

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

SEPTEMBER 28, 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 Barrett, who was absent. Also present 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 162-15

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

-Status of Commercial Tax Appeals

-Update on Municipal Shared Service Defense Agreement

Motion made by Councilman Happer, second by Councilman Borin, 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

Deputy Mayor Holmberg announced the Historic Preservation Commission's Open House on October 16th and 17th from 9:00 a.m. – 3:00 p.m. at the Library.

Deputy Mayor Holmberg mentioned that former Councilwoman Blair Bravo was speaking to the League of Women Voter's about the issue of affordable housing on September 29th.

Councilman Albergo reported that the Woodlands Advisory Committee had worked with an Eagle Scout on his project to clean up the park at the bird sanctuary. He said this site would be listed for additional clean-up at the next Mountain Lakes Clean-Up Day.

Mayor McWilliams announced the next trash days on October 23rd and 24th. He said there would be a shredding event and blood drive on the 24th and encouraged residents to check the website for details.

Mayor McWilliams said the Town Club was holding an Open House on October 16th.

Councilman Lester mentioned he had heard that pharmacies also took back unused and expired drugs. He said he would look into this further. Mayor McWilliams said the Parsippany Police Department had a full-time drop box for those wishing to dispose of unused and unwanted medications.

Councilman Albergo said Mountain Lakes made MSN's list of the top twenty-eight (28) small towns across America with the best fall foliage.

6. SPECIAL PRESENTATIONS

There were no special presentations.

7. REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES

No reports were presented.

8. 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.

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

9. DISCUSSION ITEMS

-2nd Halloween Safe Zone

The consensus of the Council was that the decision as to whether or not to operate a second Halloween Safe Zone should be left to the discretion of the Borough Manager as the issue was administrative and budgetary. Councilman Lester commended the Recreation Commission for their communication and for being proactive.

10. ATTORNEY'S REPORT (verbal)

Mr. Oostdyk had nothing additional to report.

11. MANAGER'S REPORT (verbal)

Mr. Sheola reported that the hydrant had been installed on Cobb Road and he expected curbing to start shortly.

Mr. Sheola said that he had received a notice from the Division of Environmental Protection (DEP) about the current drought watch, and he said he would be reviewing the Borough Code and considering extending the Borough's water restrictions through the end of October. He mentioned that the DEP notice had been put on the website.

Mr. Sheola stated that the implementation of Iworq was progressing. He said that Danielle Sekula was doing a fantastic job spearheading the implementation and would be giving a demonstration to Council once the program is up and running. He mentioned that the staff would be participating in a training webinar next Wednesday. Mr. Sheola explained that Iworq would be accessible from both the website and from the "app store" and that the app could be downloaded on either Android or iPhones. Councilman Lester agreed that Ms. Sekula was doing a remarkably good job.

Mr. Sheola mentioned that there would be a resolution presented on the next meeting agenda authorizing a State Aid application for paving on Dartmouth Road. He said the Borough Engineer had prepared a list of priority paving projects and Dartmouth was at the top of the list. Mr. Sheola said he had also requested that Mr. Ryden research the possibility of a pedestrian safety component grant to cover the area from the corner of Pocono Road and Boulevard to Route 46 and also on Morris Avenue.

12. ORDINANCE 10-15

ORDINANCE AMENDING CHAPTER 173 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES AND PROHIBITING PARKING IN PARKS AND RECREATION FACILITIES DURING CERTAIN HOURS

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 addition of the following additional subsection P. which shall read in its entirety as follows:

P. It shall be a violation of this Chapter for a motor vehicle to be parked in a municipal park or recreation facility between the hours of midnight and 5:00 a.m.

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 **October 13, 2015**.

VOTE AS INTRODUCED SEPTEMBER 28, 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	X									
Holmberg			X									
McWilliams			X									

13. 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.

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

PUBLIC HEARING

Deputy Mayor Holmberg announced that the Planning Board had found the Ordinance to be consistent with the Master Plan.

