



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
SEPTEMBER 30, 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 7:31p.m.

ROLL CALL ATTENDANCE

Roll Call	Present	Absent		Present	Absent
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

Mayor Shepherd announced that he will be meeting with JCP&L in October to discuss Hurricane Isaias and its aftermath.

Councilmember Korman announced the following: The YMCA is holding its annual coat drive and donations are being accepted through October 15th; The YMCA is holding a blood drive on November 8th; The Mountain Lakes Library started its fall lecture series which is held one Sunday a month via Zoom; The Garden Club held a webinar ("Your Garden is Not Just for You) on September 23rd and the presentation is posted on the Garden Club's website; The Garden Club is holding a prospective members tea on October 7th.

EXECUTIVE SESSION

There was no executive session.

SPECIAL PRESENTATIONS

There were no special presentations.

REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES

PUBLIC COMMENT

Mayor Shepherd opened the meeting to the public.

Robert Imbert – 130 Midvale Road, owner of Mountain Lakes Bagel, is opposed to the proposed single use plastic ban ordinance and questioned if the ordinance would apply to all Borough businesses.

BOROUGH COUNCIL DISCUSSION ITEMS

Westbound Rt. 46 Zone Change Proposal

Joe Di Pompeo, chair of the Economic Development Advisory Committee (EDAC), was unable to attend the Council meeting so EDAC members Mayor Shepherd, Deputy Mayor Menard and Councilmember Horst provided an update on the committee's proposed zone changes for Route 46 Westbound. The Council had a lengthy discussion and requested that EDAC address the following items: Nursing homes as a use; Bulk standards; Tree canopy preservation; Having the same setbacks as OL-1 and OL-2 zone. Councilmember Barnett (Liaison to Shade Tree) agreed to advise the Shade Tree Commission of the council's request to investigate amending the current tree removal ordinance to apply to mixed use residential locations.

Single Use Plastic Ban Proposed Ordinance



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The council discussed the single use plastic bag ban ordinance proposed by the Mountain Lakes Environmental Commission (MLEC). Mimi Kaplan, Chair of the MLEC, was in attendance and reported back to the council on the feedback from the businesses that would be impacted by the proposed ordinance. Ms. Kaplan advised that the majority of the nine Borough businesses were in support of the proposed ordinance. Ms. Kaplan also advised that the New Jersey legislature has passed a single-use bag ban and it is awaiting the governor's signature to become law. The Council asked questions of Mrs. Kaplan and Mrs. Kaplan answered them.

Public Comment on Single Use Plastic Ban Proposed Ordinance

Mayor Shepherd opened the meeting to the public.

Robert Imbert – 130 Midvale Road, owner of Mountain Lakes Bagel, is opposed to the proposed single use plastic bag ban ordinance and requested that the council not move forward with it. Mr. Imbert advised that he nor his wife were contacted about the proposed ordinance.

Briana Ostosky - 8 Rainbow Trail, requested that the council ensure that the opinions of residents are heard and are considered when making decisions/laws. She also requested that the borough not reduce current setbacks on any zoning ordinances.

Deb Shertzer - 5 Lookout Road, expressed concern of passing a plastic bag ban ordinance when the borough requires its residents to purchase plastic garbage bags to dispose of their trash.

Dena Muniz - 7 Rainbow Trail, expressed her support of the proposed single use plastic bag ban ordinance.

Sara Jordan - 23 Laurelwood Drive, questioned how long the council will wait for the NJ governor to sign the state's single use bag ban law before deciding to move forward with the borough's proposed single use plastic bag ban ordinance.

George Jackson – 20 Sherwood Drive, is in favor of the council delaying moving forward with the proposed single use plastic bag ban ordinance since the state's single use bag ban is awaiting the Governor's signature to become law. Mr. Jackson suggested that the council express their support of the state's single use bag ban law via a resolution.

All Councilmembers commented and expressed their position on the proposed single use plastic bag ban ordinance. The majority of the council decided to draft a resolution to support the state's plastic bag ban and urge Governor Murphy to sign the legislation instituting a statewide ban. The majority of the council decided to postpone the introduction of the borough's proposed single use plastic bag ban ordinance.

Affordable Housing Accessory Apartments Program

Blair Schleicher-Wilson, chair of the Affordable Housing Advisory Committee, gave a presentation on the committee's proposed affordable accessory apartment program. The council discussed and asked questions of Ms. Schleicher-Wilson and she answered them. The Affordable Housing Advisory Committee is requesting that the council approve the Accessory Apartment Policies & Procedures Manual at the October 12th council meeting.

ATTORNEY'S REPORT

Mr. Oostdyk had nothing to report.

