

**BOROUGH OF MOUNTAIN LAKES
BOROUGH HALL
400 BOULEVARD
MOUNTAIN LAKES, NJ 07046
973-334-3131
www.mtnlakes.org**

**MARCH 14, 2016
EXECUTIVE CLOSED SESSION – BEGINS AT 6:00 PM
PUBLIC SESSION – BEGINS AT 8:00 PM**

MINUTES

1. CALL TO ORDER AND OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting and the agenda thereof had been reported to The Citizen and the Morris County Daily Record and The Star Ledger on January 8, 2016 and posted in the municipal building.

Mayor Holmberg called the meeting to order at 6:05 p.m. in the municipal building.

2. ROLL CALL ATTENDANCE

Ms. Fox called the roll. All Council members were present except for Councilman Albergo, who arrived at 6:10pm., and Councilman Borin who arrived at 6:13pm. Also present at the Executive Session were Borough Manager Rich Sheola and Acting Borough Clerk Cara Fox. Borough Attorney Robert Oostdyk arrived at 7:40pm.

3. FLAG

Mayor Holmberg led the salute to the flag.

**4. EXECUTIVE CLOSED SESSION
R72-16**

Matters Relating to the Employment Relationship
-Borough Clerk Interviews

Motion made by Councilman Lester, second by Councilman McWilliams, to enter into Executive Session with all members in favor signifying by "Aye".

Motion made Councilman McWilliams, 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 Holmberg made the following announcements:

- The Easter Egg Hunt is scheduled for Saturday March 19th at 1:00pm at Midvale Park
- The Council goes to Briarcliff is scheduled for May 25th. Mr. Oostdyk agreed to attend in Mr. Sheola's place.
- The Council had final interviews for the position of Borough Clerk and will be making a decision.

Councilman Happer announced that the Trout Derby is scheduled for April 23rd and the Trout Stocking is scheduled for April 22nd.

Councilman McWilliams advised that the Fire Department Blood Drive is scheduled for April 23rd from 8:00am-12:30pm and Shredding Day is scheduled for April 23rd from 8:00am-11:00am.

6. SPECIAL PRESENTATIONS

Jake Mulenberg, a Mountain Lakes High School junior, presented his Eagle Scout Project to refurbish the sled run. Phase one of the project is to clean out the overgrown vegetation of the sled run entrance and constructing a sign to make it more visible. Phase 2 of the project is cleaning out overgrown vegetation on the trail. Phase three consists of constructing a bench. He plans to start the project in June.

Mayor Holmberg wants to make sure the project is safe (i.e. positioning of bench). Mr. Sheola will have the risk manager review the project. Councilman Happer would like the risk manager to review the Borough's liability.

BOROUGH OF MOUNTAIN LAKES
BOROUGH HALL, 400 BOULEVARD
MARCH 14, 2016
6:00 p.m.
MINUTES
Page 2

7. REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES

There were no reports.

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 and no yielding of time to another person.

Mayor Holmberg opened the public comment portion of the meeting with the consent of the Council. Mayor Holmberg explained the Council's policy of limiting each speaker to five (5) minutes with no yielding of time to another person.

Stephen Shaw- 4 Pointview Place

Mr. Shaw expressed his support for the beach renovation project and reminded the Council that a 2 year study was done to develop a recommendation for the beaches.

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

9. BOROUGH COUNCIL DISCUSSION ITEMS

- **Contract Checklist-Mr. Sheola/Mr. Oostdyk**

Mr. Oostdyk advised the Council that columns for "Applicability" and "Standard" were added to the Contract Checklist.

Councilman Happer requested Financial Impact be added to the Contract checklist to show the economics of the transactions and consistency with the budget.

Mayor Holmberg agreed with Councilman Happer's request and stated no more discussion is needed.

10. ATTORNEY'S REPORT

Mr. Oostdyk had nothing additional to report.

