



AGENDA FOR THE COUNCIL MEETING OF THE BOROUGH OF MOUNTAIN LAKES
HELD AT THE BOROUGH HALL
400 BOULEVARD, MOUNTAIN LAKES NJ
NOVEMBER 26, 2018
PUBLIC SESSION BEGINS AT 7:30 PM

1) CALL TO ORDER AND OPEN PUBLIC MEETINGS ACT STATEMENT – Mayor

This meeting is being held in compliance with the provisions of the Open Public Meetings Act, P.L. 1975, Ch. 231. It was properly noticed and has been posted, and certified by the Clerk. Notice of this meeting has been sent to The Citizen, the Morris County Daily Record and The Star Ledger and posted on the bulletin board in the municipal building.

2) ROLL CALL ATTENDANCE - Clerk

3) FLAG SALUTE – Mayor

4) R 164-18 EXECUTIVE SESSION

Matters of Litigation –Affordable Housing Settlement
Purchase/lease of Property – Mountain Lakes Club

5) COMMUNITY ANNOUNCEMENTS

6) SPECIAL PRESENTATIONS

Halloween event presentation by Lauren Brickner-McDonald

7) REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES

Affordable Housing Advisory Committee Report: Status on ML Fair Share Housing Plan & Activities

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.

9) BOROUGH COUNCIL DISCUSSION ITEMS

Non-partisan elections

10) ATTORNEY'S REPORT

11) MANAGER'S REPORT

12) ORDINANCES

a) Introduction

1. None

b) Adoption

1. None

***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.

13) *RESOLUTIONS

R165-18, Authorization for the Payment of Bills

R166-18, Authorization of a reduction in the Pulte performance surety bond

R167-18, Authorization for an amendment for the Special Planner contract



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***APPROVAL OF MINUTES**

Regular Minutes

November 7, 2018

Executive Session Minutes

November 7, 2018

***BOARD, COMMITTEE AND COMMISSION APPOINTMENTS**

Appointment of Brett Lane to the Shade Tree Commission with a term running through 12/31/20

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

- ☒ Construction Department
- ☒ Department of Public Works
- ☒ Fire Department
- ☒ Health Department
- ☒ Police Department
- ☒ Recreation Department
- ☒ Code Enforcement/Property maintenance report

14) COUNCIL REPORTS

15) 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.

16) NEXT STEPS AND PRIORITIES

17) ADJOURNMENT

Resolution 164-18
RESOLUTION TO ENTER INTO AN EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

- ☐ Matters made confidential by state, federal law or rule by court
- ☐ Matters in which the release of information would impair the right to receive funds from the Government
- ☐ Matters involving individual privacy
- ☐ Collective bargaining
- ☒ Purchase or lease of property, setting of bank rates, investment of public funds if disclosure would harm the public interest
- ☐ Public safety
- ☒ Pending, ongoing or anticipated litigation or contract negotiation
- ☐ Personnel matters
- ☐ Civil penalty or loss of license

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

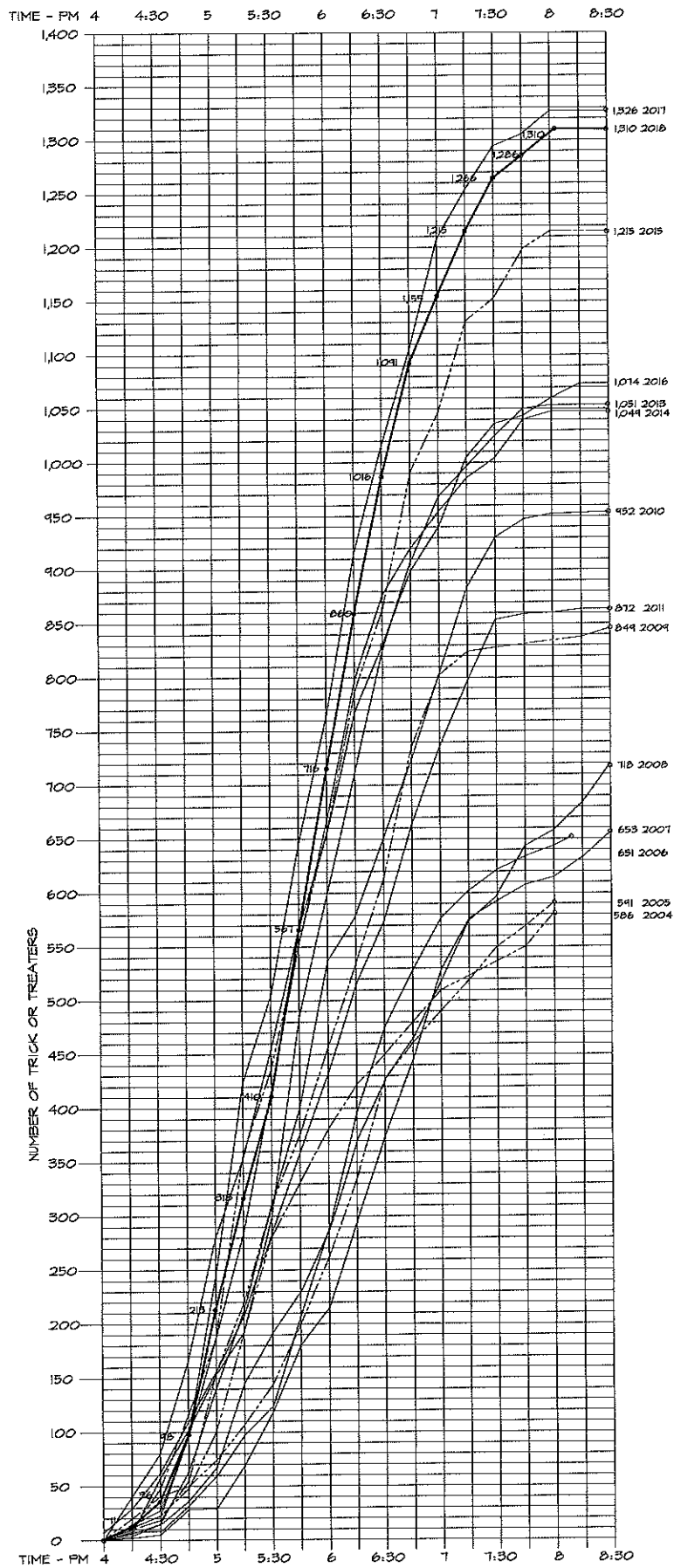
NOW THEREFORE BE IT RESOLVED that the public be excluded from this meeting.

XX

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 26, 2018.

Valerie A. Egan, Municipal Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Happer						
Holmberg						
Horst						
Korman						
Shepherd						
Barrett						
Barnett						



MOUNTAIN LAKES HALLOWEEN COUNT DAY/DATE_WEDNESDAY 10/31/18 NOTES PEAK = 306 BETWEEN 5:30 & 6:00
 WEATHER __MOST SUNNY 60 - 65 F ADDRESS __7 Center Drive ____

**MOUNTAIN LAKES
AFFORDABLE HOUSING
ADVISORY COMMITTEE**

BOROUGH COUNCIL PRESENTATION

**STATUS ON
FAIR SHARE HOUSING PLAN & ACTIVITIES**

NOVEMBER 26, 2018

**HOUSING ELEMENT AND
FAIR SHARE PLAN
COMMITTEE ACTIVITIES**

2015 TO PRESENT

DECISIONS, COMMITTEES, AND PLANS

MOUNTAIN LAKES' AFFORDABLE HOUSING ACTIVITIES

2015-2017

- **March 2015 – NJ Supreme Court Decision**
- **Fall 2015 - Borough Council forms Housing Element & Fair Share Housing Committee**
- **March 2016 - Committee develops and recommends Fair Share Housing Plan**

3

March 10, 2015, the New Jersey Supreme Court declared COAH “moribund” and kicked oversight of affordable housing back to the Superior Court, where it had been prior to the enactment of the FHA.

November 2015

The Borough Council wanted to update the Borough’s Housing Element and Fair Share Plan (HEFSP) and directed Borough Planner, Paul Phillips to work with the HEFSP Committee (made up of various stakeholders including the Planning Board chair) to develop a new plan.

Goals of the HEFSP committee:

Assist the Borough Planner in the development of our 3rd round Housing Element and Fair Share Plan

- ☑ Identify and prioritize realistic opportunities for affordable housing
- ☑ Suggest possible funding sources
- ☑ Act as a vehicle to share information on the issue and keep Council informed of

our
progress

The main issue at the time was developing a methodology to determine the municipal obligation

March 2016, HEFSP committee worked with the Borough Planner to develop and recommend to Borough Council its Fair Share Housing Plan.

ML Plan adopted

- o The Declaratory Judgment action was filed
- o Vacant land adjustment utilized
- o Econsult number was 50 with no gap year (1999-2015)
- o ML used 50 as the basis for our plan

2018 next slide

MOUNTAIN LAKES AFFORDABLE HOUSING ACTIVITIES - 2018

June – Mtn. Lakes Affordable Housing Advisory Committee

- **Goals**
- **Activities**

Nov. - The Settlement Agreement

- **Mtn. Lakes' Obligation**
- **How Mtn. Lakes proposes to meet its obligation**
- **Timeline for Certification & Implementation**

Since our previous goals had been satisfied under the previous name (Housing Element and Fair Share Plan Committee), we recommended the Borough Council change the committee's name to **Affordable Housing Advisory Committee**.

Our goals are:

1. **Assist** the Borough Planner, Attorney and Borough Council in updating and implementation of the Borough's Affordable Housing Plan
2. **Identify and prioritize realistic opportunities** for affordable housing
3. Suggest possible **funding sources** to accomplish affordable housing opportunities
4. **Regularly communicate** with the **Borough Council** on the Activities of the committee
5. **Provide education and information** to the **public** on affordable housing matters.

2018 Activities:

Borough attorney and planner have had regular monthly conferences with Judge Nergaard and FSHC. Judge Nergaard is retiring in March 2019 and is very interested in settling as many cases as she can before retiring.

- We have been in a good negotiating position since we did not have any interveners and didn't need a special master appointed (would have also added costs to the settlement). We opted to look for resolutions to settlement rather than litigation.
- Best interest of Borough to avoid a trial
- We were able to take advantage of the timing since FSHC is looking to get more towns to settle and they are in a settlement posture

Unknown – what was our obligation- how many units? There are three sets of numbers: Mtn. Lakes' 33, FSHC 250, and a Mercer County number of 271 (March 2018, Mercer County judge ruled the state should provide 155,000 affordable housing units by 2025). [Using estimates of households and wealth, projections of job and population growth and calculations of acreage available for development, Jacobson's long-awaited decision creates a methodology for determining the need for new development. A municipality must also continue to meet any prior need - established by COAH through 1999 - that remains unmet.]

We learned-

- Because of the Vacant Land Adjustment (VLA) the actual number is not critical
- The recommended starting point is to take our number then apply the Realistic Development Potential (RDP) to arrive at an adjusted number and then handle the difference (unmet need) with an overlay zone
- The overlay zone does not displace the underlying zoning
- Important - Need to move on a plan to protect the borough from a builder's remedy lawsuit

The Settlement Agreement - Next Slide

DRAFT SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER (FSHC)

1. Our calculation of **Realistic Development Potential (RDP)** was accepted:

Development	Units
Fusee Site (Legacy)	2
"King of Kings site"	6
1 Bloomfield Avenue	4*
Accessory Apartments	<u>5</u>
	17

*Credit for additional units (between 5 and 8 additional units) to be applied to unmet need.

5

1. Our calculation of Realistic Development Potential (RDP) was accepted

Development	Units
Fusee Site	2 6 units from Fusee were counted in last plan
("King of Kings site")	6
("1 Bloomfield Avenue)	4
Accessory Apartments	<u>5</u>
	17

- Our total unmet need is 316 units

Info

- Courts have ruled that 80/20 inclusionary development is not inherently beneficial as per the Municipal Land Use Law (MLUL)
- Mandatory set aside will dictate that any use variance or zone change will require 20% set aside for any residential development of 5 or more units

Based on court ruling we must include the 15-year gap period (1999 – 2015)

- Agreement contains some boiler plate
- We are negotiating directly with Fair Share Housing Center
- About 220 municipalities have reached settlements

DRAFT SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER (FSHC)

CONTINUED

2. Vacant Land Adjustment- Allowed
3. Our total unmet need - 316 units to be addressed through the following mechanisms:
 - a) The Borough agrees to place overlay zoning on the following sites: with a 20% set-aside.

333 Route 46	415 Boulevard
425 Boulevard	420 Boulevard
105 US-46	115 US-46
 - b) 1 Bloomfield Avenue – 7 remaining assisting living Medicaid beds
 - c) Adopt an ordinance requiring a mandatory affordable housing set aside for all new residential developments of five (5) units or more [Rental set aside -15% and for-sale set aside 20%].

2. Vacant Land Adjustment (VLA) the Council had some “wins” to counteract some of our “losses” (Econsult number of 50 and no Gap Period), important to stress this along with our successful overlay terms.

[Def. VLA:- Communities with limited vacant land can seek to establish their fair share obligations based upon the available land capacity to accommodate new housing development]

3.

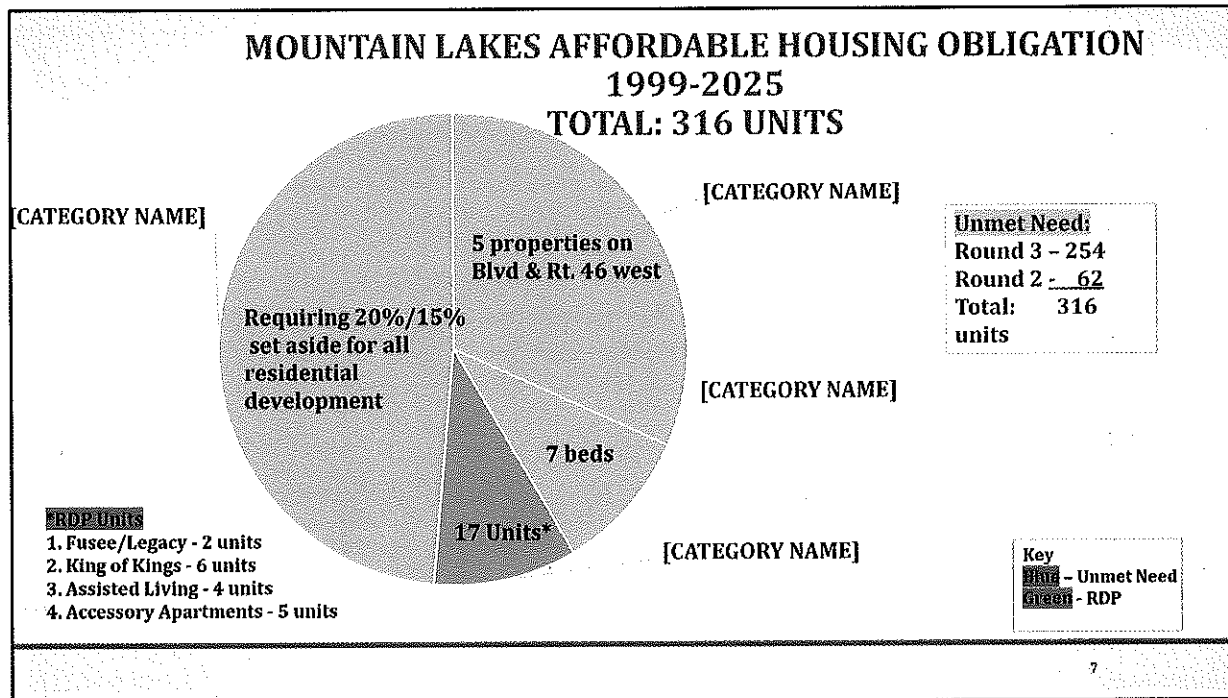
- a) The Borough agrees to place overlay zoning on the following sites: with a

20% set-aside.

- Route 46
- 415 Boulevard
- 425 Boulevard
- 420 Boulevard
- 105 US-46
- 115 US-46

a) 1 Bloomfield Avenue – 7 remaining assisting living Medicaid beds **[ADD STATEMENT THAT IT COULD BE MORE]**

c) Adopt an ordinance requiring a mandatory affordable housing set aside for all new multifamily residential developments of five (5) units or more. [Rental set aside -15% and for-sale set aside 20%.



The RDP piece (17 units) should be explained as being the land we can realistically plan on developing for purposes of Affordable Housing minus the concept of Vacant Land (or perhaps you can think of a better way to explain the relationship).

The RDP will be satisfied by some pre-existing buildings (Fusee and Legacy), as well as proposed construction (Assisted Living Facility at 1 Bloomfield) and proposed Accessory Apartments (for which the Committee continues to hammer out appropriate terms and conditions for these specialized rental units).

The bigger piece of the pie, the balance of the Unmet Need, is made of three smaller pieces:

- 7 beds for the Assisted Living Facility at 1 Bloomfield Avenue
- New Overlay Rezoning - a 20% Set Aside for the 5 properties on Boulevard and Rt. 46
- An Ordinance Requiring a Set Aside of 20%/15 % for all multifamily 5+ units

in ML

TIMELINE FOR PLAN CERTIFICATION & IMPLEMENTATION

1. Nov. 26, 2018 – Draft Plan and AHAC report to Council for discussion
2. Dec. 2018/ Jan. 2019 - Council reviews and acts on settlement agreement
3. Jan 2019 – Settlement Agreement presented to Judge Nergaard for settlement hearing.
4. March 2019– Judge Nergaard approves Settlement
5. April – July 2019 – Borough Council has 120 days to adopt enabling ordinances.

March 2019 - Judge Nergaard retirement

NEXT STEPS FOR BOROUGH COUNCIL:

- 1. To hold public education session to discuss terms of settlement and receives feedback.**
- 2. Decides to accept terms, modify terms or reject terms of agreement.**
- 3. If accepts send to court for fairness hearing.**
- 4. Accessory Apartment Study.**
- 5. Passage of Enabling Ordinances.**
- 6. Continued public forums on plan.**

THANK YOU – QUESTIONS/ANSWERS

Mtn. Lakes Affordable Housing Advisory Committee

Borough Council Members

Lauren Barnett, Mayor
William Barrett, Council member
Cynthia Korman, Council member

Planning Board Members

Martin Kane, Chair
Nancy du Tertre, Member

Public Members

Blair Schleicher Bravo, Committee Coordinator
Stephen Shaw, Scribe
Sandy Batty, Public Members

Professionals

Mitchell Stern, Borough Manager
Bob Oostdyk, Borough Attorney
Paul Phillips, Planner

Borough of Mountain Lakes
Discussion Item
Date: May 2018
Prepared by: Councilman Peter Holmberg

1. Issue:

Government at all levels is suffering from the same problem of party politics obstructing progress. At the local level in Mountain Lakes, it has been stated that “there is no role for partisanship”, yet it remains in place. This Council and Mountain Lakes has been credited with minimizing the role of the two major parties, yet partisan politics has played a significant role in our Borough’s history and will always remain a risk where Party is prioritized over Policy. We have an opportunity to build on the success we have had and eliminate unnecessary obstacles or divisions in the future.

2. Current Status/Facts:

Composition of Registered Voters in Mountain Lakes (2018)

- Republicans – 1072
- Democrats – 878
- Independent - 1442

According to NJ.Com, 86 towns have non-partisan elections in New Jersey This does not change the form of government in Mountain Lakes, just an aspect of the form.

Mountain Lakes could still hold such elections in November (§ 40:69A-83.1.) A vote by residents is required for this change to take place. IN order for the question to appear on the ballot, an ordinance would be passed by Council OR a petition by residents (15% of the total votes cast in the municipality at the last election)

2. Current Council Policy:

Partisan primaries take place in June and partisan elections are held in November.

4. Questions for Council:

- **Do we believe a government stripped of partisan influences would benefit Mountain Lakes?**

- **Are we willing to place this question on the upcoming ballot for public consideration?**

5. Backup Information:

How it could be done

An amendment to our Charter to move to non-partisan elections would be considered an alternate under our current Faulkner Act form could be placed on the ballot for voter approval either by

- Ordinance of the governing body
- By petition of voters.

If an ordinance is adopted or a petition is filed to place the question on the ballot, the question must be presented "at the next general or regular municipal election occurring not less than 40 days from the date of final passage and approval of the ordinance."

Non-Partisan elections can now take place at the November general elections as a result of the same change in law which allowed Board of Education elections to be moved to November.

A law enacted in 1981 makes it possible to change a number of the details of a municipal charter under the OMCL without going through the entire procedure in either the charter study commission or the direct petition approaches. If a community wishes to keep its form of government under one of three original OMCL plans

- Mayor-Council Form,
- CouncilManager Form
- Small Municipality Form –

but to change some aspects of the form, this can be done through a referendum question that may be placed on the ballot either by petition of the voters, by an ordinance enacted by the governing body, or by action of a charter study commission.

For a petition, the number of signatures required is equal to at least 15% of the total votes cast in the municipality at the last election at which members

of the General Assembly
were elected.

Charter details that may be changed include:

1. Having either partisan or non-partisan elections.
 2. Election of all council members at large or election partially from wards.
 3. Election of council members for staggered or concurrent terms of office.
 4. Election of the mayor directly by the voters or selection from among the members of the council (Council-Manager and Small Municipality Forms only).
 5. Having a council of different size (five, seven, or nine for the Mayor-Council and Council-Manager Forms; three, five, or seven for the Small Municipality Form).
- It should be noted that changes can be made only in those details on which the community had choices at the time that the optional plan was originally adopted.

The Mayor-Council-Administrator

Form is not subject to this amendment procedure, since none of the above details are subject to variation under that form of government.

The amending procedure under the OMCL cannot be used until four years after original adoption of the optional plan, and there is a four-year waiting period before any additional amendments of the same nature can be submitted to the voters. Every change must be voted on as a separate question.

24 N.J.S.A. 40:69A-23 25 N.J.S.A. 40:69A-25.1 et seq.

27

§ 40:69A-83.1. Council-manager plan; charter provision; regular municipal or general election; term of office

Any municipality adopting a council-manager plan of government shall provide in its charter that the council members shall be elected by the voters of the municipality either:

- a. At a regular municipal election held on the second Tuesday in May in the years in which municipal officers are to**

be elected, in which case the term of office of the council members shall begin on July 1 next following their election; or

b. At the general election held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections, in which case the term of office of the council members shall begin on January 1 next following their election.

§ 40:69A-25.1. Amendment of charter to include alternative under plan of

government; referendum; ballot; form of question

a. Any municipality governed by a plan of government adopted pursuant to P.L.1950, c. 210 (C. 40:69A-1 et seq.) may, by referendum, amend its charter to include any alternative permitted under that plan of government. The question of adopting an alternative may be initiated by the voters pursuant to, and subject to the pertinent provisions of, sections 17-35 through 17-47 (C. 40:69A-184 through 40:69A-196); or may be submitted to the voters by ordinance adopted by the governing body, in which case the question and ordinance shall be subject to the pertinent provisions of sections 17-42 through 17-47 (C. 40:69A-191 through 40:69A-196), except that no petition of the voters shall be necessary in order to submit the question.

b. At any election at which the question of adopting an alternative is to be submitted to the voters pursuant to this section, the question shall be submitted in substantially the following form: "Shall the charter of governed by (insert name of municipality) be amended, as permitted under that (insert plan of government) plan, to provide for (insert appropriate language from below for thealternative to be voted upon)

GROUP A.

