



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES  
NOVEMBER 13, 2017  
HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046**

**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 5, 2017 and posted in the municipal building.

Mayor Holmberg called the meeting to order at 4:00 p.m. in the municipal building.

**ROLL CALL ATTENDANCE**

<b>Roll Call</b>	<b><u>Present</u></b>	<b><u>Absent</u></b>		<b><u>Present</u></b>	<b><u>Absent</u></b>
Barrett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shepherd	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Happer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barnett	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Horst	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Holmberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Korman	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

**Also in attendance Attorney Robert Oostdyk,**

**FLAG**

Mayor Holmberg led the salute to the flag.

**EXECUTIVE CLOSED SESSION**

R-, 164-17, 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 of Personnel, (Managers Search); Potential Litigation, (Parsippany Sewer and resident concern); Contract Negotiations, (PBA Contract and Station Lease)**

Motion: Holmberg

Second: Barnett

Vote: All Ayes

Motion to move back to regular session: Holmberg

Second: Horst

Vote: all ayes

**COMMUNITY ANNOUNCEMENTS**

Mayor Holmberg made mention about the Halloween celebration held in the village.

**REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES**

**SPECIAL PRESENTATIONS**

**Report of Halloween activities by Laruen Brickner-MacDonald**

Ms. Brickner-MacDonald spoke about how the Halloween safe zone event in the village began. She produced a graph of the amount of trick-or-treaters that attended by hour for this year and prior years. She produced a break out of the candy that was donated. 650 pieces of candy per household was distributed. There was a discussion regarding getting more help to distribute candy throughout the night.

**Presentation by Chief Shawn Bennett regarding his attendance at the FBI Academy**

Chief Bennett spoke about his experience attending the FBI academy. The program was 10 weeks in length and took place at Quantico. There were choices of classes that could be taken. He spoke about a class dealing with policing and social media. Classes were Monday through Friday all day. Speakers were brought in from across the country. There was a physical fitness program as well.

**PUBLIC COMMENT**

Mayor Holmberg opened the meeting to the public

Mr. Fred Kanter, 81 Hanover Road, spoke about the last meeting beginning early. He stated that he requested the notices to the newspaper from the Clerk, which he received. He suggested that the notices to the newspapers were



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illegal because it was stated that they were for information no publication. He stated that at the last meeting the Council met privately in another room which is illegal. He made mention about a woman he had mentioned previously who had been stopped three times by the Police Dept. He stated that the Council and administration are not interested in getting in touch with this person. He commented regarding the ADA problem at Cove Park

Mr. Jim Moody, 17 Robin Hood Drive, commented on a barrier that was supposed to be installed on Spruce Edge but was not. He stated that this was never checked on. He asked if pictures of the roadways have been taken to make a comparison for when the construction of the King of King's property takes place.

Mr. George Jackson, Sherwood Drive, wanted to speak about the developer's agreement and the easement agreements for King of Kings. He asked that the attorney confirm that nothing has fallen through the cracks. He wanted to make sure that the easement agreements are the same as what the Planning Board had agreed to. He spoke about the difference between a buffer easement and a conservation easement. He asked if the buffer easement could be called a conservation easement in the agreement. He spoke about the RFP on the agenda for the municipal building. He suggested that more planning be done before going out for an RFP. Mr. Jackson complimented Ms. Egan for adding the supporting documents to the agenda on the website.

Mayor Holmberg explained the RFP for the Municipal Building. Mr. Oostdyk explained the buffer easement for the King of King's property. Mayor Holmberg spoke about Mr. Moody's comment regarding making sure that the roadways are protected during construction. Engineer Bill Ryden will be doing inspections. An email to Mr. Ryden will be sent to make sure photos are taken before and after. The requirement for noticing the newspapers was discussed and explained. Notices are not required to be published. Mr. Shepherd stated that the matter of the ADA compliance at the park is being discussed by the DPW committee.

### **BOROUGH COUNCIL DISCUSSION ITEMS**

#### **3<sup>rd</sup> Quarter Budget Review**

Mr. Sheola made a presentation regarding the third quarter budget. Court revenue is up. Interest on investments is up. Trash bag revenue is currently behind compared to last year. Streets and roads salary overtime is higher than usual. This is being looked into. Vehicle repairs are up. Current fund is in good shape. Water and Sewer revenues are down.

#### **ATTORNEY'S REPORT**

Mr. Oostdyk stated that we received a Court order regarding the affordable housing case. A special master was appointed and each municipality will be charged for their services. There should be a report forthcoming in the near future on the number of units that each municipality will be assessed.

#### **MANAGER'S REPORT**

Mr. Sheola reviewed his report. He stated that he asked for recommendations for fee ordinance changes. Only the fire official has asked for a fee schedule change for smoke and carbon monoxide detectors for residential re-sales. A \$50 fee was agreed upon. He spoke about changing the ordinance which speaks to the dates that water and sewer bills are due. This is so these bills are not due at the same time as taxes. He spoke about the RFP for the municipal building. Mr. Happer asked Mr. Sheola to get a sign off from the building committee members. Ms. Horst asked to have a 3d rendering of the design. This should be articulated in the RFP. Mr. Sheola made mention of the Beach Project. There was a discussion at the DPW committee regarding what work can be done in house. He talked about the solid waste bid. Mr. McWilliams was present to discuss this item. Mr. Sheola discussed the bid process and the results of the bids. The recommendation from the committee is to keep the service the same as the past contract and award the bid that was received.

