

MINUTES OF THE PEAPACK & GLADSTONE BOROUGH COUNCIL
April 14 2015, COUNCIL CHAMBERS
REGULAR MEETING

The Borough Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey, convened in a regular session meeting on Tuesday, April 14, 2015, at 7:30 p.m., in Council Chambers in the Municipal Complex, located at 1 School Street, Peapack, New Jersey 07977.

NOTICE OF MEETING

The following statement was read by the Borough Clerk:

Adequate notice of this meeting of the Mayor and Borough Council of the Borough of Peapack and Gladstone was given to the Courier News, Newark Star Ledger and the Bernardsville News on December 25, 2014, was posted at the Municipal Complex, School Street, the Peapack Post Office, Main Street, Peapack and the Gladstone Post Office, Main Street, Gladstone, New Jersey on December 25, 2014, and was mailed on December 25, 2014, to all those people who have requested individual notice and paid the required fee.

FLAG SALUTE

Mayor Muller led the salute to the flag.

ROLL CALL

On the call of the roll, the following were present:

William Muller, Mayor
Gian Paolo Caminiti
Mark Corigliano
Gerald J. Gunning
T. William Simpson (arrived at 8:10 p.m.)
Royal Smith
Anthony Suriano

Also present on the dais were Borough Clerk/Administrator Hector A. Herrera and Borough Attorney John Bruder.

MINUTES

Councilman Caminiti made a motion that the reading of the minutes be dispensed with, and the minutes of the regular meeting of March 24, 2015, and the executive session of March 10, 2015, stand approved, as submitted, with corrections, by the Borough Clerk, to the Mayor and Borough Council. Councilman Suriano seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Abstain
Councilman Corigliano	Aye
Councilman Gunning	Aye
Councilman Simpson	Absent
Councilman Smith	Aye
Councilman Suriano	Aye

PUBLIC COMMENT FOR NON-AGENDA ITEMS

Tom Dill, 10 Pfizer Drive, asked if there was any recourse to the recent decision of the Land Use Board decision to not approve an application for a solar panel farm. Council informed Mr. Dill the application could be resubmitted. Mr. Dill stated he would like the Borough to reconsider this application.

Mayor Muller stated it was not appropriate to comment on the Land Use Board decision.

Councilman Suriano recused himself from the following discussion.

Mr. Dill stated he would like the Borough to reconsider its position on the Peapack Residential project. Council stated it is open to reconsideration if the developer resubmitted a project/application to the Borough that was more compelling.

Department of Public Works Superintendent Rodney McCatharn provided Council with feedback on the ongoing sidewalk project along Main Street. He stated he has received favorable comments from residents.

Councilman Smith stated the DPW staff has done an excellent job on traffic control of the project.

Mayor Muller asked Mr. McCatharn about the debris from the sidewalk that is being piled on Willow Ave. Mr. McCatharn stated the debris would be removed after the project was completed.

Mayor Muller asked Mr. McCatharn about spalling sidewalks on Pottersville Road even though the sidewalks installed just two years ago. Mr. McCatharn stated he would review the maintenance bond on the project.

PRESENTATIONS

PETITIONS AND COMMUNICATIONS:

Mayor Muller reported he, Mr. Herrera and Mr. McCatharn had a conference call with representatives from PSE&G regarding connecting natural gas to homes in the more-densely populated areas of the Borough (homes along Maple Street, Prospect Street, Willow Avenue, Tainter Street and Holland Avenue). Mayor Muller stated PSE&G would contact the Borough if it planned to move forward.

Mayor Muller stated the Borough received Councilman Gerald Gunning's resignation from the Land Use Board as its class III member.

Mayor Muller reported the Borough received a letter from Matheny Medical and Education Center requesting to hang a banner across Main Street, advertising the Miles for Matheny Event to be held May 31, 2015. The banner would be in place from May 18 through June 1, 2015. Matheny will also seek authorization from the utility company. Council concurred to grant the request.

Mayor Muller reported the Borough received an application from Soccer Skills Academy for use of the fields from June 29 through July 3, 2015. Councilman Corigliano noted Soccer Skills Academy application states it will charge admission however, the Borough application states no fees shall be charged. Council noted there are other for-profit entities that utilize Borough facilities. Council directed Mr. Herrera to bring this to Recreation Director Diane Becker's attention.

REPORTS OF COMMITTEES / RESOLUTIONS

FINANCE: *(Suriano/Corigliano)*

PRESENTATION AND CONSIDERATION OF ORDINANCES:

CALENDAR YEAR 2015 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) **ORDINANCE APPENDED TO THIS AGENDA*

Councilman Suriano reviewed the purpose of this ordinance. He stated this ordinance allows the Borough to exceed its appropriation cap of 1.5% to 3.5%. He stated that although the Borough does not intend to increase its appropriations to that amount, this ordinance allows the Borough to bank that amount for future years in case there is ever a need to increase appropriations beyond the established cap. He stated the Borough is not utilizing any cap bank funds for the 2015 municipal budget.