(1)"the holding of regular municipal elections in May;"

(2)"the holding of general elections in November;"

GROUP B.

- (3)“the election of all council members at large;”**
- (4)“the division of the municipality into wards with (insert number) council members to be elected at large and one from (insert number) each ward;”**

GROUP C.

- (5)“the election of all council members for concurrent terms;”**
- (6)“the election of council members for staggered terms;”**

GROUP D.

- (7)“the election of the mayor by the members of the council from among their own number;”**
- (8)“the election of the mayor directly by the voters of the municipality;”**

GROUP E.

- (9)“a municipal council to consist of three members;”**
- (10)“a municipal council to consist of five members;”**
- (11)“a municipal council to consist of seven members;”**
- (12)“a municipal council to consist of nine members.”**

If more than one alternative is to be submitted to the voters at the same time, each alternative shall be separately stated on the ballot in the form of a question as set forth above.

If the provisions of two or more alternatives adopted at the same election conflict, then that receiving the greatest affirmative vote shall control. Nothing contained in this section shall authorize the submission to the voters of the question of adopting any alternative not authorized by the plan of government under which the municipality is governed. No question shall be submitted to the voters pursuant to this section within 4 years next following the adoption by the municipality of a plan of government authorized by P.L.1950, c. 210 (C. 40:69A-1 et seq.) or this act, or within 4 years next following the date on which the question of adopting it or any alternative in the same group was last submitted to the voters pursuant to this section.

(c) In any municipality having adopted a charter providing for the division of the municipality into wards, the question of

increasing or decreasing the number of council members to be elected in the municipality shall be submitted to the voters in the manner set forth in alternative (4) of Group B. of subsection b. of this section. None of the alternatives set forth in Group E. of that subsection shall be submitted to the voters in any municipality divided into wards, unless at the same election alternative (3) of Group B. of that subsection is also submitted, in which case both alternatives shall be approved by the voters in order for either to take effect.

§ 40:69A-192. Timing of election at which submitted to voters

a. Any ordinance to be voted on by the voters in accordance with section 17-36 or section 17-42 of this act (*C.40:69A-185* or *C.40:69A-191*) shall be submitted at the next general or regular municipal election occurring not less than 40 days after the final date for withdrawal of the petition as provided for in section 17-42 of this act (*C.40:69A-191*), provided that if no such election is to be held within 90 days the council shall provide for a special election to be held not less than 40 nor more than 60 days from the final date for withdrawal of the petition as provided for in section 17-42 (*C.40:69A-191*) of this act.

b. In the case of an initiated petition signed by not less than 10% nor more than 15% of the legal voters, the ordinance shall be submitted at the next general or regular municipal election occurring not less than 40 days after the final date of withdrawal of the petition as provided for in section 17-42 (*C.40:69A-191*) of this act.

c. In any instance where a referendum election is to be held as a result of an ordinance of the council which by its terms or by law cannot become effective in the municipality unless submitted to the voters, or which by its terms authorizes a referendum in the municipality concerning the subject matter thereof, the time for submission of the question to the voters shall be at the next general or regular municipal election occurring not less than 40 days from the date of final passage and approval of the ordinance. Referenda held on ordinances adopted pursuant to sections 7 through 11 of P.L.1981, c.465 (*C.40:69A-25.1* through *40:69A-25.5*) shall be governed by this subsection, except that if the

referendum is held pursuant to those sections as the result of the report of a charter study commission, the time for submission of the question shall be calculated from the date of that report.

References

1. <https://ivn.us/national-nonpartisan-resources/>
2. <http://www.njelections.org/election-information-archive-2018.html>
3. <http://www.njelections.org/election-information-archive-2018.html>
4. nj.com
5. <http://www.njslom.org/>



BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

Mitchell Stern
Borough Manager
mstern@mtnlakes.org

400 Boulevard
Mountain Lakes, NJ 07046
P -973-334-3131 ext.2006
F -973-402-5595

TO: Honorable Mayor and Borough Council
SUBJ: Manager's Report
CC: Valerie Egan, Borough Clerk
Robert Oostdyk, Borough Attorney

The following represents the Manager's report for the Borough Council meeting of November 26, 2018.

Beach Facilities Renovation Project – Demolition and preliminary site work has begun on the Birchwood Lake facilities. Site work involves replacing water and sewer lines, adding supports to existing concrete footings and preparing existing areas so they can be joined to new materials. Work will continue, weather permitting, with the goal of completing site work before the end of the year.

Snowstorm of November 15, 2018 – Unless you were lucky enough to be well south of the tri-state area, you are well aware that the first snowfall of the 2018 – 2019 winter season occurred. Although the storm intensified a little faster than anticipated, our DPW crews were able to stay on top of the situation. Aside from complaints of missed trash pickup Friday morning, the Borough fared well. The Borough's trash vendor revisited the route again early Saturday.

I'd like to take this opportunity to remind everyone that trash collection personnel will only venture onto your property if there is a clear path, free of all snow and ice.

Wishing everyone a Happy Thanksgiving.

Mitchell

RESOLUTION AND ORDINANCE REVIEW FOR THE NOVEMBER 26, 2018 MEETING

TO: MAYOR AND COUNCIL

FROM: MITCHELL STERN, MANAGER

RESOLUTIONS

R166-18, Authorization of a reduction for the Pulte surety bond – This resolution authorizes the reduction of the surety bond for the King of Kings development project. The original guarantee submissions were \$1,695,348.36 in the form of a surety bond and \$405,525.13 in a cash bond. Pulte Homes submitted a request to reduce those amounts to \$106,494.60, (\$10,649.46 bond and \$95,845.14 cash) in accordance with recent statutory changes that allow for the reduction. This request was reviewed and deemed acceptable by the Borough Engineer and Borough Attorney.

R167-18, Authorization for an amendment to the Special Planner contract – this resolution authorizes the Borough to amend the Special Planner contract with Topology to increase the total amount. The contract began with an up to total of \$5,000 and was increased to \$15,000 with the adoption of resolution 138-18. Additional invoices were received by the Borough that exceeds the \$15,000 total. The not to exceed amount will now be \$21,000. At this time, we do not expect any additional invoices from the planner.

ORDINANCES

There are no ordinances on this agenda.

If there are any questions prior to the meeting, please feel free to contact me.

**BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS, NJ**

RESOLUTION 165-18

“RESOLUTION AUTHORIZING THE PAYMENT OF BILLS”

WHEREAS, the Borough Manager has reviewed and approved purchase orders requested by the Department Heads; and

WHEREAS, the Finance Office has certified that funds are available in the proper account; and

WHEREAS, the Borough Treasurer has approved payment, upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey, that the current bills, dated **November 26, 2018** and on file and available for public inspection in the Office of the Treasurer and approved by him for payment, be paid.

XX

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 26, 2018.

Valerie A. Egan, Municipal Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Happer						
Holmberg						
Horst						
Korman						
Shepherd						
Barrett						
Barnett						

List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 11/26/2018 For bills from 11/02/2018 to 11/20/2018

Check#	Vendor	Description	Payment	Check Total
14978	2921 - A.C. SCHULTES, INC.	PO 19515 WATER DEPARTMENT - TREATMENT OF WEL	575.00	575.00
14979	219 - ACCESS	PO 19552 CUST# 156NFI04790 - OCT -DEC 2018	1,246.00	
		PO 19677 CUST# 156NFI04790 - NOVEMBER 2018	40.00	1,286.00
14980	3995 - ALL AMERICAN FORD	PO 19672 DPW - VEHICLE REPAIR	1,071.09	1,071.09
14981	206 - ALLEN PAPER & SUPPLY CO.	PO 19636 DPW - DEPARTMENT SUPPLIES	546.48	546.48
14982	196 - GRIFFITH-ALLIED TRUCKING, LLC	PO 19383 DPW - UNLEADED FUEL - BLANKET	871.21	871.21
14983	189 - ANCHOR ACE HARDWARE	PO 18358 POLICE DEPARTMENT/ACCT# 001413 - 2	46.71	
		PO 18500 WATER DEPARTMENT - EQUIPMENT, TOOLS	3.96	
		PO 19391 PARKS & BEACHES - GENERAL MAINTENAN	71.75	122.42
14984	189 - ANCHOR ACE HARDWARE	PO 19462 DPW - STREETS & ROADS - BLANKET	953.76	953.76
14985	189 - ANCHOR ACE HARDWARE	PO 19462 DPW - STREETS & ROADS - BLANKET	335.28	335.28
14986	102 - ANDERSON & DENZLER ASSOC., INC	PO 19685 JUNE 2018 PROFESSIONAL SERVICES	8,603.20	
		PO 19688 JUNE/JULY/AUGUST/SEPT 2018 PROFESSI	969.40	9,572.60
14987	102 - ANDERSON & DENZLER ASSOC., INC	PO 19688 JUNE/JULY/AUGUST/SEPT 2018 PROFESSI	9,998.10	
		PO 19688 JUNE/JULY/AUGUST/SEPT 2018 PROFESSI	1,049.65	11,047.75
14988	254 - BARCO PRODUCTS COMPANY	PO 19392 PARKS & RECREATION - GARBAGE/RECYCL	2,965.44	2,965.44
14989	269 - BEYER FORD, LLC	PO 19642 POLICE & DPW - VEHICLE REPAIRS - BL	70.70	
		PO 19674 POLICE DEPARTMENT - VEHICLE REPAIRS	985.84	1,056.54
14990	2658 - CHEMSEARCH	PO 19139 DPW VEHICLE REPAIR & MAINTENANCE -	2,101.80	2,101.80
14991	3783 - CINTAS, CORP. - UNIFORM RENTALS	PO 19133 DPW - UNIFORM RENTAL - BLANKET	462.00	
		PO 19133 DPW - UNIFORM RENTAL - BLANKET	238.56	
		PO 19133 DPW - UNIFORM RENTAL - BLANKET	410.00	1,110.56
14992	3184 - CONSTELLATION NEWENERGY, INC	PO 19666 SEPT/OCT 2018 STREET LIGHTING: CUST	572.66	572.66
14993	431 - COUNTY CONCRETE CORP.	PO 19619 DPW - DRAINAGE PROJECTS	570.00	570.00
14994	2147 - CCTMO LLC	PO 19610 NOV 2018 - CELL TOWER REIMBURSEMENT	1,776.80	1,776.80
14995	543 - CYNTHIA SHAW	PO 19686 REIMBURSEMENT FOR ACCT#72037	75.00	75.00
14996	653 - GANNET NEW JERSEY NEWSPAPERS	PO 19588 CLERK: ADVERTISING - BLANKET	336.51	336.51
14997	506 - DAN COMO & SONS, INC	PO 18943 DPW - GROUNDS MAINTENANCE - BLANKET	257.34	
		PO 19081 DPW - BUILDING MAINTENANCE - BLANKE	84.00	
		PO 19436 SOLID WASTE - LEAF & BRUSH REMOVAL	2,400.00	2,741.34
14998	576 - DAVE'S TIRE, LLC	PO 19529 POLICE DEPARTMENT - VEHICLE REPAIRS	485.04	
		PO 19620 VEHICLE REPAIRS - WATER DEPT & STRE	510.08	
		PO 19620 VEHICLE REPAIRS - WATER DEPT & STRE	1,020.16	2,015.28
14999	2971 - DIRECT ENERGY BUSINESS	PO 19700 NATURAL GAS: ACCT#: 614054 - 269690	697.91	697.91
15000	3109 - FERRIERO ENGINEERING, INC	PO 19586 CLIENT NO: ML100 / PROJECT ID: 18ML	267.50	
		PO 19679 CLIENT NO: ML100 / PROJECT ID: 18ML	378.50	646.00
15001	769 - FOREST LUMBER	PO 18726 DPW & RECREATION - SUPPLIES & TOOLS	335.95	
		PO 19556 BUS STOP REPAIRS - BOULEVARD & CRAN	1,579.74	1,915.69
15002	785 - FORESTRY SUPPLIERS, INC.	PO 19616 ENVIRONMENTAL COMMITTEE:	523.86	523.86
15003	876 - GARDEN STATE LABORATORIES, INC	PO 19637 WATER DEPARTMENT - WATER TESTING -	1,494.00	1,494.00
15004	3289 - GLOBAL MED INDUSTRIES, LLC	PO 19658 FIRE DEPT: AED & ADULT PADS - QUOTE	1,006.00	1,006.00
15005	3817 - IL TORRENTE PIZZA	PO 19621 DPW - EMERGENCY MEALS - BLANKET	234.55	234.55
15006	859 - JCP&L	PO 19664 ACCT#100 050 702 156 - BILL PRD: 9/	4.99	
		PO 19710 ACCT#100 076 421 971/BILL PRD: OCT	206.66	
		PO 19709 MASTER ACCT#200 000 574 000/ BILL D	61.00	
		PO 19708 MAST ACCT#200 000 054 011/ BILL DAT	657.38	930.03
15007	859 - JCP&L	PO 19707 MASTER ACCT#200 000 053 658/ BILL D	2,107.72	
		PO 19702 MAST ACCT#200 000 021 275 / BILL DA	6,206.65	8,314.37
15008	3959 - JEFFERSON RECYCLING II, LLP	PO 19231 DPW - SIDEWALK REPAIRS - BLANKET	250.00	250.00
15009	1062 - JOHNNY ON THE SPOT, LLC	PO 19613 OCT/NOV 2018 - CUST ID# 014738 - PO	245.00	
		PO 19612 OCT/NOV 2018 - CUST ID# 014738 - PO	94.95	339.95
15010	2308 - MCNERNEY & ASSOCIATES, INC.	PO 19689 SEPT/OCT TAX APPEALS	6,525.00	6,525.00
15011	1338 - MGL PRINTING SOLUTIONS, LLC	PO 19566 FINANCE: 2018 1099 FORMS - QUOTE	123.00	123.00
15012	3949 - MIKE'S MOBIL MAINTENANCE LLC	PO 19676 WATER DEPARTMENT - LINE/PUMP/MOTOR	1,290.00	1,290.00
15013	3648 - MONMOUTH TELECOM	PO 19665 NOVEMBER 2018 TELEPHONE SERVICES /	1,535.36	1,535.36
15014	2360 - MOUNTAIN LAKES AUTO SPA, CORP.	PO 18357 POLICE DEPARTMENT - CAR WASHES -201	49.00	49.00
15015	3922 - MOUNTAIN LAKES BAGEL, INC	PO 18633 DPW - EMERGENCY MEALS - BLANKET	54.00	54.00
15016	1371 - MTN. LAKES BOARD OF EDUCATION	PO 19660 2018 PORTION OF MARK PRUSINA SALARY	32,500.00	
		PO 19660 2018 PORTION OF MARK PRUSINA SALARY	3,722.00	
		PO 19660 2018 PORTION OF MARK PRUSINA SALARY	3,722.00	39,944.00
15017	1394 - MTN. LAKES PUBLIC LIBRARY	PO 18905 2018 MTN LAKES PUBLIC LIBRARY AID -	21,916.66	21,916.66
15018	1472 - MURPHY, MCKEON P.C.	PO 18917 2018 RETAINER FEES - BLANKET	4,166.66	
		PO 19678 OCTOBER PROFESSIONAL SERVICES - TAX	2,915.00	7,081.66
15019	1553 - NEW JERSEY NATURAL GAS	PO 19701 SERVICE FOR: OCT 05/09 TO NOV 05/0	1,138.29	1,138.29

List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 11/26/2018 For bills from 11/02/2018 to 11/20/2018

Check#	Vendor	Description	Payment	Check Total
15020	1754 - NORTHEAST COMMUNICATIONS, INC.	PO 19628 FIRE DEPT: PAGERS	2,024.00	2,024.00
15021	2727 - ONE CALL CONCEPTS, INC.	PO 18454 2018 JAN - DEC BLANKET / ACCT# 12-B	175.00	175.00
15022	3236 - ONE SOURCE OF NEW JERSEY, LLC	PO 19138 DPW - EQUIPMENT REPAIR - BLANKET	591.53	591.53
15023	3659 - OPTIMUM	PO 18921 BORO INTERNET SERVICES ACCT# 07876-	100.55	100.55
15024	2968 - OPTIMUM	PO 18919 DPW: ACCT# 07876-414565-01-0 - BLAN	10.67	10.67
15025	2968 - OPTIMUM	PO 18920 DPW INTERNET SERVICES ACCT# 07876-6	112.54	112.54
15026	479 - PARKER PUBLICATIONS	PO 19661 ACCT# 010902 - ZBOA/PLANNING BRD	45.59	45.59
15027	1714 - POWER PLACE, INC.	PO 19559 DPW - EQUIPMENT & TOOLS	1,429.35	1,429.35
15028	2397 - ROCKAWAY AUTO RESOURCES, LLC	PO 19562 DPW - VEHICLE REPAIRS - BLANKET	990.85	990.85
15029	2397 - ROCKAWAY AUTO RESOURCES, LLC	PO 19577 DPW - EQUIPMENT & TOOLS	384.95	384.95
15030	285 - SHAWN BENNETT	PO 19651 POLICE DEPT: HALLOWEEN SUPPLIES	43.98	43.98
15031	2470 - SKYLANDS AREA FIRE EQUIP & TRAINING	PO 19617 FIRE DEPT: PROTECTIVE HOODS	1,092.54	
		PO 19617 FIRE DEPT: PROTECTIVE HOODS	47.46	1,140.00
15032	114 - SOLITUDE LAKE MANAGEMENT	PO 18916 2018 LAKE MANAGEMENT - BLANKET - CU	5,747.00	
		PO 19656 2018 HYDRO RAKING	19,000.00	24,747.00
15033	2774 - STAPLES BUSINESS ADVANTAGE	PO 19576 ORDER# 7206385564	221.23	
		PO 19623 ORDER# 7203963079-000004	17.89	
		PO 19653 ADMIN/CLERK/FINANCE - ORDER# 720738	545.81	784.93
15034	1981 - SUBURBAN DISPOSAL, INC	PO 18970 SOLID WASTE COLLECTION - 2018 BLANK	35,999.99	35,999.99
15035	3903 - TCF EQUIPMENT FINANCE	PO 18906 POLICE CAR LEASE / CUST# 730289 - B	2,247.19	2,247.19
15036	1424 - TOWNSHIP OF MONTVILLE	PO 19680 4th QTR 2018 ANIMAL ACTIVITY CHARGE	2,692.77	
		PO 19680 4th QTR 2018 ANIMAL ACTIVITY CHARGE	221.05	2,913.82
15037	1536 - TREAS, STATE OF NJ - D.O.H.	PO 19667 SEPT 2018 DOG LICENSING FEES	1.20	1.20
15038	2074 - TROPICANA CASINO & HOTEL	PO 19565 DPW - LEAGUE OF MUNICIPALITIES 2018	720.00	720.00
15039	1736 - TWP OF PARSIPPANY - TROY HILLS	PO 18904 2018 SEWER MAINTENANCE CHARGES - BL	33,373.00	33,373.00
15040	2749 - VERIZON	PO 18392 2018 INTERNET SVC: A/C# 853-478-043	37.34	
		PO 18392 2018 INTERNET SVC: A/C# 853-478-043	52.32	
		PO 18392 2018 INTERNET SVC: A/C# 853-478-043	37.33	126.99
15041	2135 - VERIZON WIRELESS	PO 19703 ACCT# 882388054-00001 / OCT 05 TO N	786.89	786.89
15042	2161 - WELDON ASPHALT, INC.	PO 19262 DPW - POTHOLE REPAIRS - BLANKET	103.44	103.44
15043	2194 - WHIPPANY RIVER WATERSHED	PO 19533 COUNCIL: WHIPPANY WATERSHED DINNER	100.00	100.00
TOTAL				246,666.31

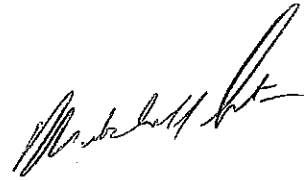
Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-100-020	GENERAL ADMIN - OTHER EXPENSE	1,964.59			
01-201-20-110-020	MAYOR & COUNCIL - OTHER EXP'S	100.00			
01-201-20-120-020	MUNICIPAL CLERK - OTHER EXP'S	375.83			
01-201-20-130-020	FINANCE - OTHER EXPENSES	172.13			
01-201-20-140-020	COMPUTER SERVICES	163.54			
01-201-20-155-020	LEGAL SERVICES - OTHER EXPENSE	13,606.66			
01-201-20-165-020	ENGINEERING SERVICES	19,247.30			
01-201-21-180-020	PLANNING BOARD - OTHER EXPENSE	52.07			
01-201-21-185-020	BD OF ADJUST - OTHER EXPENSES	68.52			
01-201-25-240-020	POLICE DEPT - OTHER EXPENSES	2,386.88			
01-201-25-255-020	FIRE DEPT - OTHER EXPENSES	47.46			
01-201-26-290-020	STREETS & ROADS - OTHER EXP.	39,372.98			
01-201-26-305-020	SOLID WASTE - OTHER EXPENSES	38,399.99			
01-201-26-310-020	BLDG & GROUNDS - MUNIC BLDG	1,579.74			
01-201-26-315-020	VEHICLE REPAIRS & MAINTENANCE	6,215.40			
01-201-27-337-020	WOODLAND COMMITTEE - OTHER EXPENSE	523.86			
01-201-27-340-020	DOG REGULATION-OTHER EXPENSES	221.05			
01-201-28-375-020	MAINT OF PARKS (BEACHES/LAKES)	25,158.78			
01-201-29-390-020	AID TO PUBLIC LIBRARY	21,916.66			
01-201-31-435-020	ELECTRICITY - ALL DEPARTMENTS	2,976.75			
01-201-31-436-020	ELECTRICITY - STREET LIGHTING	572.66			
01-201-31-437-020	NATURAL GAS	1,836.20			
01-201-31-440-020	TELECOMMUNICATIONS	2,322.25			

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-31-447-020	PETROLEUM PRODUCTS	871.21			
01-260-05-100	DUE TO CLEARING			0.00	181,929.31
01-290-55-000-005	DUE TO T-MOBILE - SPRINT FEES			1,776.80	
TOTALS FOR	Current Fund	180,152.51	0.00	1,776.80	181,929.31
02-200-40-700-340	Clean Communities Grant			2,965.44	
02-260-05-100	DUE TO CLEARING			0.00	2,965.44
TOTALS FOR	FEDERAL AND STATE GRANTS	0.00	0.00	2,965.44	2,965.44
04-215-55-982-000	2016 CAPITAL ORDINANCE 06-16			969.40	
04-215-55-983-000	2017 CAPITAL ORDINANCE 05-17			1,892.86	
04-215-55-984-000	2018 CAPITAL ORDINANCE 4-18			2,799.68	
04-260-05-100	DUE TO CLEARING			0.00	5,661.94
TOTALS FOR	General Capital	0.00	0.00	5,661.94	5,661.94
05-201-55-510-001	Water Operating - Salary & Wages	3,722.00			
05-201-55-520-520	Water Operating - Other Expenses	12,261.76			
05-260-05-100	DUE TO CLEARING			0.00	15,983.76
TOTALS FOR	Water Operating	15,983.76	0.00	0.00	15,983.76
07-201-55-510-001	Sewer Operating - Salary & Wages	3,722.00			
07-201-55-520-520	Sewer Operating - Other Expenses	33,709.89			
07-260-05-100	DUE TO CLEARING			0.00	37,431.89
TOTALS FOR	Sewer Operating	37,431.89	0.00	0.00	37,431.89
13-260-05-100	DUE TO CLEARING			0.00	2,693.97
13-286-56-000-000	RESERVE - ANIMAL LICENSE FUND			2,692.77	
13-295-56-000-000	DOG LICENSE FEES-DUE STATE NJ			1.20	
TOTALS FOR	Animal Trust	0.00	0.00	2,693.97	2,693.97

Total to be paid from Fund 01 Current Fund	181,929.31
Total to be paid from Fund 02 FEDERAL AND STATE GRANTS	2,965.44
Total to be paid from Fund 04 General Capital	5,661.94
Total to be paid from Fund 05 Water Operating	15,983.76
Total to be paid from Fund 07 Sewer Operating	37,431.89
Total to be paid from Fund 13 Animal Trust	2,693.97
	246,666.31



Checks Previously Disbursed

218386 COUNTY OF MORRIS

TAX LIABILITY PAYMENT FOR 4TH QTR

958,353.44 11/15/2018

958,353.44

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
<hr/>					
	Total paid from Fund 01 Current Fund	958,353.44			
		<hr/>			
		958,353.44			

Total for this Bills List: **1,205,019.75**

List of Bills - (1710101001002) Escrow - Developers - Checking **Developer's Escrow**

Meeting Date: 11/26/2018 For bills from 11/02/2018 to 11/20/2018

Check#	Vendor	Description	Payment	Check Total
5118	3979 - JEFFREY ANSELL	PO 19414 ESCROW REFUND	336.43	336.43
	TOTAL			336.43

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
17-101-01-001-002	Escrow - Developers - Checking			0.00	336.43
17-500-00-050-288	Jeffery Ansell Escrow			336.43	
TOTALS FOR	Developer's Escrow	0.00	0.00	336.43	336.43

Total to be paid from Fund 17 Developer's Escrow

336.43

336.43

List of Bills - (3310101001001) PROVIDENT BANK Recreation Trust

Meeting Date: 11/26/2018 For bills from 11/02/2018 to 11/20/2018

Check#	Vendor	Description	Payment	Check Total
5215	3822 - ULINE, INC	PO 19650 HPC: QUOTE# 19082472	292.63	292.63
5216	3829 - UNIVERSITY PRODUCTS, INC	PO 19333 HISTORIC PRESERVATION COMMITTEE: OR	1,524.94	1,524.94
TOTAL				1,817.57

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
33-101-01-001-001	PROVIDENT BANK			0.00	1,817.57
33-600-00-090-000	Recreation Trust Reserves			1,817.57	
TOTALS FOR	Recreation Trust	0.00	0.00	1,817.57	1,817.57

Total to be paid from Fund 33 Recreation Trust

1,817.57

1,817.57

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 26, 2018.

