



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

Date: February 14, 2017: 7:00 PM Executive Session / Regular Meeting 7:30 PM

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:

Mayor calls meeting to order

2. SUNSHINE NOTICE

Municipal Clerk reads the following statement: "Pursuant to the Open Public Meetings Act, Adequate notice of 2017 Meeting Dates was published in the Courier News and Bernardsville News on December 22, 2016, and posted at the Municipal Complex and the Borough Library. Action may be taken."

3. FLAG SALUTE: LED BY MAYOR OR PRESIDING OFFICER.

ROLL CALL:

4. EXECUTIVE SESSION: Executive Session if needed

Resolution 4E-2017 Executive Session – Personnel Matters regarding Health Benefits, and Affordable Housing Issues, and Legal Regarding Noise

5. VISITORS OR PRESENTATIONS

A. Bosenburg Architect – Liberty Park Pond

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. PUBLIC HEARING ORDINANCES

A. Ordinance 2017-1029 Rental Ordinance

Ordinance 2017-1029

Ordinance Amending Chapter XI Building and Housing

Sub-Chapter VII Housing and Rental Code

Purpose	<i>To amend the Borough's Housing Ordinance to provide for a rental code to protect renters by providing for inspections of rental properties.</i>
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B. Ordinance 2017-1034 Code Enforcement Committee

AN ORDINANCE AMENDING CHAPTER XI, TITLED "BUILDING AND HOUSING" OF THE REVISED GENERAL ORDINANCES SECTION 1.1 TITLED "ENFORCEMENT OFFICE ESTABLISHED" ADDING SUBSECTION F "CODE ENFORCEMENT COMMITTEE."

Purpose	<i>Creates a Council Committee to work with the Code and Zoning Official(s)</i>
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8. CONSENT AGENDA:

All matters listed under the Consent Agenda are considered to be routine by the Borough Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent Agenda and will be considered separately.

<u>RESOLUTION</u>	<u>TITLE</u>	<u>PURPOSE</u>
#-2017		
42	Recognition of John Terry	Recognition of John Terry's volunteerism in the Borough of Peapack Gladstone
43	Budget Transfer	Temporary Budget transfer
44	Appoint Acting Assistant Public Works Director	Tom Skillman to Acting Assistant Public Works Director affective March 1, 2017
45	Appoint Acting Public Works Director	Scott Hanna to Acting Public Works Director affective March 1, 2017

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

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

46	Appoint Council members to committees	Councilmember appointment to committees
47	Natirar Sewers	Approval of continual construction adequate sewer available
48	Title Change	Public Works Laborer Titles
49	Liquor License Renewal	BHT-forthcoming
50	Towing Licenses	Approval of Towing Licenses
51	Zoning Changes	Extend resolution regarding Zoning of Block

9. MISCELLANEOUS DISCUSSION

- A.** Ordinance 2017-1033
- B.** Ordinance 2017-1035
- C.** Resolution 52-2017 dismiss sewer charges for Somerset County Garages

10. NEW ORDINANCES

- A.** Reintroduce Ordinance 2017-1033 Sewer Charges
AN ORDINANCE AMENDING CHAPTERXVII, TITLED “SEWERS” OF THE REVISED GENERAL ORDINANCES SUBSECTION 1.27 TITLED “SEWER CHARGE”

<i>Purpose</i>	<i>To amend the Borough sewer ordinance providing for a rate reduction and a change in Calculation of the Residential sewer rental fee</i>
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- B.** Ordinance 2017-1035
AN ORDINANCE AMENDING CHAPTER XI, TITLED “BUILDING AND HOUSING” OF THE REVISED GENERAL ORDINANCES ADDING SECTION 11-1.8

<i>Purpose</i>	<i>Creates the process of disconnecting from the Borough Sewer system and the billing thereof.</i>
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11. NEW BUSINESS

- A.** Green Acres Grant Application – Resolution 53-2017

12. BILL LIST: RESOLUTION 54-2017

Approval of Bills as signed and listed on the Bill Payment List. **Total Amount: \$933,495.83**

13. PUBLIC COMMENTS AGENDA ITEMS ONLY: 3 MINUTES PER PERSON

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

14. REOPEN EXECUTIVE SESSION IF NECESSARY

15. ADJOURNMENT:

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 042-2017

ADOPTED: February 14, 2017

RECOGNITION OF JOHN TERRY

WHEREAS, the Mayor and Council were saddened by the sudden passing of John H. Terry on January 4th, 2017 and

WHEREAS, John Terry was a long-time resident and business owner in the Borough of Peapack, and

WHEREAS, John Terry as spent many years volunteering in the Borough as a member of the Land Use Board, Member of Peapack and Gladstone Fire Department, the Matheny Organization, and the Visiting Nurse Association, and

WHEREAS, John Terry gave the Borough an abundant amount of his personal time sometimes at the cost of family and personal ambitions, and

WHEREAS, John Terry's wise counsel and volunteer efforts will leave a void not easily filled in the Borough of Peapack & Gladstone

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey hereby thank Mr. Terry and his family for his many years of dedicated service, counsel, and self-sacrifice for the community which Mr. Terry cared so much for.

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 043-2017

ADOPTED: February 14, 2017

TEMPORARY BUDGET APPROPRIATION

WHEREAS, an emergent condition has arisen with respect to general appropriations to meet invoices and no adequate provision has been made in the 2017 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergent temporary resolutions adopted in the year 2017 pursuant to the provisions of Chapter 96, P.L. 1951, (N.J.S.A. 40A:4-20) including this Resolution total \$11,100.00.