11. MANAGER'S REPORT

Mr. Sheola advised the Council that the Planning Board held a Special Meeting on March 10th to review and solicit comment on the draft Housing Element of the Master Plan and the Fair Share Housing Plan. Mr. Sheola reported the Housing Element Report was enthusiastically accepted and the Planning Board will meet on March 24th for public hearing and intended adoption.

Mr. Sheola pointed out that the report addresses the present and future needs for affordable housing under the recent March 10, 2015 Court Decision which struck down the 3rd round provisions of COAH. Mr. Sheola suggested that everyone read and understand the report.

Mr. Sheola stated that providing the opportunity to build 51 units puts the Borough in compliance with the court order. It doesn't mandate that the units be built or provide funding for construction.

Councilman Lester reminded the Council that there is no guarantee on affordable housing and the Borough's solution of building 51 units could be rejected in court.

Mr. Sheola advised the council that the Mayor and Recreation Director, Audrey Lane, held a community forum to discuss the Beach Renovation Project that was presented at the 2/28/16 Council Meeting. A total of 11 residents attended. Mr. Sheola estimates the beach project would cost the taxpayer \$63.00 per year for 20 years. Mr. Sheola advised the Council there was \$20,000 left out of the \$40,000 allocated which could be used to have the architect prepare bid specs which costs approximately \$21,000. Mr. Sheola asked the Council for a decision to move the project forward.

Councilman Happer requested the beach project be put on the agenda as a discussion item at the 3/28 Council Meeting. Mayor Holmberg agreed and requested the discussion include designating a project manager, financial strategies/cost effectiveness including bonding, Island Beach re-design ideas, and ordinance enforcement to prevent non-residents from using and abusing the facilities. Councilman Borin advised numerous residents supported the beach project but had reservations due to the rumor that the Board of Education was going to have a referendum in the fall.

Mayor Holmberg stated he will request a meeting with the Board of Education Administration or publically with both boards.

Councilman Barrett stated that the Council's most important job is to enhance the lives of the residents and the Council shouldn't wait around to see what the school will do. Councilman Barrett was in favor of having the beach project as a discussion item and supports proceeding full speed.

BOROUGH OF MOUNTAIN LAKES
BOROUGH HALL, 400 BOULEVARD
MARCH 14, 2016
6:00 p.m.
MINUTES
Page 3

Councilman Lester pointed out that there are many projects proposed and budgeted for that have a large impact to the rateables. He supports Mayor Holmberg having a discussion with the Board of Education. Councilman Lester stated that including ordinance enforcement as a part of the beach discussion is not appropriate. Enforcement of laws is up to the police and manager.

Mayor Holmberg stated the Council will not dialogue about ordinance enforcement.

Councilman Lester requested Mr. Sheola explain why the beach renovation project couldn't be bonded for 30 years. Mr. Sheola advised the Council that the Bond Council wouldn't approve a 30 year bond for the beach project because the life expectancy of the building is less than 30 years.

Mr. Sheola advised the Council that the Budget is balanced at \$8,900, 636 which is \$8733 higher than 2015 or about 0.10%. Councilman Happer pointed out that last year's budget included a \$200,000 FEMA Grant for Hurricane Sandy so the increase for 2016 is actually about 2%.

Mr. Sheola anticipates \$100,000 more in Delinquent Taxes in 2016 which offsets the drop in surplus.

Mr. Sheola advised the budget includes \$750,000 in capital projects not including the beach renovation project.

Mr. Sheola advised the taxes needed to fund the operation increases by \$32,300 or 5.63% which translates to \$161 per year on \$800,000 house. The Borough is under cap approximately \$6000.

Mayor Holmberg questioned when the Sunset Lake Dam Project would be started and budgeted for. Mr. Sheola advised the dam project would be funded and started in 2017. The DEP needs to approve the plans first. Mr. Sheola advised the Dam Project Engineer will be at 3/28 Council Meeting in Executive Session to discuss the project

Councilman Happer questioned if money needed to be allocated in 2016 for the 2017 project. Mr. Sheola pointed out that engineering work would need to be done but there is some money left over from the original appropriation in capital for engineering work on the Sunset Lake Dam project.