Valerie A. Egan, Municipal Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Happer						
Holmberg						
Horst						
Korman						
Shepherd						
Barrett						
Barnett						

DYKSTRA WALKER DESIGN DW GROUP

PROFESSIONAL ENGINEERS, PLANNERS, SURVEYORS & ENVIRONMENTAL SERVICES

Engineer's Estimate

For

Preliminary & Final Major Subdivision/Site Plan

Public Right-of-Way Improvements Only

The Enclave at Mountain Lakes

Block 116, Lot 3.01

NJSH Route 46, Fox Hill Road, Brook Lane & Sherwood Drive

Borough of Mountain Lakes

Morris County - New Jersey

Project No. 05054

Date : June 14, 2018 Last Revised October 5, 2018

Item	Description	Quantity	Units	Unit Cost	Total
A Site Preparation					
1	Site Clearing	0.08	Acre	\$ 8,000.00	\$ 640.00
2	Topsoil Stripping and Stockpiling	120	CY	\$ 10.00	\$ 1,200.00
3	Soil Excavation and Fill	510	CY	\$ 10.00	\$ 5,100.00
				Subtotal A	\$ 6,940.00
B Site Improvements					
4	Granite Block Curb (mountable)	180	LF	\$ 16.00	\$ 2,880.00
5	Bituminous Concrete Surface Course Mix 1-5	20	Tons	\$ 63.00	\$ 1,260.00
6	Bituminous Stabilized Base Course Mix 1-2	60	Tons	\$ 60.00	\$ 3,000.00
7	Dense Graded Aggregate (subbase for roads & walkways)	60	Tons	\$ 24.00	\$ 1,440.00
8	Concrete Sidewalks	360	SF	\$ 3.50	\$ 1,260.00
9	Stop Line	12	LF	\$ 4.00	\$ 48.00
10	"Stop" Sign	1	Unit	\$ 200.00	\$ 200.00
11	Retaining Wall (structural, at entrance)	825	SF	\$ 30.00	\$ 24,750.00
12	Wooden Split-Rail Fence	145	LF	\$ 25.00	\$ 3,625.00
				Subtotal B	\$ 38,463.00
C Sanitary Sewer					
13	8" PVC SDR 35 (including excavation and backfill)	173	LF	\$ 45.00	\$ 7,785.00
14	Sanitary Sewer Manhole	2	Unit	\$ 1,600.00	\$ 3,200.00
15	Connection to Existing System	1	LS	\$ 1,500.00	\$ 1,500.00
				Subtotal C	\$12,485.00
D Water Distribution System					
16	8" DIP Cement Lined Class 52 Water Main	107	LF	\$ 50.00	\$ 5,350.00
17	Reconstruct Existing 12" Water Main	121	LF	\$ 70.00	\$ 8,470.00
18	Wet Tap Connection	3	LS	\$ 3,000.00	\$ 9,000.00
				Subtotal D	\$ 22,820.00
E Soil Erosion and Sediment Control Measures					
19	Silt Fence	165	LF	\$ 1.50	\$ 247.50
20	Super Silt Fence	30	LF	\$ 15.00	\$ 450.00
				Subtotal E	\$ 697.50
F Site Landscaping					
21	Black Maple	6	Unit	\$ 175.00	\$ 1,050.00
22	Mountain Maple	2	Unit	\$ 175.00	\$ 350.00
23	European Pyramidal Hornbeam	4	Unit	\$ 125.00	\$ 500.00
24	Eastern Red Cedar	9	Unit	\$ 130.00	\$ 1,170.00
25	Colorado Blue Spruce	2	Unit	\$ 185.00	\$ 370.00
26	Norway Spruce	6	Unit	\$ 200.00	\$ 1,200.00
27	Nova Zembla Rhododendron	20	Unit	\$ 75.00	\$ 1,500.00
28	Virginia Richards Rhododendron	16	Unit	\$ 75.00	\$ 1,200.00
				Subtotal F	\$ 7,340.00
				Total	\$ 88,745.50



Mark Gimigliano, P.E.

New Jersey Lic. No. 24GE04767100

Notes:

1. Estimate based on plans titled "Preliminary & Final Major Subdivision/Site Plan, The Enclave at Mountain Lakes, Block 116, Lot 3.01, NJSH Route 46, Fox Hill Lane, Brook Lane & Sherwood Drive, Borough of Mountain Lakes, Morris County, New Jersey, prepared by Dykstra Walker Design Group, last revised July 31, 2018 and includes improvements to be dedicated to the Borough only.

21 BOWLING GREEN PARKWAY, SUITE 204 • LAKE HOPATCONG, NJ 07849
PHONE (973) 663-6540 • FAX (973) 663-0042 • www.dykstrawalker.com

Val Egan

From: Bill Ryden <wryden@anderson-denzler.com>
Sent: Wednesday, October 17, 2018 4:54 PM
To: Robert Oostdyk
Subject: RE: Pulte/Mountain Lakes Performance Guarantee

Bob,
The revised estimate dated 10-5-18, prepared by Dykstra Walker, has been updated to include the items noted in my 9-25-18 message. I therefore find the new amount of \$88,745.50 to be acceptable.

Bill

-----Original Message-----

From: Robert Oostdyk [mailto:roostdyk@murphymckeonlaw.com]
Sent: Wednesday, October 17, 2018 3:46 PM
To: Bill Ryden
Subject: FW: Pulte/Mountain Lakes Performance Guarantee

Bill,

Please let me know if you are ok with the revised estimate ?

Thanks.

Robert H. Oostdyk, Jr., Esq.

MURPHY McKEON P.C.

COUNSELLORS-AT-LAW
RIVERDALE SOUTH
51 ROUTE 23 SOUTH, P.O. BOX 70
RIVERDALE, NEW JERSEY 07457
TELEPHONE: (973) 835-0100
FACSIMILE: (973) 835-1732
roostdyk@murphymckeonlaw.com

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From: Scott Anderson <SAnderson@ghclaw.com>
Sent: Thursday, October 11, 2018 11:33 AM
To: Robert Oostdyk <roostdyk@murphymckeonlaw.com>
Subject: RE: Pulte/Mountain Lakes Performance Guarantee

Bob,
I attach a revised cost estimate per Bill Ryden's comments below. Please let me know if this estimate is acceptable.

Thanks
Scott

**Giordano
Halleran &
Ciesla**
Attorneys at Law

J. Scott Anderson, Esq. [website](#) | [biography](#) | [vcard](#)
Shareholder
Chairman, Planned Real Estate Development Law Department
Co-chairman, Real Estate, Redevelopment and Planned Real
Estate Department
www.ghclaw.com
Phone: (732) 741-3900 • Fax: (732) 224-6599
125 Half Mile Road • Suite 300 • Red Bank, NJ 07701-6777

From: Robert Oostdyk [<mailto:roostdyk@murphymckeonlaw.com>]
Sent: Tuesday, September 25, 2018 2:20 PM
To: Scott Anderson <SAAnderson@ghclaw.com>
Subject: Pulte/Mountain Lakes Performance Guarantee

Scott,

Please see Engineers review letter below.

Bob

Robert H. Oostdyk, Jr., Esq.

MURPHY McKEON P.C.

COUNSELLORS-AT-LAW
RIVERDALE SOUTH
51 ROUTE 23 SOUTH, P.O. BOX 70
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From: Bill Ryden <wryden@anderson-denzler.com>
Sent: Tuesday, September 25, 2018 12:47 PM
To: Robert Oostdyk <roostdyk@murphymckeonlaw.com>
Subject: RE: Mountain Lakes Performance Guarantee

Bob,

I have reviewed the revised performance guarantee estimate dated June 14, 2018, prepared by Dykstra Walker Design Group. It is my opinion that the estimate is incomplete and needs to be updated to include the following items:

Reconstruct existing 12" water main - this is an on-site water main but is owned and operated by the Borough.

Perimeter buffer landscaping – as per 40:55D-53 41.a.(1)(b) the approved site plan calls for landscape buffering for adjoining properties.

I trust that the above is satisfactory.

Bill

GIORDANO, HALLERAN & CIESLA, P.C.

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
WWW.GHCLAW.COM

ADAM GARCIA, ESQ.
ADMITTED TO PRACTICE IN NJ & NY
AGARCIA@GHCLAW.COM
DIRECT DIAL: (732) 219-5498

Please Reply To:
125 HALF MILE ROAD
SUITE 300
RED BANK, NJ 07701
(732) 741-3900
FAX: (732) 224-6599

July 26, 2018

Client/Matter No. 16968/0101

**VIA CERTIFIED MAIL (RRR) &
REGULAR MAIL**

Sharon L. Weiner, Esq.
Robert Oostdyk, Esq.
Murphy McKeon, PC
51 Route 23 South
Riverdale, New Jersey, 07457

**VIA CERTIFIED MAIL (RRR) &
REGULAR MAIL**

Valerie Egan
Borough Clerk
Mountain Lakes Borough Hall
400 Boulevard
Mountain Lakes, New Jersey, 07046

**Re: Pulte / The Enclave
Performance Surety Bond No. 268011251**

Dear Ms. Weiner:

This office represents Pulte Homes of NJ, LP ("Pulte") in connection with "The Enclave" condominium development within the Borough of Mountain Lakes (the "Project"). We are writing to you further to our letter dated June 28, 2018 regarding release of Pulte's Performance Surety Bond No. 268011251 and the cash portion thereof (the "Performance Guarantee").

For your reference a copy of our June 28, 2018 letter is attached as **Exhibit 1**. Although this letter was served nearly one month ago, to date we have not received any response, nor are we aware that this matter has been placed on the Borough's agenda.

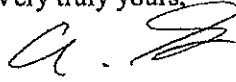
We write to reiterate our request that the Borough adopt an appropriate resolution authorizing the release of the Performance Guarantee for the reasons outlined in our prior letter. We request that you advise us of the Borough's position as soon as possible.

We continue to look forward to working with you to resolve this matter. Should you have any questions or wish to discuss this letter or our prior letter in further detail, please feel from contact me at your earliest convenience.

GIORDANO, HALLERAN & CIESLA
A Professional Corporation
ATTORNEYS-AT-LAW

Sharon L. Weiner, Esq.
July 26, 2018
Page 2

Very truly yours,



ADAM GARCIA

AG/llb
Enc.

cc: Borough Engineer (*via regular mail*)
Mark Gimigliano, P.E., Dykstra Walker Design Group (*via email*)
Ann Marie McVay, Pulte Homes (*via email*)
Scott Anderson, Esq. (*via email*)

Docs #3312488-v1

EXHIBIT 1

GIORDANO, HALLERAN & CIESLA, P.C.

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
WWW.GHCLAW.COM

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RED BANK, NJ 07701
(732) 741-3900
FAX: (732) 224-6599

June 28, 2018

Client/Matter No. 16968/0101

**VIA CERTIFIED MAIL (RRR) &
REGULAR MAIL**

Sharon L. Weiner, Esq.
Murphy McKeon, PC
51 Route 23 South
Riverdale, New Jersey 07457

**Re: Pulte / The Enclave
Performance Surety Bond No. 268011251**

Dear Ms. Weiner:

This office represents Pulte Homes of NJ, LLP ("Pulte") in connection with "The Enclave" condominium development within the Borough of Mountain Lakes (the "Project"). We are writing to you to request release of the performance guarantee posted by Pulte for the Project.

By way of background, on February 22, 2018 Pulte posted Performance Surety Bond No. 26801151 (the "Bond") in the amount of \$1,695,348.36 and cash guarantee in the amount of \$405,525.13 with the Borough (the "Performance Guarantee"). A copy of the Bond, which includes the initial estimate, is attached as Exhibit 1 for your reference. As you may be aware, "The Enclave" is a condominium development. Thus, the majority of improvements are owned by the unit owners collectively as common elements and maintained by the condominium association.

Because the Performance Guarantee was posted after the effective date of the revised version of N.J.S.A. 40:55D-53, which was adopted and became effective on January 18, 2018, Pulte's Engineer has prepared a revised estimate to accord with the statutory revision. In pertinent part, N.J.S.A. 40:55D-53(a)(1)(a) now provides that "the developer shall furnish a performance guarantee ... of only those improvements required ... to be dedicated to a public entity." Additionally, N.J.S.A. 40:55(a)(1)(b) permits a performance guarantee "to include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by local ordinance or imposed as a condition of approval." A copy of the revised estimate is attached as Exhibit 2.

GIORDANO, HALLERAN & CIESLA
A Professional Corporation
ATTORNEYS-AT-LAW

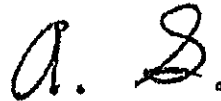
Sharon L. Weiner, Esq.
June 28, 2018
Page 2

As such, Pulte requests that the Borough adopt a resolution releasing the Performance Guarantee as it covers improvements beyond that which is permitted by N.J.S.A. 40:55D-53. As a condition of such release, Pulte agrees to post a corrected performance guarantee in the amount of \$84,242.00, of which \$8,424.20 will be cash and \$75,917.80 will be a bond. Further, pursuant to N.J.S.A. 40:55D-53(a)(2)(a) and N.J.S.A. 40:55D-53(a)(2)(b)¹, Pulte may only be required to post a maintenance guarantee covering the foregoing improvements and stormwater improvements at the such improvements are issued final approval. Thus, as a further condition of release, Pulte will agree to post a maintenance guarantee covering stormwater improvements at an appropriate time.

Please confirm that the Borough will adopt a resolution authorizing the release of the Performance Guarantee with the conditions of Pulte posting a corrected performance guarantee and a maintenance guarantee for stormwater improvements when such improvements are complete and issued final approval.

We look forward to working with you to resolve this matter. If you require any additional information or have any questions regarding this letter, please feel from contact me at your earliest convenience.

Very truly yours,



ADAM GARCIA

AG/llb
Enc.

cc: Valeria Egan, Borough Clerk (*via regular mail & email: vEgan@mtnlakes.org*)
Borough Engineer (*via regular mail*)
Mark Gimigliano, P.E., Dykstra Walker Design Group (*via email*)
Ann Marie McVay, Pulte Homes (*via email*)
Scott Anderson, Esq. (*via email*)

Docs #3270682-v4

¹ See N.J.S.A. 40:55D-53(a)(2)(b) ("[i]f required, the developer shall post with the municipality, upon the inspection and issuance of final approval of the following private site improvements by the municipal engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any ...").

EXHIBIT 1

PERFORMANCE SURETY BOND

BOND NO: 268011251

We, PULTE HOMES OF NJ. LIMITED PARTNERSHIP having offices located at 150 Allen Road, Suite 303, Basking Ridge, NJ 07920 as principal, and Liberty Mutual Insurance Company, a corporation duly licensed to transact a surety business in the State of New Jersey, as surety, are indebted to the municipality of Borough of Mountain Lakes having offices located at 400 Boulevard, Mountain Lakes, NJ 07046, in the County of Morris, obligee, in the sum of ONE MILLION SIX HUNDRED NINETY FIVE THOUSAND THREE HUNDRED FORTY EIGHT DOLLARS AND THIRTY SIX CENTS (\$1,695,348.36), for which payment we bind ourselves and our respective heirs, legal representatives, successors, and assigns, jointly and severally.

On September 14, 2017, principal was granted preliminary and final major site plan and preliminary and final major subdivision approval by the Borough of Mountain Lakes Planning Board to construct a multi-family residential development as set forth in the attached Resolution. The engineer's estimate for the improvements is also attached.

Pursuant to municipal ordinance, adopted under authority of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the principal hereby furnishes a performance surety bond in the amount of \$1,695,348.36 (not to exceed one hundred twenty (120%) percent of the cost of the improvements, as certified by the municipal engineer), written by Liberty Mutual Insurance, a surety licensed in the State of New Jersey, guarantying full and faithful completion of improvements approved by the approving authority, in lieu of completing the required improvements prior to the granting of final approval. This bond shall remain in full force and effect until such time as all improvements covered by the bond have been approved or accepted by resolution of the municipal governing body, except that in those instances where some of the improvements are approved or accepted by resolution of governing body upon certification by the municipal engineer, partial release from the bond shall be granted in accordance with N.J.S.A. 40:55D-53. The amount of the bond remaining shall be sufficient to secure provision of the improvements not yet approved; provided, however that the municipality may require that thirty (30%) percent of the amount of the bond be retained to ensure completion of all improvements.

This bond shall remain in full force and effect into; released by resolution of the municipal governing body.

This bond is issued subject to the following expressed condition:

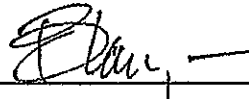
1. This bond shall not be subject to cancellation either by the principal or by the surety for any reason until such time as all improvements subject to the bond have been accepted by the municipality, in accordance with the applicable provisions of the Municipal Land Use Law.
2. This bond shall be deemed to be continuous in form and shall remain in full force and effect until the improvements are accepted by the municipality and the bond is released, or until default is declared, or until the bond is replaced by another bond meeting applicable legal requirements. Upon approval or acceptance of all improvements by the municipality, or upon replacement of this bond by another bond, liability under this bond shall cease. Upon approval or acceptance of some, but not all, of the required improvements by the municipality, partial release from the bond shall be granted in accordance with the N.J.S.A. 40:55D-53; provided however, that the portion of the bond amount sufficient to secure completion of the improvements shall continue in effect and the municipality may retain 30 percent of the bond amount posted in order to ensure such completion.
3. The aggregate liability of the surety shall not exceed the sum set forth above.
4. In the event that the improvements subject to this bond are not completed within the time allowed under the conditions of the final approval issued pursuant to the Municipal Land Use Law, including such extensions as may be allowed by the approving authority, the municipal governing body may, at its option, and upon at least thirty (30) days prior written notice to the principal and to the surety by personal delivery or by certified or

registered mail or courier, declare the principal to be in default and, in the event that the surety fails or refuses to complete the work in accordance with the terms and conditions of the original approval, claim payment under this bond for the cost of completion of the work. In the event that any action is brought against the principal under this bond, written notice of such action shall be given to the surety by the municipality by personal delivery or by registered or certified mail or courier at the same time.

5. The surety shall have the right to complete the work in accordance with the terms and conditions of the original approval, either with its own employees or in conjunction with the principal or another contractor; provided, however, that the surety, in its sole discretion, may make a monetary settlement with the municipality as an alternative to completing the work.
6. In the event that the principal and the approving authority agree to changes in the scope of work, the obligations of the surety under this bond shall not be affected so long as the cost of the work does not exceed one hundred twenty (120%) percent of the municipal engineer's certified estimate, attached hereto and made a part hereof, which one hundred twenty (120%) percent of the estimate shall be the limit of the surety's obligation under this bond in any case. If the cost of the exceeds one hundred twenty (120%) percent of the certified estimate, the principal shall secure a rider from a surety for the additional amount; provided, however, that this provision shall not be construed as requiring a surety to provide additional coverage.
7. This bond shall inure to the benefit of the municipality only and no other party shall acquire any rights hereunder.
8. In the event that this bond shall for any reason cease to be effective prior to the approval or acceptance of all improvements, a cease and desist order may be issued by the governing body, in which case all work shall stop until such time as a replacement guarantee acceptable to the approving authority becomes effective.

Date: February 22, 2018

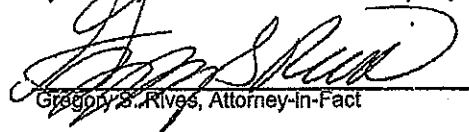
Principal: Pulte Homes of NJ, Limited
Partnership, By: Pulte Home Corporation of
the Delaware Valley



D. Bryce Langen, VP & Treasurer

Date: February 22, 2018

Surety: Liberty Mutual Insurance Company


Gregory S. Rives, Attorney-In-Fact

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 7917396

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority hereof set forth, does hereby name, constitute and appoint, Kelly Marie Conlon; Kim Hill; Ross Irwin; D. Bryce Landon; Jean Marusak; Brian O'Meara; James Ossowski; Ellen Padesky Maturen; Gregory S. Rives; Kelly Yeakam; James Zeumer

all of the city of Atlanta, state of GA, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surely and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed hereto this 19th day of October, 2017.