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergent temporary appropriation be and the same is hereby made for the following appropriations in the stated amounts:

Information Technology	S&W	7-01-20-140-101	\$ 400.00
Zoning	S&W	7-01-21-185-101	\$ 600.00
Fire – UFC	S&W	7-01-25-265-101	\$ 650.00
Solid Waste	S&W	7-01-26-305-101	\$ 1,050.00
Recreation Commission	S&W	7-01-28-370-101	\$ 1,350.00
Municipal Court	S&W	7-01-43-490-101	\$ 3,350.00
Board of Health	S&W	7-01-27-330-101	\$ 3,700.00

for a total of \$11,100.00.

2. That said emergency temporary appropriation will be provided in the 2017 budget under the title of:

Information Technology
Zoning
Fire – UFC
Solid Waste
Recreation Commission
Municipal Court
Board of Health

3. That one (1) certified copy of this Resolution be filed with the Director of the Division of Local Government Services.

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 044-2017

ADOPTED: February 14, 2017

Appoint Acting Director for the Department of Public Works effective March 1, 2017

WHEREAS, Rodney McCatharn, Director of Public Works, submitted his retirement papers with an effective retirement date of February 28, 2017, and

WHEREAS, the Borough of Peapack & Gladstone accepted the Director's retirement and wishes him the good luck on his retirement, and

WHEREAS, the retirement of the Director of Public Works creates a vacancy in the Department, and

WHEREAS, Scott Hanna is certified as a Public Works Manager and holds the CPWM certificate issued by the New Jersey State Department of Community Affairs, Division of Local Government Services, and

WHEREAS, Scott Hanna will be the Acting Director of Public Works leaving a vacancy of Assistant Director of Public Works, and

WHEREAS, it is the recommendation of the Director of Public Works and the Administrator that Thomas Skillman be promoted to Acting Assistant Director of Public Works upon the current Directors retirement.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey hereby appoints Thomas Skillman as Acting Assistant Director of Public Works for a probationary period of 6 months ending on September 1, 2017 at which time the Borough Administrator will evaluate and recommend permanent status, an additional probationary period to be determined, or to remain in his permanent title of Equipment Operator, and

BE IT FURTHER RESOLVED that the salary for Acting Assistant Director of Public Works be set at \$50,000.00 per year, and

BE IT FURTHER RESOLVED, that Thomas Skillman shall start to take the Certified Public Works Manager Courses provided by Rutgers to attain the certification of CPWM within 5 years of July 1, 2017.

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 045-2017

ADOPTED: February 14, 2017

Appoint Acting Director for the Department of Public Works effective March 1, 2017

WHEREAS, Rodney McCatharn, Director of Public Works, submitted his retirement papers with an effective retirement date of February 28, 2017, and

WHEREAS, the Borough of Peapack & Gladstone accepted the Director's retirement and wishes him the good luck on his retirement, and

WHEREAS, the retirement of the Director of Public Works creates a vacancy in the Department, and

WHEREAS, Scott Hanna is certified as a Public Works Manager and holds the CPWM certificate issued by the New Jersey State Department of Community Affairs, Division of Local Government Services, and

WHEREAS, it is the recommendation of the Director of Public Works and the Administrator that Scott Hanna be promoted to Director of Public Works upon the current Directors retirement.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey hereby appoints Scott Hanna as Acting Director of Public Works for a probationary period of 6 months ending on September 1, 2017 at which time the Borough Administrator will evaluate and recommend permanent status, an additional probationary period to be determined, or to remain in his permanent title of Assistant Director of Public Works, and

BE IT FURTHER RESOLVED that the salary for Acting Director of Public Works be set at \$88,000.00 per year and is a salaried 40 hour per week not subject to overtime.

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 046-2017

ADOPTED: February 14, 2017

**COUNCIL COMMITTEE ASSIGNMENTS FOR THE BOROUGH OF PEAPACK &
GLADSTONE DURING THE YEAR 2017**

WHEREAS, the Mayor of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey, wishes to appoint Councilmembers to various Committees for the year 2017; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Peapack & Gladstone, that it does hereby ratify, confirm and approve the appointment of the following for the Borough of Peapack and Gladstone during the year 2017.

The following Committee Assignments were recommended by Mayor Muller to the Borough Council as follows:

Code Enforcement Committee

Councilman Lemma – Chair
Councilman Corigliano – 2nd

Natirir Committee

Councilman Corigliano

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 047-2017

ADOPTED: February 14, 2017

BOROUGH OF PEAPACK AND GLADSTONE COUNCIL RESOLUTION OF APPROVAL OF ADEQUATE SANITARY SEWER FLOW AVAILABILITY FOR CONSTRUCTION OF THE FUNCTION CENTER AND MANOR HOUSE WHICH ARE PART OF PHASE A OF THE NATIRAR CONSTRUCTION PROJECT

WHEREAS, by Resolution dated April 2, 2014, the Land Use Board of the Borough of Peapack and Gladstone granted preliminary and final major site plan approval to Natirar Development, LLC for Lot 24.02, Block 28 in the Borough of Peapack and Gladstone, said approval being subject to certain terms and conditions; and

WHEREAS, Condition Number 5 of the site plan approval rendered said approval to be subject to the Applicant obtaining confirmation from the Borough Council regarding adequate sanitary sewer flow for the project; and

WHEREAS, Natirar Development, LLC has requested that the Borough Council issue a confirmation that Condition Number 5 has been demonstrated; to wit, that adequate sewer capacity is available for the Function Center and Manor House improvements which are the current parts of the Phase A portion of the development project; and

WHEREAS, having reviewed this matter, the Borough Engineer William Ryden, P.E., has issued a report dated February 10, 2017, wherein he recommends that the Borough Council acknowledge that Condition Number 5 of the aforementioned April 2, 2014 Resolution of the Land Use Board is satisfied, for the reasons as set forth in Engineer Ryden's report, which report is annexed hereto and made a part hereof; and

WHEREAS, the Borough Council having reviewed the report of Engineer Ryden and having accepted its content and relying on the reasons and findings as set forth therein,

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Peapack and Gladstone does hereby acknowledge that the Applicant, Natirar Development, LLC, does satisfy Condition Number 5 of the April 2, 2014 Resolution of the Borough Land Use Board, that adequate sanitary sewer flow capacity is available for the function center and manor house facilities at Natirar which are part of Phase A of the construction project.

