



**MAYOR & COUNCIL
THE BOROUGH OF PEAPACK & GLADSTONE,
BOROUGH COUNCIL MEETING AGENDA**

FEBRUARY 19, 2019

7:00 PM - EXECUTIVE SESSION

7:30 PM – REGULAR MEETING

Location: Borough Hall Council Chambers, 1 School St. Peapack.

Actual meeting may contain discussion of items not mentioned on the agenda and alternatively any items specifically listed may be omitted.

1. CALL TO ORDER

2. SUNSHINE NOTICE – Municipal Clerk reads the following statement:

“Pursuant to the Open Public Meetings Act, Adequate notice of 2019 Meeting Dates was published in the Courier News and Bernardsville News on December 13, 2018 and posted at the Municipal Complex and the Borough Library. Action may be taken.”

3. FLAG SALUTE

4. ROLL CALL

5. EXECUTIVE SESSION – RESOLUTION NO. 37-19 – AUTHORIZATION FOR EXECUTIVE SESSION FOR CERTAIN SPECIFIED PURPOSES – (1) CONTRACT NEGOTIATIONS – POTENTIAL COLLECTIVE BARGAINING WITH DEPARTMENT OF PUBLIC WORKS (2) LITIGATION – GILL ST. BERNARDS SETTLEMENT

6. PUBLIC COMMENTS: 5 MINUTES PER PERSON – NON-AGENDA ITEMS

It is the policy of the Borough Council that all public comments on an issue shall be limited to five (5) minutes per person. Comments may be made on any Non-Agenda subject pertaining to Borough issues. Comments pertaining to Public Hearings should be saved for that section of the agenda. No debating between residents. Comments should be addressed to Mayor and Council at the public microphone.

7. READING AND APPROVAL OF MINUTES

Regular Meeting January 22, 2019

Executive Session Meeting January 22, 2019

8. ORDINANCES

INTRODUCTION OF ORDINANCE 1068-2019 – An Ordinance Amending Chapter VI, Titled “Alcoholic Beverage Control” of the Revised General Ordinances Subsection 6-4.2, Titled “Sundays”

INTRODUCTION OF ORDINANCE 1069-2019 – An Ordinance of the Borough of Peapack & Gladstone Establishing an Electric and/or Natural Gas Aggregation Program

INTRODUCTION OF ORDINANCE 1070-2019 – Calendar Year 2019 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)



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9. OLD BUSINESS

- Liberty Park Improvements and NJDEP Update
- Liberty Park Well
- Affordable Housing Compliance Update
- Department of Public Works Update

10. NEW BUSINESS

11. MISCELLANEOUS DISCUSSION/APPROVALS

- Special Use Application for St. Brigid's Church for Interfaith Hospitality
- Recovery Ordinance for Expenses of Certain Emergency Services

12. RESOLUTIONS

RESOLUTION NO. 38-19 – *Resolution Authorizing Agreement Between Borough of Peapack & Gladstone and the County of Somerset for Recycling Pick-Up – January 1, 2019 – December 31, 2019*

RESOLUTION NO. 39-19 – *Resolution for Year End 2018 Budget Transfers*

RESOLUTION NO. 40-19 – *Resolution to Enter Into an Agreement with Princeton Hydro for the Purpose of Sediment Remediation for the Pond Located in Liberty Park*

RESOLUTION NO. 41-19 – *Resolution to Enter Into an Agreement with Norman J. Goldberg, Inc. Real Estate Appraisers for the Purpose of a Appraisal of the Tucker Parcel, Block 8, Lots 2.06 & 2.11 for Farmland Preservation*

RESOLUTION NO. 42-19 – *Resolution to Enter Into an Agreement with Robert F. Heffernan Associates Real Estate Appraisers and Consultants for the Purpose of a Appraisal of the Tucker Parcel, Block 8, Lots 2.06 & 2.11 for Farmland Preservation*

RESOLUTION NO. 43-19 – *To Authorize Execution of an Addendum to Subdivision Takeover Agreement with First Indemnity of America Insurance Company Regarding the Pacesetter Development*

RESOLUTION NO. 44-19 – *To Authorize Execution of a Settlement Agreement with Gill/St. Bernard's Regarding the Matter Entitled "The Gill/St. Bernard's School v. Borough of Peapack and Gladstone" Bearing Docket No. Som-L-001495-15*

RESOLUTION NO. 45-19 – *Authorization to Increase Salary – Scott K. Bowerbank*



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13. COUNCIL REPORTS

Council President Corigliano & Councilman Sweeney
Councilwoman Murphy & Councilman Caminiti
Councilman Caminiti & Councilman Smith
Councilman Smith & Councilwoman Murphy
Councilman Sweeney & Councilwoman Dietrich
Councilwoman Dietrich & Councilman Sweeney
Mayor Skinner
John Bruder, Borough Attorney
Christopher Tietjen
Mayor Skinner

