

**BOROUGH OF MOUNTAIN LAKES  
BOROUGH HALL  
400 BOULEVARD  
MOUNTAIN LAKES, NJ 07046  
973-334-3131  
[www.mtnlakes.org](http://www.mtnlakes.org)**

**JANUARY 25, 2016  
EXECUTIVE CLOSED SESSION – BEGINS AT 7:30 PM  
PUBLIC SESSION – BEGINS AT 8:00 PM**

**AGENDA**

**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 7:32 p.m. in the municipal building.

**2. ROLL CALL ATTENDANCE**

Ms. Reilly called the roll. All Council members were present. Also present at the Executive Session were Borough Manager Rich Sheola, Borough Clerk Michele Reilly, and Borough Attorney Robert Oostdyk.

**3. FLAG**

Mayor Holmberg led the salute to the flag.

**4. EXECUTIVE CLOSED SESSION**

**R55-16 Resolution Providing for a Meeting Not Open to the Public In Accordance With The Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

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

- Potential Litigation Update, Mountain Lakes Concerned Citizens vs. Borough of Mountain Lakes
- Contract Negotiations – Mutual Aid Agreement, Township of Parsippany-Troy Hills

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

Motion made Councilman Happer, second by Councilman McWilliams, 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 recognized and thanked the Department of Public Works, Superintendent Prusina, and Borough Manager Sheola for their outstanding efforts during the recent snowstorm.

Councilman Albergo said he was asked by the postal carriers to pass along their thanks to residents for shoveling the sidewalks.

Councilman McWilliams urged residents to shovel out fire hydrants.

**6. SPECIAL PRESENTATIONS**

There were no special presentations.

**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.

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

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**9. BOROUGH COUNCIL DISCUSSION ITEMS**

Overview of Council-Manager Government & Council Liaison Role – Mayor Holmberg, Mr. Sheola, Mr. Oostdyk  
Council Goals – Mayor Holmberg  
Amendment to R-AH2 Zone – Mr. Oostdyk  
Police Overtime – Chief Bennett, Mr. Sheola

Prior to the start of the discussions, the Borough Council agreed that the discussion on Police Overtime should be presented after it has been reviewed by the Public Safety Subcommittee and the Finance Advisory Committee, and that the target date for the discussion would be February 22<sup>nd</sup>.

**Overview of Council-Manager Government & Council Liaison Role –**

Mayor Holmberg explained that the genesis of this discussion was the recent number of administrative transitions.

Mr. Oostdyk explained that for the Municipal Manager to be successful, the Borough Council should have an understanding of the Manager's role. He further explained that the Borough Council operates under the Faulkner Act, Council/Manager form of government. He said that in the broad sense, the Manager is the Executive and is in charge of day to day operations, implementing policy and dealing with personnel issues. He said that the Borough Council is the policy maker and gives direction to the Borough Manager.

Mr. Oostdyk mentioned that per N.J.S.A. 40A:69 A-1, the Council is required to act in all matters as a body and not to act as individuals. He explained that the Council should not deal directly with employees but instead with the Manager.

Mayor Holmberg asked Mr. Sheola to comment on some best practices which would ensure a solid working relationship between the Manager and Council. Mr. Sheola said that open and honest communication, the vision of a common good, and the realization that the public is the boss were some best practices that he felt were important. He also added that mutual respect between the Council and staff was a key component of a good working relationship.

**Council Goals –**

The Borough Council reviewed the 2015 goals list as well as the proposed list for 2016. Mayor Holmberg said that the 2016 goal list had been formulated around the four (4) cornerstones of efficiencies, budget, community and communications. The Council discussed goals versus tasks and the process of evaluating goals. Mr. Sheola stated that he felt the Council's 2016 goals were the Borough Hall Upgrade, the 2016 Operating Budget, the long term debt management plan, the capital plan, the CERT program, the master water use report, the beach renovation project, and the COAH plan.

The consensus of the Council was that Mr. Sheola should re-evaluate the list of goals and report a revised goal and task list at the February 8<sup>th</sup> meeting. Councilman Lester offered to prepare a list of goals for the water usage plan and to report these at the February 8<sup>th</sup> meeting. The Council tasked the Finance Advisory Committee with developing a list of sound accounting practices for the Council and Manager to follow, to be distributed to the Council at a later date. Ms. Reilly was tasked with broadcasting the new resident reporting system, Iworq, to the public.

**Amendment to R-AH2 Zone –**

Mr. Oostdyk stated that the Council had asked the Planner, Mr. Phillips, to evaluate the suggestions made by the Planning Board in reference to the recent zoning Ordinance. He said that Mr. Phillips was recommending some minor changes to the Ordinance based on these suggestions, specifically to fencing and to the design criteria. Mayor Holmberg said that the Council was unable to incorporate these suggestions into the original Ordinance due to timing issues.