The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 19th day of October, 2017, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surely any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surely any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surely any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 22nd day of February, 2018.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate, or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

ACKNOWLEDGEMENT BY SURETY

STATE OF GEORGIA)

)ss.

COUNTY OF FULTON)

This record was acknowledged before me on February 22, 2018, by Gregory S. Rives, Attorney-in-Fact of Liberty Mutual Insurance Company, who provided to me on the basis of satisfactory evidence to be the person who appeared before me and is personally known to me.

WITNESS my hand and official seal.



Signature of Notary Public



Shirley E. Hutchins
Notary Public State of Georgia
My Commission Expires: April 17, 2018

ACKNOWLEDGEMENT BY PRINCIPAL

STATE OF GEORGIA)

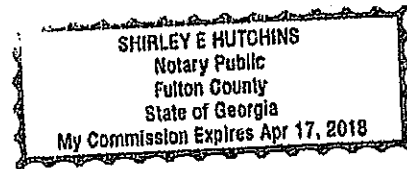
)ss.

COUNTY OF FULTON)

This record was acknowledged before me on February 22, 2018, by D. Bryce Langen, VP & Treasurer of Pulte Homes of NJ, Limited Partnership By: Pulte Home Corporation of the Delaware Valley, who provided to me on the basis of satisfactory evidence to be the person who appeared before me and is personally known to me.

WITNESS my hand official seal.

Shirley E. Stephens
Signature of Notary Public



Shirley E. Hutchins
Notary Public State of Georgia
My Commission Expires: April 17, 2018

DYKSTRA WALKER DESIGN GROUP

PROFESSIONAL ENGINEERS, PLANNERS, SURVEYORS & ENVIRONMENTAL SERVICES

Engineer's Estimate

For

Preliminary & Final Major Subdivision/Site Plan

The Enclave at Mountain Lakes

Block 116, Lot 3.01

NJSH Route 46, Fox Hill Road, Brook Lane & Sherwood Drive

Borough of Mountain Lakes

Morris County - New Jersey

Project No. 06054

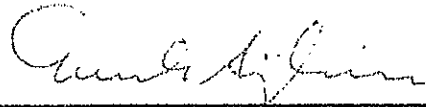
Date: October 24, 2017

Item	Description	Quantity	Units	Unit Cost	Total
A Site Preparation					
1	Site Clearing	5.4	Acre	\$ 8,000.00	\$ 43,200.00
2	Topsoil Stripping and Stockpiling	4,400	CY	\$ 10.00	\$ 44,000.00
3	Soil Excavation and Fill	23,335	CY	\$ 10.00	\$ 233,350.00
Subtotal A					\$ 320,550.00
B Site Improvements					
4	Granite Block Curb (mountable and depressed)	2,600	LF	\$ 16.00	\$ 41,600.00
5	Bituminous Concrete Surface Course Mix 1-5	360	Tons	\$ 63.00	\$ 22,050.00
6	Bituminous Stabilized Base Course Mix 1-2	870	Tons	\$ 60.00	\$ 52,200.00
7	Dense Graded Aggregate (subbase for roads, walkways & driveways)	1,140	Tons	\$ 24.00	\$ 27,360.00
8	Concrete Sidewalks, Driveway Aprons & Pads	13,210	SF	\$ 3.50	\$ 46,235.00
9	Parking Space Delineation	30	Space	\$ 4.00	\$ 120.00
10	Pedestrian Crosswalk and Turnaround Area Striping	465	SF	\$ 2.00	\$ 930.00
11	Stop Line	50	LF	\$ 4.00	\$ 200.00
12	"Handicap Accessible" Sign	1	Unit	\$ 200.00	\$ 200.00
13	"Stop" Sign	4	Unit	\$ 200.00	\$ 800.00
14	"No Parking" Sign	6	Unit	\$ 200.00	\$ 1,200.00
15	Handicap Accessible Painted Parking Space Symbol	1	Unit	\$ 55.00	\$ 55.00
16	Retaining Wall (modular block & dry stone)	5,200	SF	\$ 20.00	\$ 104,000.00
17	Retaining Wall (structural, at entrance)	2,400	SF	\$ 30.00	\$ 72,000.00
18	Wooden Post and Rail Guiderail	250	LF	\$ 20.00	\$ 5,000.00
19	Metal Safety Fence	550	LF	\$ 55.00	\$ 30,250.00
20	Wooden Split-Rail Fence	405	LF	\$ 25.00	\$ 10,125.00
21	Street Sign	1	Unit	\$ 300.00	\$ 300.00
Subtotal B					\$ 414,625.00
C Storm Sewer					
22	6" HDPE (including excavation and backfill)	500	LF	\$ 8.00	\$4,000.00
23	12" HDPE (including excavation and backfill)	1,109	LF	\$ 20.00	\$22,180.00
24	18" HDPE (including excavation and backfill)	1,119	LF	\$ 33.00	\$38,927.00
25	18" HDPE (including excavation and backfill)	30	LF	\$ 38.00	\$1,140.00
26	Yard Inlet	1	Unit	\$ 1,100.00	\$1,100.00
27	Type "B" Inlet	15	Unit	\$ 2,000.00	\$30,000.00
28	Type "E" Inlet	8	Unit	\$ 1,800.00	\$14,400.00
29	Storm Manhole (4' I.D.)	14	Unit	\$ 1,600.00	\$22,400.00
30	Flared End Section	2	Unit	\$ 1,200.00	\$2,400.00
31	48" Perforated HDPE (for subsurface infiltration basins)	1,756	LF	\$ 80.00	\$140,480.00
32	Crushed Stone (for subsurface infiltration basins)	1,680	Ton	\$ 26.00	\$44,080.00
33	Storm Manhole (6'x6', for subsurface infiltration system)	3	Unit	\$ 3,000.00	\$9,000.00
34	Water Quality Structure #15	1	Unit	\$42,000.00	\$42,000.00
35	Water Quality Structure #25.1	1	Unit	\$80,000.00	\$80,000.00
36	Outlet Structure (for subsurface infiltration systems)	2	Unit	\$ 3,000.00	\$6,000.00
37	Basin Access Drive (quarry process stone)	30	Ton	\$ 24.00	\$720.00
38	36" Perforated HDPE (for subsurface roof infiltration areas)	780	LF	\$ 45.00	\$35,100.00
39	42" Perforated HDPE (for subsurface roof infiltration areas)	210	LF	\$ 70.00	\$14,700.00
40	Crushed Stone (for subsurface roof infiltration areas)	665	Ton	\$ 26.00	\$17,290.00
Subtotal C					\$530,917.00

21 BOWLING GREEN PARKWAY, SUITE 204 • LAKE HOPATCONG, NJ 07849
PHONE (973) 663-6640 • FAX (973) 663-0042 • www.dykstrawalker.com

DW

Item	Description	Quantity	Units	Unit Cost	Total
D Sanitary Sewer					
41	8" PVC SDR 35 (including excavation and backfill)	1,361	LF	\$ 45.00	\$ 61,245.00
42	Sanitary Sewer Manhole	11	Unit	\$ 1,600.00	\$ 17,600.00
43	House Service Connection	37	Unit	\$ 390.00	\$ 14,430.00
44	Connection to Existing System	1	LS	\$ 1,500.00	\$ 1,500.00
Subtotal D					\$94,775.00
E Water Distribution System					
45	8" DIP Cement Lined Class 52 Water Main	885	LF	\$ 50.00	\$ 44,250.00
46	Reconstruct Existing 12" Water Main	160	LF	\$ 70.00	\$ 11,200.00
47	Fire Hydrant and Valve Assembly	3	Unit	\$ 2,400.00	\$ 7,200.00
48	1" Copper Domestic Water Service Connection	37	Unit	\$ 750.00	\$ 27,750.00
49	Wet Tap Connection	2	LS	\$ 3,000.00	\$ 6,000.00
Subtotal E					\$ 96,400.00
F Soil Erosion and Sediment Control Measures					
50	Silt Fence	350	LF	\$ 1.50	\$ 525.00
51	Super Silt Fence	1,300	LF	\$ 15.00	\$ 19,500.00
52	Riprap	12	CY	\$ 80.00	\$ 960.00
53	Temporary Sediment Filter Inlet Device	24	Unit	\$ 75.00	\$ 1,800.00
Subtotal F					\$ 22,785.00
G Site Landscaping					
54	Black Maple	16	Unit	\$ 175.00	\$ 2,800.00
55	Striped Maple	3	Unit	\$ 175.00	\$ 525.00
56	Mountain Maple	4	Unit	\$ 175.00	\$ 700.00
57	European Pyramidal Hornbeam	14	Unit	\$ 125.00	\$ 1,750.00
58	Eastern Red Cedar	9	Unit	\$ 130.00	\$ 1,170.00
59	Pink Charm Mountain Laurel	6	Unit	\$ 50.00	\$ 300.00
60	Colorado Blue Spruce	2	Unit	\$ 185.00	\$ 370.00
61	Norway Spruce	6	Unit	\$ 200.00	\$ 1,200.00
62	Nova Zembla Rhododendron	20	Unit	\$ 75.00	\$ 1,500.00
63	Virginia Richards Rhododendron	16	Unit	\$ 75.00	\$ 1,200.00
64	Pink Dawn Viburnum	4	Unit	\$ 50.00	\$ 200.00
Subtotal G					\$ 11,715.00
H Site Lighting					
65	15' Pole Mounted LED Fixture (single fixture), pole and base	13	Unit	\$ 2,200.00	\$ 28,600.00
Subtotal H					\$ 28,600.00
I Miscellaneous Utilities					
66	Gas Service (including excavation and backfill)	1,160	LF	\$ 20.00	\$ 23,200.00
67	Connection to Existing Gas Service	1	Unit	\$ 1,500.00	\$ 1,500.00
68	Telephone, Electric, and Cable Service (incl. excavation and backfill)	1,160	LF	\$ 20.00	\$ 23,200.00
69	Connection to Existing Service	1	Unit	\$ 1,500.00	\$ 1,500.00
Subtotal I					\$ 49,400.00
Total					\$ 1,568,767.00


Mark Gimigliano, P.E.
New Jersey Lic. No. 24GE04767100

CASH - 188,372.04
BOND - 1,695,348.36

Notes:

1. Estimate based on plans titled 'Preliminary & Final Major Subdivision/Site Plan, The Enclave at Mountain Lakes, Block 116, Lot 3.01, NJSH Route 46, Fox Hall Lane, Brook Lane & Sherwood Drive, Borough of Mountain Lakes, Morris County, New Jersey, prepared by Dykstra Walker Design Group, last revised September 28, 2017.

2. Building construction and landscaping around individual units excluded.

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BOROUGH OF MOUNTAIN LAKES PLANNING BOARD

RESOLUTION

Application No. 16-261
145 Route 46
Block 116, Lot 3.01

WHEREAS, King's, Mountain Lakes, LLC ("Applicant") has applied to the Planning Board of the Borough of Mountain Lakes (the "Board") for preliminary and final major subdivision and major site plan approvals, together with variance relief for a monument sign with respect to property located at 145 Route 46 and designated Block 116, Lot 3.01 on the Tax Map of the Borough of Mountain Lakes (the "Subject Property"); and

WHEREAS, a public hearing was commenced on January 26, 2017 and continued on February 23, March 23, April 27, May 25, July 27, and concluded on September 14, 2017, during which hearing the Board heard testimony from witnesses on behalf of Applicant, reviewed the materials submitted and the exhibits presented in the course of the hearing, reviewed reports and heard comments from the Board's consultants, and gave members of the public an opportunity to be heard; and

WHEREAS, the Board has considered the Applicant's submissions as well as testimony, reports, exhibits, and other evidence presented by the Applicant's witnesses, the arguments of Applicant's counsel, arguments from counsel for a group of objectors, reviewed reports and heard comments from the Board's consultants, and heard comments from numerous members of the public;

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Mountain Lakes that, based upon the forgoing, the following findings of fact and conclusions of law are made:

1. Applicant is the contract purchaser (subject to obtaining subdivision approval) of a portion of property owned by the King of King's Lutheran Church, located at 145 Route 46 and designated Block 116, Lot 3.01 on the Tax Map of the Borough of Mountain Lakes (the "Subject Property"). The owner of the Subject Property has consented to this Application and its prosecution.

2. The Subject Property presently comprises approximately 13.2 acres. Applicant proposes to subdivide the property into two parcels, a presently undeveloped 7.7 acre parcel located in the R-AH2 Zone, Proposed Lot 3.02 (hereinafter the "Housing Site") and the remainder 5.52 acre parcel, located in the OL-2/R-1 Overlay Zone, Remainder Lot 3.01, to be retained by the Church. All of the Church's present uses will continue on the Remainder Lot (the "Church Site").

3. Applicant proposes the construction of 40 housing units in eight buildings on the Housing Site. Thirty-four market rate townhouses are proposed in seven separate buildings, six Affordable Housing apartments are proposed in a single building. The proposal is designed and intended to reflect the provisions of the Ordinance 12-15 adopted by the Borough of Mountain Lakes creating the R-AH2 Zone on property proposed to function in support of the Borough's satisfaction of its Affordable Housing obligation, once that has been determined.

4. The first question before the Board involved jurisdiction to hear the pending Application. Counsel for the objector group argued that the subdivision (resulting in the Church -- a preexisting non-conforming use -- being left on a smaller parcel of land) required a "d(2)"

variance reflecting "intensification" of the non-conforming use. Applicant took the position that the split zoning of the overall parcel, its treatment over the years, if not decades, by the Borough as a portion of the land distinct, for one reason or another, from the Church portion of the land, the fact that churches were permitted in or proximate to residential zones require only a three acre lot, and the proper interpretation of governing law, urged that jurisdiction properly lay before the Planning Board and that no "d(2)" variance was required.

5. The Board weighed the arguments of counsel and discussed the proper analysis and evaluation of Razberry's, Inc. v. Kingwood Township, 250 N.J. Super. 324 (App. Div. 1991) and Nuckel v. Borough of Little Ferry Planning Bd., 208 N.J. 95 (2011). The Board recognized that the two portions of the Subject Property had, indeed, been treated differently over the years by the Borough in many respects. The Board further concluded that the question of whether a "d(2)" variance is necessary for intensification of a non-conforming use is fact-sensitive and accepted the Applicant's position that the question of actual diminution of the buffer from the non-conforming use with respect to its residential neighbors and its effect on the neighborhood and the zoning plan is the proper centerpiece of the analysis. In this case, the juxtaposition of the Church use to its residential neighbors, the proximity of that use, the make-up, scope and function of the buffer areas between the Church use and its residential neighbors are all unchanged by the proposed subdivision.

6. The Board then concluded by vote that it was proper for the Planning Board to accept jurisdiction of this Application and to proceed with its public hearing.

7. Applicant proposes a 40-unit residential development (34 market rate townhouses in seven buildings and six Affordable Housing apartments in an eighth building) arranged along a two-road private street layout. The proposed development would occur on Proposed Lot 3.02

(7.7 acres); the existing Church and related improvements would be unchanged and would all be located on Remainder Lot 3.01 (5.5+ acres).

8. Access to the proposed development will be by way of an extension of Sherwood Drive, the physical road and utility extensions to be installed in an existing paper street from the present cul-de-sac end of Sherwood Drive to the boundary of the Subject Property.

9. With the exception of authorizations (Board variances and Borough consents) for an off-site temporary project sign and portions of certain retaining walls which Applicant proposes within the Borough's Right-of-Way, the proposed development is in conformity in all respects with the requirements of the Borough's recently adopted R-AH2 Affordable Housing Zone Ordinance (adopted for the express purpose of facilitating development of Affordable Housing in the Borough).

10. Notwithstanding its compliance with the development provisions of Ordinance 12-15, as amended, there were numerous issues, concerns, and questions regarding site design elements and details raised by Board members, the Board's professionals and special consultants, Borough Commissions and Committees, members of the public and counsel for the objector group. Over the course of the public hearing, these were fully explored by the Board with a view toward protection of the Borough's legitimate interests, while at the same time recognizing the obligation to avoid imposing unnecessary economic burdens on development of an Affordable Housing inclusionary project.

11. Engineering Plan sets for "Preliminary & Final Major Subdivision/Site Plan" (the "Engineering Plans") were prepared and submitted by Dykstra Walker Design Group (19 sheets) generally dated 3/25/16 [Sheet 2 (Survey) being dated 8/1/14 and Sheet 11 (Tree Protection Plan) being dated 12/5/16] and with various revision dates, generally through 12/5/16.

12. Architectural Plan sets entitled "The Enclave at Mountain Lakes" (the "Architectural Plans") were prepared and submitted by Appel Design Group (14 sheets) initially dated 12/1/16 and revised through 12/16/16.

13. In the course of the hearing, Applicant submitted specific plan revisions and supplementary Exhibits reflecting changes made to address issues and concerns and/or to offer improved elements and design features.

14. Though the proposed build-out of the residential development essentially satisfied all Borough zoning and development standards, the project as originally proposed did not include any sidewalks (except those required in front of the Affordable Housing building). Applicant indicated the absence of sidewalks was a design choice reflecting their sense of other developments in the Borough and was not an economic issue. The absence of sidewalks in the proposed development would have required an exception from the Residential Site Improvement Standards ("RSIS") design requirements. Significant concerns were expressed by the Board, by the Board's traffic consultant, and by members of the public, especially with respect to pedestrian safety for those walking between parking areas and the residential units and for school children walking to and from school bus stops. Ultimately, Applicant agreed to include sidewalks throughout the development.

15. In response to questions raised concerning access to the development and, particularly, steep slope issues, Applicant pointed out that the "stem" from the Sherwood Drive cul-de-sac was designed to provide access to the Subject Property. The proposed road design minimizes steep slope disturbance from the access point to the area where the buildings will be located. No alternate access could be created without major NJDEP permitting requirements,

which could not be satisfied (and which permits would not be granted), given the existing available access from Sherwood Drive.

16. A review of proposed parking ultimately resulted in a plan where the number of spaces exceeds RSIS requirements; where all parking areas will be illuminated to Borough standards (with non-glare fixtures with hidden or shielded light sources); where no on-street parallel parking will be permitted; where the Affordable Housing units will have designated parking spaces (with unit numbers painted on the spaces); and where visitor parking spaces will be designated.

17. Applicant testified that trash and recycling will be accomplished by curbside pickup from the townhouse units. Individual trash and recycling cans for each apartment will be provided within an enclosure for the Affordable Housing apartments. All trash and recycling in the development will be subject to utilization of the Borough's "green bag" program. Applicant revised its plan to substitute a board-on-board design in place of the initially-proposed chain link fence enclosure for the apartment trash and recycling. The design is intended to be resistant to animal intrusion. Finally, in response to a request from the Board's traffic consultant, Applicant agreed to relocate the trash and recycling enclosure approximately five feet to the north, in order to provide space for parked cars to back into.

18. In reviewing the architectural design of the proposed buildings for the residential development, it appears that the design features more than satisfy the variations requirements of Ordinance 12-15. Nevertheless, Applicant made revisions to the Architectural Plans for additional features on the sides and rear of Buildings 7 & 8, responsive to concerns of the Board and of members of the public regarding the visual impact of these buildings on entry into the

development. The Applicant also advised that decks, which had been shown as "optional" on the proposed market units (only), would be standard.

19. Applicant's architect testified that the Affordable Housing units were larger than many being built elsewhere. He also pointed out that each unit has its own individual washers and dryers. And when a lack of non-bedroom closets was brought to his attention, he made changes to the Architectural Plans to include them in each apartment.

20. In response to the request of the Mountain Lakes Fire Department that all buildings be fully sprinklered, Applicant's architect testified that the Affordable Housing apartment building would be sprinklered, in accordance with the Building Code applicable to such structures. Sprinklers are not required, however, under the Building Code governing construction of the townhouse units. Rather, the Building Code governing the townhouse unit construction (which will be satisfied) provides for firewalls separating the units for their full height and extended fire-resistant materials in the attic area.

21. In the course of the architect's testimony, there was discussion of building and unit numbers to identify the individual townhouses and apartments. It was agreed that these must be of sufficient size and properly located, so as to be visible and legible from the road both day and night. Applicant agreed that the proposed numbers, their locations, and their visibility would be subject to evaluation by the Mountain Lakes Police Department and Mountain Lakes Fire Department. The proposed methods and installation would be subject to approval by the Borough Engineer in consultation with representatives of those Departments.

22. In connection with a question raised by a member of the public, and in the course of discussion between the Applicant and the Board, the subject of potential problems (e.g., emergency egress from the units, parking, traffic safety) was explored with regard to the

potential for more bedrooms being created in any of the forty units in the development.

Applicant agreed to include restrictions in the Condominium's governing documents against the creation of additional living space or the conversion of any non-bedroom space into bedroom space (34 - 3 BR Townhouses; 1 - 1 BR, 4 - 2 BR & 1 - 3-BR Affordable Housing apartments).

23. The Board, with the assistance of the Borough Engineer and the Board's special environmental consultant, explored several issues and concerns related to environmental impacts of the proposed development. Applicant's environmental engineer pointed out that any development of land has some environmental impact. Though he acknowledged and described the environmental constraints affecting the Housing Site, he testified that, based on his evaluation of the Housing Site, there were "no extraordinary environmental features on this site." Applicant was responsive in addressing issues raised by the Board's environmental consultant, agreed to his suggestions and requests, and provided satisfactory responses, testimony, and supporting materials. Applicant conducted a requested mounding analysis with satisfactory results and agreed to perform soils testing on the surface infiltration basin and the two sub-surface infiltration basins following excavation.

24. Applicant further addressed the issues raised by the Borough's Environmental Commission. A review of Applicant's submissions revealed that the proposed plans and facilities have been approved and permitted by NJDEP which, under the Borough's Storm Water Management Ordinance, also satisfies the Borough's requirements. There will be ongoing maintenance and reporting requirements, which are currently laid out in the Borough's ordinance. The Applicant has shown that both state and Borough requirements are being satisfied. Further, Applicant pointed out that disturbance of wetlands, buffers, etc. would only be to the extent permitted by NJDEP and that it would establish in its Condominium documents the

requirements and mechanisms for ongoing maintenance and operations controls for its storm water management facilities as set forth in the approved Stormwater Management and Operations Manual.

25. The Board concluded that, like the Fire Department's desire that all buildings be sprinklered, the Environmental Commission's desire to require environmental controls exceeding state and local requirements cannot be reconciled with the Supreme Court's directive that unnecessary economic burdens should not be imposed on Affordable Housing projects.