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 048-2017

ADOPTED: February 14, 2017

Public Works Titles, Duties, and Licenses

WHEREAS, there is a need for flexibility in the public works department to be able to hire people without a commercial drivers license, and

WHEREAS, currently there is no provision in the salary guide to provide this information.

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

Public Works Laborer - Under supervision, performs varied types of manual and unskilled laboring work, and may drive a truck weighing with a GVWR less than 26,000 lbs. in connection with laboring work on occasion; does other related duties as required.

Public Works Laborer/Truck Driver/Small Equipment Operator - Under direction, operates one or more types of gasoline or diesel powered equipment to perform assignments to push, pull, pile, lift, and load materials; clears brush and debris; levels earth to rough specification on simple, rolling terrain and/or level surfaces; inspects equipment daily and reports unsafe conditions; services and makes minor emergency repairs in garage or field; lubricates/oils equipment; performs varied types of manual, unskilled, and skilled laboring work, drive a truck weighing with a GVWR greater than 26,000 lbs. in connection with laboring work, maintain a Class B CDL license with air brake endorsement; does other related duties as required.

, and

BE IT FURTHER RESOLVED that the starting salaries for the above 40 hour per week positions shall be:

Public Works Laborer - \$36,000.00 or as negotiated

Public Works Laborer/Truck Driver/Small Equipment Operator – \$38,000.00 or as negotiated

, and

BE IT FURTHER RESOLVED that the following employees receive a salary adjustment to reflect the possession of their CDL License and title change.

Public Works Laborer/Truck Driver/Small Equipment Operator:

Brad Fagan

Dan Rusinello

, and

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 048-2017

ADOPTED: February 14, 2017

BE IT FURTHER RESOLVED that the following employees receive a salary adjustment to reflect the possession of their CDL License,

William Allen – Mechanic CDL +\$2,000

Kevin O'Brien – Building Manager CDL +\$2,000

BE IT FURTHER RESOLVED that the salary adjustments herein take effect as of January 1, 2017

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 49-2017

ADOPTED: February 14, 2017

Renewal Plenary Retail Consumption, Distribution, and Club Licenses

BE IT RESOLVED by the Mayor and Council of the Borough of Peapack & Gladstone that pursuant to R.S. Title 33 et seq., the following have made application for the annual renewal of their liquor license in the Borough of Peapack & Gladstone; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Peapack & Gladstone, County of Somerset, State of New Jersey, approve said license effective February 14, 2017, subject to approval by the NJ Alcoholic Beverage Commission and filing of Tax Clearance Certificate:

Renewal Term: 02/14/2016 to 06/30/2017

License Number: 1815-33-005-012

License Type: Plenary Retail Consumption License

Licensee: BHT, Inc. (SUBLIME)

Licensee Mailing Address:

Establishment: BHT INC. (SUBLIME)

Address: 12 LACKAWANNA AVENUE GLADSTONE, NJ 07934

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 050-2017

ADOPTED: February 14, 2017

Award Towing Licenses 2017-2019

WHEREAS, The Borough Clerk has received applications for towing services for the Borough of Peapack and Gladstone's Police Department, and

WHEREAS, said applications have been reviewed by the Peapack and Gladstone Police Department, and have been found to comply with Ordinance 994 governing procedures and requirements for issuance of towing licenses.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Peapack and Gladstone that towing licenses for the 2017-2019 licensing period shall be awarded to:

1. Dave's Heavy Towing
87 Old Camplain Road
Hillsborough, NJ 08844

2. Tom DeLucas Towing
390 Burnt Mills Road
Branchburg, NJ 08876

3. Mike's Towing and Recovery
643 East Main Street
Bridgewater, NJ 08807

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 051-2017

ADOPTED: February 14, 2017

TO MEMORIALIZE THE INTENTION AND DESIRE OF THE BOROUGH COUNCIL FOR THE BOROUGH TO EXERCISE ADMINISTRATIVE RESTRAINT IN ZONING ENFORCEMENT AS TO ANY CONDITIONAL USES WHICH MAY BE ELIMINATED ON THE MATHENY PARCEL IN THE EVENT OF ADOPTION OF THE PENDING AMENDMENT TO THE BOROUGH'S LAND DEVELOPMENT ORDINANCE

WHEREAS, there is now pending before the Governing Body of the Borough of Peapack and Gladstone a land use ordinance, Ordinance Number 1015, amending the Borough's Land Development Ordinance to eliminate certain conditional uses in designated zones; and

WHEREAS, if that land use ordinance is adopted, it will eliminate certain conditional uses at various properties in designated zones, including the Matheny Parcel; and

WHEREAS, the Land Use Board of the Borough of Peapack & Gladstone recently performed its statutorily mandated reexamination of the Borough Master Plan and, as part thereof, recommended to the Borough Council that certain conditional uses be eliminated in designated zones; and

WHEREAS, when the Land Use Board recommended the removal of certain conditional uses in designated zone, that Board also recognized that, given the complexities of the land issues specifically concerning the Matheny parcel, further analysis was warranted; and

WHEREAS, the Borough Council determined that it was both appropriate and beneficial to ensure that the further analysis of this issue be conducted in a timely manner, and in furtherance thereof, the Borough Council encouraged the formation of a subcommittee of the Land Use Board in accordance with N.J.S.A. 40:55D-25(b)2 to study this issue; and

WHEREAS, in accordance therewith, a subcommittee has been formed which is presently studying the land use issues pertaining to the Matheny property; and

WHEREAS, the Borough Council having determined that it is desirous and prudent to await the study by the aforementioned subcommittee before determining the appropriate manner in which to proceed regarding those conditional uses as it pertains to the Matheny parcel.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Peapack & Gladstone that it wishes to express its intent that Borough exercise administrative restraint with respect to zoning enforcement regarding the certain conditional uses on the Matheny parcel as eliminated by the referenced land use ordinance if adopted; and

