

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

**JUNE 22, 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 (change in time and location June 19, 2015) and posted in the municipal building.

Mayor McWilliams called the meeting to order at 7:04 p.m. in the municipal building.

**2. ROLL CALL**

Ms. Reilly called the roll. All Council members were present except for Councilman Lester, who arrived at 7:05 p.m. and Councilman Alberg, who arrived at 7:06 p.m. Also present for the Executive Session were Borough Manager Richard Sheola, Borough Clerk Michele Reilly, and Borough Attorney Robert Oostdyk.

**3. PLEDGE OF ALLEGIANCE**

Mayor McWilliams led the salute to the flag.

**4. EXECUTIVE SESSION**

**Resolution 124-15**

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

-Affordable Housing Litigation

-Interlocal Services Agreement - Court

Motion made by Deputy Mayor Holmberg, second by Councilman Happer, 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**

The Council wished the Borough Clerk a Happy Birthday.

Mayor McWilliams said that the Borough was gearing up for the Fourth of July festivities. He encouraged residents to donate and mentioned that a flyer had been mailed to all homes. He said that Island Beach would be open for residents to view the fireworks and to check the website for more information.

**6. SPECIAL PRESENTATIONS**

There were no special presentations.

**7. REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES**

No reports were presented.

**8. DISCUSSION ITEMS**

There were no discussion items.

**9. 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 that the Borough Ordinance regarding unregistered vehicles should have been removed from the Ordinance database as it had been struck down by a New Jersey Superior Court Judge and that it has not been deleted. He mentioned that he had received copies of the Ordinance from 2002 to present after making a records request. He also expressed his frustration with the current sign Ordinance.

Dede Conlan – 310 Morris Avenue

Ms. Conlan read her prepared statement to the Council and gave a copy to the Borough Clerk. She inquired if the Recreation Commission had the ability to make rules without Council approval and referenced what she said was a new rule posted at the beach stating that group swim lessons are available through Mountain Lakes Recreation and all other group swim lessons are prohibited. She said Mountain Lakes Recreation was not offering swim lessons. She also mentioned that there was no prohibition of group lessons posted at the tennis courts and she felt that the same rules should apply for all sports across all Borough facilities. Ms. Conlan also expressed her opinion that the September 2014 Recreation minutes stated incorrectly that she “stepped down” as Beach Director and referenced issues she had with the terms of her employment.

Ellen Emr – property owner, 19 Sherwood Drive

Ms. Emr said that she possessed a nanny tag and that it was very disappointing to her that she could not sign her grandchildren up for group swim lessons as none were available.

Jim Moody – 17 Robinhood Drive

Mr. Moody said he was very disappointed to hear that Ms. Conlan was no longer the Beach Director and expressed his support for her.

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

Deputy Mayor Holmberg stated that the Borough was grateful for Ms. Conlan’s service to the community. He said the Recreation Commission was trying to standardize the Borough’s recreation programs and asked Mr. Sheola to make sure that is happening. Councilman Lester asked the Borough Clerk to forward a copy of Ms. Conlan’s remarks to him.

**10. ORDINANCE 07-15**

**BOND ORDINANCE APPROPRIATING \$475,000 AND AUTHORIZING THE ISSUANCE OF \$451,250 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF MOUNTAIN LAKES, IN THE COUNTY OF MORRIS, NEW JERSEY**

**BE IT ORDAINED** by the Borough Council of the Borough of Mountain Lakes, in the County of Morris, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) as follows:

**Section 1.** The several improvements described in Section 3 of this bond Ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Mountain Lakes, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$475,000 including the aggregate sum of \$23,750 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**Section 2.** For the financing of said improvements or purposes and to meet the part of said \$475,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$451,250 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$451,250 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**Section 3.** The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

**IMPROVEMENT OR PURPOSE**

(a) Acquisition by purchase and installation as necessary of new and additional equipment, including without limitation personal protective equipment for use by the Mountain Lakes Fire Department and various equipment for use by the Administrative Offices of the Borough, together with all appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
\$20,000	\$19,000



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**Section 8.** This bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond 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 comment portion of the meeting.

**VOTE AS INTRODUCED JUNE 8, 2015**

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

**11. \*RESOLUTIONS**

- R125-15 Resolution Authorizing Membership in the New Jersey State Firemen's Association –Baker, Richards, Reilly
- R126-15 Resolution Amending the Members of the Traffic and Safety Advisory Committee – Cooper
- R127-15 Resolution Requesting Approval of Item of Revenue and Appropriation Under N.J.S.A. 40A:4-87 For The 2015 Alcohol Education Grant in the Amount of \$117.87
- R128-15 Resolution Requesting Approval of Item of Revenue and Appropriation Under N.J.S.A. 40A:4-87 For The 2015 Clean Communities Grant in the Amount of \$10,653.58
- R129-15 Resolution Amending a Professional Services Agreement Between the Borough of Mountain Lakes and RSC Architects
- R130-15 Resolution Memorializing the Process for the Review and Appointment of Borough Professionals
- R131-15 Resolution Authorizing an Amendment to the Shared Services Agreement Between the Borough of Mountain Lakes and the Township of Denville For Municipal Court Services
- R132-15 Resolution Authorizing the Payment of Bills

