

# MAYOR & COUNCIL THE BOROUGH OF PEAPACK & GLADSTONE, BOROUGH COUNCIL MEETING AGENDA JULY 30, 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. 129-19** Authorization for Executive Session for Certain Specified Purposes (1) Contract Negotiations (A) Affordable Housing (B) Liberty Park Design and Construction Management

#### 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 June 25, 2019 Special Meeting July 19, 2019

#### 8. OLD BUSINESS

•International Brotherhood of Teamsters Bargaining Update

#### 9. **NEW BUSINESS**

- CERT Team ORDINANCE for the Borough
- Banning of Single Use Plastic Bags and Styrofoam Within the Borough

#### 10. ORDINANCES

**PUBLIC HEARING FOR ORDINANCE 1076-2019** – An Ordinance Authorizing the Acquisition of Certain Real Property By the Borough of Peapack and Gladstone, Which Property is Identified as Block 26, Lot 42.11 in the Borough



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INTRODUCTION OF ORDINANCE 1077-2019 — An Ordinance Appropriating Certain Monies Held by the Borough of Peapack and Gladstone for the Purchase of Office Furniture

#### **PUBLIC HEARING WILL BE ON TUESDAY, AUGUST 20, 2019**

#### 11. RESOLUTIONS

**RESOLUTION NO. 130-19** – Approval to Submit a Grant Application and Execute a Grant Contract with the NJDOT for Safe Streets to Transit 2020 for Holland Avenue Sidewalk (SST-2020-Holland Avenue Sidewalk-00044)

**RESOLUTION NO. 131-19** – Resolution to Appoint an Alternate Public Defender for the Shared Court in 2019

**RESOLUTION NO. 132-19** – Resolution for the Governing Body Certification of the Annual Audit **RESOLUTION NO. 133-19** – Approving an Alcoholic Beverage Commission Social Affairs Permits from St. Luke's Episcopal Church for Events to be Held on September 8, 2019 and September 21, 2019

**RESOLUTION NO. 134-19** – Resolution to Extend the Grace Period on the 2019 Third Quarter Tax Installment

**RESOLUTION NO. 135-19** – Authorization to Execute Amended Settlement Agreement and Release as to COAH Fees with Hamilton Farms Golf Club, LLC, HF Cottages, LLC and HF Development, LLC (collectively "HFGC")

**RESOLUTION NO. 136-19** – Resolution to Appoint Special Officer Class II Michael Calafiore to the Borough of Peapack & Gladstone Police Department

#### 12. BILLS LIST

**Resolution No. 137-19** – Approval of Bills as signed and listed on the Bill Payment List **Total Amount: \$1,328,287.18** 

#### 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



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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.

- 14. 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.
- 15. **EXECUTIVE SESSION RESOLUTION NO. 129-19 (IF NEEDED)** AUTHORIZATION FOR EXECUTIVE SESSION FOR CERTAIN SPECIFIED PURPOSES (1) CONTRACT NEGOTIATIONS (A) Affordable Housing (B) Liberty Park Design and Construction Management
- 16. ADJOURNMENT

THE NEXT MEETING OF THE MAYOR & COUNCIL WILL BE HELD ON TUESDAY, AUGUST 20, 2019 AT 7:30PM

## BOROUGH OF PEAPACK & GLADSTONE, SOMERSET COUNTY, NEW JERSEY RESOLUTION NO. 129-19

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) Affordable Housing (B) Liberty Park Design and Construction Management

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				

NANCY A. BRETZGER	GREGORY J. SKINNER
BOROUGH CLERK	MAYOR

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

#### **RESOLUTION NO. 130-19**

TITLE: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORATION FOR SAFE STREETS TO TRANSIT 2020 FOR HOLLAND AVENUE SIDEWALK (SST-2020-HOLLAND AVENUE SIDEWALK-00044)

WHEREAS, the Roads/Transportation Committee, in consultation with the Borough Engineer and Director of Public Works, has identified a need for construction of a new sidewalk along Holland Avenue for pedestrian safety; and

**WHEREAS**, the project consists of construction of sidewalks from Maple Street to Peapack Train Station; and

WHEREAS, the total project is estimated to cost \$330,250.00

**NOW, THEREFORE, BE IT RESOLVED**, that Council of the Borough of Peapack & Gladstone formally approves the grant application for the above stated project.