BE IT FURTHER RESOLVED that it is the intention of the Borough Council that the Borough exercise such administrative restraint with respect to said zoning enforcement while the Land Use Board subcommittee is working in an expeditious and timely manner to formulate reasonable conditional standards for those existing and complex uses on the Matheny parcel; and

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 051-2017

ADOPTED: February 14, 2017

BE IT FURTHER RESOLVED that the this Resolution shall take effect immediately and extend for a period of six months, or until the Land Use Board subcommittee presents its findings and recommendations to both the Land Use Board and the Borough Council, whichever date shall first occur. If, after the expiration of six months, reasonable conditional standards have not yet been determined for approval by the Land Use Board and Governing Body, the Borough Council may in its sole discretion review this matter and consider extending this resolution for an additional period of time if the Council deems such extension reasonable and appropriate.

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 052-2017

ADOPTED: February 14, 2017

WHEREAS, the County of Somerset has demolished the structures, aka as the Somerset County Barns, located at 28 Holland Avenue with a tax id of block 29 lot 1, and

WHEREAS, the County does not have any intention to rebuild on that location.

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 authorizes the utility collector to stop billing for sewer and remove Block 29 Lot 1 from the sewer billing duplicate.

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 053-2017

ADOPTED: February 14, 2017

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Peapack & Gladstone desires to further the public interest by obtaining funding in the amount of \$246,800.00, in the form of a \$123,400.00 matching grant and, \$123,400.00, from the Open Space Trust Fund to fund the following project Liberty Park Pond Wetlands Habitation and Water Quality Improvement project, at a cost of \$246,800.00 (project cost);

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 resolves that John Gregory or the successor to the office of Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

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

1. That the Mayor or Administrator of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Liberty Park Pond Wetlands Habitation and Water Quality Improvement Project;
2. That the applicant has its matching share of the project, if a match is required, in the amount of \$123,400.00;
3. That, in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

I, Mary Robinson, Chief Financial Officer of the Borough of Peapack & Gladstone, do hereby certify funds are available for this contract from: Open Space Trust.



Mary Robinson
Chief Financial Officer

RESOLUTION
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 54-2017

ADOPTED: February 14, 2017

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.

I, Mary Robinson, Chief Financial Officer of the Borough of Peapack & Gladstone, do hereby certify funds are available for this contract from: various as listed.



Mary Robinson
Chief Financial Officer



ORDINANCE
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 2017-1029

MEETING DATE: January 24 , 2017

Introduced: January 24, 2017

Public Hearing: February 14, 2017

WHEREAS, the Borough Council of the Borough of Peapack & Gladstone believes that it is in the best interests of the Borough and its residents to set forth standards for supplied utilities and facilities and other physical things and conditions essential to ensure that residential rental dwellings in the municipality are safe, sanitary, fit for human habitation, and in compliance with all laws and zoning regulations.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Peapack and Gladstone, in the County of Somerset and the State of New Jersey, hereby introduce the below ordinance for consideration with a public hearing date of January __, 2017 at the 7:30 pm Regular Council meeting

CHAPTER XI BUILDING AND HOUSING
SUB-CHAPTER VII RESIDENTIAL RENTAL CODE

11-7.1 SHORT TITLE.

Sub-Chapter 7 of this Chapter may be cited as "The Residential Rental Code" of the Borough of Peapack and Gladstone, Somerset County, New Jersey

11-7.2 ADOPTION.

The Residential Rental Code of the Borough is hereby adopted to read as follows.

11-7.3 GENERAL.

11-7.3.1 Scope.

This Code is to protect the public health, safety and welfare in all residential rental structures and premises as hereinafter provided by:

1. Establishing minimum maintenance standards for all residential rental structures in determining the fitness of any such structure for human habitation, use or occupancy.
2. Establishing procedures and requirements for the rental of residential structures within the Borough.
3. Providing for administration, enforcement and penalties.
4. These regulations shall not apply to a residential unit occupied by the owner or by an immediate family member of the owner.

11-7.3.2 Responsibilities.

Unless expressly provided to the contrary in this Code, the respective obligations and responsibilities of the owner, operator and occupant shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties.



ORDINANCE
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 2017-1029

MEETING DATE: January 24 , 2017

The owner shall be primarily responsible for complying with the provisions of this Chapter unless expressly stated otherwise within any particular section herein; however, nothing herein shall prevent the Public Officer from issuing a notice pursuant to subsection 11-7.6.6 or 11-7.6.7 to the operator or occupant in addition to the owner. The owner shall be responsible for any failure of the operator or occupant to discharge a duty imposed upon the operator or occupant by this Code.

11-7.4. ADOPTION OF NEW JERSEY STATE HOUSING CODE.

11-7.4.1 Code Established.

A certain document, three (3) copies of which are on file in the Office of the Clerk of the Borough, being marked and designated as the New Jersey State Housing Code, as set forth in the New Jersey Administrative Code, N.J.A.C. 5:28-1 et seq., as amended from time to time, be and is hereby adopted as the Housing Code of the Borough of Peapack and Gladstone, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the State Housing Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes as prescribed in this chapter.

11-7.4.2 Responsibility for Utilities.

Where utilities and facilities (as it pertains to this section: gas, oil, electricity, sewer, water and heating systems), are not supplied directly and independently through the use of separate meters, tanks and piping to each individual dwelling unit in a building or structure, the landlord or owner is responsible for supplying same. Notwithstanding the responsibilities imposed on the owner or landlord pursuant to this section, the responsibility for paying the cost for said utilities and facilities is a matter left between the owner or landlord and tenant. Nothing in this ordinance shall be construed as determining which party shall be responsible for paying the cost of said utilities.

