

**BOROUGH OF MOUNTAIN LAKES**  
**MOUNTAIN LAKES HIGH SCHOOL, 96 POWERVILLE ROAD, MOUNTAIN LAKES**  
**973-334-3131**  
[www.mtnlakes.org](http://www.mtnlakes.org)

**JUNE 8, 2015**  
**6:30 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 (change in time and location June 3, 2015) and posted in the municipal building.

Mayor McWilliams called the meeting to order at 6:32 p.m. in the High School Auditorium.

**2. ROLL CALL**

Ms. Reilly called the roll. All Council members were present. Also present for the Executive Session were Borough Manager Richard Sheola, Borough Clerk Michele Reilly, Borough Planner Paul Phillips and Borough Attorney Robert Oostdyk.

**3. PLEDGE OF ALLEGIANCE**

Mayor McWilliams led the salute to the flag.

**4. EXECUTIVE SESSION**

**Resolution 118-15**

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

**-Affordable Housing Litigation**

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 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**

Councilman Lester commended the Junior Fire Department on their successful car wash.

Mayor McWilliams mentioned he had attended an Eagle Scout ceremony and that four (4) Mountain Lakes Boy Scouts had attained the rank of Eagle Scout.

**6. SPECIAL PRESENTATIONS**

Prior to the presentations, Deputy Mayor Holmberg summarized the recent activities of the Borough Council regarding the topics of re-development and affordable housing. He stated that the issues had been divided into four (4) categories: environmental, schools, COAH, and water. He said the Environmental Commission had been asked and had agreed to review the environmental issues surrounding the development of the King of Kings property and would be making a presentation tonight. He mentioned that the Council has been in contact with the Superintendent of Schools and that the schools would be facing capacity issues independently of any rezoning done by the Council. Deputy Mayor Holmberg said that the Borough professionals, Mr. Oostdyk and Mr. Phillips, were working on developing a new plan for affordable housing, and mentioned that the Borough had an affordable housing obligation regardless of the request for rezoning.

Deputy Mayor Holmberg said that the Borough had been exploring options for increasing water capacity prior to the mention of redevelopment and was continuing discussions with neighboring municipalities to ensure a sufficient quality and quantity of water for the Borough's residents regardless of the outcome of the proposed project. In reference to the prospective redevelopment project, he said that any project could not move forward without the identification of an outside source of water, and that the Borough planned to participate in any of those discussions.

Deputy Mayor Holmberg asked Mr. Phillips and Mr. Oostdyk for additional comments on affordable housing. Mr. Oostdyk said that unfortunately, Mountain Lakes was not in the category of municipalities who could file for a declaratory judgment with the courts as the new deadline applied only to municipalities who had received 3<sup>rd</sup> round substantive certification. He said the Borough had developed a 3<sup>rd</sup> round draft plan but it had never been filed. He said that this draft plan could no longer be filed as it was based on affordable housing rules and calculations that are no longer applicable.

Mr. Phillips said that the deadline for Mountain Lakes, as an identified Highlands community, to file a third (3<sup>rd</sup>) round plan had been in June of 2010. He said that the Borough has been vulnerable to a builder's remedy lawsuit since that deadline had passed without the filing of a plan. Mr. Phillips said that the Borough should be providing a compensatory density bonus to builders whose projects involved an affordable housing component and there is currently no provision for such a bonus. He explained that there is a cost to the builder to provide affordable housing units as they don't pay for themselves, and therefore the municipality should provide density based financial incentives to the developer. Mr. Phillips said that the current density in the RC-1 zone allows for townhomes as a conditional use and allows for four (4) units per acre, which is limited. He said that COAH advocates six (6) units per acre.