**BE IF FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as Holland Avenue Sidewalk Project to the New Jersey Department of Transportation on behalf of the Borough of Peapack & Gladstone.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Peapack & Gladstone and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

NANCY A. BRETZGER	GREGORY J. SKINNER
BOROUGH CLERK	MAYOR

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

#### **RESOLUTION NO. 131-19**

TITLE: RESOLUTION TO APPOINT ALTERNATE PUBLIC DEFENDER FOR THE SHARED COURT IN 2019

WHEREAS, there is a need for the appointment of an Alternate Public Defender for the Bedminster Township, Borough of Peapack and Gladstone and Borough of Bernardsville Shared Municipal Court due to multiple co-defendants requesting to be represented by a Public Defender; and

WHEREAS, the Public Defender has notified the Shared Municipal Court that his law firm may not represent co-defendants in a legal matter and recommends an Alternate Public Defender be appointed to the Share Court.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council do hereby approve the appointment of the following to perform professional services for the Bedminster Township, Borough of Peapack and Gladstone and Borough of Bernardsville Shared Municipal Court:

<u>NAME</u> <u>POSITION</u>

Daniel W. Frascella, III 59 West Union Avenue PO Box 309 Bound Brook, NJ 08805 Alternate Public Defender

Special Session: \$250.00

**NOW THEREFORE, BE IF FURTHER RESOLVED** that the appointment of Mr. Frascella is expressly contingent upon the continuation of a shared court agreement between Bedminster Township, Borough of Peapack and Gladstone and Bernardsville Borough and the appointment of Mr. Frascella as Alternate Public Defender by Bedminster Township and Bernardsville Borough.

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

NANCY A. BRETZGER	GREGORY J. SKINNER
BOROUGH CLERK	MAYOR

#### BOROUGH OF PEAPACK AND GLADSTONE, SOMERSET COUNTY, NEW JERSEY

#### **RESOLUTION NO. 132-19**

#### TITLE: RESOLUTION FOR THE GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

**WHEREAS,** N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Peapack & Gladstone, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Donald Lemma				
		T. William Simpson				
		Royal Smith				

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 JULY 30, 2019

**MAYOR** 

**GREGORY J. SKINNER** NANCY A. BRETZGER **BOROUGH CLERK** 

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

#### **RESOLUTION NO. 133-19**

TITLE: APPROVING AN ALCOHOLIC BEVERAGE COMMISSION SOCIAL AFFAIRS PERMITS FROM ST. LUKES EPISCOPAL CHURCH FOR EVENTS TO BE HELD ON SEPTEMBER 8, 2019 AND SEPTEMBER 21, 2019

WHEREAS, applications have been submitted to the NJ State Alcoholic Beverage Commission (ABC) for a special permit liquor license for two (2) social affairs to be held on September 8, 2019 and September 21, 2019, at the premises of St. Luke's Episcopal Church, 182 Main Street, Gladstone, NJ 07934 for Fundraisers; and

**WHEREAS**, the Officer in Charge has reviewed said application and has recommended that the application be approved;

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey, that the license issuing authority of this municipality has no objection to the granting of two (2) special permits herein applied for and consents thereto and further certifies that the issuance of said permits is not contrary to any local ordinance, resolution, regulation or policy which would prohibit same and further certifies that not more than twenty-five special permits have been authorized for these premises during the calendar year.

Introduced	Seconded	<b>Borough Council</b>	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti				
		Mark Corigliano				
		Amy Dietrich				
		Donald Lemma				
		T. William Simpson				
		Royal Smith				

NANCY A. BRETZGER	GREGORY J. SKINNER
BOROUGH CLERK	MAYOR

### RESOLUTION BOROUGH OF PEAPACK & GLADSTONE, SOMERSET COUNTY, NEW JERSEY

#### **RESOLUTION NO. 134-19**

#### TITLED: RESOLUTION TO EXTEND THE GRACE PERIOD ON THE 2019 THIRD QUARTER TAX INSTALLMENT

WHEREAS, the 2019 third quarter tax payment is due on August 1, 2019; and

WHEREAS, the grace period as set by resolution is for ten days, and

**WHEREAS**, there was a delay in obtaining a certified tax rate from the Somerset County Board of Taxation; and

WHEREAS, this subsequently caused a delay in mailing the 2019 Final/2020 Preliminary tax bills; and

**WHEREAS**, New Jersey statutes require 25 days from the date of mailing the tax bills before interest can be charged

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Peapack and Gladstone, County of Somerset, State of New Jersey that the grace period for the 2019 third quarter tax installment is extended to August 26, 2019 after which time interest will be charged from the due date of August 1, 2019.

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

NANCY BRETZGER, RMC	GREGORY J. SKINNER
BOROUGH CLERK	MAYOR

#### BOROUGH OF PEAPACK & GLADSTONE, SOMERSET COUNTY, NEW JERSEY RESOLUTION

NO. 135-19

TITLE: AUTHORIZATION TO EXECUTE AMENDED SETTLEMENT AGREEMENT AND RELEASE AS TO COAH FEES WITH HAMILTON FARM GOLF CLUB, LLC, HF COTTAGES, LLC AND HF DEVELOPMENT, LLC (COLLECTIVELY "HFGC")

WHEREAS, the Mayor and Borough Council of the Borough of Peapack & Gladstone along with the Land Use Board have reached an agreement with Hamilton Farm Golf Club, LLC, HF Cottages, LLC and HF Development, LLC (collectively "HFGC") regarding their COAH obligation as set forth in the Amended Settlement Agreement of December 19, 2013;

**NOW, THEREFORE BE IT RESOLVED**, the Borough Council of the Borough of Peapack & Gladstone authorizes the Mayor to sign and execute the amended settlement agreement and release as to COAH fees with Hamilton Farm Golf Club, LLC, HF Cottages, LLC and HF Development, LLC (collectively "HFGC").

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

NANCY A. BRETZGER	GREGORY J. SKINNER
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BOROUGH CLERK	MAYOR

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

#### **RESOLUTION NO. 136-19**

### TITLE: RESOLUTION TO APPOINT SPECIAL OFFICER CLASS II MICHAEL CALAFIORE TO THE BOROUGH OF PEAPACK & GLADSTONE POLICE DEPARTMENT

**WHEREAS**, the Borough of Peapack and Gladstone Police Department has expressed a need for a Special Officer Class II; and

**WHEREAS**, the Borough has investigated this subject and concurs that there exists a need for a Special Officer Class II; and

**WHEREAS**, the Borough Police Department has sought and solicited qualified candidates to fill the aforesaid position; and

**WHEREAS**, the Borough Council's Police Committee has participated in conjunction with the Borough Police Department in the interview process of various candidates; and

**WHEREAS**, the Borough Police Department has recommended that Michael Calafiore be hired to fill the aforesaid position, and the Police Committee has concurred with that recommendation.

**NOW, THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Peapack and Gladstone that Michael Calafiore is hereby appointed as a probationary Special Officer Class II in the Borough of Peapack and Gladstone Police Department at \$20.00 per hour, effective starting date of August 5, 2019.

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

NANCY A. BRETZGER	GREGORY J. SKINNER
BOROUGH CLERK	MAYOR

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

#### **RESOLUTION NO. 137-19**

#### 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				

NANCY A. BRETZGER	GREGORY J. SKINNER
BOROUGH CLERK	MAYOR