11-7.4.3 Dwelling Unit Facilities.

Every dwelling unit shall have a bathroom, containing a toilet, wash basin, bathtub or shower; shall be equipped with private kitchen facilities; and shall comply with such other requirements as are set forth elsewhere in this Code. Where there are more than eight (8) occupants, the unit shall have two (2) bathrooms. Each dwelling unit or rooming unit shall contain at least one (1) closet for each bedroom located within the dwelling unit. Every kitchen shall contain adequate storage facilities for dishes and utensils.

11-7.4.4 Cooking.

No cooking shall be permitted in any dwelling unit unless there be minimum sanitary facilities, which facilities shall include:

1. Kitchen sink that is connected to the hot and cold water lines and waste;
2. A waterproof washable container for garbage disposal equipped with a lid or cover to prevent infestation; and
3. Appropriate facilities for storage of food and either gas or electric refrigeration;



ORDINANCE
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 2017-1029

MEETING DATE: January 24 , 2017

11-7.4.5 Community Cooking Facilities.

Cooking facilities serving more than one dwelling unit or independent rooming unit or combination thereof shall not be permitted.

11-7.5 DUTIES AND RESPONSIBILITIES OF OCCUPANTS.

11-7.5.1 Plumbing Maintenance.

Every owner, occupant or operator shall maintain all plumbing fixtures used by him in a clean and sanitary condition and he shall not deposit any material in any fixture or sewer system which would result in stoppage of or damage to the fixtures or sewer system.

11-7.5.2 Cooking.

No occupant shall cook in any dwelling unit except where all the required sanitary facilities are installed as required under subsection 11-7.4.4

11-7.6 ADMINISTRATIVE PROVISIONS.

11-7.6.1 Public Officer.

The person charged with the responsibility of enforcement of this Code shall also be known as the Public Officer, and shall have authority as necessary in the interest of the public health, safety and general welfare, to implement the provisions of this Code. A Zoning Officer, Fire Inspector, and / or Code Enforcement Officer of the Borough shall also be considered a “Public Officer” for purposes of this Code.

11-7.6.2 Inspections.

All residential rental structures and premises within the Borough are subject to this Code, and shall be subject to inspections by the Public Officer of the Borough. At the time of such inspections, all rooms in the building and all parts of the premises must be available and accessible for such inspections and the owner, operator and occupant are required to provide the necessary arrangements to facilitate inspections. All such inspections undertaken pursuant to this Chapter XI shall be subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Public Officer shall pursue recourse as provided by law, including obtaining a search warrant. Inspections shall be made between 8:30 a.m. and 4:30 p.m. prevailing time, unless one of the following conditions exists:

1. The premises are not available during the foregoing hours for inspections; or,
2. There is reason to believe that violations are occurring on the premises which can only be apprehended and detected by inspections during other than the prescribed hours or which require immediate inspection after being reported, such as failure to supply heat; or,
3. There is reason to believe a violation exists of a character that is an immediate threat to health or safety requiring inspection and abatement without delay.

11-7.6.3 Identification and Conduct of Inspectors.

Public Officers who conduct inspections shall be supplied with official identification and upon request shall exhibit such identification when entering any dwelling unit, rooming unit, or any part of any premises subject to this Code. Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.



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11-7.6.4 Entry Refusal.

Where the Public Officer is refused entry or access or is otherwise impeded or prevented by the owner, operator or occupant from conducting an inspection of the premises as permitted under and pursuant to the terms of this Chapter XI, such person shall be in violation of this Code.

11-7.6.5 Search and Access Warrants.

Where entry is refused, the Public Officer may, upon affidavit, apply to the Municipal Court Judge of the Borough for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this Code exists on the premises, and if the Judge is satisfied as to the matter set forth in the affidavit, he or she shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation is believed to exist. Warrant for access may be issued by the Judge upon affidavit of the Public Officer establishing grounds therefore.

11-7.6.6 Notice Procedure.

Where a violation of this Code or the regulations hereunder is found to exist, a written notice from the Public Officer shall be served on the person or persons responsible for the correction thereof.

11-7.6.7 Contents of Notice.

The notice shall specify the violation(s), what must be done to correct same, a reasonable period of time not to exceed thirty (30) calendar days to correct or abate the violation(s) unless extenuating circumstances warrant otherwise, the right of the person served to request a hearing, and that the notice shall become an order of the Public Officer five (5) business days after service unless a hearing is requested pursuant to subsection 11-7.6.9.

11-7.6.8 Service of Notice.

Notice may be effectuated by personal service on the Owner, operator or occupant, or by posting on the premises, or by certified mail to the last known address of the person to be served, as set forth herein. In the case of an occupant, notice may be posted upon the door of his dwelling or rooming unit. When it is ascertained that the owner does not reside on the premises, the "last known address" shall be the address of the owner as shown in the office of the Tax Collector. If the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the building. The Public Officer shall provide notice at any address other than the last known address provided hereunder to any such owner, operator or occupant if such other address has theretofore been filed with the Public Officer personally, or by certified mail addressed to the Public Officer. Service upon an owner, operator or occupant may also be attained by service of any notice upon a member of the family of the owner, operator or occupant. When service is by mail, the date of service of the notice shall be fixed as the day following the day of mailing for notice to addresses within the Borough, and as the second day after the day of mailing for notice to addresses outside the Borough. When the day of service falls upon a Sunday or other day when mail is not ordinarily delivered, the day of service shall be fixed as the next regular



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delivery day. Posting of notice on the property shall not be utilized as the sole form of notice except when there is no other means of providing notice.

11-7.6.9 Notice to Become Order.