At the Council's request, Mr. Oostdyk summarized three (3) options. Mr. Oostdyk said the first option is that the Borough could choose not to rezone. He said the developer has indicated a builder's remedy lawsuit will be filed if this is the decision. Mr. Oostdyk mentioned that if the lawsuit is filed, the court will appoint a Master, who will review information submitted by both the developer and the Borough and make a binding decision as to the development and to any affordable housing units. He said that once the Master is appointed, the Borough loses control of the process and it is solely in the hands of the courts. Mr. Oostdyk said the second option for the Borough is to choose to rezone. He said the Borough could draft the Ordinance in such a way that is fosters environmentally responsible development and affordable housing. Mr. Oostdyk mentioned that the third option would be to do nothing and to roll the dice and hope the developer decides to abandon the project.

**-Environmental Commission**

Khizar Sheikh, Chair of the Environmental Commission, gave a presentation on the Troy Brook Regional Stormwater Plan and the importance of the Whippany River Watershed, a Troy Brook Tributary, as a recharge area for the Borough's aquifer.

**-Mountain Lakes Conservancy, Inc.**

Mayor McWilliams noted that the Borough Council had received a request from this independent organization to present its grant application at the Borough Council meeting and that this presentation is a requirement for the grant application process.

Ms. Batty, the President of the Mountain Lakes Conservancy, spoke briefly about their grant application, a copy of which was provided to the Borough Council prior to the meeting. She said the Conservancy hopes to buy the 7.7 acre parcel of land from King of Kings should the application be approved and funds granted.

**7. DISCUSSION ITEMS**

**NONE**

**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.

Fred Kanter – 81 Hanover Road

Mr. Kanter stated that the Borough Ordinance regarding unregistered vehicles had been struck down by a New Jersey Superior Court Judge and he complained that it was still on the books. He also complained about the improper and illegal parking signs on his street and said he does not feel the Council is truthful.

Mimi Kaplan – 89 Lake Drive

Ms. Kaplan said she was confused as to the Borough's affordable housing obligation and whether or not the Borough had a plan, and asked for an explanation of the compensatory density bonus.

Linda Hyson – 23 Ronarm Drive

Ms. Hyson asked if the Environmental Commission had made a recommendation on the acreage that's developable on the King of Kings property due to the steep slopes.

Jack Gentul – 14 Sherwood Drive

Mr. Gentul said he wanted to clarify that the Board of Education did not have an expansion plan but rather a plan as to how better manage their facilities in the future.

Jeff Leman – 32 Sherwood Drive

Mr. Leman stated that he did not want to see the King of Kings property rezoned as it was a small physically constrained area and an environmentally sensitive property. He said he had consulted with a civil engineer and that putting in a road would be a major engineering project so access to the property was a major issue. He said that a thorough ground investigation and hydraulic study is needed prior to development. He asked about the runoff on Sherwood Drive and if the storm drains would be capable of handling increased runoff.

Jay Eveleth – 44 Glen Road

Mr. Eveleth mentioned that it had always been a tradition for the Borough Council and Board of Education to conduct a joint meeting and suggested scheduling such a meeting might be helpful.

Wilson Mitchell -44 Hillcrest Road

Mr. Mitchell said he had heard several members of Council state that they did not see any benefit to the development of the King of Kings property. He said the Borough needs an affordable housing plan which looks at the Borough as a whole and not just as relating to one specific area.

Ellen Emr – property owner, 19 Sherwood Drive

Ms. Emr mentioned that she appreciated the Environmental Commission's presentation. She said that the Borough must talk about risk but the developer has risks as well and the Borough's best defense is a strong Master Plan.

George Jackson – 20 Sherwood Drive

Mr. Jackson asked that the Borough's Planner and Attorney meet with the citizen groups. He asked why the first priority is not filing a declaratory judgment. He said the previous Planner, Susan Kimball, never talked about a compensatory bonus and inquired as to whether this was a law, a COAH regulation or a court case. He said he believes the Borough has a strong defense and should not be afraid of a builder's remedy lawsuit.

Jim Hyson – 23 Ronarm Drive

Mr. Hyson thanked the Council for taking questions and offered his opinion that the Council should be firm on COAH and play hardball. He referenced Interim Manager Bob Hoffmann's memo about King of Kings and the goals and objectives and asked for an update and how they are driving rezoning.

