



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
JULY 27, 2020
HELD AS A REMOTE MEETING ON ZOOM**

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 7, 2020 and posted in the municipal building.

Mayor Shepherd called the meeting to order at 6:32p.m.

ROLL CALL ATTENDANCE

Roll Call	<u>Present</u>	<u>Absent</u>		<u>Present</u>	<u>Absent</u>
Barnett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lane	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Happer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Menard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Horst	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Shepherd	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Korman	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

FLAG SALUTE

Mayor Shepherd led the salute to the flag.

COMMUNITY ANNOUNCEMENTS

Councilmember Barnett announced that there will be a Brother Wisdom concert at Island Beach on July 30th.

Councilmember Korman announced that the Meals on Wheels program provides food to residents in need and Councilmember Lane advised that there are additional county resources available.

Councilmember Barnett announced that Mountain Lakes is currently ranked 3rd in New Jersey for the 2020 census response rate.

EXECUTIVE SESSION

R124-20 Resolution to Enter Into Executive Session – Litigation & Contract Negotiations

Motion made by Councilmember Korman, second by Councilmember Horst to go into Executive Session., with all members in favor signifying by "Aye".

SPECIAL PRESENTATIONS

REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES

Economic Development Advisory Committee - Westbound Rt. 46 Zone Change Proposal

Joe Di Pompeo, chair of the Economic Development Advisory Committee, gave a presentation on the committee's proposed zone changes for Route 46 Westbound. The Council asked questions of Mr. Di Pompeo and he answered them.

PUBLIC COMMENT

Mayor Shepherd opened the meeting to the public.

Cathy Hadjiloucas – 5 Lakewood Drive, stated she is opposed to the proposed zone changes to the "B" zone on Route 46 Westbound and explained her reasons why.

Beth Harssig – 44 Rainbow Trail, is opposed to the proposed zone changes to the "B" zone on Route 46 Westbound and requested that the Council not move forward with the it.

Dena Muniz – 7 Rainbow Trail, is opposed to the proposed zone changes to the "B" zone on Route 46 Westbound and requested that the Council not change the "B" zone on Route 46 Westbound to allow commercial buildings.



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Briana Ostrowsky – 8 Rainbow Trail, is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound and discussed the memorandum she had drafted by community planning consultant Peter Steck,

Jill Walker – 41 Maple Drive, is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound and she believes it would have a significant impact on traffic.

Brian Lynch – 1 Fernwood Trail, is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound.

Jennifer Lynch – 1 Fernwood Trail, is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound and requested that the Council not change the “B” zone.

Michael Hollick – 9 Lakewood Drive, is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound and requested that the Council not move forward with changing the “B” zone.

Sandy Batty – 15 Lockely Court, is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound and is not in favor of adding restaurants as a permitted use in the “OL” zones. Ms. Batty questioned if the Economic Development Advisory Committee consulted with the Borough Planner when drafting the proposed zoning changes to Route 46 Westbound. Ms. Batty advised that she saw skunk cabbage on some of the “B” zone properties which she believes is a sign of wetlands.

Dawn Smith - 21 Laurelwood Drive, is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound and suggested that the Council focus on developing vacant lots in the Borough.

Ellen Foppes – 29 Rainbow Trail, is opposed to the proposed zone changes to the “B” zone and the “OL-1” zone on Route 46 Westbound. Ms. Foppes believes that the wetland eco system will be adversely affected by the zone changes.

Steve Monetti – 14 Crestwood Drive, is opposed to the rezoning of Route 46 Westbound and requested that the Council do a noise study. Mr. Monetti advised that rezoning residential properties to commercial properties would impact the Lake Arrowhead community because commercial properties are exempt from paying fees and those fees would be absorbed by all of the other residential properties.

Ellen Emr – 2 Schindler Court Boonton Township NJ, former Councilmember/Mayor is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound and is concerned with the deforestation of that area if the properties are rezoned from residential to commercial.

Ryan Gorman – 37 Rainbow Trail, is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound.

Steve Castellucci – 2 Laurelwood Drive, is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound.

Angela Tsai – 9 Lakewood Drive, is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound. Ms. Tsai read a statement from her neighbor Jennifer Ellison (2 Lakewood Drive) that she is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound.

Charles Arico – 6 Fernwood Trail, is thoroughly opposed to the proposed zone changes to the “B” zone on Route 46 Westbound.

Steve Shaw – 4 Pointview Place, thanked the Council for keeping the municipality functioning throughout the Covid-19 pandemic. Mr. Shaw advised that Morris County offers the following programs: A nutrition program that delivers meals to those in need; A free grocery shopping service for seniors and the disabled; A mental health program called “Team Up”.