Finance
Sanitation & Sewer
Borough Property
Fire/First Aid Squad
Police
Roads & Transportation
Zoning & Construction
Legal
Administrator's Report
Mayor's Report

14. BILLS LIST

Resolution No. 46-19 – Approval of Bills as signed and listed on the Bill Payment List
Total Amount: \$1,493,797.08

15. PUBLIC COMMENTS – 3 MINUTES PER PERSON – AGENDA ITEMS ONLY

It is the policy of the Borough Council that all public comments on an issue shall be limited to three (3) minutes per person. No debating between residents. Comments should be addressed to Mayor and Council at the public microphone.

16. EXECUTIVE SESSION – RESOLUTION NO. 37-19 (IF NEEDED) – AUTHORIZATION FOR EXECUTIVE SESSION FOR CERTAIN SPECIFIED PURPOSES – (1) CONTRACT NEGOTIATIONS – POTENTIAL COLLECTIVE BARGAINING WITH DEPARTMENT OF PUBLIC WORKS (2) LITIGATION – GILL ST. BERNARDS SETTLEMENT

17. ADJOURNMENT

**THE NEXT MEETING OF THE MAYOR & COUNCIL WILL BE HELD ON
TUESDAY, FEBRUARY 26, 2019 FOR A BUDGET MEETING**

RESOLUTION

BOROUGH OF PEAPACK & GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 37-19

TITLE: AUTHORIZATION FOR EXECUTIVE SESSION FOR CERTAIN SPECIFIED PURPOSES

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Peapack & Gladstone that in compliance with N.J.S.A. 10:4-7 et seq., this meeting will be closed to the public to discuss the following matters:

1. Contract Negotiations – (A) Potential Collective Bargaining with the Department of Public Works
2. Litigation – Gill St. Bernard’s Settlement Agreement

The matters considered in this Executive Session can be released to the public when the reasons for discussing and acting on it in closed session no longer exist.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Jamie Murphy				
		Royal Smith				
		John Sweeney				

IT IS HEREBY CERTIFIED THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PEAPACK & GLADSTONE AT A MEETING OF SAID COUNCIL HELD ON FEBRUARY 19, 2019.

NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

RESOLUTION

**BOROUGH OF PEAPACK & GLADSTONE
SOMERSET COUNTY, NEW JERSEY**

RESOLUTION NO. 38-19

TITLE: RESOLUTION AUTHORIZING AGREEMENT BETWEEN BOROUGH OF PEAPACK & GLADSTONE AND THE COUNTY OF SOMERSET FOR RECYCLING PICK-UP – JANUARY 1, 2019 – DECEMBER 31, 2019

WHEREAS, the Borough of Peapack & Gladstone entered into negotiations regarding an Agreement with the County of Somerset, and

WHEREAS, the Borough of Peapack & Gladstone has agreed that the County fee shall be based upon the number of households with the Municipality as determined by the County Planning Board at the rate of \$23.85 per household per year, and

WHEREAS, the Borough of Peapack & Gladstone has determined that it is in the best interest of the Municipality to execute an Agreement with the County of Somerset.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey are hereby authorized to execute this Agreement for recycling pickup with the County of Somerset for the period January 1, 2019 to December 31, 2019.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Jamie Murphy				
		Royal Smith				
		John Sweeney				

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NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

RESOLUTION

**BOROUGH OF PEAPACK & GLADSTONE
SOMERSET COUNTY, NEW JERSEY**

RESOLUTION NO. 39-19

TITLED: RESOLUTION FOR YEAR END 2018 BUDGET TRANSFERS

WHEREAS, there appears to be insufficient funds in the following account (exception the appropriation for Contingent Expenses or Deferred Charges) to meet the demands thereon for the balance of the 2018 Budget Year,

Municipal Clerk	8-01-20-120-210	O/E	\$ 400.00
Affordable Housing	8-01-20-110-692	O/E	\$ 20,250.00

WHEREAS, there appears to be a surplus in the following accounts (excepting the appropriation for Contingent Expenses, Deferred Charges, Cash Deficit of Preceding Year, Reserve for Uncollected Taxes, Down Payments, Capital Improvement Fund of Interest and Debt Redemption Charges) over and above the demand deemed to be necessary for the balance of the Current Year,

Municipal Clerk	8-01-20-120-101	S/W	\$ 400.00
Legal General	8-01-20-155-592	O/E	\$ 20,250.00

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of R.S. 40A:4-58, part of the surplus in the account heretofore mentioned be, and the same hereby transferred, to the account (excepting the appropriation for Contingent Expenses, Deferred Charges) mentioned as being insufficient, to meet the current demands.