Sandy Batty – 15 Lockley Court

Ms. Batty asked what the downside would be to filing a declaratory judgment.

Jackie Bay – 430 Morris Avenue

Ms. Bay voiced her support for the Conservancy's application. She encouraged others to get up and support the application and said the property in question has a lot of environmental constraints. She said she feels the Borough can get ahead of COAH.

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

In response to Council questions, Mr. Oostdyk said that a change had been made to the Borough Ordinance referenced by Mr. Kanter but that it had not been repealed in its entirety.

Mr. Phillips responded to the questions about the housing and fair share plan and stated that the Borough had developed a plan but had chosen not to file for third round certification by the June 8, 2010 deadline. He said that plan could not be submitted now as it was based on the concept of growth share, which the courts had subsequently struck down as invalid. Mr. Phillips reported that the Borough would be drafting a new plan but there was currently no methodology for calculating the number of affordable housing units and that no numbers had been sanctioned by the courts. He stated that the Borough will begin the process of developing a new plan and will be ready when the courts determine the method of calculation. He said that the King of Kings parcel is a challenging property but it is a vacant land resource.

Mr. Phillips responded to the question about compensatory density bonus and said it had been stated in COAH rules and in the original Mount Laurel decision.

In response to Council questions Mr. Oostdyk said that there was no downside to filing a declaratory judgment but that it did not provide the Borough with immunity from a builder's remedy lawsuit. He stated that the July deadline for filing a declaratory judgment applied only to municipalities who had already received substantive certification from the courts and that the Borough was not included in this category.

Deputy Mayor Holmberg said he thought the suggestion of a joint meeting with the Board of Education was a good one. He refuted the assertion that the Board of Education was not discussing expansion and said studies were predicting a sharp rise in enrollment in 2018-2019. He asked Mr. Sheola to meet further with Dr. Mucci.

Mr. Phillips in his opinion at least forty percent (40%) of the 7.7 acre King of Kings property is constrained by steep slopes.

**10. ORDINANCE 03-15**

**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:

<b>Position</b>	<b>Minimum</b>	<b>Maximum</b>
Borough Manager/Treasurer	\$100,000	\$150,000
Borough Clerk/Registrar	\$ 50,000	\$ 85,000
Deputy Borough Clerk	\$ 10,000	\$ 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	\$ 20,000	\$ 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:

<b>Position</b>	<b>Minimum</b>	<b>Maximum</b>
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. A copy of the contract is available for public inspection at the office of the Borough Clerk. 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:

<b>Position</b>	<b>Minimum</b>	<b>Maximum</b>
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

**Section 4.** That the respective salary/wage range, to be paid to the **part-time employees** shall be as follows:

<b>Position</b>	<b>Minimum</b>	<b>Maximum</b>
General Administrative – Floater	Prevailing Minimum Wage	\$30.00 per hour
Receptionist	\$12,000	\$26,000
Administrative Assistant – Land Use Boards	Prevailing Minimum Wage	\$30.00 per hour
Secretary, Board of Health	\$ 3,000	\$5,500
Water and Sewer Utility Clerk	\$15,000	\$22,500
Tax Assessor	\$10,000	\$25,000
Sub-Code Officials/Construction Office	\$ 5,000	\$30,000
Zoning Officer	\$ 5,000	\$16,000
Zoning Inspector	\$ 5,000	\$10,000
Code Enforcement Official	\$ 3,000	\$16,000
Property Maintenance Officer	\$ 5,000	\$35,000
Fire Prevention Official	\$ 3,000	\$12,000
Fire Safety Officer	\$ 3,000	\$6,000
Fire Department Administrative Officer	\$ 3,000	\$8,000
Police Department Administrative Assistant/Records Clerk	\$20,000	\$44,000
Police Matron	Prevailing Minimum Wage	\$38.00 per hour
School Crossing Guards	Prevailing Minimum Wage	\$30.00 per hour
Police Specials	Prevailing Minimum Wage	\$30.00 per hour
Permanent/Seasonal Part-Time, Dept Public Works	Prevailing Minimum Wage	\$30.00 per hour
Office of Emergency Management Coordinator	\$ 1,000	\$3,000
Deputy Office of Emergency Management Coordinator	\$ 500	\$2,500