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#### **\*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.*

#### **\*RESOLUTIONS**

*R150-17, Return of Security Deposit posted by the Station at Mountain Lakes (tabled)*

*R151-17, Authorization for the execution of the lease of municipal property, the Railroad Station*



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- R165-17, Authorization for the payment of bills
- R166-17, Authorization for the acceptance of easements for the Kings of King's property (pulled from the consent agenda)
- R167-17, Authorization for the acceptance of a Developers Agreement for the King of King's property (pulled from the consent agenda)
- R168-17, Authorization for an access agreement for the Grunden's Pond dam property
- R169-17, Authorize the Borough Manager to execute the PBA Contract
- R170-17, Transfer resolution of 2017 Current Fund Appropriations (pulled from the consent agenda)
- R171-17, Authorize the Borough Manager to execute contract with Suburban Disposal
- R172-17, Authorize membership to the Mountain Lakes Fire Department

**\*APPROVAL OF MINUTES**

- Regular Minutes of October 23, 2017, (All eligible)
- Executive Minutes of October 23, 2017, (All eligible)

**1) APPROVAL OF REPORTS FOR FILING** (reports are included only if checked)

- Construction Department
- Department of Public Works
- Finance
- Fire Department
- Health Department
- Police Department
- Recreation Department
- Property maintenance report

**\*BOARD AND COMMITTEE AND COMMISSION APPOINTMENTS**

None

**Approval of the Consent Agenda**

(Resolutions 150-17, 166-17 167-17 and 170-17 were pulled from the Consent Agenda and were not part of this vote.)

Council member	M	2nd	Yes	No	Abstain	Absent
Barrett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Happer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Horst	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Korman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shepherd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barnett	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Holmberg	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**R167-17, Authorization for the acceptance of a Developers Agreement for the King of King's property**

Council member	M	2nd	Yes	No	Abstain	Absent
Barrett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Happer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Horst	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Korman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shepherd	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barnett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Holmberg	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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**R166-17, Authorization for the acceptance of easements for the Kings of King's property**

Council member	M	2nd	Yes	No	Abstain	Absent
<i>Barrett</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Happer</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Horst</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Korman</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Shepherd</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Barnett</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Holmberg</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**R170-17, Transfer resolution of 2017 Current Fund Appropriations**

Council member	M	2nd	Yes	No	Abstain	Absent
<i>Barrett</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Happer</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Horst</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Korman</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Shepherd</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Barnett</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Holmberg</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COUNCIL REPORTS**

Mr. Shepherd stated that the Lakes Committee is still looking at Birchwood Lake. He stated that the DPW Committee spoke about the Cove. Economic Development spoke about having their activities paid for by contributions from donations from commercial entities. Ms. Barnett stated that the Communications committee spoke about items that were fixed on the website. Upgrades to the website were discussed for 2018. Ms. Korman stated that the Environmental Commission is looking at the water usage report. There were questions regarding where water for the Kings of Kings property would come from.

**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 meeting to the public.

Mr. Fred Kantor, 81 Hanover Road, stated that it was nice to hear that the DPW committee talked about the Cove. He asked why it took five years for a committee to take up the issues at the Cove. It stated that it is overgrown. He stated that the Council lied about the project. He stated that the Borough Engineer stated that he would not comply with ADA in regards to this project. He made mention regarding illegal street signs. He stated that the Borough needs to hire a new engineer. He wanted to know why it was the first time the public was hearing that the DPW committee was discussing the Cove. He spoke about the sign ordinance meeting and the fact that Joe Mullaney was able to make comments at the meeting. He should not have made comments if he is not a resident. Mr. Kantor made mention about racial profiling.

Mr. George Jackson, 20 Sherwood, wanted to express his disappointment that the buffer easement for the King of King's property was not changed to a conservation easement. He mentioned the affordable housing lawsuit. He stated that the borough should rewrite the fair share housing plan. He stated that it was written by the planner in a very short time frame. He made mention regarding zoning on Route 46 that would allow a five story building. He spoke about redevelopment on the east side of route 46 that would include affordable housing. He spoke about shared services and combining the Borough and the Boonton police departments.

Mr. Doug McWilliams, 95 Boulevard, spoke regarding the necrology list project. People who pass away each year in the community are acknowledged.



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Mayor Holmberg stated that the affordable housing plan was developed by a committee, not just the planner. Mr. Shepherd stated that when the committee meets regarding the Cove they do speak about managing and fixing problems. Mayor Holmberg confirmed that d

**NEXT STEPS AND PRIORITIES**

Mayor Holmberg reviewed the following next steps and priorities:

Next Step	Completed by	Completion Date
Ordinance for Amending the water and sewer billing dates	Mr. Oostdyk	Next meeting
Ordinance amending the fee schedule	Mr. Sheola	Next meeting
Address Station CPI increase not collected	Mr. Sheola	Next meeting

**ADJOURNMENT at 10:22 P.M.**

Motion made by Councilmember Korman, second by Councilmember Barrett to adjourn the meeting at 10:22 p.m., with all members in favor signifying by "Aye".

Respectfully Submitted

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Valerie A Egan, Borough Clerk