26. With regard to concerns raised about tree protection, tree removal, tree replacement, and landscaping, Applicant submitted a Tree Inventory Plan (1 Sheet), prepared by Dykstra Walker Design Group dated 8/10/16. Applicant agreed to establish a marker fence along the Limit of Disturbance [see Ex. A-12], to protect abutting areas from construction activity. Applicant agreed to revise the Landscape Plan [Sheet 10 of the Engineering Plans] to eliminate any invasive or non-native species. Applicant agreed to submit such revised Landscape Plans to the Board and the Shade Tree Commission. Any tree or shrub located in the Borough right-of-way, park, and/or the Spruce Edge conservation easement area which is destroyed, killed, substantially damaged, or removed during construction will be replaced by Applicant in accordance with Section 102-35B (1)(1) of the Borough's Ordinance. Regarding a particular 60 inch oak tree, however, Applicant indicated that, though it explored site development which could allow efforts at saving the tree, it could not preserve a large enough area where the tree was located without the loss of three to four townhouse units which, in turn, would make the Affordable Housing units economically unfeasible.

27. Finally, in response to comments by the Board's environmental consultant, Applicant agreed to the use of "super-silt fence" in its soil erosion and sediment control plan, to

alter its seed mix for planting on steep slopes and especially in shady areas, and to assure that all work would be done within the designated and clearly marked Limit of Disturbance.

28. Though it would later be refined, Applicant presented a "Sidewalk and Fencing Plan" [Ex. A-11] at the May 25, 2017 hearing. Applicant had been persuaded to add sidewalks to the development plan and also depicted the proposed black aluminum safety fencing to be installed along the top of the entry road retaining walls and other on-site retaining walls where required by Code due to the drop distance. Applicant confirmed that these changes still allowed the development plan to meet impervious coverage limitations and that the storm water management facilities were sized to handle this additional impervious surface. Appropriate Engineering Plan revisions would be made.

29. Discussion with the Board and with both Applicant's and the Board's traffic consultants led to a number of improvements in the road layout and parking plan. Sidewalks were added; the pedestrian crossing and the "K-turn" area at the parking lot end of Lakeland Court were separated to reduce vehicular/pedestrian conflict potential; 3-way Stop signs would be placed at the Albie Drive/Lakeland Court intersection; it was agreed that sight triangles would be established at the corners (with maintenance to be required in condominium documents); sight line clearance would be established and maintained at any vulnerable driveways; a Stop sign would be installed at the Housing Site boundary where Albie Drive reached the stem leading to the Sherwood Drive cul-de-sac; the roads in the Housing Site would be narrowed to a uniform 24 foot width; parallel parking would be prohibited on all streets, and signage to this effect would be installed; Title 39 enforcement would be authorized; and further traffic calming speed bumps could be required if the Borough Engineer or the Borough Police determined a need either during or post-construction.

30. The Board expressed concern about the lack of a cul-de-sac at the end of Lakeland Court, especially related to the ability of fire and other emergency apparatus to turn around and not have to back out of a long street. Applicant testified that the street length, as measured in accordance with RSIS was less than 300 feet and a cul-de-sac was not required under RSIS. They pointed out that RSIS took into account those emergency equipment arrival and departure issues. Finally, though allowing it was not legally prohibited from including a cul-de-sac at the end of Lakeland Court, creating the area for it would result in the loss of at least several market rate units, undermining the economic feasibility of the Affordable Housing component.

31. At the July 27, 2017 hearing, Applicant presented a group of exhibits (Exhibit A-12 through Exhibit A-23, inclusive) which reflected revisions and refinements responsive to a number of issues raised in the course of the hearing. If acceptable to the Board, these would be reflected in final Engineering Plan revisions and Architectural Plan revisions as applicable. They included elements and measures which, if incorporated into the development plan, would also resolve the bases for the objector group's objections and challenges to the proposed plan, the underlying ordinances, and related permitting matters.

(a) Exhibit A-12 ("Site Layout Exhibit" dated 7/17/17) depicts the proposed "Limit of Disturbance".

(b) Exhibit A-13 ("Sketch of Buffer Easement" dated 7/11/17) depicts a buffer easement surrounding the proposed development area. This buffer easement would be granted to the Borough for the benefit of the public.

(c) Exhibit A-14 ("Sketch of Roadways, Narrowed" dated 7/11/17) depicts the proposed uniform 24 foot width of the network with no parallel on-street parking permitted.

(d) Exhibit A-15 ("Building 8 Tree Locations" dated 7/11/17) depicts a proposed double line of screen planting behind proposed Building number 8. Although this Exhibit indicates that arborvitae would be planted, Applicant agreed to install a different species to be reviewed and approved by the Shade Tree Commission.

(e) Exhibit A-16 ("Building 8 - Rear Elevation" dated 6/13/17) indicates a reduced building height of 29 feet 0 inches.

(f) Exhibit A-17 ("Sketch of Access Easement" dated 7/11/17) depicts a perimeter area from the easterly boundary of the Subject Property along and to the northerly boundary, turning again to an easterly leg, and ultimately a final northerly leg, ranging in width from 10 feet to 15 feet, within which a 5 foot wide access easement may be located. The purpose is to allow the public to continue to use access from the end of Sherwood Drive to the Borough lands located north of the Subject Property. This easement will be granted to the Borough for the benefit of the public, provided the Borough accepts it upon terms mutually agreeable to the Borough and the Applicant.

(g) Exhibit A-18 ("Sketch of Temporary Project Sign" dated 7/11/17) depicts a 4' x 6' unlighted sign identifying "The Enclave" project. This is proposed to be installed in proximity to the entrance to the development and may be maintained during the period of construction build-out and sales, but no later than 5 ½ years from the earlier of commencement of construction or the expiration of the appeal period for the Site Plan approvals.

(h) Exhibit A-19 ("Temporary ROW Sign Location" dated 7/11/17) depicts the proposed location for the A-18 Temporary Project Sign. This location is within the public Right-of-Way, off-site and, thus, will require Borough Council consent.

(i) Exhibit A-20 ("Sketch of Temporary Project Sign" dated 7/11/17) depicts a 24" x 30" temporary project sign attached to the post of the Sherwood Drive street sign. After discussion of the suitability of this proposed signage being considered by the Board, Applicant withdrew the proposed Exhibit A-20.

(j) Exhibit A-21 ("Sketch of Safety Fencing" dated 7/11/17) depicts a variation from the Ex. A-11 fencing proposed in general for the tops of retaining walls. The type of fencing depicted on Exhibit A-21 would be installed above the retaining walls which flank the entrance drive from the end of the Sherwood Drive cul-de-sac to the building area.

(k) Exhibit A-22 ("Retaining Wall Landscape Screening" dated 7/11/17) depicts a line of landscape screening to be installed along that portion of the southerly retaining wall within the Subject Property flanking the access road. Exhibit A-22 depicts a line of screen plantings which must be coordinated with the Landscape Plan to be submitted to the Board and the Shade Tree Commission reflecting appropriate species.

(l) Exhibit A-23 ("Surety Bond for Landscaping and Trees" dated 7/17/17) depicts an area covered by a surety bond for damage to landscaping and trees. This area abuts that portion of the Sherwood Drive cul-de-sac and flanking the "stem" road connection to the Subject Property, which area includes landscaping and trees within the right-of way area, on individual lots belonging to Sherwood Drive owners, and within the Sherwood Drive Conservation Easement. These are deemed to be areas in the vicinity of road and other construction which, notwithstanding Applicant's efforts to avoid damage, could sustain damage or destruction of landscaping materials and/or trees. Applicant has indicated its willingness to take responsibility for any such damage and to provide bonding or other appropriate performance security in that regard. Since the area includes both Borough property and private property, the

form and mechanism for such bonding or performance security will have to be implemented in a manner which is satisfactory to the Borough Attorney and the Borough Engineer.

32. Regarding the proposed Temporary Project Sign, a variance is required, since such signs are not otherwise permitted in a residential zone. In this case, and for this purpose, it is recognized that the Developer needs signage to identify the development during construction and marketing. The size is appropriate for the purpose and its location balances the need for early visibility on the road with minimum visibility to the adjoining residential neighborhood. The Board cannot authorize placement of a sign in the Borough Right-of-Way, but from a planning and site plan perspective, the proposal for the temporary 4' x 6' unlighted sign, to be removed upon the sooner of sale of the last market unit or 5 ½ years from the earlier of commencement of construction or the expiration of the appeal period for the Site Plan approvals, can be permitted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. Nevertheless, since the proposed location is off-site and within the Borough's public Right-of-Way, Applicant must also obtain consent from the Borough Council.

33. Applicant's proposed development requires retaining walls to be constructed within the setback area along the easterly boundary of the Subject Property, and extending to within the Borough Right-of-Way, along both sides of the "stem" road connecting the Sherwood Drive cul-de-sac to the Subject Property. Given that this is the pre-planned extension for entrance and access to the Subject Property, and given the topography through which the stem and access drive must be constructed, retaining walls are a physical necessity. Applicants are proposing architecturally attractive construction and the Board concludes that, under these circumstances, the variance relief can be granted without substantial detriment to the public good

and without substantial impairment of the intent and purpose of the zone plan or zoning ordinance. Again, however, the consent of the Borough Council is required with respect to those portions of the retaining walls proposed to be located within the Borough's public Right-of-Way.

34. Although Applicant has agreed to provide sidewalks, generally along both sides of the streets in the Housing Site, Applicant still requests an RSIS *de minimis* exception as it relates to that portion of the entry drive where sidewalks are provided only on the southerly side of the road. The Board finds and concludes that this relief is appropriate and results, nevertheless, in an acceptable and functional sidewalk network.

35. The Board finds that the testimony of Applicant's experts, which has been satisfactory to its professionals and special consultants, to be credible and sufficient to support the desired subdivision and site plan approvals, the technical variance relief required for structures proposed within the easterly setback and to be installed on Borough property (R-O-W), including the temporary sign, retaining walls, and sidewalk, and the *de minimis* exception from RSIS sidewalk requirements. The testimony has not been subject to counter-testimony of experts, nor to legally relevant fact-based lay testimony to the contrary.

36. The Board concluded, based upon all of the foregoing, that preliminary and final major subdivision and major site plan approval, together with the variances described with regard to a Temporary Project Sign and certain retaining walls, and the *de minimis* exception from RSIS sidewalk requirements, to permit the construction of the proposed 40-unit residential development, including six Affordable Housing apartments, as shown on the Engineering Plans and Architectural Plans (subject to the required revisions to conform same to the testimony and exhibits presented and to the findings and conclusions of this Board), could, with appropriate conditions, and should be granted to Applicant.

BE IT FURTHER RESOLVED by the Planning Board of the Borough of Mountain Lakes that the Application of Kings, Mountain Lakes, LLC for approval of preliminary and final major subdivision and site plan for the development of the R-AH2 project ("The Enclave") on property located at 145 Route 46 (Block 116, Lot 3.01), together with variance relief for the installation of a 4' x 6' unlighted temporary project sign and certain portions of retaining walls, and the RSIS *de minimis* exception related to sidewalks (as described in Finding No 34), be and hereby are approved and granted, subject to the following conditions:

1. Applicant shall obtain all necessary permits and approvals which may be required from any local, county, state or federal board, body or agency with respect to the proposed project, its construction and operation, including, without limitation, any NJDEP and/or NJDOT approvals which may be required. If any of these other permits or approvals result in a change to the site plan, Applicant must return to this Board to seek approval for the changed conditions.
2. All taxes and municipal charges, fees and escrows shall be paid by Applicant and shall be kept current. Applicant shall also provide any necessary inspection fees or other fees in connection with the implementation of this project, its execution and completion.
3. Plan revisions shall be made to the satisfaction of the Borough Engineer reflecting the findings and conclusions of the Board, dimensional details, sign details (materials, finishes, base or other supports, and landscaping), and other specific revisions set forth herein.
4. Applicant shall confirm the Lot numbers of the newly created Lots with the Borough Tax Assessor.
5. Site work, development, construction and operations of the development project and Condominium after completion shall be in accordance with the testimony adduced at the

public hearing, the exhibits presented by the Applicant, the findings and conclusions of this Board, and the conditions of approval set forth in this Resolution.

6. If not previously obtained, NJDEP permits and approvals shall be obtained with respect to the necessary extensions of water and sewer lines.

7. Applicant must secure the approval of the Borough Council with respect to placement of the 4' x 6' Temporary Project Sign within the Borough right-of-way outside of the entry to the Housing Site. In addition, Council approval must be obtained with respect to any retaining walls or portions of retaining walls located within any Borough right-of-way.

8. The Planning Board's approval of the variance for the 4' x 6' Temporary Project Sign from a planning point of view is further subject to the requirements and limitations detailed in Finding #32, above.

9. Applicant will submit a soil export plan to the Borough Engineer for review and approval, coordinating this with the Borough Engineer and the Borough Police Department with respect to timing, routes, traffic safety, public road protection, etc. Expenses for Borough oversight and protection against damages or liability shall be covered by inspection fee and escrows provided for in the developer's agreement with the Borough.

10. All Affordable Housing units shall be constructed in accordance with the approved Plans, shall satisfy all state Affordable Housing requirements, including income distribution and bedroom distribution. All Affordable Housing units must be completed and available for occupancy prior to the issuance of the 18th Certificate of Occupancy for the market units.

11. Applicant shall perform post-excavation soil compaction testing at the two subsurface infiltration basins and at the surface basin and report all results to the Borough

Engineer. The Borough Engineer and, as necessary, the Board's Environmental Consultant must be satisfied with the results.

12. With respect to any infrastructure facilities installed in the housing development, the Borough shall have the right (but not an obligation) to cure any maintenance defaults and to charge the Association and impose a lien.

13. Tree protection after development shall include replacement as necessary as described in Finding #26, 3-year bonding for damage to or death of trees in the areas depicted on Exhibit A-23; imposition of Conservation Easements covering all areas subject to NJDEP restrictions; and Condominium document-imposed covenants and restrictions. The bonding amount shall be subject to determination by the Borough Engineer.

14. Applicant shall grant conservation easements to the Borough overlaying all areas which are the subject of any restriction or limitation imposed by NJDEP.

15. Applicant shall replace any trees up to fifteen (15) feet within the Sherwood Drive conservation easement area (established in connection with the Spruce Edge development plan) as depicted on Exhibit A-23 which are damaged in the course of Applicant's road construction or build-out of the project.

16. The present Sherwood Drive cul-de-sac bulb, excluding the extension of Sherwood Drive to connect with Albie Road, and the existing paved Sherwood Drive "stem" shall be preserved and maintained in their current configurations.

17. All roadways within the Housing Site will remain as Association common elements and shall be Association maintained. Subject to Borough concurrence, Applicant agrees to arrange with the Borough for Title 39 enforcement on the private roads,

notwithstanding they are to remain privately owned and maintained and will not be dedicated to the Borough at this time or in the future.

18. Applicant shall establish appropriate trash and recycling protocols within the housing development, including the "green bag" requirement for all trash for all units.

19. Applicant shall enter into a developer's agreement with the Borough addressing on-site and off-site work involving road and utility improvements and other Borough interests, including security for damage to public roads or trees along the public roads, etc. The form and content of the developer's agreement, as well as the nature and scope of appropriate performance security which shall include, but not be limited to, an amount equal to 120% of costs which are subject to engineering estimates (to be submitted by Applicant and approved by the Borough Engineer), shall be subject to approval by the Borough Attorney and the Borough Engineer. Applicant shall attend a preconstruction meeting with the Borough Engineer, shall submit any required detailing, plans, schedules, or other documents or materials, and all appropriate costs estimates, such that appropriate bonding or other performance security can be determined.

20. Applicant shall include in its Condominium Association documents (Master Deed, Covenants and Conditions, or other appropriate documents) description of the use of common areas, tree protection and buffer provisions, ownership and maintenance of private roads and infrastructure (including utilities), provisions for the designation of parking spaces for Affordable Housing residences, limitation of Albie Drive and Lakeland Court parking spaces to visitors and Building 7 residents only, requirements for maintaining garage space and driveway space for vehicle parking, prohibition against adding bedrooms or converting non-bedroom space into bedrooms, requirements for the handling of trash and recycling for all units, maintenance of sight triangles at intersections and, as applicable, at ends of driveways, compliance with Borough

and/or NJDEP requirements for maintenance of all storm water management facilities, reporting of periodic maintenance, etc. and maintenance of the retaining wall(s) within the Borough right-of-way. Such provisions shall not be changed without the consent of the Borough.

21. The proposed Condominium Master Deed, Covenants and Conditions, and other Association documents shall be submitted to the Planning Board Attorney for review and approval with regard to compliance with the terms and conditions of approval; to the Borough Attorney for consistency with municipal requirements and practices; and to the Borough Engineer for review and approval on technical issues.

22. Easements proposed to be granted to the Borough shall be submitted to the Borough Attorney and the Borough Engineer for review and approval as to form and content satisfactory to the Borough. These shall include the Easements for utilities, facilities access, Conservation, and the proposed "Buffer." The proposed "Access Easement" shall be on terms mutually agreeable to the Borough and the Applicant. Similarly, the proposed bond to secure payment for damage to trees or other landscaping in accordance with Exhibit A-23 shall be submitted to the Borough Attorney and Borough Engineer for review and approval. Particular attention will be paid to appropriate bonding relative to private ownership of some of the land in the vicinity of the Sherwood Drive cul-de-sac. As to the Easements, Applicant shall be responsible for prompt recording of same in the Office of the Morris County Clerk after approval as to form and content and for delivery to the Board of copies of the recorded documents, with the pertinent recording information.

23. Revised storm water management calculations and a report reflecting the revised plan (including sidewalks and stone drive as impervious surface) shall be submitted to the Borough Engineer for review and approval.

24. Applicant shall submit a revised Landscaping Plan to the Board and to the Borough's Shade Tree Commission for review and approval of species to be utilized at the rear of Building 8. In connection with all landscaping and trees, Applicant shall furnish a 3-year replacement guarantee and bond for damage to landscaping and trees in the areas depicted on Exhibit A-23.

25. Applicant shall place fire hydrants in locations satisfactory to the Mountain Lakes Fire Department.

26. The Borough Engineer and/or the Borough Police Department are authorized to require installation of traffic calming speed bumps before or after completion of construction of the housing project, should it appear to either or both that safety is at risk due to vehicles being operated on the private roads at excessive speeds.

27. Applicant shall install "No Parking" signage along the road frontages in accordance with the Manual of Uniform Traffic Control Devices (subject to review and approval of the Borough Engineer and Police Department).

28. Applicant shall comply with the conditions and requirements of the Borough Engineer set forth in his September 2, 2016 review letter, including those in section C, #s 2, 3, 4; section D, #s 5, 6, 7 (the Applicant provided testimony that 2,305 cubic yards would be removed from the site), 8, 9; section E, #s 3 – 9, inclusive, and 11 – 15, inclusive; section F, #s 5, 6; section G, #s 1, 2, 3, 6, 7, 9, 10, 11 and 13.

29. Plan revisions shall be made by Applicant to conform to the final versions presented or discussed, Board findings and conclusions (especially numbers 14, 16, 17, 18, 19, 24, 26, 27, 28, 29 and 31), and these conditions of approval. Exhibits which reflect or depict

alterations to the Engineering Plans and/or the Architectural Plans, which are not the subject of specific Site Plan revisions, shall be attached to and made a part of the final approved Plan set.

30. Applicant shall provide surety bonding to the Borough and/or other appropriate party(ies), to remain in place for three years following installation of improvements adjacent to the Spruce Edge Conservation Easement Area, for damage to landscaping and trees in the following areas as depicted on Exhibit A-23: (1) within the bulb of the Sherwood Drive right-of-way; (2) within areas extending fifteen (15) feet into the Spruce Edge Conservation Easement Area from said right-of-way and from the areas adjacent to the Project's extension of the Sherwood Drive right-of-way westward to connect the Property; (3) extending fifteen (15) feet into Block 117, Lots 16 and 13 and Block 117.01, Lots 52 and 49 from the bulb of the Sherwood Drive right-of-way and the Project's extension of the Sherwood Drive right-of-way from the Sherwood Drive bulb westward to connect to the Property; and (4) within the portion of the Spruce Edge Conservation Easement Area that is within fifteen (15) feet of the straight portion of gravel infiltration basin access drive;

31. Applicant shall provide a surety bond to the Borough for road damage to Sherwood Drive to remain in place until the last Certificate of Occupancy is issued, provided the Borough conducts a pre-construction investigation to document the condition of Sherwood Drive in cooperation with Kings. The amount of the security shall be determined by the Borough Engineer.

32. Applicant shall include provisions in the Master Deed for the Enclave at Mountain Lakes to:

- (a) Provide for the Enclave at Mountain Lakes' retention of private ownership of, and responsibility to maintain, the storm water system, Albie Drive, and Lakeland Court. The Borough shall have the right (but not the obligation) to

perform any required maintenance which Applicant or its successor fails to perform, at Applicant's or its successors' or the Association's expense, and shall be subject to imposition of a lien; and

(b) Prohibit Unit Owners and their guests from parking on Sherwood Drive.

33. Applicant shall also include a requirement in all contracts with construction contractors that construction trucks and equipment shall not park on Sherwood Drive, including its cul-de-sac, Spruce Edge, or Pine Edge, after the first week of clearing the Property for construction and the availability of a proper pad for vehicles to access and park on the Property, to be promptly provided by Applicant. Applicant's contracts with all construction contractors shall further provide that construction work will only be performed from 8:00am until 6:00pm, Monday through Friday, 8:00am – 4:00pm on Saturdays, provided however, that such work may be extended an additional half hour on weekdays and Saturdays in the event of an emergency, anticipated weather event, or other extraordinary circumstance requiring extended work hours. No outdoor construction work shall be done on Sundays. Indoor construction work on Sundays may be performed between 8:00am – 4:00pm. Statutory noise limits shall apply at all times.

34. Condition No. 22 (as to submission and approval of easements) shall be satisfied prior to signing of the Subdivision Deed or Map. Conditions Nos. 14 (recording conservation easement), 22 (recording easements), and 28 (G-13 recording drainage easement) shall be satisfied immediately after signing of the Subdivision Deed or Map.

35. Condition Nos. 1, 2, 3, 4, 6, 7, 9, 19 (as to Developer's Agreement), 21, 23, 24 (Plan only), 28 (C-2, C-3, C-4, D-8, D-9, E-3, E-11, E-12, E-14, F-6, G-7, G-10, G-11 and G-13) and 29 shall be satisfied prior to the signing of the Site Plan documents by the Board and the Borough Engineer.

36. Condition Nos. 11, 13, 22 (Bonding and pre-construction meeting), 24 (Bonding), 28 (E-8 and E-9), 31 and 33 shall be satisfied prior to the start of any construction activities. Condition No. 33, however, shall be a continuing condition throughout construction.

BE IT FURTHER RESOLVED that this Resolution is adopted on this 14th day of September, 2017, by the Planning Board of Borough of Mountain Lakes.

The Vote:

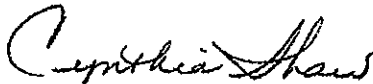
In Favor: 9

Against: 0

Abstain: 0

CERTIFICATION

I hereby certify that this is a true copy of a Resolution duly adopted by the Planning Board of the Borough of Mountain Lakes at a public meeting duly held on September 14, 2017.



