

BOROUGH OF MOUNTAIN LAKES
MOUNTAIN LAKES HIGH SCHOOL, 96 POWERVILLE ROAD, MOUNTAIN LAKES
973-334-3131

www.mtnlakes.org

AUGUST 24, 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 7:33 p.m. in the municipal building.

2. ROLL CALL

Ms. Reilly called the roll. All Council members were present except for Councilman Barrett, who was absent. Also present for the Executive Session were Borough Clerk/Acting Manager Michele Reilly, and Borough Attorney Martin Murphy.

3. PLEDGE OF ALLEGIANCE

Mayor McWilliams led the salute to the flag.

4. EXECUTIVE SESSION

Resolution 148-15

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

-Potential Litigation, Conlan vs. Mountain Lakes et al

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 Happer, 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 reported that Borough Manager Rich Sheola was on medical leave for a few weeks and on behalf of the Council wished him a speedy recovery.

Mayor McWilliams mentioned the various improvement projects in the Borough including the painting of the fire hydrants and the paving on Kenilworth Road and Glen Road. He said Cobb Road was scheduled to be paved in the fall and that identification flags would be placed on the fire hydrants.

Mayor McWilliams said the Recreation Department had recently presented an enjoyable movie evening at Island Beach featuring "Lilo and Stitch".

Deputy Mayor Holmberg recognized the efforts of Recreation, Public Works and the Borough administrative staff.

Councilman Lester said he attended the concert held at Island Beach and sponsored by Recreation and was sorry there was not better attendance.

6. SPECIAL PRESENTATIONS

There were no special presentations.

7. REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES

No reports were presented.

8. DISCUSSION ITEMS

-Volunteer Recognition Program

Deputy Mayor Holmberg said that he and former Councilwoman Blair Bravo were formalizing a program to acknowledge the Borough's generous and talented volunteers and they had recently met with Mayor McWilliams and Ms. Reilly. As a result of the meeting, he said they were recommending a recognition reception, to be held in December prior to the December Council meeting. He mentioned that the meeting would be held at the High School and the reception would be held in the rotunda outside the auditorium. Deputy Mayor Holmberg stated that he and Mrs. Bravo wanted to focus the community on the importance of volunteering and therefore all residents would be invited. The Council consensus was to proceed with the December reception.

Deputy Mayor Holmberg also discussed the possibility of creating a new annual award, to be called "The Mayor's Award". He said that each Council member would be able to nominate a volunteer and the Mayor would make the final selection for the award. Several Council members expressed concern that this award would compete with the Citizen of the Year and Janice Hunts awards, and others expressed an interest in honoring volunteers on a more frequent basis, such as quarterly. The Council consensus was that no new award would be created at this time and that the idea of an additional volunteer award would be revisited next year as a further step in the volunteer recognition program.

Deputy Mayor Holmberg discussed the concept of special recognition for any volunteer reaching a twenty-five (25) year milestone. He explained that the chairs of the boards, committees, and commissions would be contacted and asked to provide information about years of service. He said that volunteers with twenty-five (25) years of service will have their names stenciled in the Council room. The Council agreed that this special recognition was appropriate.

-Fire Department Mutual Aid Agreement

Ms. Reilly said that Chief DeSantis had requested the Council review the updated agreement and express any questions or concerns. She said Chief DeSantis had told her that the agreement was also being reviewed by the other parties involved and that once all comments and questions had been received, the agreement would be finalized and brought back to the Council for approval. The Council had no questions and the consensus was support for the continuation of mutual aid and updates to the agreement.

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.

Cathy Riccobono – Boonton Kiwanis

Ms. Riccobono stated that she was the President of Boonton Kiwanis and asked the Council to consider increasing its yearly appropriation. She said that currently, the ambulance squad receives \$15,000 each from Mountain Lakes and Boonton Township, and \$16,500 from the Town of Boonton and that she is approaching each municipality for an increase in funding due to the rise in expenses. She said that it is against the policy of Boonton Kiwanis to bill people who use their services and so they rely solely on donations and municipal contributions to cover their costs.

Mayor McWilliams asked Ms. Riccobono to provide her data to the Council, and the Council thanked her and the Boonton Kiwanis for their service.

Gerry Gruenfelder – 35 North Briarcliff Road

Mr. Gruenfelder said he had been a member of Boonton Kiwanis and expressed his sympathy for the group. He asked if any portion of the expenditure of the cost for a new ambulance could be bonded among the three (3) participating municipalities.