BE IT FURTHER RESOLVED that the Finance Officer be and is hereby authorized and directed to make the following transfers:

<u>FROM:</u>	<u>TO:</u>	<u>AMOUNT:</u>
Municipal Clerk S/W	Municipal Clerk O/E	\$ 400.00
Legal General O/E	Affordable Housing	\$ 20,250.00

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Jamie Murphy				
		Royal Smith				
		John Sweeney				

IT IS HEREBY CERTIFIED THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PEAPACK & GLADSTONE AT A MEETING OF SAID COUNCIL HELD ON FEBRUARY 12, 2019.

NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

DRAFT

RESOLUTION

BOROUGH OF PEAPACK AND GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 40-19

TITLE: RESOLUTION TO ENTER INTO AN AGREEMENT WITH PRINCETON HYDRO FOR THE PURPOSE OF SEDIMENT REMEDIATION FOR THE POND LOCATED IN LIBERTY PARK

WHEREAS, the Borough of Peapack and Gladstone have determined that the Pond located in Liberty Park has been plagued with summertime floating mats of Pithophora for several years; and

WHEREAS, the Mayor and Council have reviewed the cost estimate that was presented by Princeton Hydro for the requisite sampling/testing of the sediment in the Pond in order to remediate the existing pond excess nutrient issue; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Peapack and Gladstone that the Borough award the work to Princeton Hydro in an amount not to exceed \$1,000.00.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Jamie Murphy				
		Royal Smith				
		John Sweeney				

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NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

RESOLUTION

BOROUGH OF PEAPACK AND GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 41-19

TITLE: RESOLUTION TO ENTER INTO AN AGREEMENT WITH NORMAN J. GOLDBERG, INC REAL ESTATE APPRAISER FOR THE PURPOSE OF AN APPRAISAL OF THE TUCKER PARCEL, BLOCK 8, LOTS 2.06 & 2.11 FOR FARMLAND PRESERVATION PROJECT

WHEREAS, the Borough of Peapack and Gladstone has a need for a Appraisal of the Tucker Parcel, Block 8, Lots 2.06 & 2.11 in regards to a Farmland Preservation Project; and

WHEREAS, there was a review of the proposal received and it covered all the needs for the Borough for the professional work needed for the Appraisal of the Tucker Parcel; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Peapack and Gladstone that the Borough award the work to Norman J. Goldberg, Inc. Real Estate Appraisers in an amount not to exceed \$2,500.00.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Jamie Murphy				
		Royal Smith				
		John Sweeney				

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NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

RESOLUTION

BOROUGH OF PEAPACK AND GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 42-19

TITLE: RESOLUTION TO ENTER INTO AN AGREEMENT WITH ROBERT F. HEFFERNAN ASSOCIATES REAL ESTATE APPRAISERS AND CONSULTANTS FOR THE PURPOSE OF A APPRAISAL OF TUCKER PARCEL, BLOCK 8, LOTS 2.06 & 2.11 FOR FARMLAND PRESERVATION PROJECT

WHEREAS, the Borough of Peapack and Gladstone has a need for two Appraisal of the Tucker Parcel, Block 8, Lots 2.06 & 2.11 in regards to a Farmland Preservation Project; and

WHEREAS, an agreement was made with Norman J. Goldberg, Inc. Real Estate Appraiser for the other appraisal; and

WHEREAS, there was a review of the proposal received and it covered all the needs for the Borough for the professional work needed for the Appraisal of the Tucker Parcel; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Peapack and Gladstone that the Borough award the work to Norman J. Goldberg, Inc. Real Estate Appraisers in an amount not to exceed \$2,200.00.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Jamie Murphy				
		Royal Smith				
		John Sweeney				

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NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

**BOROUGH OF PEAPACK AND GLADSTONE
RESOLUTION NO. 43-19**

TITLED: TO AUTHORIZE EXECUTION OF AN ADDENDUM TO SUBDIVISION TAKEOVER AGREEMENT WITH FIRST INDEMNITY OF AMERICA INSURANCE COMPANY REGARDING THE PACESETTER DEVELOPMENT

WHEREAS, Developer, Pacesetter Custom Homes, Inc. and the Borough of Peapack and Gladstone entered into a Developer's Agreement on or about March 26, 2013, which agreement obligated the Developer to perform various improvements in order to complete the development project for a major subdivision in the Borough of Peapack and Gladstone (hereinafter "Borough") of Lots 4 and 19, Block 1, also known as "Rockabye Valley"; and