PUBLIC HEARING

On the motion of Councilman Gunning, second by Councilman Smith, the public hearing on this ordinance was opened.

No one wished to be heard.

On the motion of Councilman Caminiti, second by Councilman Smith, the public hearing on this ordinance was closed.

FINAL ADOPTION

Councilman Suriano moved to adopt resolution #057-15 / ordinance #1008. Councilman Corigliano seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Aye
Councilman Corigliano	Aye
Councilman Gunning	Aye
Councilman Simpson	Absent
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #057-15 was adopted.

A copy of resolution #057-15 is appended to the official minutes.

SELF-EXAMINATION OF BUDGET RESOLUTION

Councilman Suriano provided more information about this resolution. He stated this resolution allows the Borough to perform a self-examination of the budget. Every three years, the Division of Local Government Services reviews the budget and allows the Borough to review its own budget during the other years.

Councilman Suriano moved to adopt resolution #058-15. Councilman Gunning seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Aye
Councilman Corigliano	Aye
Councilman Gunning	Aye
Councilman Simpson	Absent
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #058-15 was adopted.

A copy of resolution #058-15 is appended to the official minutes.

Councilman Simpson arrived at 8:10 p.m.

ADOPTION OF THE 2015 MUNICIPAL BUDGET

Councilman Suriano provided a presentation detailing the 2015 Municipal Budget. That presentation is appended to the minutes.

PUBLIC HEARING

On the motion of Councilman Suriano, second by Councilman Caminiti, the public hearing on the 2015 municipal budget ordinance was opened.

Tom Dill, 10 Pfizer Drive, stated he would like to see the Council concentrate more on ratables as opposed to cuts in the budget. He also stated he felt there are errors in assessments.

No one else wished to be heard.

On the motion of Councilman Caminiti, second by Councilman Smith, the public hearing on this ordinance was closed.

Councilman Suriano moved to adopt resolution #059-15. Councilman Gunning seconded that motion.

On call of the roll, the following vote was cast:

Councilman Caminiti	Aye
Councilman Corigliano	Aye
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Resolution #059-15 was adopted.

A copy of resolution #059-15 (2015 Municipal Budget) is appended to the official minutes.

SANITATION/SEWER: *(Smith/Caminiti)*

No report

BOROUGH PROPERTY: *(Corigliano/Smith)*

Councilman Corigliano provided a follow-up report on the fixtures that were donated and then removed from the fire company. He stated that that upon further review, the fixtures were donated to the Fire Company and not to the Borough. Council was in concurrence to not move forward with any further action.

Councilman Corigliano reported the Borough received a request from the Recreation Commission for a road closure of Park Avenue and Lackawanna Avenue (to Beval Saddlery) on June 13, 2015, for Peapack & Gladstone Community Day. Council was in concurrence.

Councilman Corigliano reported the Borough received an application for a solicitor's license from Five Brothers Treats, LLC, from June 13, 2015, through August 29, 2015. The application is to sell ice cream on weekends only. He stated he reviewed the application and deemed it complete. Council was in concurrence to accept the application upon approval of the Chief of Police.

FIRE/ INFORMATION SYSTEMS: (Simpson/Gunning)

No report.

POLICE: (Gunning/Suriano)

No report.

ROADS/TRANSPORTATION: (Caminiti/Simpson)

Councilman Caminiti reported the sidewalk project is progressing and will now include the corner of Willow Avenue and Main Street.

Councilman Caminiti reported the Branch Road Phase II Project bid opening is April 22, 2015. Work is expected to begin sometime in the late summer.

Councilman Caminiti reported Somerset County patched a deep hole that had formed on the corner of Overlook Avenue and Mendham Road.

LEGAL: (John E. Bruder, Esq.)

Mr. Bruder reported he was currently working on a Mutual Police Aid agreement with police departments within Somerset County to respond to emergencies in Peapack & Gladstone. This would allow the Borough Police Department to respond to emergencies in other municipalities in Somerset County. He stated there will be an ordinance on the next meeting agenda.

Mr. Bruder reported he spoke with the Somerset County Land Use Board Attorney regarding Natirar. Somerset County will be making a presentation to the Land Use Board to widen the road at the park.

Council discussed Natirar's consideration to continue to have a tent erected for another nine months. Mr. Bruder will consult with Mr. Thomas to determine if the county is required to submit an application to the LUB for review and approval. Councilman

Suriano indicated that the predicate resolution of approval from the LUB involved a use variance wherein there was a specific condition prohibiting the use of temporary tents, and in his opinion the LUB retains original jurisdiction to authorize relief of that condition.