<b>Seasonal Part-Time Employees</b>	<b>Minimum</b>	<b>Maximum</b>
Recreation Camp Directors/Assistant Directors, Various	\$3,000	\$10,000
Recreation Camp Counselor	Prevailing Minimum Wage	\$20.00 per hour
Recreation Coach	\$1,000	\$ 5,000
Recreation Referee/Official/Umpire	Prevailing Minimum Wage	\$25.00 per hour
Park Ranger	Prevailing Minimum Wage	\$25.00 per hour
Beach Director/Assistant Director	\$2,500	\$15,000
Lifeguard	Prevailing Minimum Wage	\$25.00 per hour

**Section 5.** The Borough Manager is authorized to prepare an annual salary resolution for consideration and approval by the Borough Council that shall set the salary/wage for all full-time and permanent part-time employees of the Borough. The Borough Manager is authorized to set the hourly rate according to the salary range for all seasonal part-time employees and to notify the Borough Council of such action.

**Section 6.** 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 7.** All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 8.** 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 comment portion of the meeting.

**VOTE AS INTRODUCED MAY 26, 2015**

**VOTE AS ADOPTED JUNE 8, 2015**

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

**10. ORDINANCE 07-15**

**BOND ORDINANCE APPROPRIATING \$750,000 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 **\$750,000** including the aggregate sum of **\$37,500** 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 **\$750,000** 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 **\$712,500** 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 **\$712,500** 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 Department of Public Works and 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.

<b>APPROPRIATION AND ESTIMATED COST</b>	<b>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</b>
\$65,000	\$61,750

(b) Improvement of municipally-owned properties and facilities in and by the Borough, including without limitation recreational facilities and Borough buildings, together with all the aforesaid all equipment, structures, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

<b>APPROPRIATION AND ESTIMATED COST</b>	<b>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</b>
\$230,000	\$218,500

(c) Improvement of various roads and locations in and by the Borough by the reconstruction and resurfacing thereof to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation Pocono Road from Crane Road to Valley Road, Cove Place, Park Lane, Crystal Road from Overlook Road to the terminus thereof, Melrose Road from Glen Road to Powerville Road, the Fire Lane at Oakland Road and the Haswell Field Parking Area, including also construction or reconstruction of curbs and sidewalks in and along various streets and locations in the Borough, together with all structures, drainage improvements, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and 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>
\$390,000	\$370,500

(d) Improvement of the storm water drainage system and the water supply and distribution system in and by the Borough, including the reconstruction of drainage facilities and catch basins in and along portions of various roads and locations, the installation and upgrade of fire hydrants and the installation of a new motor at Well #5, together with all structures, road resurfacing, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and 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>
\$65,000	\$61,750

**TOTALS**

<b>\$750,000</b>	<b>\$712,500</b>
------------------	------------------

**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 14.57 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 \$712,500, 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 \$75,000 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.

Following introduction, the above Ordinance will be published in accordance with the law and a public hearing will be held on **June 22, 2015**.

Prior to the introduction of the Ordinance Mr. Sheola recommended some modifications. He advised the removal of Section 3(b) in its entirety and a \$40,000 adjustment to Section 3(a) due to a lack of sufficient detail and information on these proposed projects. He recommended the Council proceed with the Ordinance in modified form in order to facilitate the capital projects listed in Section 3(c) and said he would propose another Ordinance for the additional \$275,000 in projects at the end of summer and once he had more supporting detail.