Cynthia Shaw, Administrator
Borough of Mountain Lakes
Planning Board

The standardized form for a performance surety bond required by an approving authority pursuant to section 41 of P.L. 1975, 291 (N.J.S.A. 40:55D-53) shall be as follows:

***Block(s) 6100**

Lot(s) 30
Livingston Square

BOND NUMBER: 30033079

PERFORMANCE SURETY BOND

SITE IMPROVEMENTS

We, PULTE HOMES OF NJ, LIMITED PARTNERSHIP, a Michigan limited partnership located at 150 Allen Road, Suite 303, Basking Ridge, NJ 07920 as principal, and The Continental Insurance Company having offices at 801 Warrenville Road, Suite 70, Lisle IL 60532, a corporation duly licensed to transact a surety business in the State of New Jersey, as surety, are indebted to the Municipality of Livingston Township in the County of Essex, oblige in the sum of Three Million Five Hundred Sixty Five Dollars One Hundred Nine 00/100 (\$3,565,109.00), for which payment we bind ourselves and our respective heirs, legal representatives, successors, and assign, jointly and severally.

On December 1, 2015, principal was granted approval by the Township of Livingston Planning Board for Minor Subdivision and Preliminary and Final Site Plan Approval, application no. 2014-76-PFSPV and 2014-75-MSUBV. The engineer's estimate prepared by Bowman Consulting is attached hereto.

Pursuant to municipal ordinance, adopted under authority of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the principal hereby furnishes a performance surety bond in the amount of \$3,565,109.00 (not to exceed 120 percent of the cost of the improvements, as certified by the (municipal engineer), written by The Continental Insurance Company, a surety licensed in the state of New Jersey, guarantying full and faithful completion of improvements approved by the approving authority, in lieu of completing the required improvement prior to the granting of final approval. This bond shall remain in full force and effect until such time as all improvements covered by the bond have been approved or accepted by resolution of the municipal governing body upon certification by the municipal engineer, partial release from the bond shall be granted in accordance with N.J.S.A. 40:55D-53. The amount of the bond remaining shall be sufficient to secure provision of the improvements not yet approved; provided, however, that the municipality may require that 30% of the amount of the bond be retained to ensure completion of all improvements.

This bond shall remain in full force and effect until released by resolution of the municipal governing body.

This bond is issued subject to the following expressed conditions:

1. This bond shall not be subject to cancellation either by the principal or by the surety for any reason until such time as all improvements subject to the bond have been accepted by the municipality, in accordance with the applicable provisions of the Municipal Land Use Law.

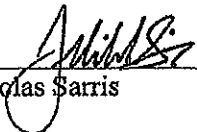
2. This bond shall be deemed to be continuous in form and shall remain in full force and effect until the improvements are accepted by the municipality and the bond is released, or until default is declared, or until the bond is replaced by another bond meeting applicable legal requirements. Upon approval or acceptance of all improvements by the municipality, or upon replacement of this bond by another bond, liability under this bond shall cease. Upon approval or acceptance of some, but not all, of the required improvements by the municipality, partial release from the bond shall be granted in accordance with N.J.S.A. 40:55D-53; provided, however, that the portion of the bond amount sufficient to secure completion of the improvements shall continue in effect and the municipality may retain 30 percent of the bond amount posted in order to ensure such completion.
3. The aggregate liability of the surety shall not exceed the sum set forth above.
4. In the event that the improvements subject to this bond are not completed within the time allowed under the conditions of final approval issued pursuant to the Municipal Land Use Law, including such extensions as may be allowed by the approving authority, the municipal governing body may, at its option, and upon at least 30 days prior written notice to the principal and to the surety by personal delivery or by certified or registered mail or courier, declare the principal to be in default, and, in the event that the surety fails or refuses to complete the work in accordance with the terms and conditions of the original approval, claim payment under this bond for the cost of completion of work. In the event that any action is brought against the principal under this bond, written notice of such action shall be given to the surety by the municipality by personal delivery or by registered or certified mail or courier at the same time.
5. The surety shall have the right to complete the work in accordance with the terms and conditions of the original approval, either with its own employees or in conjunction with the principal or another contractor; provided, however, that the surety, in its sole discretion, may make a monetary settlement with the municipality as an alternative to completing the work.
6. In the event that the principal and the approving authority agree to changes in the scope of work, the obligations of the surety under this bond shall not be affected so long as the cost of the work does not exceed 120 percent of the municipal engineer's certified estimate, attached hereto and made a part hereof, which 120 percent of the estimate shall be the limit of the surety's obligation under this bond in any case. If the cost of the work exceeds 120 percent of the certified estimate, the principal shall secure a rider from a surety for the additional amount; provided, however, that this provision shall not be construed as requiring a surety to provide additional coverage.
7. This bond shall insure to the benefit of the municipality only and no other party shall acquire any rights hereunder.

8. In the event that this bond shall for any reason cease to be effective prior to the approval or acceptance of all improvements, a cease and desist order may be issued by the governing body, in which case all work shall stop until such time as a replacement guarantee acceptable to the approving authority becomes effective.

Date: February 20, 2018

PULTE HOMES OF NJ, LIMITED PARTNERSHIP, a
Michigan limited partnership
Principal

Witness/Attest

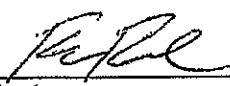


J. Nicholas Sarris



For Principal: D. Bryce Langen, VP & Treasurer

The Continental Insurance Company
Surety



Ross Ripple



For Surety: Gregory S. Rives, Attorney-in-Fact

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That The Continental Insurance Company, a Pennsylvania insurance company, is a duly organized and existing insurance company having its principal office in the City of Chicago, and State of Illinois, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

D.Bryce Langen, James Zeumer, James Ossowski, Brien O'Meara, Kelly Yoakam, Kim Hill, Ross Irwin, Jean Marusak, Ellen Padesky Maturen, Gregory S. Rives, KellyMarie Conlon, Individually

of Bloomfield Hills, MI., its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In an amount not to exceed Two Million and no/100 Dollars (\$2,000,000.00)

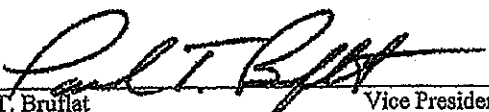
and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the insurance company and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Board of Directors of the insurance company.

In Witness Whereof, The Continental Insurance Company has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 28th day of December, 2016.



The Continental Insurance Company

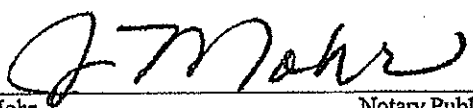

Paul T. Bruflat Vice President

State of South Dakota, County of Minnehaha, ss:

On this 28th day of December, 2016, before me personally came Paul T. Bruflat to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of The Continental Insurance Company, a Pennsylvania insurance company, described in and which executed the above instrument; that he knows the seal of said insurance company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said insurance company and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance company.



My Commission Expires June 23, 2021


J. Mohr Notary Public

CERTIFICATE

I, D. Bult, Assistant Secretary of The Continental Insurance Company, a Pennsylvania insurance company, do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of the insurance company printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance company this 20th day of February, 2018.



The Continental Insurance Company


D. Bult Assistant Secretary

ACKNOWLEDGEMENT BY SURETY

STATE OF GEORGIA)

)ss.

COUNTY OF FULTON)

This record was acknowledged before me on February 20, 2018, by Gregory S. Rives, Attorney-in-Fact of The Continental Insurance Company, who provided to me on the basis of satisfactory evidence to be the person who appeared before me and is personally known to me.

WITNESS my hand and official seal.



Signature of Notary Public

Shirley E. Hutchins
Notary Public State of Georgia
My Commission Expires: April 17, 2018



ACKNOWLEDGEMENT BY PRINCIPAL

STATE OF GEORGIA)

)ss.

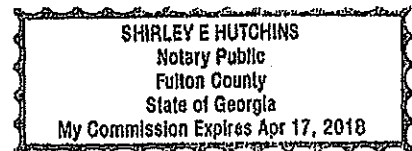
COUNTY OF FULTON)

This record was acknowledged before me on February 20, 2018, by D. Bryce Langen, VP & Treasurer of PULTE HOMES OF NJ, LIMITED PARTNERSHIP, a Michigan limited partnership, who provided to me on the basis of satisfactory evidence to be the person who appeared before me and is personally known to me.

WITNESS my hand official seal.

Signature of Notary Public

Shirley E. Hutchins
Notary Public State of Georgia
My Commission Expires: April 17, 2018

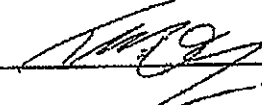


THE CONTINENTAL INSURANCE COMPANY
Radnor, Pennsylvania
Statement of Net Admitted Assets and Liabilities
December 31, 2016

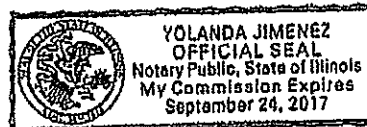
<u>ASSETS</u>		
Bonds	\$	1,134,642,999
Stocks		146,454,381
Cash and short-term investments		208,940,675
Receivables for securities		15,218
Investment income due and accrued		14,853,145
Amounts recoverable from reinsurers		86,857,208
Funds held by or deposited with reinsured companies		1,463,083
Net deferred tax asset		56,055,855
Premiums and considerations		16,951,925
Other assets		1,251,000
Total Assets	\$	1,667,485,489
<u>LIABILITIES AND SURPLUS</u>		
Losses	\$	812,077,677
Loss adjustment expense		37,646,991
Unearned premiums		
Other expenses		750,799
Ceded reinsurance premiums payable (net of ceding commissions)		23,147,409
Funds held by company under reinsurance treaties		2,535,486
Provision for reinsurance		76,000,000
Other liabilities		(785,015,440)
Total Liabilities	\$	167,142,922
Surplus Account:		
Capital paid up	\$	53,566,360
Gross paid in and contributed surplus		1,423,436,994
Special Surplus		237,617,903
Unassigned funds		(234,278,690)
Surplus as regards policyholders	\$	1,500,342,567
Total Liabilities and Capital	\$	1,667,485,489

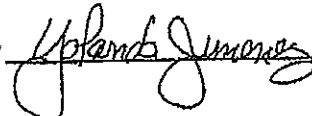
I, Troy Wray, Assistant Vice President of Continental Insurance Company hereby certify that the above is an accurate representation of the financial statement of the Company dated December 31, 2016, as filed with the various Insurance Departments and is a true and correct statement of the condition of Continental Insurance Company as of that date.

THE CONTINENTAL INSURANCE COMPANY

By  Assistant Vice President

Subscribed and sworn to me this 10 day of March 2017
My commission expires:



By  Notary Public

PROPOSED CONSTRUCTION BOND ESTIMATE
 SITE IMPROVEMENTS
 LIVINGSTON PLACE
 SITE PLANS
 BCG PROJECT NO. 080119-C0-001
 DATE 1/22/2015
 BASED ON PRELIMINARY AND FINAL SITE PLANS DATED 10/13/2014
 AND REVISED THROUGH 1/22/2015

Bowman RECEIVED
 CONSULTING
 formerly OMLAND ENGINEERING ASSOCIATES
 64 Horsehill Road
 Cedar Knolls, NJ 07827
 Phone: 973-359-8400
 Fax: 973-359-8465

FLB 03 2016

TOWNSHIP OF LIVINGSTON
 PLANNING DEPARTMENT

ITEM No.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	ITEM TOTAL	SUB TOTALS
1. EARTHWORK						
1.1	SITE CLEARING	ACRE	11.65	\$3,000.00	\$34,950.00	
1.2	SOIL MOVEMENT (CUT & FILL)	CY	11,024	\$5.00	\$55,120.00	
						\$90,070.00
2. PAVEMENT						
2.1	HMA SURFACE COURSE, 9.5M64	TON	1,088	\$95.00	\$103,393.29	
2.2	HMA BASE COURSE, 12.5M64	TON	2,429	\$95.00	\$230,761.83	
2.3	D.G.A. SUBBASE	TON	2,271	\$25.00	\$56,783.50	
						\$390,938.62
3. STORM DRAINAGE						
3.1	6" PVC	L.F.	2,216	\$15.00	\$33,240.00	
3.2	8" HDPE	L.F.	218	\$15.00	\$3,270.00	
3.3	12" HDPE	L.F.	1,497	\$15.00	\$22,455.00	
3.4	15" HDPE	L.F.	2,378	\$40.00	\$95,100.00	
3.5	18" HDPE	L.F.	962	\$50.00	\$48,100.00	
3.6	24" HDPE	L.F.	1,721	\$80.00	\$137,760.00	
3.7	30" HDPE	L.F.	184	\$70.00	\$12,880.00	
3.8	108" CORRUGATED METAL PIPE	L.F.	1,393	\$75.00	\$104,475.00	
3.9	TYPE "B" INLET	EACH	36	\$1,800.00	\$64,800.00	
3.10	YARD INLET	EACH	5	\$1,200.00	\$6,000.00	
3.11	STORM MANHOLES	EACH	47	\$2,200.00	\$103,400.00	
3.12	CONNECTION TO EXISTING MH	EACH	3	\$1,000.00	\$3,000.00	
3.13	REPLACE CASTING	EACH	3	\$1,500.00	\$4,500.00	
						\$804,480.00
4. SANITARY SEWER						
4.1	8" PVC GRAVITY MAIN	L.F.	3,072	\$45.00	\$138,222.45	
4.2	SANITARY MANHOLES	EACH	17	\$2,200.00	\$37,400.00	
4.3	CONNECT SEWER TO EXISTING MAIN	EACH	2	\$1,000.00	\$2,000.00	
						\$177,622.46
5. POTABLE WATER MAIN						
5.1	8" DIP	L.F.	4,882	\$80.00	\$390,560.00	
5.2	FIRE HYDRANT w/ VALVE ASSEMBLY	EACH	3	\$2,500.00	\$7,500.00	
5.3	CONNECT TO EXISTING WATER MAIN	EACH	2	\$1,500.00	\$3,000.00	
						\$399,480.00
6. CONCRETE						
6.1	GRANITE BLOCK CURB	L.F.	11,503	\$22.00	\$253,066.00	
6.2	4" THICK CONCRETE SIDEWALK	S.F.	64,816	\$4.00	\$259,264.00	
6.3	MODULAR BLOCK WALL	S.F.	6,856	\$30.00	\$205,680.00	
6.4	MEGA BLOK	S.F.	6,480	\$80.00	\$518,400.00	
						\$1,196,380.00
7. LANDSCAPE AND LIGHTING						
7.1	PROPOSED EVERGREEN TREES	EACH	118	\$250.00	\$29,500.00	
7.2	PROPOSED SHADE TREES	EACH	52	\$300.00	\$15,600.00	
7.3	PROPOSED ORNAMENTAL TREES	EACH	133	\$250.00	\$33,250.00	
7.4	POLE MOUNTED LIGHT AND BASE	EACH	72	\$3,000.00	\$216,000.00	
						\$294,350.00
8. MISCELLANEOUS						
8.1	SOIL EROSION/SEDIMENT CONTROL	L.S.	1	\$25,000.00	\$25,000.00	
8.2	STRIPING	L.S.	1	\$4,000.00	\$4,000.00	
8.3	TOPSOIL/SEEDING	S.Y.	18,100	\$3.00	\$54,300.00	
8.4	ADA DETECTABLE WARNING SURFACE	EACH	33	\$475.00	\$15,675.00	
8.5	4' HIGH POST RAIL FENCE	L.F.	1,055	\$30.00	\$31,650.00	
8.6	TRAFFIC/HIC SIGNS WITH POST	EACH	63	\$150.00	\$9,450.00	
8.7	MONUMENT SIGN	EACH	2	\$5,000.00	\$10,000.00	
8.8	BENCHES	EACH	39	\$1,500.00	\$58,500.00	
8.9	CLUSTER MAIL BOXES	EACH	25	\$700.00	\$17,500.00	
						\$226,075.00

TOTAL= \$3,379,376.07

120% M.L.U.L. \$4,055,251.29
 90% BOND \$3,649,726.16
 10% CASH \$405,525.13

5% ENGINEERING INSPECTION FEE = \$ 202,762.56



 Charles Thomas, Jr., P.E., P.P.
 NJ Professional Engineer Lic. No. 39244

EXHIBIT 2

DYKSTRA WALKER DESIGN GROUP

PROFESSIONAL ENGINEERS, PLANNERS, SURVEYORS & ENVIRONMENTAL SERVICES

Engineer's Estimate

For

Preliminary & Final Major Subdivision/Site Plan

Public Right-of-Way Improvements Only

The Enclave at Mountain Lakes

Block 116, Lot 3.01

NJSH Route 46, Fox Hill Road, Brook Lane & Sherwood Drive

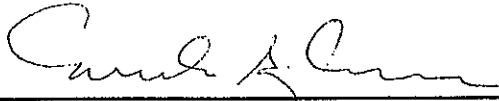
Borough of Mountain Lakes

Morris County - New Jersey

Project No. 05054

Date : June 14, 2018

Item	Description	Quantity	Units	Unit Cost	Total
A Site Preparation					
1	Site Clearing	0.08	Acre	\$ 8,000.00	\$ 640.00
2	Topsoil Stripping and Stockpiling	120	CY	\$ 10.00	\$ 1,200.00
3	Soil Excavation and Fill	510	CY	\$ 10.00	\$ 5,100.00
				Subtotal A	\$ 6,940.00
B Site Improvements					
4	Granite Block Curb (mountable)	180	LF	\$ 16.00	\$ 2,880.00
5	Bituminous Concrete Surface Course Mix I-5	20	Tons	\$ 63.00	\$ 1,260.00
6	Bituminous Stabilized Base Course Mix I-2	60	Tons	\$ 60.00	\$ 3,000.00
7	Dense Graded Aggregate (subbase for roads & walkways)	60	Tons	\$ 24.00	\$ 1,440.00
8	Concrete Sidewalks	360	SF	\$ 3.50	\$ 1,260.00
9	Stop Line	12	LF	\$ 4.00	\$ 48.00
10	"Stop" Sign	1	Unit	\$ 200.00	\$ 200.00
11	Retaining Wall (structural, at entrance)	825	SF	\$ 30.00	\$ 24,750.00
12	Wooden Split-Rail Fence	145	LF	\$ 25.00	\$ 3,625.00
				Subtotal B	\$ 38,463.00
C Sanitary Sewer					
13	8" PVC SDR 35 (including excavation and backfill)	173	LF	\$ 45.00	\$ 7,785.00
14	Sanitary Sewer Manhole	2	Unit	\$ 1,600.00	\$ 3,200.00
15	Connection to Existing System	1	LS	\$ 1,500.00	\$ 1,500.00
				Subtotal C	\$12,485.00
D Water Distribution System					
16	8" DIP Cement Lined Class 52 Water Main	108	LF	\$ 50.00	\$ 5,400.00
17	Wet Tap Connection	2	LS	\$ 3,000.00	\$ 6,000.00
				Subtotal D	\$ 11,400.00
E Soil Erosion and Sediment Control Measures					
18	Silt Fence	165	LF	\$ 1.50	\$ 247.50
19	Super Silt Fence	30	LF	\$ 15.00	\$ 450.00
				Subtotal E	\$ 697.50
F Site Landscaping					
20	Black Maple	1	Unit	\$ 175.00	\$ 175.00
21	European Pyramidal Hornbeam	1	Unit	\$ 125.00	\$ 125.00
				Subtotal F	\$ 300.00
				Total	\$ 70,285.50



Mark Gimigliano, P.E.
New Jersey Lic. No. 24GE04767100

Notes:

1. Estimate based on plans titled "Preliminary & Final Major Subdivision/Site Plan, The Enclave at Mountain Lakes, Block 116, Lot 3.01, NJSH Route 46, Fox Hill Lane, Brook Lane & Sherwood Drive, Borough of Mountain Lakes, Morris County, New Jersey, prepared by Dykstra Walker Design Group, last revised April 26, 2018 and includes improvements to be dedicated to the Borough only.

21 BOWLING GREEN PARKWAY, SUITE 204 • LAKE HOPATCONG, NJ 07749
PHONE (973) 663-6540 • FAX (973) 663-0042 • www.dykstrawalker.com



User Name: Robert Oostdyk

Date and Time: Monday, September 24, 2018 9:42:00 AM EDT

Job Number: 74127256

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1. 2016 N.J. S.N. 3233

Client/Matter: Mt Lakes

Search Terms: NJSA 40:55D-53

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2016 N.J. S.N. 3233

Enacted, January 16, 2018

Reporter

2017 N.J. ALS 312; 2017 N.J. Laws 312; 2017 N.J. Ch. 312; 2016 N.J. S.N. 3233

**NEW JERSEY ADVANCE LEGISLATIVE SERVICE > NEW JERSEY 217TH LEGISLATURE - SECOND
REGULAR SESSION > P.L. 2017, CHAPTER 312 > SENATE, NO. 3233**

Synopsis

An Act concerning performance and maintenance guarantees under the "Municipal Land Use Law" and amending P.L.1975, c.291.

Text

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. Section 41 of P.L.1975, c.291 (C.40:55D-53) is amended to read as follows:

C.40:55D-53 Guarantees required; surety; release

41.a. Guarantees required; surety; release.Before filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65), the municipality may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection. If a municipality has adopted an ordinance requiring a successor developer to furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit, the governing body may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee, in accordance with paragraphs (1) and (2) of this subsection.

(1)

(a) If required by ordinance, the developer shall furnish a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the municipal engineer, according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217) or N.J.S.46:26B-1 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems,

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drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

The municipal engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

- (b) A municipality may also require a performance guarantee to include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by local ordinance or imposed as a condition of approval.

At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

- (c) In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall, if required by an ordinance adopted by the municipality, furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the municipality in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the zoning officer, municipal engineer, or other municipal official designated by ordinance. At no time may a municipality hold more than one guarantee or bond of any type with respect to the same line item. The "temporary certificate of occupancy guarantee" shall be released by the zoning officer, municipal engineer, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.
- (d) A developer shall, if required by an ordinance adopted by the municipality, furnish to the municipality a "safety and stabilization guarantee," in favor of the municipality. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the municipality solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

- (i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and
- (ii) work has not recommenced within 30 days following the provision of written notice by the municipality to the developer of the municipality's intent to claim payment under the guarantee. A municipality shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. A municipality shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.

The amount of a "safety and stabilization guarantee" for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

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\$5,000 for the first \$100,000 of bonded improvement costs, plus two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus one percent of bonded improvement costs in excess of \$1,000,000.

A municipality shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

A municipality shall release a "safety and stabilization guarantee" upon the municipal engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

(2)

(a) If required by ordinance, the developer shall post with the municipality, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) If required, the developer shall post with the municipality, upon the inspection and issuance of final approval of the following private site improvements by the municipal engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

(3) In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

b. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

c. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

d.