MANAGER'S REPORT

Building Department

Mr. Stern reported that due to a lack of support staff and an increase in workload, the Borough Construction Official has been unable to complete various tasks including completing building permit applications, plan reviews, Open Public Records Act (OPRA) requests and addressing older permits. Mr. Stern is requesting council approval of a salary resolution to hire a temporary part-time employee to assist the Construction office and advised that the personnel sub-committee supports this request.



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Signs

Councilmember Happer requested that the Borough Manager ensure that enforcement of the borough's sign ordinance is consistent. Mr. Stern advised that information on the borough's sign ordinance will be included in the weekly email blast.

ORDINANCES

Adoption of 11-20

Authorizing a Special Emergency Appropriation in the Sum of \$125,000.00 to Abide the Cost of a Real Property Tax Re-Assessment Program Approved by the Morris County Board of Taxation Together with Related Necessary Expenses and to Authorize the Financing of the Same by the Issuance of "Special Emergency Notes" Pursuant to N.J.S.A. 40A:4-55 Should the Same Be Required

Introduced: September 14, 2020

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

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Barnett	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Horst	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Korman	<input checked="" 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 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"/>

PUBLIC COMMENT/HEARING Ordinance 11-20

Mayor Shepherd opened the meeting to the public.

There was no one from the public wishing to speak.

Adoption of Ordinance 12-20

Amending Chapter 111 of the Revised General Ordinances of the Borough of Mountain Lakes and Revising the Fee Schedule

Introduced: September 14, 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 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"/>
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"/>

Adopted: September 30, 2020



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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"/>

PUBLIC COMMENT/HEARING Ordinance 12-20

Mayor Shepherd opened the meeting to the public.

There was no one from the public wishing to speak.

Re-Adoption of Ordinance 3-20

Authorizing Chapters 40 and 245 of the Revised General Ordinances of the Borough of Mountain Lakes (East-Bound Rt. 46 Ordinance)

Introduced: September 14, 2020

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

Adopted: September 30, 2020

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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 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"/>

PUBLIC COMMENT/HEARING Ordinance 3-20

Mayor Shepherd opened the meeting to the public.

Dena Muniz - 7 Rainbow Trail, expressed concern with zoning changes and she is opposed to zone changes in "Zone D".

Cathy Hadjiloucas – 5 Lakewood Drive, expressed concern with zoning changes and she requested that the council delay passing any zoning ordinances until after the Covid-19 pandemic. Ms. Hadjiloucas offered a suggestion on language to include in the zoning ordinance.

Michael Hollick – 9 Lakewood Drive, suggested that zoning be done on a property by property basis.

Ellen Foppes - 29 Rainbow Trail, expressed concern that the proposed zoning changes could affect traffic and requested that the borough conduct a traffic study.



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Borough Attorney Oostdyk advised that spot zoning is not allowed.

***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. R139-20, Authorizing the Payment of Bills
- b. R140-20, Authorizing 2020 Municipal Employees' Salary

***APPROVAL OF MINUTES**

9/14/20 (Regular) **Removed from Consent Agenda**

***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

***BOARD, COMMITTEE AND COMMISSION APPOINTMENTS**

***Approval of the Consent Agenda**

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

The 9/14/20 minutes were removed from the consent agenda and not voted on.

COUNCIL REPORTS

The council agreed to postpone council reports until the October 12th meeting.

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 Shepherd opened the meeting to the public.

George Jackson – 20 Sherwood Drive, advised that he will email the council his suggested changes to the proposed Westbound Route 46 zoning ordinance.



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Dena Muniz – 7 Rainbow Trail, advised that she is not in favor of additional code enforcement patrol. Ms. Muniz expressed her concern over the proposed zoning changes on Route 46.

NEXT STEPS AND PRIORITIES

Mayor Shepherd reviewed the following next steps and priorities:

Next Step	Completed by	Completion date
Proofread/Correct Affordable Housing Accessory Apartment Manual		
Review Code Enforcement Procedures	Personnel Subcommittee	
Send EDAC Meeting Links to Public Comment Residents	Mayor	
Recycling Accounting Review	Borough Manager	
Communicate with Public About Zoning (what has been done/what is being proposed)	EDAC	
Tree Management Ordinance Review	Shade Tree Commission	
Resolution Supporting State's Single Use Bag Ban Law	Borough Attorney	

ADJOURNMENT at 12:00A.M.

Motion made by Councilmember Barnett, second by Deputy Mayor Menard to adjourn the meeting at 12a.m., with all members in favor signifying by "Aye".

Respectfully Submitted

Mitchell Stern, Acting Borough Clerk