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

10. ATTORNEY'S REPORT (verbal)

Mr. Murphy had nothing additional to report.

11. MANAGER'S REPORT (verbal)

Ms. Reilly reported that Mr. Sheola expressed thanks for all the good wishes.

13. ORDINANCE 09-15

BOND ORDINANCE APPROPRIATING \$65,000 AND AUTHORIZING THE ISSUANCE OF \$61,750 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, STATE OF 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 **\$20,000** including the aggregate sum of **\$1,000** 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 **\$20,000** 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 **\$19,000** 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 **\$19,000** 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, 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>
\$5,000	\$4,750

(b) Purchase of new personal computers, tablets, anti-virus hardware and related peripherals in accordance with 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>
\$15,000	\$14,250

TOTALS

\$20,000	\$19,000
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Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond Ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond Ordinance, is **9.0** years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by **\$19,000**, and the said obligations authorized by this bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding **\$1,000** in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond Ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond Ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond Ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

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 hearing.

VOTE AS INTRODUCED JULY 27, 2015

VOTE AS ADOPTED AUGUST 24, 2015

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

13. ORDINANCE 10-15

ORDINANCE AMENDING CHAPTER 173 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND PERMITTING PARKING IN PARKS AND RECREATION FACILITIES ONLY DURING TIMES WHEN THE FACILITIES ARE OPEN

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 173 of the Revised General Ordinances of the Borough of Mountain Lakes entitled "Parks and Recreation", Section 173-1 entitled "Lakes, parks and beaches," shall be amended by the following amendment to subsection A. which shall read in its entirety as follows:

- A. Hours of operation. Borough owned lakes, beaches, and parks shall open at sunrise and shall close at sunset except for lighted tennis courts which shall close at 11:00 p.m. Parking shall be permitted only during hours when the park or facility is open. It shall be a violation of this Chapter to park a motor vehicle in a municipal park or recreation facility during a time when the park or facility is closed.

Section 2. 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 3. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. 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 **September 14, 2015.**

Prior to the introduction of the Ordinance, Councilman Albergo pointed out that many events sponsored by the Recreation Department are held after hours. Mr. Murphy suggested adding “unless prior arrangements have been made with the Police Department” to the last sentence in Section 1(A) and the consensus of the Council was that this language was acceptable.

Councilman Lester voiced concern that the Ordinance would prohibit activities that occurred after sunrise and sunset, like running on the beach or midnight strolls and suggested the Ordinance should reflect no parking between the hours of midnight and 5:00 a.m. Councilman Happer stated that the facilities are closed at that time and therefore no one should be using the parking lots as they shouldn't be using the facilities.

VOTE AS INTRODUCED AUGUST 24, 2015

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

14. ORDINANCE 11-15

ORDINANCE AMENDING CHAPTER 245 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND REVISING CERTAIN REFERENCES TO THE ZONING MAP

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 245, Section 5 entitled “Zoning Map” shall be amended to read in its entirety as follows:

§ 245-5 Zoning Map.
The locations and boundaries of the zones are hereby established on the most recently approved and adopted Zoning Map on file with the Borough Clerk, which is hereby made and declared a part of this chapter. The zone boundaries follow property boundaries or the center of street rights-of-way except as otherwise noted on the Zoning Map.

Section 2. 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 3. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

VOTE AS INTRODUCED AUGUST 24, 2015

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

15. *RESOLUTIONS

- R149-15 Resolution Establishing Procedures to Monitor and Ensure Compliance With Federal Tax Law Requirements With Respect to Tax Exempt Debt of the Borough
- R150-15 Resolution Authorizing the Redemption of Tax Title Lien 2012-003, Block 118.01, Lot 28
- R151-15 Resolution Adopting the Morris County Multi-Jurisdictional Multi-Hazard Mitigation Plan Update (July 2015) As An Official Plan of the Borough of Mountain Lakes
- R152-15 Resolution Authorizing Membership in the New Jersey State Firemen's Association – Payne, Jr.
- R153-15 Resolution Authorizing the Payment of Bills

16. *MINUTES

- July 27, 2015 (Executive)
- July 27, 2015 (Regular)

17. *DEPARTMENT REPORTS

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

18. *BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS

COMMISSION/BOARD	NAME	TERM	POSITION	DATES	NOTE
Historic Preservation Committee	Sima Chowdhury	4 year	Member	Thru 12.31.16	Filling Unexpired Term