(1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the municipal engineer prepare, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the municipal engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon

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the municipal engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

- (2) The list prepared by the municipal engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the municipal engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e.

- (1) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "safety and stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the municipality may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee" to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the municipality below 30 percent.

- (2) If the municipal engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the bonded improvements determined by the municipal engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the municipal engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of

this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

- (3) In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee," the municipality may retain cash equal to the amount of the remaining "safety and stabilization guarantee".
- f. If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.
 - g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the municipal engineer.
 - h.
 - (1) The obligor shall reimburse the municipality for reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The municipality may require the developer to post the inspection fees in escrow in an amount:
 - (a) not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection a. of this section; and
 - (b) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection a. of this section, which cost shall be determined pursuant to section 15 of P.L. 1991, c. 256 (C. 40:55D-53.4).
 - (2) For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.
 - (3) For those developments for which the inspection fees total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.
 - (4) If the municipality determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the municipality may require the developer to deposit additional funds in escrow provided that the municipality delivers to the developer a written inspection escrow deposit request, signed by the municipal engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.
 - i. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L. 1975, c. 291 (C. 40:55D-38), the provisions of this section shall be applied by stage or section.
 - j. To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority,

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provided that such improvements have been inspected and have received final approval by the municipal engineer.

2.

This act shall take effect immediately.

History

Approved by the Governor January 16, 2018

Effective date: January 16, 2018

Sponsor

Van Drew

NEW JERSEY ADVANCE LEGISLATIVE SERVICE
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End of Document

**RESOLUTION 167-18
BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS, NJ**

**“RESOLUTION AMENDING R92-18, A PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE BOROUGH OF MOUNTAIN LAKES AND TOPOLOGY NJ LLC (PHIL ABRAMSON) FOR SPECIAL
PROFESSIONAL PLANNING SERVICES.”**

WHEREAS, The Borough of Mountain Lakes authorized an agreement with Topology NJ LLC for Special Planning services through Resolution 92-18 on April 23, 2018; and

WHEREAS, the amount of the original contract for special professional planning services was authorized at an hourly rate of \$155.00 and a total not to exceed amount of \$5,000.00; and

WHEREAS, R138-18 was adopted on September 12, 2018 to amend the original contract to an amount not to exceed \$15,000, and

WHEREAS, the Borough would now like to authorize the contract amount to be raised to a total not to exceed \$21,000.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountain Lakes, County of Morris, and State of New Jersey:

Section 1. The agreement with Topology NJ LLC (Phil Abramson) for professional planning services to the Borough of Mountain Lakes is now amended to a total amount not to exceed \$21,000.

Section 2. There are no other amendments to the original contract except for the total cost.

XX

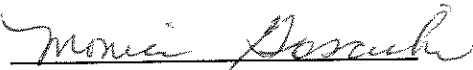
CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on November 26, 2018.

Valerie A. Egan, Municipal Clerk

Name	Motion	Second	Aye	Nay	Absent	Abstain
Happer						
Holmberg						
Horst						
Korman						
Shepherd						
Barrett						
Barnett						

CERTIFICATION OF THE AVAILABILITY OF FUNDS

01-201-20-100-044 General Administration – Special Planner


Monica Goscicki, CFO



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
NOVEMBER 7, 2018
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 8, 2018 and posted in the municipal building.

Mayor Barnett called the meeting to order at 7:00 p.m. in the municipal building.

ROLL CALL ATTENDANCE

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

FLAG

Mayor Barnett led the salute to the flag.

EXECUTIVE CLOSED SESSION

R156-18 - 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 Litigation: Tax appeals and Affordable Housing Settlement;

Motion: Shepherd

Second: Korman

Vote: All ayes

Motion to come back to regular session: Happer

Second: Shepherd

Vote: All ayes

COMMUNITY ANNOUNCEMENTS

Mayor Barnett commented regarding a vigil that was held for Thomas Kolding, a teenager that is missing. Chief Bennett gave an update regarding this matter. He commented regarding a crosswalk enforcement program that was conducted in town in conjunction with AAA.

SPECIAL PRESENTATIONS

DPW Department Update and Vision for the beach project

Mr. Mark Prusina was present to update the Council on the DPW department. The department is now fully staffed. He spoke about sharing equipment with adjoining municipalities. He spoke about the citizen survey and projects that were completed in response to the survey. He spoke about the work the department does with other departments and committees. There was a discussion regarding the beach project and the renovations that the DPW will be completing. Mimi Kaplan asked about showers. She was told there will be stand-alone showers like at Island Beach. She asked about an adopt a plant program for landscaping. Tom Menard asked if there will be heat. There will be radiant heated floors in the buildings. John Kaplan asked if there would be exterior lighting. He was told that there would be lights in the soffits. Mr. Kanter asked if anyone has looked into solar heating for water. Mr. Prusina will check into grants for solar when at the League Conference next week. Steve Shaw stated that the DPW committee should have been informed that the scope of the project had changed. He asked if there are new windows in the plan. There are not. Audrey Lane stated that she appreciated the rush to get the project done. She stated that she did not appreciate bypassing the committee. She commented on the aesthetics of the building being to Mountain Lakes standards. She suggested that the Borough go back to RSC Architects for recommendations regarding the aesthetics.

PUBLIC COMMENT

Mayor Barnett opened the meeting to the public



MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
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Mimi Kaplan, 89 Lake Drive, said she was pleased that the crosswalk enforcement was done.

Fred Kanter, 81 Hanover Road, thanked the Mayor for looking out for those in other communities. He mentioned recouping funds from the engineer for the ADA problems at the Cove.

BOROUGH COUNCIL DISCUSSION ITEMS

Q3 Budget Review

CFO Monica Goscicki reviewed the third quarter budget. She reviewed the revenues. The trash bag receipts and construction code fees are down. CFO Goscicki reviewed the expenditures. Police and Streets and Roads overtime are over budget.

The transfer resolution that is on this evening's agenda was discussed.

The third quarter Water and Sewer Utility budgets were reviewed.

ATTORNEY'S REPORT

Mr. Oostdyk mentioned the reduction of a bond for the King of King's property. This will be on the next agenda.

MANAGER'S REPORT

Annual Best Practices review

Mr. Stern reviewed the best practices question list. The Borough will receive the full aid payment from the State.

ORDINANCES

Introduction of Ordinance 8-18, Solicitation

AN ORDINANCE AMENDING CHAPTER 177 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES, REGULATING DOOR TO DOOR SOLICITATION, AND ESTABLISHING A "DO NOT SOLICIT" LIST

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

***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**

R157-18, Authorization for the payment of bills

R158-18, Rejecting the bids for the Island Beach and Birchwood Beach Improvements

R159-18, Authorization of a balance transfer for Current Fund

R160-18, Authorization of a balance transfer for the Sewer Utility

R161-18, Authorization of a balance transfer for the Water Utility

R162-18, Authorization of the award of the bid for the Midvale and Pocono Road improvement project

***APPROVAL OF MINUTES**

Regular Minutes, (These minutes were pulled from the consent agenda and voted on separately)

October 22, 2018 (Barrett and Korman not eligible)

Executive Session Minutes

October 22, 2018 (Barrett not eligible)

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



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
NOVEMBER 7, 2018
HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046**

- ☒ 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**

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

Regular minutes of October 22, 2018

As amended

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

Resolution 163-18, Authorization of the settlement of tax appeals for Block 7 Lot 7

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

COUNCIL REPORTS

Ms. Korman stated that there should be better communications regarding any property with a significant change that is in



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
NOVEMBER 7, 2018
HELD AT BOROUGH HALL, 400 BOULEVARD, MOUNTAIN LAKES, NJ 07046**

front of the Zoning Board. Ms. Korman asked for a Public Safety meeting this month. Ms. Korman stated that the Shade Tree Commission has an ordinance change they would like to see adopted.

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 Barnett opened the meeting to the public.

Fred Kanter, 81 Hanover Road, commented on the conversation that took place regarding the beach project. He commented regarding the Cove Park and the boat launch. He stated that everyone was told that every activity that took place at the Cove before the renovation took place will be able to take place after the renovation. He stated that this is not true. He stated that a comment was made that the engineer was not involved with the renovation of the Cove. Mr. Kanter stated that the engineer was involved with the Cove renovation and proof of this is in the Cove committee minutes. He suggested having open discussion at meetings.

NEXT STEPS AND PRIORITIES

Mayor Barnett reviewed the following next steps and priorities:

Next Step	Completed by	Completion date
Schedule meeting regarding beach project	Mr. Stern	TBD

ADJOURNMENT at 10:38 P.M.

Motion made by Councilmember Shepherd, second by Councilmember Happer to adjourn the meeting at 10:38 p.m., with all members in favor signifying by "Aye".

Respectfully Submitted

Valerie A Egan Borough Clerk



BOROUGH OF MOUNTAIN LAKES

LISTED IN NATIONAL AND STATE REGISTERS OF HISTORIC PLACES

CONSTRUCTION OFFICE MONTHLY ACTIVITY REPORT

OCTOBER 2018

ADMINISTRATIVE SUMMARY

The first building of the Enclave at Mountain Lakes project received their permits and began construction of four (4) units. The developer is looking to accelerate the construction of these units so they have models available to boost sales interest. The next building of six (6) units has been submitted for review and permits with an anticipated construction start date in early December.

While the majority of the new applications still concentrate on mechanical installations and small scale renovation projects, a few larger projects have been received and have started construction. I'm looking for that trend to continue even as we start into the end-of-year holiday season.

The office continues to respond to requests for the close-out of older, lapsed permits. Both realtors and homeowners preparing for the sale of homes in the borough request information on past permits to obtain a clean property history.

The revenue increase from the Enclave project will aid in the ability of the Construction Office to meet its statutory requirement of being self-sustaining.



Mountain Lakes Borough
400 BOULEVARD
MOUNTAIN LAKES, NJ 07046

Construction Permit Activity Report

10/1/2018 -> 10/31/2018

Summary

	Cost:	Count:				
New:	\$469,000.00	4	Cubic Footage:	133,398 Cu.ft	Permits Issued:	44
Addition:	\$96,800.00	1	Square Footage:	11,448 Sq.ft	Updates Issued:	0
Alteration:	\$295,263.00	36				
Demolition:	\$3,300.00	3				
Total:	\$864,363.00	44				

Permits	Count	Permit Fees	Admin Fees	Total	Inspections	Passed	Failed	Other
Building:	14	\$11,438.00	\$0.00	\$11,438.00	B 33	31 %93.9	1 %3	1 %3
Plumbing:	14	\$2,470.00	\$0.00	\$2,470.00	P 19	15 %78.9	4 %21.1	0 %0
Electrical:	32	\$4,090.00	\$0.00	\$4,090.00	E 32	25 %78.1	3 %9.4	4 %12.5
Fire:	13	\$1,494.00	\$0.00	\$1,494.00	F 9	7 %77.8	0 %0	2 %22.2
Elevator:	0	\$0.00	\$0.00	\$0.00	V 0	0 %	0 %	0 %
Mechanical:	18	\$1,425.00	\$0.00	\$1,425.00	M 23	20 %87	1 %4.3	2 %8.7
	91	\$20,917.00	\$0.00	\$20,917.00		116	98	9
DCA Training:	5		494		(Note: Does not include result of none)			
DCA State:	33		715	\$800.00				
DCA Minimum:	1		1					
	39		\$1,210					

Variations	Total	Paid	Certificates	Issued Total	Paid Total
Building 0	0	0	CA 28	\$0.00	\$0.00
Plumbing 0	0	0	CCO 0	\$0.00	\$0.00
Electrical 0	0	0	CO 0	\$0.00	\$800.00
Fire 0	0	0	CC 0	\$0.00	\$0.00
Mechanical 0	0	0	TCO 0	\$0.00	\$0.00
Elevator 0	0	0	TCC 0	\$0.00	\$0.00
Total:	\$0.00	\$0.00	Total: 28	\$0.00	\$800.00

NOTE:
Information gathered is based on the Issue date for that item, ie permit issue date, certificate issue date.

This will cause discrepancies between the payments section which uses Payment date. Example you took in money for a CO but the CO has not been issued yet.

Permit Subcode Exempted (State) Fees			Permit Subcode Waived (Local) Fees		
	Record Count	Total Exempted		Record Count	Total Waived
Building	0	\$0	Building	0	\$0
Plumbing	0	\$0	Plumbing	0	\$0
Electrical	0	\$0	Electrical	0	\$0
Fire	0	\$0	Fire	0	\$0
Mechanical	0	\$0	Mechanical	0	\$0
Elevator	0	\$0	Elevator	0	\$0
Total:		\$0	Total:		\$0
Record Count Total Exempted			Violations Fines Paid		
DCA Fees	5	\$7	Issued	0	\$0.00 \$0.00

Payments (Based on Payment Date)	
Permit (100)	\$23,654.00
NON-UCC (0)	\$0.00
Variation Payments	\$0.00
Penalty (0)	\$0.00
Inspection Payments	\$0.00
Ongoing Invoice	\$0.00
Test Payments	\$0.00
Other Payments	\$0.00
Grand Total	\$23,654.00

BOROUGH OF MOUNTAIN LAKES CONSTRUCTION OFFICE ANNUAL PERMIT FEES

11/9/2018

	2016 COLLECTED	YEAR TO DATE
JANUARY	9,755	9,755
FEBRUARY	10,327	20,082
MARCH	21,916	41,998
APRIL	14,330	56,328
MAY	8,143	64,471
JUNE	8,046	72,517
JULY	6,170	78,687
AUGUST	10,369	89,056
SEPTEMBER	22,403	111,459
OCTOBER	15,894	127,353
NOVEMBER	5,428	132,781
DECEMBER	10,394	143,175
	2017 COLLECTED	YEAR TO DATE
JANUARY	9,550	9,550
FEBRUARY	16,180	25,730
MARCH	11,015	36,745
APRIL	14,473	51,218
MAY	8,196	59,414
JUNE	16,031	75,445
JULY	18,388	93,833
AUGUST	20,069	113,902
SEPTEMBER	6,698	120,600
OCTOBER	12,736	133,336
NOVEMBER	9,522	142,858
DECEMBER	6,930	149,788
	2018 COLLECTED	YEAR TO DATE
JANUARY	10,958	10,958
FEBRUARY	4,025	14,983
MARCH	3,342	18,325
APRIL	8,802	27,127
MAY	18,270	45,397
JUNE	7,805	53,202
JULY	11,359	64,561
AUGUST	9,355	73,916
SEPTEMBER	9,504	83,420
OCTOBER	23,654	107,074
NOVEMBER		
DECEMBER		

BOROUGH OF MOUNTAIN LAKES

DEPARTMENT OF PUBLIC WORKS

Department Activity
November 2018

IN HOUSE

All regular work details including building maintenance, vehicle repairs and maintenance, trash and recycling collection, trash bag deliveries, street sweeping, lawn maintenance, leaf and brush disposal, daily maintenance of wells, monthly water testing for Coliform and Chlorine, final water reads, utility mark outs, etc. Additionally:

Streets & Roads Department:

- Various pothole repairs throughout Borough
- Styrofoam delivery to Foam Pack Industries
- Prepare E waste material for pickup from Kuusakoski
- Provide barricades for Community events
- Completed street sign phase III installation
- New driver/laborer, Matthew Crum, began employment
- FEMA meeting to discuss reimbursement for March 2018 storm
- Hydro-raking @ Birchwood
- Clean Communities training, M. Prusina
- Preparation for Halloween festivities
- Assist Rich Tree Service in tree removals and pruning throughout Borough
- Remove debris from line of sights on Midvale Road
- Remove police boat out of Birchwood Lake and deliver to Morris County to be winterized

Water/Sewer Department:

- Prepare for quarterly billing
- Install new sewer cap at Forest Lumber on Route 46
- Repair of sprinkler pit meter at Pine Edge Condos
- Replacement of various damaged/not working meters
- Installation of two new fire hydrants:
 1. Arden Road
 2. Powerville Road near Mountain Lakes High School

Recreation:

- Remove buoys from lake @ Island Beach
- Move recreation storage boxes to Birchwood Beach
- Repaint parking barrier at Taft Field

Board of Education:

- Deliver and spread carpet mulch @ Wildwood School

Vacation/Sick Time:

- 152 Vacation Hours/0 Sick Hours, 152 Man Hours

TO: Mayor Barnett, Borough Council Members, Manager Mitchell Stern

FROM: Steve Castellucci, Chief

DATE: 11/14/18

SUBJECT: October 2018 Report

The following lists the activity for the Mountain Lakes Volunteer Fire Department during the month of October 2018:

FIRE CALLS (14)

LOCATION	DATE	TIME	DESCRIPTION
King of Kings Church	10/1	2:02 AM	Fire Alarm- Malfunction
324 Morris Ave	10/2	2:44 PM	Fire Alarm-Unattended cooking
Lake Drive School	10/3	7:25 AM	Smoke Condition
25 Sherwood Drive	10/4	10:05 AM	Haz Mat- Gasoline spill
186 Blvd	10/4	205 PM	Resident using fire pit. Smoke condition
49 Old Bloomfield Ave	10/11	2:23 PM	Fire Alarm- Malfunction
Lowell/Cobb	10/12	9:25 AM	Tree/wires down/power outage
35 Cobb Rd	10/12	3:49 PM	CO Alarm- High readings of CO In house. Generator running due to power outage and not venting properly. FD set up fans and vented the house.
10 Wilcox Drive	10/18	4:10 PM	Fire Alarm-unattended cooking
Morris/Briarcliff	10/21	3:39 PM	Sparking Wires
Cobb/N. Glen	10/23	3:02 PM	Smoke Condition- Unfounded
62 Tower Hill Rd	10/24	10:00 AM	Fire alarm-set off in error
MLHS	10/24	2:07 PM	Fire Alarm-Test. Did not call
15 Melrose Rd	10/25	1:15 PM	Fire Alarm-set off by dust from construction

DRILLS (5)	DATE	TIME	DESCRIPTION
Firehouse	10/7	1:00 PM	JFD Drill
Wildwood School	10/9	8:00 PM	Senior Drill- Pre Plan walk around of Midvale Road (Hapgoods), Romaine Rd with Boonton FD, Boonton FD and Rainbow Lakes FD
High School	10/16	7:30 PM	Senior Drill
High School	10/2	1:00 PM	JFD Drill

V&V Auto(Montville)	10/30	7:30 PM	Extrication Drill
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MEETINGS (3)

LOCATION	DATE	TIME	DESCRIPTION
Firehouse	10/2	8:00 PM	Officers Meeting
Academy	10/10	7:30 PM	County Chiefs Meeting
Firehouse	10/23	8:00 PM	Business Meeting

Truck and Equipment Checks (1)

LOCATION	DATE	TIME	DESCRIPTION
Firehouse	10/23	9:00 PM	Engine 1, 2, R1 Equipment checks

COMMUNITY EVENTS (8)

LOCATION	DATE	TIME	DESCRIPTION
Firehouse	10/4	9:00 AM	Fire Prevention- Scribbles Pre-School
Wildwood	10/8	8:55-11:30 AM 12:45-2:30 PM	Fire Prevention
King of King Pre School	10/9	10:00 AM	Fire Prevention
Country Day School	10/9	10:00 AM	Fire Prevention
YMCA	10/10	9:30 AM-Noon	Fire Prevention
Lake Drive School	10/11	9:30 A-Noon	Fire Prevention
Academy For Children	10/11	10:00 AM	Fire Prevention
Craig School	10/30	9:30 AM	Fire Prevention

ANNOUNCEMENTS (2)

1. It is with regret that the department announces the passing of Past Chief Wallace Mills. Mr. Mills was Chief in 1968-1969.
2. Our annual dinner dance was held on October 13th. Good time was had by all. Thank you for the recognition of the Jr Fire Department as we celebrate the 50th anniversary.

TOTAL MANHOURS: 550.

Borough of Mountain Lakes

BOARD OF HEALTH

400 BOULEVARD • MOUNTAIN LAKES, NEW JERSEY 07046

Telephone: (973) 334-3131 • Fax: (973) 402-5595



OCTOBER 2018

Administration/Tests/Environmental Inspections:

- Review all swimming pool and spa results – Craig school, YMCA and Sports Care.
- Attended Morris County Public Health Partnership meetings and Health Officer meetings
- Reviewed staff reports and collaborate regarding items or issues of concern.
- Review High School mold test results and conducted inspection of temporary earth science trailer classroom
- Public Health Annex Documents - in process of updating.
- Attended Quality Improvement training
- 10-10-18 –Dog Bite Morris Avenue, notified by bite victim after quarantine period. Made record of phone

CDC/NJDOH PUBLIC HEALTH ALERTS

10.03.2018 The New Jersey Department of Health (NJDOH) has been made aware of a confirmed case of measles in an international traveler from Israel who arrived at Newark Liberty International Airport on a flight from Tel Aviv. The individual may have exposed others at Newark Liberty International Airport on September 28, 2018 from 5:30 a.m. to 10:30 a.m. Please see the NJDOH press release issued today for exposure details. The press release is available at <http://www.nj.gov/health/news/>

New Jersey residents identified as potentially exposed on the ill individual's flights will be notified by their local health department. To date, no cases associated with the exposure occurring at Newark Liberty International Airport have been identified. People exposed could develop symptoms as late as October 19.

Individuals who might have been exposed are urged to contact their healthcare providers to discuss their exposure and risk of developing illness. Anyone who develops symptoms consistent with measles is urged to call their healthcare provider BEFORE going to the medical office or emergency room so that special arrangements can be made to minimize exposure in the healthcare setting.

The NJDOH continues to urge providers to remain vigilant for cases of measles (consider measles in persons who present with fever and rash) and would like to remind all healthcare and public health professionals about the importance of receiving up-to-date immunizations, especially prior to international travel.

Monthly Activities

CDRSS is checked, at minimum, twice daily to review for newly listed communicable diseases. This is accomplished by all nursing staff. Upon the listing of a new disease, investigation of disease is initiated by PHN

NJLINCS checked daily. Health alerts and advisories are reviewed by all Public Health nurses.

Screenings This Month

No screenings this month.

Seasonal Flu Activities

Two influenza clinics were held in Mountain Lakes at the Mountain Lakes Municipal offices. The clinics were conducted on 10.12.2018 and 10.25.2018 and was organized for both municipal employees and the public. Throughout these two clinics 15 employees and 13 members of the public were immunized with the influenza vaccine.

We continue to disseminate the message to the public that individuals who did not receive the vaccine that doses are still available and appropriate to receive via newsletters, social media and the township website. Influenza activity as reported by NJDOH surveillance remains **low** for this region for week ending October 27, 2018.

Disease Prevention - Well Child Program – 2 months thru 18 years of age - L. Gearhart, PHRN

No patients this month for the Well Child Program.

Childhood Lead Poisoning Prevention Program – T. Fucci, PHRN

No cases from Mountain Lakes reported to our office during this month. Lead case management monitoring occurs twice daily at a minimum for jurisdiction within the NJDOH Welligent LeadTrax Monitoring system.

TB Control Program – T. Fucci, PHRN

No Mantoux tests were administered this month.