After five (5) business days from the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a Hearing thereon and serves a written request for such a Hearing within the five (5) business days period, in person or by mail, on the Public Officer and Borough Administrator. Such request for a hearing shall concisely set forth the grounds or reasons on which the request for a hearing is based and the factual matters contained in the notice of violation which are to be disputed at the hearing. The Borough Administrator, upon receipt of the request, shall, prior to the notice becoming an order and upon at least five (5) business days' notice to the party aggrieved, set the matter down for hearing. The hearing shall be held before a designated Hearing Officer. The Hearing Officer shall be designated by the Mayor, upon the advice and consent of the Council.

11-7.6.10 Hearing Determination.

At any hearing provided hereunder, the Hearing Officer shall be vested with all the powers provided by law to compel the attendance of witnesses and parties in interest by issuance and service of subpoena, to require by subpoena the production of books, records, or other documents at any such hearing which may be pertinent to matters to be determined by him and to enforce any such subpoena as provided by law. Determination by the Hearing Officer shall be made within ten (10) days from the completion of the hearing. The Hearing Officer shall issue an order either incorporating the determinations and directions contained in the notice, modifying the same or withdrawing the notice.

11-7.6.11 Summary Abatement in Emergency.

Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life or limb or the welfare and well-being of the citizens of Peapack and Gladstone unless abated without delay, the Public Officer may order the owner, operator or occupant to correct the violation or condition within a period of time not to exceed three (3) days.

11-7.6.12 Cost of Violation Abatement.

Where the abatement of any nuisance as defined herein, correction of a defect in the premises or bringing the premises into compliance with the requirements of any municipal ordinance or State law applicable thereto requires expending Borough monies therefor in a manner consistent with and in adherence to the Local Public Contracts Law, N.J.S.A. 40A: 11-1 et seq , the Public Officer shall present a report of work done to accomplish the foregoing to the Borough Administrator along with a summary of the proceedings undertaken by the Public Officer to secure compliance. The Borough Administrator shall report to the Council of such action and request a lien be placed on the affected premises. After review of the same, the Borough Council may approve the expenditure and costs whereupon the same shall become a lien against the premises collectible as provided by law. A copy of the resolution approving the expenses and



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costs shall be certified by the Borough Council and filed with the Tax Collector of the Borough who shall be responsible for the collection thereof.

11-7.6.13 Extension for Dispossess Actions.

Where there exists a violation of occupancy standards hereunder, an owner or operator, upon receipt of a notice of a violation, if unable to eliminate the violation by peaceable means within the period of time specified in the notice, shall commence within such period legal action to dispossess, evict or eject the occupants who cause the violation. No further action hereunder shall then be taken against the owner or operator as long as the action aforesaid is pending in the court and is prosecuted expeditiously and in good faith. However, if the Public Officer has reason to believe the violation is the responsibility of the owner or operator, the Public Officer may proceed with a violation against said owner or operator.

11-7.6.14 Notice and Hearing Not Required.

Where the Public Officer shall determine that there was a violation and a notice was served upon the owner, operator or occupant whether or not the violation was abated prior to the issuance of an order, if thereafter within the space of two (2) years there shall be a second violation by the same owner, operator or occupant of the same provision of this Code discovered on the same premises, the offender may be prosecuted on the second violation without the Public Officer first giving notice and opportunity for a hearing to the owner, operator or occupant by the filing of a complaint by the Public Officer in the Municipal Court. Where the Public Officer has on two (2) different occasions found violations by the same owner, operator or occupant on the same premises and has issued notices on each, upon discovering a third or subsequent violation by the same owner, operator or occupant on the same premises within the space of two (2) years, whether of the same sections or subsections or of any other sections of this Code, he may thereupon prosecute the offender by filing a complaint in the Municipal Court for the third or subsequent violation occurring within the period of two (2) years without first providing notice and opportunity for a hearing by the Hearing Officer.

11-7.6.15 Effect of Notice.

For the purposes of enforcement of this Code, the service of a notice on an owner, whether or not the owner is also the operator, shall constitute notice of violations set forth therein until the violations are abated in conformity with this Code and the other applicable ordinances of the Borough.

11-7.6.16 Appointment of Receiver.

Where the owner, operator or lessor of any structure containing two (2) or more dwelling units, or rooming units which is let or rented to another in whole or in part violates this Code or any other municipal ordinance pertaining to the structure or fails to abate any violation of this Code, or violates an order of the Public Officer upon resolution duly approved by the Borough Council, the Public Officer may commence an action in the Superior Court seeking appointment of the Public Officer as Receiver ex officio of the rents and income from the property. The rents and income shall be collected by the Receiver and shall be expended and allotted to:



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- a. Secure compliance with the regulations of the Borough and laws of the State as set forth in the order of the Public Officer; and
 - b. Be utilized to defray such costs and expenses of the receivership as may be adjudged by the Superior Court; and
 - c. Be applied towards payment to the Borough of any fines or penalties with costs which may have been imposed on the owner, operator or lessor for violation of the ordinances of the Borough and which have remained unpaid.

11-7.6.17 Fines and Penalties.

- a. Fines. In addition to any penalties expressly set forth within this Code, a violation of any section or subsection of this Code shall be subject to the penalty provisions of Chapter 1, Section 1-5 of the Municipal Code. Nothing in this section shall prohibit the Public Officer from citing violations under the penalty provisions of the Uniform Construction Code, New Jersey Administrative Code or any other applicable statute, regulation or ordinance. Each violation of a section or subsection of this Code shall constitute a separate and distinct violation independent of any other section or subsection. Each day's failure to comply with any such section or sub-section shall constitute a separate violation. In establishing the penalty to be imposed, the Judge of the Municipal Court shall consider whether the owner, operator or occupant so charged has been convicted of a violation of this Code within the prior two (2) years.
- b. Liability of Officers and Agents. Where the defendant is other than a natural person, the above paragraph as to fines and penalties shall also apply to any agent, superintendent, officer, member or partner who shall alone or with others have charge, care or control of the premises.

11-7.6.18 Adoption of Rules and Regulations.