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 AUGUST 24, 2015

VOTE AS ADOPTED SEPTEMBER 28, 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						X			
Lester			X					X	X			
Holmberg	X		X				X		X			
McWilliams			X						X			

14. *RESOLUTIONS

- R155-15 Resolution Authorizing the Renewal of Liquor Licenses – Olympiakos Restaurant Enterprises LLC
- R163-15 Resolution Authorizing the Refund of Overpayment of Taxes – Block 100.02, Lot 84, 6 Cove Place
- R164-15 Resolution Authorizing the Execution of an Amendment to the Municipal Shared Service Defense Agreement for the Hiring of an Affordable Housing Expert
- R165-15 Resolution Authorizing a Professional Services Agreement Between the Borough of Mountain Lakes and McNerny & Associates Inc.
- R166-15 Resolution Authorizing the Payment of Bills

15. *MINUTES

September 14, 2015 (Regular)

16. *DEPARTMENT REPORTS

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

17. *BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS

NONE

Prior to the Consent Agenda vote Councilman Happer mentioned the Fire Department’s need to increase coverage provided by the Township of Boonton due to lack of volunteers in the Borough. Deputy Mayor Holmberg said that the Fire Department is celebrating its one hundred (100) year anniversary in 2016 and he asked Mr. Sheola to make sure the Borough helped fund some of the planned events. Councilman Happer asked about the decrease in construction fees and Mr. Sheola said he would follow up with the Construction Official, Ms. Sharp. Councilman Lester commented on the Police Department’s August activity and said the Department was doing a good job.

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			

***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 Number 13487 and Resolution 164-15, Resolution Authorizing the Execution of an Amendment to the Municipal Shared Service Defense Agreement for the Hiring of an Affordable Housing Expert and 165-15, Resolution Authorizing a Professional Services Agreement Between the Borough of Mountain Lakes and McNerny & Associates Inc.

18. COUNCIL REPORTS

Public Works Advisory Committee – Councilman Albergo reiterated that the dialog about upgrading the beach facilities is ongoing and that the Recreation Commission is involved in the conversations. Deputy Mayor Holmberg mentioned that thanks to Councilman Albergo’s efforts, the Committee receives a regular recycling report. Deputy Mayor Holmberg also gave credit to Mimi Kaplan for her recycling efforts. Councilman Albergo mentioned the new styrofoam recycling container at the DPW and thanked the Department for their help in getting this installed. He said the Department and Committee are considering options for recycling fluorescent bulbs.

Recreation Commission – Councilman Lester commended the Recreation Director, Audrey Lane, for bringing Janet’s Law to the attention of the Borough administration and Borough Attorney and said he wanted the other Council members to be aware of the legislation. Mr. Oostdyk said Janet’s Law was pending legislation to require defibrillators at fields and at municipal events but it had not yet been signed by the Governor.

Mayor McWilliams congratulated the Community Church on the grant it received for preservation plan development.

19. 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.

Lauren Brickner McDonald – 7 Center Drive

Ms. McDonald said that she has graphed the number of attendees in the Safe Zone for the past ten (10) years. She said the number of trick-or-treaters has been 1,050 for the last two (2) years and that each resident spends about eight-five dollars (\$85.00) on candy in addition to the candy distributed from donations. She mentioned that when the second Safe Zone had been operational there were only about fifty (50) trick-or-treaters counted in that area. Ms. McDonald mentioned that the residents of the Village could use help during the operation of the Safe Zone, as residents can easily spend four (4) hours in front of their houses distributing candy.

Deb Shertzer – 5 Lookout Road

Ms. Shertzer identified herself as the Recreation Commission Chair. She said she had sent the letter to Council requesting the second Safe Zone on behalf of the Commission, the Recreation Director, and Chief Bennett. Ms. Shertzer said she felt the Council had missed the idea of the request, which was not to take away from the Safe Zone operated in the Village but to provide relief from the overcrowding and the complaints of residents who had asked the Commission for other options. She asked the Council to reconsider the idea in the future and also mentioned the idea of private donations funding police overtime for a second Safe Zone.

Ellen Emr – property owner, 19 Sherwood Drive

Ms. Emr mentioned that St. Peter's Church had also received a grant to replace the slate roof. She brought up the issue of affordable housing and said she felt Mountain Lakes was in a good position to defend itself, citing the decline in the number of residents and the lack of growth in the Borough. She said she had read the entire Supreme Court decision and thought the Borough met many of the qualifications stated in the decision.

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

Mayor McWilliams and Deputy Mayor Holmberg reiterated that the Borough Manager should make the decision about the second Halloween Safe Zone as it is an issue of resource allocation and finance.

20. ADJOURNMENT at 8:43 PM

Motion made by Councilman Happer, second by Deputy Mayor Holmberg, to adjourn the meeting at 8:43 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: SEPTEMBER 28, 2015

Michele Reilly, RMC, Borough Clerk

G. Douglas McWilliams, Mayor