Perinatal Hepatitis B Prevention Program, T. Fucci, PHRN

No PNHBV cases from Mountain Lakes reported to our office during this month

Communicable Disease

The classifications for the cases listed below are based on the investigation conducted by the PHN, laboratory evaluation and NJDOH case definition. All investigation information is entered into CDRSS; NJDOH reads entries, comments on individual cases or will send PHN email requesting more data. Once NJDOH is satisfied with investigation methods, the case is approved and closed.

Patient Status is based on pt s/s, lab result interpretation and NJDOH Case Definition which is found in the NJDOH Communicable Disease Manual

October 2018

New Cases: 1	Ongoing Cases: 0
1- Salmonellosis –case was confirmed & closed. Source unknown.	

MLPD Monthly Activity Report

Month/Year	Alarms	False Alarm Charges	False Alarm Collected	Total Arrests	Juv. Arrests	CDS (Drug) Arrests	L.O. Violations	DWI	M.V. Stops	M.V. Summonses	M.V. Accidents	Animal Complaints	Medical	Thefts	Assaults	Burglary/Robbery	Murder	Total Call Volume
January-11	35	N/A	N/A	4	0	2	1	1	90	51	17	13	22	3	0	0	0	651
January-12	39	\$ 400.00	-	4	0	1	0	0	86	44	13	4	18	6	0	3	0	557
January-13	26	\$ -	-	3	0	0	0	1	65	37	10	6	21	2	1	0	0	533
January-14	18	\$ -	-	6	1	1	5	2	186	69	13	7	12	2	1	2	0	767
January-15	21	\$ -	\$ 850.00	3	0	3	0	0	135	48	5	5	16	3	0	0	0	614
January-16	14	\$ -	-	7	0	1	0	3	166	51	13	6	8	5	0	2	0	647
January-17	19	\$ -	\$ 50.00	11	0	7	0	2	223	72	6	4	6	4	0	0	0	832
January-18	15	\$ -	-	8	0	2	1	4	164	76	13	7	14	1	0	0	0	858
February-11	20	N/A	N/A	5	2	0	0	1	138	62	14	8	10	1	0	0	0	572
February-12	27	\$ -	-	7	0	1	0	4	116	44	11	11	18	3	0	0	0	584
February-13	17	\$ -	-	6	0	0	0	3	65	55	6	7	10	0	0	0	0	440
February-14	15	\$ -	-	3	0	0	1	0	217	110	10	11	8	1	1	0	0	729
February-15	23	\$ 50.00	\$ 400.00	7	0	0	9	3	91	61	11	9	12	1	0	0	0	535
February-16	18	\$ 50.00	\$ 1,000.00	10	2	3	0	3	201	36	5	6	9	6	0	1	0	723
February-17	16	\$ 50.00	-	9	0	6	0	2	168	64	10	6	7	1	1	1	0	682
February-18	14	\$ -	-	8	0	1	2	1	174	63	2	3	9	2	0	0	0	734
March-11	17	N/A	N/A	2	0	0	0	1	127	73	8	18	13	5	0	0	0	669
March-12	28	\$ -	-	2	0	1	2	0	98	42	6	8	17	5	1	1	0	584
March-13	21	\$ -	-	2	0	0	2	2	51	33	10	10	10	1	0	8	0	570
March-14	13	\$ -	-	2	0	0	0	0	264	134	9	14	16	4	1	0	0	844
March-15	14	\$ 100.00	\$ 50.00	11	1	5	4	2	94	55	11	9	7	1	1	3	0	610
March-16	12	\$ -	-	16	0	9	0	1	313	91	11	10	15	4	0	0	0	973
March-17	19	\$ 50.00	\$ 50.00	10	0	3	0	0	174	43	7	6	11	3	0	1	0	801
March-18	15	\$ -	-	6	0	2	0	2	151	75	10	7	17	3	1	1	0	1030
April-11	27	N/A	N/A	4	0	1	3	0	110	69	9	11	8	5	1	0	0	560
April-12	30	\$ -	-	5	0	0	2	2	103	45	13	11	11	5	0	1	0	588
April-13	19	\$ -	-	6	0	1	0	3	44	28	9	7	13	2	2	3	0	533
April-14	20	\$ 50.00	-	5	1	1	1	1	243	95	9	18	11	2	0	4	0	784
April-15	17	\$ -	\$ 50.00	2	0	0	1	0	76	44	13	18	14	4	0	2	0	621
April-16	22	\$ 50.00	-	19	0	12	0	1	267	41	15	7	8	8	1	0	0	820
April-17	22	\$ 600.00	\$ 650.00	11	0	3	3	1	122	40	5	11	13	8	0	6	0	737
April-18	14	\$ -	-	7	1	4	0	1	122	58	8	8	7	3	0	0	0	748
May-11	37	N/A	N/A	5	0	1	7	0	111	141	9	11	21	2	0	0	0	676
May-12	34	\$ 50.00	-	2	0	1	3	0	65	99	15	20	19	1	0	0	0	649
May-13	20	\$ 100.00	-	2	0	0	0	0	43	15	12	11	16	3	0	1	0	541
May-14	23	\$ -	-	7	2	2	0	0	219	88	9	10	7	8	0	4	0	792
May-15	21	\$ 200.00	-	6	0	0	1	2	79	43	12	18	11	2	0	1	0	646
May-16	11	\$ 100.00	\$ 50.00	13	1	11	0	1	267	38	12	14	13	4	5	0	0	806

MLPD Monthly Activity Report

Month/Year	Alarms	False Alarm Charges	False Alarm Collected	Total Arrests	Juv. Arrests	CDS (Drup.) Arrests	L.O. Violations	DWI	M.V. Stops	M.V. Summonses	M.V. Accidents	Animal Complaints	Medical	Thefts	Assaults	Burglary/Robbery	Murder	Total Call Volume
May-17	25	\$ -	\$ -	9	0	4	0	3	142	48	10	12	14	9	0	8	0	928
May-18	20	\$ -	\$ -	10	0	0	7	2	164	94	11	9	14	3	1	0	0	875
June-11	39	N/A	N/A	8	1	0	3	0	85	94	9	14	12	4	0	0	0	633
June-12	15	\$ -	N/A	5	2	3	5	1	64	59	6	21	12	3	0	1	0	571
June-13	14	\$ -	50.00	1	0	1	0	0	47	21	16	12	9	4	0	0	0	514
June-14	31	\$ 50.00	\$ -	5	1	1	0	0	134	56	13	14	14	1	0	1	0	646
June-15	14	\$ 300.00	\$ 200.00	2	0	0	1	0	81	7	14	9	17	3	0	0	0	638
June-16	21	\$ -	\$ -	15	0	8	4	0	220	70	17	15	9	5	0	1	0	956
June-17	29	\$ -	\$ -	7	1	2	0	2	135	39	16	9	14	4	1	0	0	844
June-18	24	\$ -	\$ -	2	0	0	0	0	154	68	11	7	15	5	0	2	0	800
July-11	35	N/A	N/A	1	1	1	1	0	54	27	10	29	12	4	1	1	0	584
July-12	27	\$ 100.00	\$ -	10	0	1	4	3	72	27	15	14	7	1	0	2	0	566
July-13	25	\$ 200.00	\$ -	5	1	3	5	0	56	17	10	14	8	2	0	1	0	547
July-14	37	\$ 300.00	\$ -	5	0	0	0	2	187	96	8	7	9	3	0	2	0	655
July-15	23	\$ 450.00	\$ 50.00	3	0	0	2	1	116	52	13	15	8	11	0	0	0	705
July-16	22	\$ -	\$ 100.00	15	0	8	1	0	204	52	14	12	19	12	2	12	0	1012
July-17	20	\$ -	\$ -	7	0	3	1	0	138	22	7	12	10	6	2	1	0	693
July-18	16	\$ -	\$ -	7	0	2	0	0	128	56	8	5	9	12	2	22	0	828
August-11	44	N/A	N/A	3	0	0	0	1	59	32	18	32	19	3	0	0	0	737
August-12	30	\$ 200.00	\$ -	6	2	2	1	2	57	23	11	19	14	3	0	1	0	517
August-13	25	\$ 100.00	\$ -	5	0	0	2	0	80	27	10	30	8	5	3	0	0	537
August-14	22	\$ -	\$ -	7	0	1	0	1	188	74	8	21	9	2	0	27	0	685
August-15	27	\$ 100.00	\$ 800.00	4	0	0	0	1	258	82	3	25	13	5	0	4	0	831
August-16	33	\$ -	\$ 250.00	18	0	6	1	0	198	56	8	23	13	3	0	1	0	810
August-17	15	\$ -	\$ -	14	1	4	3	0	109	25	10	8	9	7	1	2	0	603
August-18	23	\$ -	\$ -	3	0	0	0	0	121	44	8	11	17	6	0	3	0	794
September-11	25	N/A	N/A	1	0	0	0	1	66	28	15	26	13	5	0	8	0	634
September-12	8	\$ -	\$ -	5	0	0	0	2	44	22	12	97	12	1	0	2	0	611
September-13	17	\$ -	\$ -	1	0	0	1	0	29	10	9	14	14	2	0	0	0	480
September-14	17	\$ 50.00	\$ 150.00	6	1	1	0	0	155	65	7	18	11	3	1	2	0	696
September-15	28	\$ 550.00	\$ 100.00	5	0	0	1	1	192	80	9	16	19	14	0	1	0	846
September-16	20	\$ 200.00	\$ -	9	0	3	0	1	153	40	7	10	10	11	0	11	0	861
September-17	14	\$ -	\$ -	4	1	2	0	1	98	35	12	6	15	1	0	0	0	714
September-18	12	\$ -	\$ -	7	0	2	1	1	78	28	9	5	14	11	0	8	0	795
October-11	45	N/A	N/A	2	0	0	0	0	50	31	15	20	19	1	0	1	2	671
October-12	40	\$ 50.00	N/A	4	0	1	0	0	45	23	14	114	19	3	0	0	0	773
October-13	4	\$ -	\$ 350.00	7	2	0	0	2	66	30	7	33	18	3	2	2	0	667
October-14	24	\$ 150.00	\$ 200.00	4	0	1	0	1	106	52	12	20	10	7	2	1	0	663

MLPD Monthly Activity Report

Month/Year	Alarms	False Alarm Charges	False Alarm Collected	Total Arrests	Juv. Arrests	CDS (Drug) Arrests	L.O. Violations	DWI	M.V. Stops	M.V. Summonses	M.V. Accidents	Animal Complaints	Medical	Thefts	Assaults	Burglary/Robbery	Murder	Total Call Volume
October-15	21	\$ 600.00	\$ 550.00	9	0	0	2	3	147	49	11	16	16	2	0	0	0	716
October-16	28	\$ -	\$ -	3	0	2	1	0	105	22	7	13	9	4	0	1	0	708
October-17	25	\$ -	\$ -	5	0	2	0	0	115	48	16	6	15	6	0	1	0	766
October-18	13	\$ -	\$ -	3	0	1	0	1	122	55	15	4	15	8	0	0	1	866
November-11	18	N/A	N/A	1	0	0	0	0	59	35	9	19	17	2	1	2	0	577
November-12	38	\$ 50.00	N/A	4	0	0	0	2	51	35	9	28	12	1	0	1	0	576
November-13	9	\$ -	\$ -	2	0	0	0	1	51	17	10	15	20	6	1	1	0	599
November-14	33	\$ 200.00	\$ 100.00	2	1	0	1	1	107	46	7	14	10	8	1	0	0	625
November-15	28	\$ 550.00	\$ 500.00	7	0	1	0	0	169	42	11	7	13	6	0	2	0	766
November-16	21	\$ -	\$ 200.00	4	0	2	1	0	230	69	10	5	9	4	0	0	0	853
November-17	18	\$ -	\$ -	6	0	2	1	0	79	31	10	1	12	9	1	5	0	701
November-18																		
December-11	34	N/A	N/A	2	0	0	0	0	76	28	8	14	17	6	0	6	0	541
December-12	17	\$ -	N/A	0	0	0	0	0	73	47	14	17	20	2	2	0	0	581
December-13	22	\$ -	\$ -	5	1	2	0	0	66	28	13	6	14	6	0	1	0	545
December-14	37	\$ 1,350.00	\$ 250.00	10	3	4	0	3	106	52	10	8	11	2	0	1	0	576
December-15	26	\$ 1,200.00	\$ 450.00	2	0	0	4	0	157	45	16	13	15	6	0	1	0	718
December-16	22	\$ 50.00	\$ -	13	0	6	0	2	194	79	13	8	10	0	0	0	0	865
December-17	15	\$ -	\$ -	1	0	1	0	0	100	44	4	4	13	2	0	0	0	690
December-18																		
2011	376	N/A	N/A	38	4	5	15	5	1025	671	141	215	183	41	3	18	2	7515
2012	333	\$ 850.00	\$ -	54	4	11	17	16	874	510	139	364	179	34	3	12	0	7157
2013	219	\$ 400.00	\$ 400.00	45	4	7	10	12	663	318	122	165	161	36	9	17	0	6506
2014	290	\$ 2,150.00	\$ 700.00	62	10	12	8	11	2112	937	115	162	128	43	7	44	0	8462
2015	263	\$ 4,100.00	\$ 4,000.00	61	1	9	25	13	1595	608	129	160	161	58	1	14	0	8306
2016	244	\$ 450.00	\$ 1,600.00	142	3	71	8	12	2518	645	132	129	132	66	8	29	0	10034
2017	237	\$ 700.00	\$ 750.00	94	3	39	8	11	1603	511	113	85	139	60	6	25	0	8991
2018 YTD	166	\$ -	\$ -	61	1	14	11	12	1378	617	95	66	131	54	4	36	1	8328

October 2018

<u>Total Overtime</u>
<u>Hours Paid</u>
200

<u>Total</u>	<u>Vaca/Comp/Personal/Bereave Hrs</u>	<u>% of Hrs Equating to</u>
<u>Total</u>	<u>Creating OT</u>	<u>OT</u>
<u>Vaca/Comp Hrs</u>	<u>12</u>	<u>5.77%</u>
208		

<u>Total Sick Time</u>	<u>Total Sick Time</u>	<u>% of Hrs Equating to</u>
<u>Hrs</u>	<u>Hrs Creating OT</u>	<u>OT</u>
106	75	70.75%

- * 12 hrs Halloween Safe Zone
- * 6 hrs Coffee with a Cop
- * 6.5 hrs MLHS Football
- * 45 hours Borough Tree Removal
- * 27 hrs mandatory Range Qualifications
- * 6 hrs Fleet upfitting/maintenance
- * 4 hrs Grievance Proceedings
- * 6.5 hrs Missing Person

Time Used/Overtime by Month

	Sick Time Hours							Vacation/Comp Hours/Pers Day/Bereave							Court Overtime							Department Overtime							Training/School Hours									
								% of Total																														
	2013	2014	2015	2016	2017	2018	% of hrs	2013	2014	2015	2016	2017	2018	Time	2013	2014	2015	2016	2017	2018	2013	2014	2015	2016	2017	2018	% of \$	2013	2014	2015	2016	2017	2018	2013	2014	2015	2016	2017
Jan	12	104	106	58	236	216	0.00%	12	60	64	127.5	22	15	0.00%	\$0	\$0	\$0	\$0	\$0	\$0	\$158	\$1,522	\$9,344	\$2,989	\$3,164	\$2,998	\$4,159	0.00%	0	6	60	50	48	51				
Feb	72	80	104	142	226	252	0.00%	36	45	34	11	84	104	0.00%	\$0	\$221	\$0	\$0	\$0	\$0	\$0	\$6,262	\$10,162	\$4,641	\$7,750	\$7,009	\$4,927	0.00%	30	112	75	125	103	15				
March	60	128	82	82	238	310	0.00%	156	36	96	139	138	148.5	0.00%	\$0	\$180	\$0	\$0	\$0	\$151	\$0	\$16,524	\$7,262	\$6,541	\$7,689	\$12,822	\$29,829	0.00%	87	52	15	91	115	59				
April	60	36	72	46	209.5	0	0.00%	60	165	218	138	154	250	0.00%	\$0	\$360	\$271	\$0	\$0	\$0	\$0	\$4,385	\$1,563	\$8,942	\$4,657	\$5,399	\$12,146	0.00%	59	37	85	60	44	0				
May	96	94	188	69	128	204	0.00%	132	220	322	192	254	178	0.00%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$13,769	\$10,958	\$11,708	\$16,276	\$12,700	\$24,263	0.00%	33	45	42	120	54	3				
June	96	104	144	85	140	130	0.00%	204	257	152	299	288	208	0.00%	\$0	\$0	\$0	\$0	\$0	\$0	\$193	\$19,603	\$9,640	\$18,386	\$6,362	\$17,917	\$21,572	0.00%	53	106	240	95	40	24				
July	72	68	128	140	318	152	0.00%	407	520	428	592	518	524	0.00%	\$0	\$0	\$0	\$0	\$0	\$0	\$158	\$31,478	\$11,237	\$27,256	\$31,836	\$31,018	\$24,005	0.00%	20	48	85	105	12	39				
August	72	120	114	182	272	94	0.00%	600	674	585	528	606	682	0.00%	\$0	\$0	\$0	\$0	\$0	\$140	\$193	\$32,665	\$20,462	\$30,377	\$20,059	\$21,042	\$18,754	0.00%	22	0	128	115	48	62				
Sept	94	116	71.5	92	276	94	0.00%	100	131	228	364.5	294	375.5	0.00%	\$0	\$0	\$0	\$354	\$0	\$0	\$0	\$12,410	\$6,874	\$13,746	\$12,484	\$21,047	\$16,316	0.00%	157	118	66	150	47	58				
Oct	96	92	82	94	332	106	0.00%	168	146	302	414	125	208	0.00%	\$0	\$266	\$0	\$0	\$0	\$0	\$0	\$12,150	\$8,543	\$16,914	\$15,755	\$12,876	\$14,514	0.00%	40	120	43	253	36	41				
Nov	72	94	96.5	188	346	0	0.00%	292	256	145	164	274.5	0	0.00%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$21,516	\$9,762	\$8,770	\$11,241	\$18,359	\$0	0.00%	80	76	40	290	24	0				
Dec	106	164	121	392	392	0	0.00%	168	175	157.5	217.5	171	0	0.00%	\$0	\$0	\$0	\$0	\$0	\$302	\$0	\$18,515	\$15,512	\$5,481	\$19,991	\$18,360	\$0	0.00%	10	145	114	167	100	0				
Total	908	1200	1309	1570	3114	1558	0.00%	2335	2685	2732	3187	2969	2693	0.00%	\$0	\$1,028	\$271	\$354	\$593	\$701	\$190,769	\$121,318	\$155,753	\$157,266	\$181,548	\$170,483	0.00%	591	865	993	1621	671	352					

BOROUGH OF MOUNTAIN LAKES

Recreation Department

Department Activity October 2018

The Recreation Commission met on October 16, 2018. We met at the Mountain Lakes Club so that we could become familiar with the space if the Borough would be helping to fill the space in some capacity. Audrey Lane introduced Karen Brennfleck as the new Recreation Director. It was reported that the Director will try to facilitate district and townwide use of the Facilities Scheduler.

- Met with all 4 Principals to discuss how to reserve gym and event space.
- Attended Boro Council Meeting
- Attended and took minutes at 2 Townwide meetings for alternate use of ML Club.
- Hosted the Mountain Lakes 55+ Lakers meeting on 3rd Friday of the month featuring a book reading from a local resident.
- Toured all recreational facilities throughout the summer season including: Midvale Playground, Midvale Boat Launch, Taft Field, Wilson Basketball Courts, Tennis Courts, Birchwood and Island Beaches, Esplanade and Cove in order to maintain the areas for resident use.
- Attended DPW meeting. Worked with DPW to keep facilities ready for resident use.
- Continued to book gym space for MLBT Basketball, CYO and Men's League Basketball.
- Introduced myself to all camp directors as summer camps concluded: Sailing, Tennis, Teen Camp and Summer Recreation Camp.
- Met with Sailing Camp Directors.
- Commenced winter event planning with Recreation Commission, DPW, Police and Fire.
- Communicated with MLHS Athletic director to secure space for Recreation programs.
- Assisted H&SA for facilities space at Birchwood Lake for Portraits Fundraiser.
- Started Budget for 2019.
- Assisted residents with various facilities requests.

TO: Borough Manager Mitchell Stern, Mayor Lauren Barnett, Council Members

FROM: Joe Mullaney, Code Enforcement Officer

DATE: 10/13/18

SUBJECT: Monthly Report October 2018

The following lists code enforcement/property maintenance issues for the month of October 2018

10/5: Summons issued to Condit Road resident for set back violation. Summons later dismissed in court after receiving notification from resident that the deadline to move the shed had been met. Did not receive the message from the resident until after the summons had been issued.

10/5: Notification to the Manager of Coldwell Banker regarding sign violation on the Blvd

10/6: Follow up on complaint received by DPW regarding a drainage issue on Cobb Road causing a hazardous condition.

10/10: Notification made to realtor regarding property maintenance violations at a Laurel Hill Road address. House is currently in foreclosure.

10/10: Follow up on complaint received by the Manager regarding numerous signs on the Blvd in the ROW. Spoke with numerous Blvd residents regarding the ROW and directed the residents to move the signs.

10/10: Notification to Kenilworth Road resident regarding water draining into the street creating a hazardous condition.

10/12: Spoke with Cobb Road resident regarding drainage issue. He is working with a landscaper to resolve the issue.

10/13: Follow up on letter sent to Morris Ave resident regarding a dead tree creating a hazard. Resident advised that the tree has been removed.

10/15: Follow up with Rainbow Trail resident regarding property maintenance violations. Work in progress.

10/16: Checked for signs in ROW. Spoke with numerous residents regarding ROW violations. Also moved numerous signs out of the ROW so they were in compliance.

10/19: Follow up on complaint received by the Manager regarding signs in the ROW around town.

10/22: Follow up on complaint from an Oak Lane resident regarding a large tree branch in his neighbor's yards creating a hazardous condition. Resident notified of property maintenance violation and advised to have the tree branch removed.

10/24: Follow up on complaint received about property maintenance violations at a North Pocono Road address. Letter sent to resident advising them of the complaint and to address the violation.

SMOKE AND CO INSPECTIONS:

DATE:	LOCATION:	PASS/FAIL
10/3:	33 Hillcrest Rd	Pass
10/3	37 Howell Rd	Pass
10/5	33 Park Place	Pass
10/8	80 Blvd	Pass
10/9	38 Lockley Ct	Pass
10/15	108 Intervale Rd	Pass
10/23	20 N. Briarcliff	Fail
10/29	110 Kenilworth	Pass
10/29	118 Midvale Rd	Pass

SIGN ENFORCEMENT: Numerous signs removed from the ROW at various locations in town including Route 46 median, Intervale and Route 46, Intervale and Midvale Rds, Midvale Road, Morris Ave and Boulevard.

PARKING

At the request of the Director of Public Works I have been monitoring contractors parking their vehicles on the Blvd grass (between the road and the path).