The Council consensus was to proceed with the introduction of the amendment to the Ordinance at the February 8<sup>th</sup> meeting. Mr. Oostdyk explained that the Ordinance would have to be referred to the Planning Board and therefore the Council could hold the public hearing and consider the Ordinance for adoption in March.

**10. ATTORNEY'S REPORT**

Mr. Oostdyk had nothing additional to report.

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**11. MANAGER'S REPORT**

Mr. Sheola reported that he believes that real estate values in the Borough are increasing based on the sales history he included with his report.

Mr. Sheola mentioned that the Borough received a request from the Morris County Park Commission for permission to conduct a controlled burn in Tourne Park. Mr. Sheola said he recommended approving the request based on the fact that the stated goals of the program are to reduce the hazard for wildfires, control invasive species, enhance the wildlife habitat and reduce the tick population. The consensus of the Council was to support Mr. Sheola's recommendation pending comments from the Woodlands Advisory Committee and the Environmental Commission. Mr. Sheola said he will update the Council at the next meeting.

Mr. Sheola discussed the YMCA Path Lighting Project. The Council requested that Mr. Sheola provide answers to who owns the path, if an easement or Planning Board approval is required, if insurance is necessary, and a more accurate estimate of the costs involved in the project. Mr. Sheola said he would discuss this with the Borough Attorney and Engineer and continue to update the Council.

Mr. Sheola said he had received RFP's for the position of Borough Engineer and would be setting up interviews between the respondents and the Councilmembers who are part of the Public Works Advisory Committee.

Mr. Sheola stated that he anticipated introducing the 2016 budget at the March 14<sup>th</sup> meeting. In response to Council questions regarding budget reviews and discussions prior to the date of introduction, Mr. Sheola suggested the possibility of Saturday budget meetings. The Council consensus was that Mr. Sheola should present sections of the budget at the February Borough Council meetings.

Mr. Sheola reported that the Public Works Advisory Committee would be presenting the beach venue renovation project to the Borough Council at the February 8<sup>th</sup> meeting.

Mr. Sheola said that he and Mr. Prusina had met with the Dam Engineers regarding Sunset Dam. Based on the meeting, he said he expected re-design to occur in 2016 and 2017 and construction to occur in 2018. Mr. Sheola said he would continue to explore opportunities for grant funding for the project.

**12. ORDINANCES**

There were no Ordinances introduced or adopted.

**\*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 Lester requested that Resolution 57-16, Resolution to Amend a Professional Services Agreement for Lakes Management and for Water Quality Management Services Between the Borough of Mountain Lakes and Allied Biological, Inc. Due to a Name Change and Resolution 58-16, Resolution Awarding a Contract for Integrated Canada Goose Management to the United States Department of Agriculture (U.S.D.A.), Aphis Wildlife Services be discussed separately from the Consent Agenda.

In addition, Councilman Lester requested clarification on the monthly Police Report, specifically in reference to the 2010-2015 yearly data which showed a drop in the number of stops and also a percentage of summonses resulting from a stop. The consensus of the Council was that this issue should be reviewed by the Public Safety Subcommittee and the members of the Subcommittee should then report to the Council.

**\*13. \*RESOLUTIONS**

- |        |   |
|--------|---|
| R56-16 | Resolution Amending the Members of the Traffic and Safety Advisory Committee  |
| R57-16 | Resolution to Amend a Professional Services Agreement for Lakes Management and for Water Quality Management Services Between the Borough of Mountain Lakes and Allied Biological, Inc. Due to a Name Change |
| R58-16 | Resolution Awarding a Contract for Integrated Canada Goose Management to the United States Department of Agriculture (U.S.D.A.), Aphis Wildlife Services  |
| R59-16 | Resolution Amending 2016 Borough Council Meeting Agenda   |
| R60-16 | Resolution Authorizing the Borough Manager to Execute A Settlement Agreement and Release Between the Borough of Mountain Lakes and Dorothy Conlan   |
| R61-16 | Resolution Authorizing the Execution of a Mutual Aid Agreement with the Township of Parsippany-Troy Hills for Basic Life Support Services (BLS)   |
| R62-16 | Resolution Authorizing the Transfer of Appropriation Reserves   |

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**\*14. \*APPROVAL OF MINUTES**  
January 4, 2016 (Regular)

**\*15. \*DEPARTMENT REPORTS**

Construction Department	December 2015
Department of Public Works	December 2015
Finance Department	Tax Collector's Report, December 2015
Fire Department	December 2015, Year End
Health Department	December 2015
Police Department	December 2015
Recreation Department	December 2015
Zoning Board of Adjustment	Yearly Report