Councilman Happer questioned when the 2015 Fund Balance would be available. Chief Finance Officer, Bernard Re, advised that he anticipates having the fund balance in 3 weeks. Mayor Holmberg commended Mr. Re for all he has done for the Borough especially the forensic work he has done.

Mr. Sheola stated he plans on introducing the budget at the April 11th Council Meeting.

Councilman Happer questioned when the long range capital plan would be done. Mr. Sheola stated he hopes to have both the 5 year and 10 year Capital plan ready for the April 11th Council Meeting but no later than May when the budget is adopted.

Councilman Lester questioned if there was a deadline that the Morris County Park Commission wouldn't do the Controlled Burn. Mr. Sheola advised the deadline is in Mid-April. He advised the Council the County couldn't do the burn without Council permission and he is currently waiting for the Morris County Park Commission to answer questions the Borough had.

Councilman Lester questioned the status of the Engineer RFP Timeline. Mr. Sheola responded there is a resolution on the consent agenda and a public works committee report.

Councilman Lester questioned the status of the Cell Phone Reimbursement Policy. Mr. Sheola responded the policy will become a reality in April.

Councilman Lester questioned when the YMCA Path Lighting Project would be resolved. Mr. Sheola advised that the project was turned over to the engineer because the lighting was not on the original site plan and needs approval by the Planning Board. Councilman Lester requested Mr. Sheola create a list of all work that needs to be done and the person responsible for carrying it out. Mr. Sheola agreed to Councilman Lester's request.

Councilman Albergo questioned the cost of the 2nd Grant writer. Mr. Sheola advised the 2nd firm only gave hourly rates. Mayor Holmberg stated the Council will take action on the Grant Writer during the budget.

**BOROUGH OF MOUNTAIN LAKES
BOROUGH HALL, 400 BOULEVARD
MARCH 14, 2016
6:00 p.m.
MINUTES
Page 4**

12. ORDINANCES

ORDINANCE 01-16

ORDINANCE AMENDING CHAPTER 245 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES BY AMENDING THE RESIDENTIAL – AFFORDABLE HOUSING 2 (R-AH2) ZONE

WHEREAS, the Borough Council of the Borough of Mountain Lakes recently adopted an amendment to Chapter 245, Zoning, of the General Code, creating the R-AH2 Zone for certain lands within the Borough; and

WHEREAS, the Borough Council has determined that pertinent sections of § 245-9.1 should be modified to foster more appropriate development within the R-AH2 Zone.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Mountain Lakes in the County of Morris and the State of New Jersey section § 245-9.1 be amended as follows:

§ 245-9.1. Residential — Affordable Housing 2 (R-AH2) Zone.

- A. Section (I) is amended to add the following language: “Variation shall be incorporated in building plans for and in the construction of groups of three (3) townhouse units or more (“townhouse unit groups”) to present variations in the elevation, design and appearance of the townhouse unit groups. Variation shall be achieved by differentiation in at least three (3) of the design characteristics between townhouse units groups on a group by group basis:
 - (1) Building materials or color
 - (2) Setbacks created by horizontal movement of front facade
 - (3) Vertical stepping
 - (4) Entryway or front doors
 - (5) Garage door location or styling
 - (6) Window treatments
 - (7) Roof presentation and treatment

- B. Section (J) is deleted in its present form to be replaced with the following language: “Fences only to the degree necessary for the health, safety, or welfare shall be permitted, including within setbacks. Examples of such necessary fencing include fencing of decks, patios with drop offs, steeply sloped areas, and detention basins.”

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.