MISCELLANEOUS COUNCIL BUSINESS

On the motion of Councilman Gunning, second of Councilman Suriano, Council concurred to the appointment of Mark Corigliano as the Class III Member of the Land Use Board to fill the unexpired term of Councilman Gerald Gunning.

On call of the roll, the following vote was cast:

Councilman Caminiti	Aye
Councilman Corigliano	Abstain
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

Councilman Corigliano stated there was a sample resolution in the meeting packet to support the Transparent Tax Act of 2015. Council agreed to have the finance committee review and report back to the Council.

Council discussed adding landscaping around the area of the new tennis courts located at Komline Park as well as any other improvements that may be needed to the park. The Council thought it appropriate to consult with the Environmental Commission with regard to the landscaping design. The Open Space Trust Fund may be a source of funding to complete the project.

Councilman Smith reported the Environmental Commission grant application in the amount of \$800 for a bench at Rockabye Meadow was approved.

Councilman Smith reported the Environmental Commission was hosting a stream cleanup of the Peapack Brook on Saturday, April 18, 2105.

PUBLIC COMMENT

No one wished to be heard.

AUDITING OF CLAIMS:

Councilman Corigliano motioned that the payment of Interim Claims be approved and that all vouchers submitted this date, as per voucher list, be paid after proper audit. Councilman Gunning seconded that motion.

On call of the roll the following vote was cast:

Councilman Caminiti	Aye
Councilman Corigliano	Aye
Councilman Gunning	Aye
Councilman Simpson	Aye
Councilman Smith	Aye
Councilman Suriano	Aye

ADJOURNMENT

On the motion of Councilman Suriano, second by Councilman Gunning, the meeting adjourned at 9:15 p.m.

APPROVED:

HECTOR HERRERA
BOROUGH CLERK

WILLIAM MULLER
MAYOR

BOROUGH OF PEAPACK AND GLADSTONE
ORDINANCE NO. 1008

**CALENDAR YEAR 2015 MODEL ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A
CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Peapack & Gladstone in the County of Somerset finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations (\$4,526,230), in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determines that a 2.0% increase in the budget for said year, amounting to \$90,524.60 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Peapack & Gladstone, in the County of Somerset, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Borough of Peapack & Gladstone shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5% (the 1.5% allowed by Local Government Cap Law and the 2.0% provided for in this ordinance), amounting to \$158,418.05, and that the CY 2015 municipal budget for the Borough of Peapack & Gladstone be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduction Date: March 10, 2015

Adoption Date: April 14, 2015

BOROUGH OF PEAPACK & GLADSTONE**RESOLUTION NO. 58-15**

RESOLVED that the ordinance entitled,

CALENDAR YEAR 2015 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) *ORDINANCE APPENDED TO THIS AGENDA

now pending before this governing body be adopted and advertised as required by statute.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti	X			
	X	Mark Corigliano	X			
		Gerald Gunning	X			
		T. William Simpson				X
		Royal Smith	X			
X		Anthony Suriano	X			

Adopted: April 14, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO. 59-15

SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Peapack and Gladstone has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2015 budget year, so now therefore

BE IT RESOLVED, by the Borough Council of the Borough of Peapack and Gladstone that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth

- c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
- 5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
- 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Introduced	Seconded	Borough Council	Aye	Nay	Abstain	Absent
		Gian-Paolo Caminiti	X			
		Mark Corigliano	X			
	X	Gerald Gunning	X			
		T. William Simpson				X
		Royal Smith	X			
X		Anthony Suriano	X			

Adopted: April 14, 2015

SECTION 2 - UPON ADOPTION FOR YEAR 2015
(Only to be Included in the Budget as Finally Adopted)

RESOLUTION 60-15

Be it Resolved by the Peapack-Gladstone of the Borough of Peapack-Gladstone, County of Somerset, that the Budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- a) \$ 3,778,807.42 (Item 2 below) for municipal purposes, and
 (b) \$ _____ (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
 (c) \$ _____ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation the following summary of general revenues and appropriations.
 (d) \$ 211,356.18 Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

RECORDED VOTE
(Insert last name)

Ayes{ CAMINITI
CORIGLIANO
GUNNING
SIMPSON
SMITH
SURIANO

Nays{

Abstained {

Absent {

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated	08-100	\$	2,100,000.00
Miscellaneous Revenues Anticipated	13-099	\$	403,152.34
Receipts from Delinquent Taxes	15-499	\$	100,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$	3,778,807.42
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 45	07-195	\$	
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	07-191	\$	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only		\$	
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:	07-191	\$	
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	13-299	\$	6,381,959.76
Total Revenues			

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