**\*16. \*BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS - None**

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

**Resolution 57-16**

Resolution to Amend a Professional Services Agreement for Lakes Management and for Water Quality Management Services Between the Borough of Mountain Lakes and Allied Biological, Inc. Due to a Name Change

**Resolution 58-16**

Resolution Awarding a Contract for Integrated Canada Goose Management to the United States Department of Agriculture (U.S.D.A.), Aphis Wildlife Services

Councilman Lester expressed his objection to the exclusion of the contract checklist from the packet. After a question regarding attorney review from Councilman Happer, the Council concluded that Mr. Sheola should add an attorney review item to the contract checklist.

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

**17. COUNCIL REPORTS**

**Zoning Board of Adjustment** – Councilman Lester mentioned the Board was short a member but that an appointment was expected to be on the February 8<sup>th</sup> agenda.

**Recreation Commission** – Councilman Happer said the Commission needed one member. He also said the Commission was working on establishing goals, developing summer programs, hiring a beach director, and hiring summer employees.

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**Communications Advisory Committee** – Deputy Mayor Borin reported that the Committee was continuing to tweak the website. He said they were adding a volunteer link, integrating the Fire Department into the site, building out the Historic Preservation Committee page, and adding a profile page to highlight individual residents.

Mayor Holmberg said that he and Mr. Sheola met with the Superintendent of Schools, Dr. Anne Mucci, and the Board President, Elena Goldthwaite, to discuss long range planning and synergies and efficiencies. He said the Borough and the Board plan to continue the dialog as it in the best interests of the taxpayers.

**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 Point View Place

Mr. Shaw commended the Council for reviewing goals and said he hoped the Council would keep the goals at a high level. He read from a booklet he wrote for the "Borough Council Goes To Briarcliff" program. He mentioned that power is assigned to the Council as a whole and that the Council should focus on Community goals, appoint a Borough Manager, establish Borough policy, and approve the budget. He also read from the 2005 Borough Council goals and pointed out that, a decade later, the goals are still very similar. Mr. Shaw said that the project for the addition of lights to the path to the YMCA should land in front of the Planning Board for review.

Jackie Bay – 430 Morris Avenue

Ms. Bay said that closer coordination with the Board of Education is good and can only be beneficial. She discussed some statistics on the number of students that can be expected from an affordable housing project and mentioned that the High School is almost currently at full capacity. She said the EConsult reported stated the Borough's affordable housing obligation at fifty-seven (57) units and wondered how the Borough would fulfill its obligation, particularly if the population has to be supported by the schools. She suggested the Borough build one hundred percent affordable housing and cited Harding, Summit, and Roxbury as examples. Ms. Bay asked why the Affordable Housing Committee only contained one parent with school age children and wondered why the Committee was not more diverse.

Mimi Kaplan – 89 Lake Drive

Ms. Kaplan stated that she hoped the Council would include in their goals holding informal discussions with the public, similar to the meetings held by the Board of Education. She said she felt the public needed an education on affordable housing and informal discussions would be helpful in this regard. Ms. Kaplan mentioned that she would be using the website to research the history of land conservation and preservation in the Borough. She said land was bought with the intent to maintain the characteristics of the Borough at the time of purchase.

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. Councilman Lester will discuss goals for the water usage plan at the February 8<sup>th</sup> meeting.
2. The Finance Advisory Committee will develop good/sound accounting practices.
3. Ms. Reilly will broadcast Iworq to residents.
4. Mr. Sheola will revise the goals and present them at the February 8<sup>th</sup> meeting.
5. Mr. Sheola will solicit feedback from the Environmental Commission and Woodlands Advisory Committee regarding the request for a controlled burn at Tourne Park.
6. Mr. Sheola will consult with the Borough Engineer and Attorney regarding the YMCA path lighting project.
7. The Public Safety Subcommittee will discuss concerns regarding stops versus summonses and present findings at the February 22<sup>nd</sup> meeting.
8. Mr. Sheola is to add a line item for attorney review to the contract review checklist.

In addition, the Mayor mentioned that the February 8<sup>th</sup> meeting will provide the first look at the 2016 budget, as well as the long anticipated presentation on the beach renovation project. He said he expected the Planner to be present for at least the Executive Session on February 8<sup>th</sup>.

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**20. ADJOURNMENT at 9:52 P.M.**

Motion made by Deputy Mayor Borin, second by Councilman Happer to adjourn the meeting at 9:52 p.m., with all members in favor signifying by "Aye".

**ATTEST:            January 25, 2016**

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Michele Reilly, RMC, Borough Clerk

Peter Holmberg, Mayor