The Public Officer is hereby authorized and empowered to promulgate such written rules and regulations as may be necessary for the proper interpretation and administration of the provisions of this Code, with concurrence of the Borough Council, provided that such rules and regulations do not conflict with this Code and conform to the general standards prescribed by this Code. The Public Officer shall file copies of such rules and regulations with the Borough Clerk and shall make available in the Public Officer's office a copy for inspection by the members of the public during regular business hours.

11-7.6.19 Variations and Modification of Provisions.

The Public Officer shall have the power to withhold strict enforcement of the requirements of this Code upon written application therefor by an owner, operator or occupant, after making determination that:

- a. Any variation or modification of structure or use approved by the Public Officer will not in any material way alter the standards of this Code and cannot affect detrimentally the health or safety of occupants or owners of adjacent premises or of the neighborhood; and
- b. Strict enforcement would constitute an undue and unnecessary hardship on the owner, operator or occupant because it would compel expenditures on the premises which would



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be substantially disproportionate to any benefit to health, safety or welfare that might be derived therefrom.

Upon denial of any such application, the owner, operator or occupant may request a hearing which shall be held in accordance with provisions of subsection 11-7.6.9. Such application shall not constitute a defense of any violation of this Code concerning which any proceedings are pending in the Municipal Court when the application is filed nor shall any variance or modification allowed hereunder constitute a vested right against any ordinance enacted hereinafter by the Borough Council compelling strict enforcement of any provisions of this Code.

11-7.6.20 Request for Inspections.

Whenever an owner, operator or occupant, prospective purchaser, mortgagee or prospective occupant shall apply to the Public Officer for an inspection in order to ascertain if any section of this Code has been violated, the Public Officer shall, upon payment of the fee hereunder stated, cause an inspection to be made of the premises and issue an informational certificate or report of the inspection to the applicant, indicating therein any violations of this Code on the premises. The applicant for inspection shall state in writing his full name, residence and the reasons and basis for which the inspection is requested. The Public Officer may deny the application for failure to comply with this requirement. The fee for any inspection made under this subsection shall be fifty (\$50.00) dollars for single-family dwellings and twenty-five (\$25.00) dollars additional for each unit and twenty-five (\$25.00) dollars for each re-inspection subsequent to the first inspection.

11-7.6.21 Transfer of Property.

Any person who sells or conveys any dwelling or dwelling unit in the Borough shall include, as part of the agreement of sale, a statement that there is or is not any outstanding notice or order, issued by the Public Officer citing violations of the provisions of this Section. Failure of a seller or conveyer to conform to the requirements of the above statement, even if with the consent of the purchaser or transferee, shall be a violation of this Section and shall subject the seller or conveyer to the penalties as set forth in subsection 11-7.6.17. Upon written request and payment of a fee as stipulated under subsection 11-7.6.20 by persons seeking compliance with this Section, the Public Officer shall cause an inspection to be made and shall mail a report of such inspection to the person requesting it.

11-7.7 RENTAL CERTIFICATE OF OCCUPANCY.

11-7.7.1 Issuance of Rental Certificate of Occupancy.

a. Definitions.

1. Dwelling shall mean and include any building or structure rented or offered for rent to one (1) or more tenants or family units.
2. Dwelling Unit shall mean and include that portion of a building or structure rented or offered for rent to one (1) or more tenants or family units.



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3. Owner shall mean any person who owns any legally cognizable interest in any building or structure including, but not limited to, outright ownership or ownership through a partnership, corporation or limited liability company.
4. Owner-Occupied shall mean the primary residential living unit of the owner.
5. Rental Unit shall mean and include that portion of a dwelling, building or structure rented or offered for rent, for living and dwelling purposes to individuals or family units.
6. Reside shall mean to live or dwell permanently or continuously for thirty (30) or more days.
7. Tenant shall mean those persons who have leased the unit from the owner regardless of the type of tenancy under which they occupy the unit.
- b. Certificate Required. No person shall rent any dwelling unit unless a Rental Certificate of Occupancy (RCO) has been obtained by the owner or any agent acting on behalf of any owner from the Public Officer or designee. It shall henceforth be unlawful for any owner of real property to which this Section is applicable to rent or lease for occupancy any dwelling unit until a Rental Certificate of Occupancy has been obtained therefor from the Public Officer or designee. This Section shall not apply to owner - occupied properties.
- c. Applications for Certificate.
 1. Commencing April 1, 2017, any owner or any agent acting on behalf of any owner, intending to rent or lease any dwelling unit or actually renting or leasing a dwelling unit, shall apply to the Public Officer or his/her designee for an RCO. For any dwelling unit which is already actually rented or leased as of April 1, 2017, the owner or agent acting on behalf of such owner must apply for an RCO no later than April 1, 2017.
 2. Landlord shall notify the Public Officer in writing or email within five (5) business days whenever any change of occupancy occurs.
 3. All applications for such RCO shall be accompanied by an inspection fee of fifty (\$50.00) dollars and \$25 for each additional unit included in the same application submission, shall be made in writing and shall state:
 - i. The name, street address and working phone number of the owner of the property, and the name, street address and working phone number of the renting agent, if any.
 - ii. A description of the premises to be occupied, including the street address thereof, and a designation of the portion or portions of the premises or structures for which the specific application is being made;
 - iii. The number of persons older than one year of age who shall occupy any and all portions of the premises; and,
 - iv. The number of bedrooms in the dwelling unit.
 4. Within ten (10) business days after the receipt of the payment of the required inspection fee and the application form, the owner shall afford the Public Officer or his/her designee the opportunity to inspect the dwelling unit. Within ten (10) business days of the inspection, the Public Officer or his/her designee shall issue or deny the RCO, setting forth the reason(s) for such denial. Each separate dwelling unit shall require a separate RCO (i.e. three (3) rental units in a building



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require three (3) Rental Certificates of Occupancy). The Public Officer will also determine if the proposed rental would render the property to be out of compliance with the zoning regulations of the zone in which the property is situated. No RCO will be issued if the property is not in compliance with the applicable zoning regulations.