Prior to the Consent Agenda vote Councilman Happer requested that Resolution 149-15, Resolution Establishing Procedures to Monitor and Ensure Compliance With Federal Tax Law Requirements With Respect to Tax Exempt Debt of the Borough and Resolution 151-15, Resolution Adopting the Morris County Multi-Jurisdictional Multi-Hazard Mitigation Plan Update (July 2015) As An Official Plan of the Borough of Mountain Lakes be considered separately from the Consent Agenda. Councilman Lester requested that Resolution 153-15, Resolution Authorizing the Payment of Bills, be discussed 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 149-15

Resolution Establishing Procedures to Monitor and Ensure Compliance With Federal Tax Law Requirements With Respect to Tax Exempt Debt of the Borough

Councilman Happer said he wanted the Chief Financial Officer to explain if the Borough is already in compliance, outline any recommended changes, and detail the amount of time any procedural changes might take. Councilman Lester made a motion to carry the resolution until such an explanation could be provided.

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

Resolution 151-15

Resolution Adopting the Morris County Multi-Jurisdictional Multi-Hazard Mitigation Plan Update (July 2015) As An Official Plan of the Borough of Mountain Lakes

Ms. Reilly explained that the Council had passed a resolution in 2011 to approve the initial plan and it was stated in the resolution that periodic updates of the plan would be required. She reported that Mr. Sheola and Chief Bennett both said passing the resolution to update the plan would allow the Borough and County to qualify for FEMA money in case of an emergency. In response to Council questions Mr. Murphy said he saw no issues with passing the resolution and that it was a formality.

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			

Resolution 153-15

Resolution Authorizing the Payment of Bills

Councilman Lester questioned the payments made for Mountain Lakes Day and wondered why the Borough would be paying for an event run by an outside organization. Additionally, he said he objected to the practice of employees using their funds for Borough purchases and then receiving reimbursement and thought the Borough should explore house accounts with certain vendors or the use of credit cards. The Council consensus was that employees should not spend money without department head approval. In addition, the Council agreed that Councilman Happer would discuss the subjects raised by Councilman Lester with the Manager and the Finance Advisory Committee. Councilman Happer mentioned that procurement cards have been previously discussed and were deemed inefficient for an organization of this size.

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

**Councilman Borin abstained from voting on Purchase Orders #13487, #12329, #14118, and #14086.

19. COUNCIL REPORTS

Public Works Advisory Committee – Councilman Albergo said he hoped the Committee would have the chance to review the beach venue design prior to the next Borough Council meeting.

Recreation Commission – Councilman Lester reported that camp attendance had increased this year. He also mentioned the Commission was concerned about the presence of Canadian geese on the beaches.

-Council Goals – Mid-Year Review

Deputy Mayor Holmberg led the Council's discussion and mid-year review of their 2015 goals. It was suggested that the Emergency Preparedness goal of monitoring the expansion of and supporting the Civilian Emergency Response Team (CERT) be changed and replaced with the goal of assessing the viability of a CERT team. Regarding Personnel, Councilman Borin suggested, and the Council agreed, that a near term goal of issuing the employee handbook should be included. Councilman Lester reported that the Communications goal regarding the second stage of website implementation had been completed and the guideline manual was posted on the website. Deputy Mayor Holmberg reported on the Community goals and said the 2015 town clean-up occurred and that he and Mrs. Bravo were moving forward with the volunteerism goal of recruiting, retention, and recognition. Mayor McWilliams reported that Mr. Sheola emailed him to say that the Master Water Usage Plan was being drafted. The Council consensus was to have this goal placed on the agenda as a discussion item within the next month.

The Council decided that the target date for the Finance goal of completing a long range capital plan be changed to the fourth quarter of 2015 and that the goal of evaluating recommendations for the upgrade and maintenance of lake recreational facilities be considered ongoing. In reference to Operational Efficiencies, Councilman Lester said that PubWorks was being replaced with Iworq and included a resident reporting component. Mayor McWilliams said that regarding shared services, the subcommittee needed to meet, but that the Council continued to monitor current relationships and evaluate new opportunities.

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.

Gerry Gruenfelder – 35 North Briarcliff Road

Mr. Gruenfelder mentioned the website "donorchoice.org" and said nonprofit organizations like Boonton Kiwanis can post their needs on the website and receive public donations, which he thought were tax deductible.

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

21. ADJOURNMENT at 9:35 PM

Motion made by Deputy Mayor Holmberg, second by Councilman Albergo, to adjourn the meeting at 9:35 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: AUGUST 24, 2015

Michele Reilly, RMC, Borough Clerk

G. Douglas McWilliams, Mayor