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Seth Johnson – 49 Lakewood Drive Denville, NJ, is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound.

Anastasia Rivkin – 38 Lakewood Drive, is opposed to the proposed zone changes to the “B” zone on Route 46 Westbound and requested that the Council say no to the proposal.

All Councilmembers commented and expressed their position on the Westbound Rt. 46 Zone Change Proposal by the Economic Development Advisory Committee. The Council unanimously agreed to not move forward with changing the “B” zone on Route 46 Westbound at this time.

BOROUGH COUNCIL DISCUSSION ITEMS

There were no discussion items.

ATTORNEY’S REPORT

Mr. Oostdyk had nothing to report.

MANAGER’S REPORT

Mountain Lake – Lake Lowering Permit

Mr. Stern reported that Mountain Lake will be lowered beginning on October 1st and that refilling will begin no later than December 31st. Every four years (presidential election year), Mountain Lake is lowered to provide property owners bordering the lake the ability to make needed repairs along the water’s edge. Property owners bordering the lake will receive notification of the lowering.

Beach Project Cost Breakdown

Mr. Stern reported on the beach project costs for Island Beach and Birchwood Lake.

RESOLUTIONS

R127-20, Authorizing a Professional Services Agreement Between the Borough of Mountain Lakes and Appraisal Systems, Inc.

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

ORDINANCES

Introduction of Ordinance 10-20

Amending Chapter 229 of the Revised General Ordinances and Limiting Parking on Municipally Owned Property to Vehicles with Parking Tags when Posted

The Council agreed to introduce Ordinance 10-20 with the following change: Paragraph 1 Section L1 should state “Parking of vehicles which do not have a Borough issued parking tag displayed in a manner provided by a policy promulgated by the Borough Manager shall be prohibited in municipal lots or property where and when signage is posted indicating that parking tags are required”.



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Introduced: July 27, 2020

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

Adoption of Ordinance 9-20

Appropriating the Sum of \$70,000 Currently Located within General Capital Fund Balance

Introduced: July 13, 2020

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

Adopted: July 27, 2020

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

PUBLIC COMMENT/HEARING

Mayor Shepherd opened the meeting to the public.

There was no one from the public wishing to speak.

***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**

- a. R125-20, Authorizing the Payment of Bills
- b. R126-20, Authorizing the Award of Contract for the Municipal Building Generator Replacement



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***APPROVAL OF MINUTES**

7/13/20 (Regular)

The minutes were approved with the following addition to the Introduction of Ordinance 9-20: The Council discussed whether to cut a 2020 capital project or to lower the 2021 capital budget by \$70,000 to offset the additional costs of the Morris Avenue road project but no decision was agreed upon.

***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

***Approval of the Consent Agenda**

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

***BOARD, COMMITTEE AND COMMISSION APPOINTMENTS**

COUNCIL REPORTS

DPW Committee – Deputy Mayor Menard reported the following: The Island Beach project is close to completion; The Recycling Center gates are being installed; The committee is working on the placement of the swing sets at Island Beach.

Environmental Commission – Councilmember Lane reported the following: The commission submitted a letter regarding the Westbound Rt. 46 Zone Change Proposal by the Economic Development Advisory Committee discussing water usage and the preservation of trees; The commission is requesting that the Council implement the highest safety precautions for gas and oil tanks for any future zoning changes; The commission is working with the Shade Tree Commission on a beautification project for Route 46; The commission will be focusing on green infrastructures that are above stormwater management.

Planning Board – Mayor Shepherd reported that the Planning Board appointed a special planner to handle an upcoming hotel application due to a conflict with the Borough planner.

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.

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George Jackson – 20 Sherwood Drive, pointed out that affordable housing could potentially be built on the “B” zone of Rt. 46 Westbound. Mr. Jackson encouraged the Council to plant trees along the water at Island Beach. Mr. Jackson suggested that the Borough restore the size of the Taft Field parking lot by removing the tree stump that is there.

Steve Castellucci – 2 Laurelwood Drive, thanked the Council for their decision not to move forward to rezone the “B” zone of Route 46 Westbound.

NEXT STEPS AND PRIORITIES

Mayor Shepherd reviewed the following next steps and priorities:

Next Step	Completed by	Completion date
Notification to Affected Residents of Morris Avenue Road Project	Borough Manager	
Put Morris Avenue Road Project Plans on Website.	Borough Manager	
List of Open Construction Permits	Borough Manager	
Census Reminder in Eblast	Borough Manager	

ADJOURNMENT at 10:25P.M.

Motion made by Councilmember Korman, second by Councilmember Barnett to adjourn the meeting at 10:25p.m., with all members in favor signifying by “Aye”.

Respectfully Submitted

Mitchell Stern, Acting Borough Clerk