The Council consensus was to introduce the Ordinance with the modifications as recommended by the Manager, specifically to change Section 1 to an aggregate of \$475,000 and to an aggregate sum of \$23,750; to change Section 2 to reflect the amounts of \$475,000 appropriations and a principal amount not exceeding \$451,250; to delete the reference to the Department of Public Works from Section 3(a) and to change the appropriation and estimated cost to \$20,000 and the estimated maximum amount of bonds and notes to \$19,000; to eliminated Section 3(b) in its entirety; to reflect the totals of \$475,000 appropriations and estimated costs and \$451,250 estimated maximum amount of bonds and notes; to change the useful life in Section 4(b) after review by the Bond Counsel; and to change the total is Section 4(c) to \$451,250.

**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							
Barrett		X	X									
Borin			X									
Happer	X		X									
Lester			X									
Holmberg				X								
McWilliams			X									

**11. \*RESOLUTIONS**

- R119-15 Resolution Amending Borough Council Agenda
- R120-15 Resolution Authorizing 2015 Salaries
- R121-15 Resolution Authorizing Membership in the New Jersey State Firemen's Association-Kessler
- R122-15 Resolution Requesting Approval of Item of Revenue and Appropriation Under N.J.S.A. 40A:4-87  
For the 2015 Municipal Aid Grant in the Amount of \$240,000
- R123-15 Resolution Authorizing the Payment of Bills

**12. \*MINUTES**

May 26, 2015 (Regular)

**13. \*DEPARTMENT REPORTS**

**NONE**

**14. \*BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS**

**NONE**

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.

**15. ATTORNEY'S REPORT**

Mr. Oostdyk had nothing additional to report.

**16. MANAGER'S REPORT**

Mr. Sheola had nothing additional to report. Councilman Happer asked for a status update on FEMA at a future meeting.

**17. COUNCIL REPORTS**

Council reports were carried to the next Borough Council meeting due to the late hour.

**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.

Jim Moody – 17 Robinhood Drive

Mr. Moody offered his opinion that some of the Council member hide behind Executive Session and said he does not feel the Council should be afraid of a lawsuit.

George Jackson – 20 Sherwood Drive

Mr. Jackson asked to be informed of the guidance the Council was giving to Mr. Sheola and Mr. Phillips. He said he felt that the most important issue for the Council to focus on was the affordable housing plan and not any revisions to the Ordinance. He said he doesn't see a downside to filing an affordable housing plan.

Jeff Leman – 32 Sherwood Drive

Mr. Leman said he didn't feel the Borough could proceed with a development without looking at some of the constraints of the property. He said he would provide Ms. Reilly with a copy of his remarks to distribute to the Council.

Jim Bailey – 111 Kenilworth Road

Mr. Bailey said the Master Plan did not include a housing element and that the Planning Board would appreciate any guidance from the Council.

Sandy Batty – 15 Lockley Court

Ms. Batty asked when an Executive Session was appropriate and thought advance notification had to be given to the public. She said she felt that the affordable housing issue was not applicable to an executive session discussion.

Mr. Oostdyk said that the Council could discuss the affordable housing issue in executive session due to the threat of litigation.

Ellen Emr – property owner, 19 Sherwood Drive

Ms. Emr said she would be uncomfortable with the Borough going forward with a plan or an Ordinance without hearing a presentation by Bill Ryden, the Borough's Engineer, on the water issue. She also had a question about what constitutes residency and said the Mountain Lakes Club was advertising that joining the Club equated to residency and that Borough facilities would then be accessible to Club members.

Mr. Oostdyk confirmed that an individual can only have one residence and that membership in the Club does not constitute residency in the Borough.

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

**19. EXECUTIVE SESSION**  
**Resolution 118-15**  
**Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege**  
-Affordable Housing Litigation

Motion made by Councilman Lester, second by Councilman Borin, to re-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".

**20. ADJOURNMENT at 10:50 PM**

Motion made by Deputy Mayor Holmberg, second by Councilman Lester, to adjourn the meeting at 10:50 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 8, 2015**

---

Michele Reilly, RMC, Borough Clerk

G. Douglas McWilliams, Mayor