hundred twenty-five dollars (\$325) for architectural fees necessary to write grant applications. Councilman Happer was supportive of the Committee’s request. He also said that the Committee was interested in using the dynamite shed to store surplus materials from historic homes. Councilman Lester asked about the replacement of the windows at the Station restaurant and whether or not funds from the surplus account were used and Mr. Sheola said he would look into it.

Personnel Subcommittee – Deputy Mayor Holmberg reported that the Subcommittee reviewed the salary Ordinance last week. He also reported that the Subcommittee had discussed changes to the Economic Development Subcommittee (EDS) structure and charter. The Council consensus was that changes to the EDS should be considered after a full Council discussion.

Deputy Mayor Holmberg said the Subcommittee had discussed priorities with Mr. Sheola, noting staffing concerns and considerations, the issues with water and King of Kings, and budget transparency as top goals. He noted that Mr. Sheola will be presenting an evaluation and organizational overview to the Council mid-summer.

Mr. Sheola stated that the shared service agreement with the Denville court has expired. He said he is speaking to his colleagues in Denville and to the Police Department and hopes to have a draft agreement for Council review in June.

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 complained about the Council meeting and the School Board meeting occurring on the same evening. He said signs are illegal per Borough Ordinance, including real estate signs, and that the Council should take action. He asked the Council to explain what they are doing about the lack of retro reflective signs in the Borough and the ADA violations at Cove Park.

Steve Castellucci – 2 Laurelwood Drive

Mr. Castellucci offered thanks for the great Memorial Day ceremonies and said he appreciated Mr. Sheola and the Council responding to remarks he made at the last Borough Council meeting.

Sandy Batty – 15 Lockley Court

Ms. Batty said she was troubled at the suggestion that the Borough hire its own planner and said doing so could possibly pit the Planning Board and Borough Council against each other. She suggested that the Council turn to the Planning Board for advice on land use issues and to include them in any discussions involving same. She said the Borough has traditionally had a Housing Committee and suggested resurrecting it. Ms. Batty asked if there was a decision as to who would file the open space grant application and said the Conservancy did not want to spend money on an appraisal if it was not necessary and the Borough would be filing.

Mr. Sheola stated that the cost of an appraisal would be about \$2500. Deputy Mayor Holmberg asked about the Conservancy and the Borough sharing an appraisal and Mr. Sheola said the rules prohibit a joint application between a municipality and a non-profit organization such as the Conservancy.

George Jackson – 20 Sherwood Court

Mr. Jackson said he felt the Council should include the Planning and Zoning Board attorneys on the list of Borough professionals to be reviewed. He stated that signs have been an issue for years and in his opinion they should be picked up by the Zoning Officer and thrown in the trash.

Ellen Emr – property owner, 19 Sherwood Court

Ms. Emr said Mr. Kanter is right about signs and about Cove Park.

Jim Bailey – 111 Kenilworth Road

Mr. Bailey said he agreed with Ms. Batty about the Housing Committee and suggested the Council consider putting together a group of residents to evaluate affordable housing in the Borough. He mentioned that signs on the beach and debris at Midvale have been issues and discussion items for years. He suggested the Council consider a walk around fence at Birchwood.

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

The Council summarized the night's discussions and future action items. Deputy Mayor Holmberg and Councilman Barrett said they would like to work with the community experts and the Planning Board on concerns involving the King of Kings property and would coordinate their efforts with Mr. Sheola. Mr. Sheola reiterated that Mr. Oostdyk would attend the affordable housing seminar with him on June 18th on behalf of the Borough. The Council agreed that a discussion item on the Economic Development Subcommittee would be presented at the second meeting in June. Mr. Sheola said that he would call to find out if an open space grant award to the Conservancy encumbers the rest of Borough property as Green Acres.

Councilman Happer suggested that the appraiser proceed with the appraisal, that Ms. Batty proceed with a grant application, and then the Council can discuss and determine who will pay for the appraisal and who will file the application at the June 8th meeting. The Council consensus was that this was acceptable.

19. ADJOURNMENT at 10:18 PM

Motion made by Deputy Mayor Holmberg, second by Councilman Barrett, to adjourn the meeting at 10:18 p.m., with all members in favor signifying by "Aye".

***Indicates Consent Agenda Item**

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ATTEST: MAY 26, 2015

Michele Reilly, RMC, Borough Clerk

G. Douglas McWilliams, Mayor