Introduced: February 8, 2016

Adopted: March 14, 2016

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

**BOROUGH OF MOUNTAIN LAKES
BOROUGH HALL, 400 BOULEVARD
MARCH 14, 2016
6:00 p.m.
MINUTES
Page 5**

***CONSENT AGENDA ITEMS**

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.

Prior to the Consent Agenda vote Councilman Albergo pointed out a typographical error in Resolution 74-16, Section 3 which stated a term of 1 year. The consensus of the Council was the term should state 9 months reflecting the term of April 1, 2016 to December 31, 2016.

**Councilman Borin abstained from voting on the item on the bills list pertaining to the Mountain Lakes Library (PO #15060).

***13. *RESOLUTIONS**

- R73-16 Resolution Recognizing Employee Benefits Consulting Services Group, LLC as Producer of the Borough of Mountain Lakes Employee Dental Benefits Program
- R74-16 Resolution Authorizing a Professional Services Agreement for Engineering Services between the the Borough of Mountain Lakes and Anderson and Denzler Associates, Inc.
- R75-16 Resolution Authorizing the Payment of Bills

***14. *APPROVAL OF MINUTES**

February 22, 2016 (Regular)

***15. *DEPARTMENT REPORTS NONE**

***16. *BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS**

COMMISSION/BOARD	NAME	TERM	POSITION	DATES	NOTE
Planning Board	Arlene Mirsky	1 Year	2 nd Alternate	Thru 12.31.16	Filling Unexpired Term

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

17. COUNCIL REPORTS

Woodlands Committee- Councilman McWilliams advised the Woodlands Committee is looking for high school children to volunteer.

Public Safety Committee- Councilman Albergo reported that the Public Safety Committee discussed Borough Hall renovations. The Fire Chief and Chief of Police are spearheading the project. Mr. Sheola reported an architect came in free of charge to evaluate the building and discuss options. The JIF Safety Manager is coming in Friday to evaluate the building.

Councilman McWilliams reported the Boonton Kiwanis is in the process of creating themselves as a new 501c3. Mr. Sheola stated that the Kiwanis insurance payment of \$2836.52 is due on April 22nd and the Borough pays 1/3. Mr. Sheola stated he is looking into the JIF insuring the Kiwanis and he will report back to the Council by Friday.

Councilman Lester reported the Borough had one of the warmest winters in history which has a direct correlation to water. He pointed out that there is a Global Crisis for water. Councilman Lester is working on a water report which he anticipates being done by the end of the year.

BOROUGH OF MOUNTAIN LAKES
BOROUGH HALL, 400 BOULEVARD
MARCH 14, 2016
6:00 p.m.
MINUTES
Page 6

18. PUBLIC COMMENT

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Mayor Holmberg opened the public comment portion of the meeting with the consent of the Council. Mayor Holmberg explained the Council's policy of limiting each speaker to five (5) minutes with no yielding of time to another person.

Stephen Shaw- 4 Pointview Place

Mr. Shaw suggested the Council give a description of the item number of the Manager's Report they are discussing so the public can follow along easier. Mr. Shaw suggested the Council get public feedback on the design at Island Beach and not pull one comment out. Mayor Holmberg suggested getting public feedback on the totality of the project, not just focusing on the design.

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

19. NEXT STEPS AND PRIORITIES

Mayor Holmberg reviewed the following next steps and priorities:

1. The Affordable Housing Resolution will be on April Agenda
2. The Beach Renovation Project will be a Discussion Item at the 3/28 Meeting.
3. Mr. Sheola will have the Long Range Capital Plan (5 year and 10 year) for April.
4. Capital Ordinances will be in May.
5. Mr. Sheola will report JIF Response regarding Kiwanis insurance.

20. ADJOURNMENT at 9:45 P.M.

Motion made by Councilman McWilliams, second by Councilman Happer to adjourn the meeting at 9:45 p.m., with all members in favor signifying by "Aye".

ATTEST: March 14, 2016

Cara Fox, Acting Borough Clerk

Peter Holmberg, Mayor