WHEREAS, the Developer failed to timely perform the improvements it was obligated to perform in accordance with the Developer's Agreement and related documents and was therefore declared in Default of its obligations by Resolution of the Borough Council; and

WHEREAS, upon the Declaration of Default, the Borough negotiated with First Indemnity of America (hereinafter "First Indemnity"), the bonding company which had posted the performance bond on behalf of the Developer, for performance and completion of the Pacesetter development in accordance with the terms of the bond; and

WHEREAS, in connection therewith, the Borough entered into a Subdivision Takeover Agreement with First Indemnity whereby the bonding company assumed the responsibility of taking over completion of the development project; and

WHEREAS both the Borough and First Indemnity of America Bonding Company have determined it desirable to supplement the referenced Agreement by way of an Addendum to Subdivision Takeover Agreement, which document describes additional work to be completed by the bonding company; and

WHEREAS, the governing body of the Borough of Peapack and Gladstone believes it is in the best interests of the Borough to enter into such an Addendum to the Subdivision Takeover Agreement;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Peapack and Gladstone that it hereby authorizes the Mayor to execute on behalf of the Borough of Peapack and Gladstone the Addendum to Subdivision Takeover Agreement with First Indemnity of America Bonding Company, which Addendum is attached hereto for reference.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Jamie Murphy				
		Royal Smith				
		John Sweeney				

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NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

**BOROUGH OF PEAPACK AND GLADSTONE
RESOLUTION NO. 44-19**

TITLED: TO AUTHORIZE EXECUTION OF A SETTLEMENT AGREEMENT WITH GILL ST. BERNARD’S REGARDING THE MATTER ENTITLED “THE GILL/ ST. BERNARD’S SCHOOL v. BOROUGH OF PEAPACK AND GLADSTONE” BEARING DOCKET NO. SOM-L- 001495-15

WHEREAS, the Borough of Peapack and Gladstone adopted Ordinance No. 1015 on September 29, 2015 in to amend the Borough’s Land Use Ordinances with respect to the RR-3 Rural Residential Zone District, consistent with the then-recent revisions to the Master Plan of the Borough; and

WHEREAS, the Gill/St. Bernard’s School, which at all times relevant hereto has been the owner of certain real property in the RR-3 zone in the Borough of Peapack and Gladstone, filed a Complaint in Lieu of Prerogative Writs on or about November 12, 2015, challenging the validity of Ordinance No. 1015; and

WHEREAS, the parties are desirous to settle the above-captioned litigation, and towards that end have negotiated terms of settlement; and

WHEREAS, the governing body of the Borough of Peapack and Gladstone deem it to be in the best interests of the Borough to settle this matter on the terms as negotiated;

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Peapack and Gladstone that it hereby authorizes the Mayor to execute on behalf of the Borough of Peapack and Gladstone a Settlement Agreement with the Gill/St. Bernard’s School

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Jamie Murphy				
		Royal Smith				
		John Sweeney				

IT IS HEREBY CERTIFIED THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF A RESOLUTION ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PEAPACK & GLADSTONE AT A MEETING OF SAID COUNCIL HELD ON FEBRUARY 12, 2019.

NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

RESOLUTION

**BOROUGH OF PEAPACK & GLADSTONE
SOMERSET COUNTY, NEW JERSEY**

RESOLUTION NO. 45-19

TITLE: AUTHORIZATION TO INCREASE SALARY – SCOTT K. BOWERBANK

WHEREAS, Scott K. Bowerbank has acquired his Class B CDL License, and

WHEREAS, Resolution 48-2017 adopted February 14, 2017 outlines the requirements of Public Works Laborer/Truck Driver/Small Equipment Operator, and

WHEREAS, it is the recommendation of the Administrator and Director of Public Works to promote Scott K. Bowerbank into the position of Public Works Laborer/Truck Driver/Small Equipment Operator.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey hereby authorizes the salary increase to Scott K. Bowerbank at a salary of \$38,000 per year effective February 8, 2019.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Jamie Murphy				
		Royal Smith				
		John Sweeney				

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NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

RESOLUTION

BOROUGH OF PEAPACK & GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 46-19

Payment of Claims (Posted)

WHEREAS, The Borough Council of the Borough of Peapack & Gladstone has received bills to be paid as listed; and

WHEREAS, The Chief Financial Officer and the Borough Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Borough, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Peapack & Gladstone, in the County of Somerset and State of New Jersey hereby:

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Borough Officials are authorized to sign the checks.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Jamie Murphy				
		Royal Smith				
		John Sweeney				

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NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR