



**MAYOR & COUNCIL
THE BOROUGH OF PEAPACK & GLADSTONE,
BOROUGH COUNCIL MEETING AGENDA
SEPTEMBER 10, 2019**



7:00 PM - EXECUTIVE SESSION

7:30 PM – REGULAR MEETING

Location: Borough Hall Council Chambers, 1 School St. Peapack, NJ 07977

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. 149-19 – *Authorization for Executive Session for Certain Specified Purposes – (1) Contract Negotiations (a) Affordable Housing (b) DPW Teamsters (c) Liberty Park Renovations – Princeton Hydro (d) Fire Department Rescue Vehicle (2) Litigation (a) Oster vs. Borough of Peapack & Gladstone*

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 August 20, 2019

Executive Session Meeting August 20, 2019

8. ORDINANCES

INTRODUCTION OF ORDINANCE 1078-2019 – *An Ordinance of the Borough of Peapack & Gladstone Establishing an Electric and/or Natural Gas Aggregation Program*

9. OLD BUSINESS

- Liberty Park Renovations

10. NEW BUSINESS



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11. MISCELLANEOUS DISCUSSION/APPROVALS

- Special Use Permit for St. Brigid Church for Sunday, September 22 – September 29, 2019 to Host “Hospitality Network of Somerset County Emergency Shelter Program”
- Facilities Usage Application for Somerset Hills Little League for Use of Ball Fields August 27 – October 31, 2019 5:30PM – 7:30PM Monday – Friday (If not being used by Borough)
- Facilities Usage Application for PG Recreation PreK 3 & 4 years old and K-2 Soccer for use of the Gym on Rainy Days for the program – Saturdays, September 21, 28, October 5, 12, 19 & 26, 2019 during the hours of 1:45pm to 4:15pm.

12. RESOLUTIONS

RESOLUTION NO. 150-19 – *Resolution for Adjustment to Sewer Charges on Block 28, Lot 24.02, Account # 920-0*

RESOLUTION NO. 151-19 – *Award of Contract to Princeton Hydro for Engineering and Regulatory Compliance Services for Improvements to Liberty Park Pond*

RESOLUTION NO. 152-19 – *Authorizing Borough Police Department to Participate in Distracted Driver (Cell Phone Enforcement) Grant*

RESOLUTION NO. 153-19 – *Resolution Providing For the Insertion of a Special Item of Revenue in the 2019 Budget for the Distracted Driving Crackdown Grant Pursuant to N.J.S.A. 40A:4-81 (Chapter 159, P.L. 1948)*

RESOLUTION NO. 154-19 – *Resolution to Appoint Matthew J. Kelly, Police Officer as a Permanent Member of the Police Department*

RESOLUTION NO. 155-19 – *Resolution to Appoint Nicholas J. Ortiz, Police Officer as a Permanent Member of the Police Department*

RESOLUTION NO. 156-19 – *Resolution to Refund Tax on Block 32, Lots 8 & 9 for Overpayment of 3rd Quarter Taxes*

RESOLUTION NO. 157-19 – *Resolution Appointing a Municipal Prosecutor for the Shared Court from October 1, 2019 to December 31, 2020*

13. BILLS LIST

Resolution No. 158-19 – *Approval of Bills as signed and listed on the Bill Payment List*
Total Amount: \$931,959.45

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.



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- 15. EXECUTIVE SESSION – RESOLUTION NO. 149-19 (IF NEEDED) – Authorization for Executive Session for Certain Specified Purposes – (1) Contract Negotiations (a) Affordable Housing (b) DPW Teamsters (c) Liberty Park Renovations – Princeton Hydro (d) Fire Department Rescue Vehicle (2) Litigation (a) Oster vs. Borough of Peapack & Gladstone**

16. ADJOURNMENT

**THE NEXT MEETING OF THE MAYOR & COUNCIL WILL BE HELD ON
TUESDAY, SEPTEMBER 24, 2019 AT 7:30PM**

RESOLUTION

BOROUGH OF PEAPACK & GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 149-19

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) DPW Teamsters (C) Liberty Park Renovations – Princeton Hydro (D) Fire Department Rescue Vehicle
2. Litigation – (A) Oster v. Borough of Peapack & Gladstone

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 SEPTEMBER 10, 2019.

NANCY A. BRETZGER
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

RESOLUTION

BOROUGH OF PEAPACK & GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 150-19

TITLE: RESOLUTION FOR ADJUSTMENT TO SEWER CHARGES ON BLOCK 29, LOT 4, ACCOUNT 920-0

WHEREAS, the Founder of Block 29, Lot 4, Robert Wojtowicz, located at 2 Main Street, has formally appealed the 2019 second quarter bulk sewer charges for The Virgin Spa at Natirar; and

WHEREAS, Natirar failed to provide daily sewer readings for the months of April and May of this year due to a change in personnel of their Buildings and Grounds staff; and

WHEREAS, Natirar has proposed an estimated April and May 2019 Sewer Flow and Allocation by subtracting the actual reading of March 31, 2019 (7,126,974) and June 1, 2019 (7,585,694) and applied the estimated sewer flow (458,720) to the Borough formula for assessing sewer charges; and

WHEREAS, proposes a sewer flow of 226,837 for April 2019 for a total charge of \$6,840.00 and a sewer flow of 248,000 for May 2019 for a total charge of \$7,068.00; and

WHEREAS, the Sewer Committee has advised that the bill be adjusted and the appeal be granted to reflect the proposed sewer flow calculations; and

WHEREAS, this adjustment reduces the 2019 second quarter bill by \$4,636.00; and

WHEREAS, the Borough of Peapack and Gladstone reserves the right to enforce the Bulk User Agreement moving forward should Natirar fail to report any further meter readings on a monthly basis as required.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Peapack and Gladstone, County of Somerset and State of New Jersey that the 2019 second quarter sewer billing against Block 29, Lot 4 Account 920-0 be reduced by \$4,636.00 and that the Utility Collector is authorized to apply this credit appropriately and be relieved of the collection of the same.

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

GREGRORY J. SKINNER
MAYOR

RESOLUTION

BOROUGH OF PEAPACK & GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 151-19

TITLE: AWARD OF CONTRACT TO PRINCETON HYDRO FOR ENGINEERING AND REGULATORY COMPLIANCE SERVICES FOR IMPROVEMENTS TO THE LIBERTY PARK POND

WHEREAS, the Borough of Peapack & Gladstone, wish to make improvements to Liberty Park Pond as part of the Liberty Park Renovation; and

WHEREAS, the Borough has received a proposal from Princeton Hydro. for the improvements to the Liberty Park Pond; and

WHEREAS, such award shall be made as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Princeton Hydro, has submitted a proposal indicating they will provide professional Engineering and Regulatory Compliance Services to the municipality in accordance with the compensation describe hereinabove; and

WHEREAS, Princeton Hydro, completed and submitted a Business Entity Disclosure Certification which certifies that Princeton Hydro has not made any reportable contributions to a political or candidate committee in the name of Gregory J. Skinner, Gian-Paolo Caminiti, Mark Corigliano, Amy Dietrich, Jamie Murphy, Royal Smith and/or John Sweeney in the previous one year; and

WHEREAS, a certification affirming the availability of funds in accordance with N.J.A.C. 5:34-5.1 et seq. has been provided by the Director of Finance and is attached hereto and made a part hereof, indicating that the appropriation for the within expenditure is to be funded from the either Ordinance 1046 – Improvements to Liberty Park Pond, Open Space Trust Fund or the Capital Improvement Fund and the determination will be made by the finance committee; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires the resolution authorizing the award of contract for “Professional Services,” without competitive bids and the contract itself, must be made for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Peapack and Gladstone, County of Somerset and State of New Jersey that it hereby authorizes the Borough to enter into a contract with Princeton Hydro as described hereinabove for an amount not to exceed \$55,000.00.

BE IT FURTHER RESOLVED, that this Contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because these services are rendered or performed by a person authorized by law to practice a recognized profession.

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. 152-19

TITLE: AUTHORIZING BOROUGH POLICE DEPARTMENT TO PARTICIPATE IN DISTRACTED DRIVER (CELL PHONE ENFORCEMENT) GRANT

WHEREAS, the Somerset County Prosecutor's Office has made available funds for its Distracted Driver (Cell Phone Enforcement) Grant, allowing Police Departments to conduct enhanced enforcement patrols. The patrols will be conducted from September 4 to September 21, 2019 for a total of 20 hours, at \$55.00 per hour, for a maximum amount of \$1,100.00, and

WHEREAS, the Borough of Peapack & Gladstone Police Department wishes to take advantage of this grant.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby approve the submission of said grant application.

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. 153-19

TITLE: RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2019 BUDGET FOR THE DISTRACTED DRIVING CRACKDOWN GRANT PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW THEREFORE BE IT RESOLVED that the Borough of Peapack & Gladstone, County of Somerset, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2019 in the sum of One Thousand One Hundred Dollars and zero cents (\$1,100.00) which items are now available as a revenue from

2019 Distracted Driving Crackdown Grant \$1,100.00

BE IT FURTHER RESOLVED that one certified copy of this Resolution together with a certification from the Somerset County Prosecutors Office that funds will be made available through a reimbursable Grant be filed with the Director of the Division of Local Government Services.

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. 154-19

TITLE: RESOLUTION TO APPOINT MATTHEW J. KELLY, POLICE OFFICER AS A PERMANENT MEMBER OF THE POLICE DEPARTMENT

WHEREAS, Matthew J. Kelly was appointed as a Police Officer on September 4, 2018, and

WHEREAS, Matthew J. Kelly has performed the duties and responsibilities of a Police Officer in an satisfactory manner during his 1-year probation period; and

WHEREAS, the Officer-In-Charge, Sgt. Stephen Ferrante has recommended that Matthew J. Kelly's probation period having been successfully completed.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey that Matthew J. Kelly, Police Officer is appointed as a permanent member of the Police Department of the Borough of Peapack & Gladstone effective September 5, 2019. Officer Kelly's step increase will occur on January 1, 2020 as stated in Resolution 167-18.

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. 155-19

TITLE: RESOLUTION TO APPOINT NICHOLAS J. ORTIZ, POLICE OFFICER AS A PERMANENT MEMBER OF THE POLICE DEPARTMENT

WHEREAS, Nicholas J. Ortiz was appointed as a Police Officer on September 4, 2018, and

WHEREAS, Nicholas J. Ortiz has performed the duties and responsibilities of a Police Officer in a satisfactory manner during his 1-year probation period; and

WHEREAS, the Officer-In-Charge, Sgt. Stephen Ferrante has recommended that Nicholas J. Ortiz's probation period having been successfully completed.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey that Nicholas J. Ortiz, Police Officer is appointed as a permanent member of the Police Department of the Borough of Peapack & Gladstone effective September 5, 2019. Officer Ortiz's step increase will occur on January 1, 2020.

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. 156-19

TITLE: RESOLUTION TO REFUND TAX ON BLOCK 32, LOTS 8 & 9 FOR OVERPAYMENT OF 3RD QUARTER TAXES, 2019

WHEREAS, the owners of Block 32, Lots 8 & 9, made their 3rd quarter tax payment; and

WHEREAS, Hilltop Title, LLC also made payment for the same period taxes after the closing on the property occurred; and

WHEREAS, the property now has an overpayment of taxes for that property and Hilltop Title, LLC will need to refund the prior homeowner, and

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 finance officer is hereby authorized to refund Hilltop Title, LLC, \$1,414.82 for the overpayment of taxes for 3rd quarter, 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 AND GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 157-19

TITLE: RESOLUTION APPOINTING A MUNICIPAL PROSECUTOR FOR THE SHARED COURT FROM OCTOBER 1, 2019 TO DECEMBER 31, 2020

WHEREAS, there is a need for the appointment of a Municipal Prosecutor for the Bedminster Township, Borough of Peapack and Gladstone and Borough of Bernardsville Shared Municipal Court due to the resignation of the current Municipal Prosecutor, Miles Winder, III, as of October 1, 2019 since Prosecutor Winder is moving out of state; and

WHEREAS, the Shared Municipal Court Services Advisory Committee recommends the following appointment to the position of Municipal Prosecutor to the Shared Court for the period of October 1, 2019 – December 31, 2020.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Peapack and Gladstone, County of Somerset, State of New Jersey 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>
James M. Porfido, Esq. 31 Washington Avenue Morristown, NJ 07960	Municipal Prosecutor Annual Compensation: \$30,000.00 Special Session: \$ 125.00/hour

NOW THEREFORE, BE IT FURTHER RESOLVED that the appointment of Mr. Porfido is expressly contingent upon the continuation of a shared court agreement between Bedminster Township, Peapack-Gladstone Borough and Bernardsville Borough and the appointment of Mr. Porfido as Prosecutor by the Borough of Peapack-Gladstone and the Borough of Bernardsville.

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, RMC
BOROUGH CLERK

GREGORY J. SKINNER
MAYOR

RESOLUTION

BOROUGH OF PEAPACK & GLADSTONE, SOMERSET COUNTY, NEW JERSEY

RESOLUTION NO. 158-19

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