**12. \*MINUTES**

- June 8, 2015 (Executive)
- June 8, 2015 (Regular)

**13. \*DEPARTMENT REPORTS**

- Construction Department May 2015
- Department of Public Works May 2015
- Fire Department May 2015
- Health Department May 2015
- Police Department May 2015
- Recreation Department May 2015
- Tax Department May 2015

**14. \*BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS NONE**

Prior to the Consent Agenda vote the Borough Council agreed with Mr. Sheola's recommendation that Resolution 131-15 be carried to a future meeting. Councilman Borin requested that Resolution 129-15, Resolution Amending a Professional Services Agreement Between the Borough of Mountain Lakes and RSC Architects be considered separately from the Consent Agenda. Councilman Lester requested that Resolution 130-15, Resolution Memorializing the Process for the Review and Appointment of Borough Professionals, be considered separately from the Consent Agenda. Mr. Sheola said that the Resolution Authorizing the Payment of Bills should not include Purchase Order #2954.

Council Member	By:	2 <sup>nd</sup> :	Yes	No	Abstain	Absent
Albergo			X			
Barrett		X	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 Purchase Order #13487.

**Resolution 129-15**

**Resolution Amending a Professional Services Agreement Between the Borough of Mountain Lakes and RSC Architects**

Councilman Borin recommended that the word “approved” in the first “Whereas” be replaced with the word “proposed” and the rest of the Council concurred. He also expressed concerns about the cost of the project. Councilman Albergo said the subcommittee also had concerns about the cost and the architect had been instructed to redraw the proposal in order to decrease costs.

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

**Resolution 130-15**

**Resolution Memorializing the Process for the Review and Appointment of Borough Professionals**

The Council consensus was to amend the third “Whereas” to “shall be implemented immediately”. Councilman Lester expressed concerns about Mr. Sheola’s goal of reviewing all nine (9) professional appointments this year and suggested reviewing three (3) at a time. Mr. Sheola said he could review all nine (9) and the rest of the Council agreed that Mr. Sheola could proceed with his approach as outlined in his memo.

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

**15. ATTORNEY’S REPORT**

Mr. Oostdyk had nothing additional to report.

**16. MANAGER'S REPORT**

Mr. Sheola said he would be discussing the emails he had sent to the Council. Some of the Council members said they had not received the emails. Mr. Sheola apologized and explained that the Borough had experienced problems with its email server. He said he would resend the information, which included a memo about his priorities and an article on on-boarding written by the International City Management Association.

Mr. Sheola said he had met with the Personnel subcommittee on June 12<sup>th</sup> and reviewed his priority list with them. He said they discussed projects on the front burner, the list of items to be addressed left by former Interim Manager Robert Hoffmann, the Manager's meeting schedule, and Mr. Sheola's vision for Mountain Lakes.

Mr. Sheola told the Council that onboarding is the practice of socializing new manager, and he commended the Council and Borough staff for doing a great job in onboarding him.

**17. COUNCIL REPORTS**

**Environmental Commission** – Councilman Albergo reported that the EC met and completed the task they were asked to do by the Council.

**Woodlands Advisory Committee** – Councilman Albergo said the Committee is planting chestnut trees in order to combat the chestnut tree blight. In addition the Committee is working with an Eagle Scout on a trail mapping project.

**Historic Preservation Committee** – Councilman Happer said the Committee expects the Chair, John Grossmann, to submit his resignation as he is moving and that a new member has been selected to take his place once the resignation is received. Councilman Happer said the Committee had asked him to follow up with Mr. Sheola about the dynamite shack. Mr. Sheola reported that he visited the site with Mr. Grossmann and Mr. Prusina and that a professional opinion will probably be necessary as to the viability of the shack as a storage facility as it is damp and musty and climate control might be an issue.

**Public Works Advisory Committee** – Deputy Mayor Holmberg mentioned that Mimi Kaplan, who is also a member of the Environmental Commission, had reported on her work with Wildwood students in increasing the amount of recycling taking place at the school. Ms. Kaplan said that when she did her first audit in January only twenty-five percent (25%) of recyclable materials were actually being recycled. She told the Committee that she had heightened awareness with a variety of efforts and her end of year audit calculated a recycling rate of ninety percent (90%).

Deputy Mayor Holmberg thanked the Department of Public Works employees for all their hard work during this time of high use of the Borough facilities.

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

Fred Kanter – 81 Hanover Road

Mr. Kanter asked Mr. Sheola to deputize him to remove signs. He said he would remove signs for free. He requested the Council update the sign Ordinance and said he wants the abandoned vehicles Ordinance removed as it is illegal. Mr. Kanter said Deputy Mayor Holmberg had promised to answer his questions about why the Ordinance had not been removed and he had not.

Dede Conlan- 310 Morris Avenue

Ms. Conlan said she would appreciate a quick response to her questions as she had already started giving swimming lessons. She said tennis professionals are allowed to give lessons if they are guests of a tag holder.

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

Deputy Mayor Holmberg stated that he had responded to Mr. Kanter on June 8<sup>th</sup>.

**19. ADJOURNMENT at 8:50 PM**

Motion made by Councilman Barrett, second by Councilman Happer, to adjourn the meeting at 8:50 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: JUNE 22, 2015**

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Michele Reilly, RMC, Borough Clerk

G. Douglas McWilliams, Mayor