5. If the RCO is denied, the owner shall pay a fee for re-inspection in the amount of twenty-five (\$25.00) dollars per re-inspection for each RCO sought.
 6. All owners or renting agents applying for an RCO, as provided herein, shall advise the Public Officer or his/her designee of a reasonable time or times that the inspection may be made and have someone present to assist and provide entry for the inspection purposes.
 7. Commencing April 1, 2017, and continuing each year thereafter, any owner or any agent acting on behalf of any owner, who rents or leases any dwelling unit shall apply no later than January 1st of that year to the Public Officer or his/her designee for an annual re-inspection in order to obtain and maintain an annual RCO. Each rental premises containing any dwelling units shall be subject to an annual re-inspection for each such dwelling unit.
 8. The Public Officer or his/her Designee shall re-inspect the property upon receipt of the application and the fifty (\$50.00) dollar fee and prior to issuing a new RCO or the annual renewal of an RCO. All applications for the annual renewal of an RCO shall be accompanied by an inspection fee of fifty (\$50.00) dollars and \$25 for each additional unit included in the same application submission
- d. Standards for Issuance.
1. If, after a general inspection of the dwelling unit, the Public Officer or his/her designee determines that the dwelling unit complies with the Master Plan, the zoning ordinances, the provisions of this chapter and all other applicable ordinances of the Borough of Peapack and Gladstone and/or State law, the Public Officer or his/her designee shall issue the RCO.
 2. If the Public Officer or his/her designee, as a result of the general inspection of the dwelling unit, finds any violation as set forth in paragraph d(1) above, he shall notify the owner of the violation by way of written notice sent certified mail, return receipt requested and regular mail and/or by personal service of the notice, with acknowledgement of receipt to the owner or his/her agent. The Public Officer shall allow the owner fourteen (14) calendar days to correct the violation. The notice shall identify the premises and specify the violations and any necessary remedial action. The notice shall state that the failure to correct the violations within the time specified shall constitute a violation of this subsection and may be punishable in accord with Chapter I, Section 1-5 of this Code and/or applicable State law.
 3. Upon notification that the violation has been corrected, the Public Officer or his/her designee shall re-inspect the premises, subject to a twenty-five (\$25.00) dollar re-inspection fee. If the violation has been remedied, the Public Officer shall issue the RCO.



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4. Any violation of Federal, State and/or local laws, rules, regulations and/or codes shall be grounds for the denial of an RCO.
- e. Smoke Detector and Carbon Monoxide Detector Required in All Residential Buildings, in compliance with all federal, state and local rules, regulations and guidelines. No RCO shall be issued to a dwelling unit or any portion thereof unless approved smoke detectors and carbon monoxide detectors have been installed as required by applicable State statute and Borough ordinances.
- f. Failure to Comply. The Public Officer or his/her designee shall have the authority to issue any summons or complaint for any violation of any ordinance, statute, law and/or regulation against the owner and/or occupant of the residential building or portion thereof wherein the violation(s) exists and such violations shall be subject to the penalties provided herein.
- g. Illegal Units. In the event that, upon inspection by the Public Officer or his/her designee, it is determined that the property is being utilized as a multifamily dwelling in violation of the Borough Zoning Ordinance or this chapter, the following shall be required in order to satisfy the Public Officer or his/her designee that said conditions have been abated:
 1. If separate and distinct utility services are installed at the premises for the illegal units, these utility services must be removed to the satisfaction of the Public Officer or his/her designee.
 2. The owner must execute a statement, sworn to under oath and notarized, acknowledging that he/she is aware that the premises are to be used in a manner which is consistent with all Federal, State and local laws, rules and regulations and that he/she shall be subject to fines and other penalties in the event of future violations; and
 3. Additional dwelling units, which include kitchens and bathrooms, that were or have been installed by anyone in contravention of Federal, State and/or local laws, rules and regulations must be removed to the satisfaction of the Public Officer or his/her designee or brought into compliance with such laws, rules and regulations to the satisfaction of the Public Officer or his/her designee, or the applicable municipal body if such approvals are necessary. The Public Officer or his/her designee cannot give an approval where the Public Officer or his/her designee lacks the jurisdiction to do so.
- h. Contents. RCO's issued pursuant to this subsection shall set forth the maximum number of persons which may occupy the dwelling unit.
- i. Unlawful Occupancy. It shall be unlawful for the owner or any agent acting on behalf of the owner to knowingly rent, lease, or otherwise deliver up for occupancy any dwelling unit for which an RCO has been issued, to persons in excess of the number(s) of persons permitted by law to occupy the dwelling unit, as stated in the RCO. It shall be unlawful for any tenant of a dwelling unit for which an RCO has been issued to suffer or permit said dwelling unit(s) to be occupied by persons in excess of the number permitted by law.
- j. Expiration. If a dwelling unit is not occupied within six (6) months of the issuance of an RCO, the RCO shall expire and a new RCO must be obtained before occupancy.
- k. Exceptions. This Section shall not apply to:



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1. Hotels, rooming houses or motels that are generally occupied by tenants or guests for less than fourteen (14) successive calendar days;
 2. Any units not intended for human habitation; and/or
 3. New construction for which inspection and a Certificate of Occupancy is required by the Uniform Construction Code.
1. Violations and Penalties. Any person convicted of a violation of this subsection shall be subject to the penalties authorized by Chapter I, Section 1-5 of this Code. Each separate violation shall be considered separate and distinct and subject to underlying penalties. Every day a situation remains in violation of this subsection shall also constitute a separate and distinct violation and subject to individual penalties.

11-7.8 RELOCATION ASSISTANCE AND PENALTIES FOR SUBSEQUENT VIOLATIONS.

11-7.8.1 Definitions and Word Usage.

- a. Owner-landlord shall not include mortgagees in possession of a structure through foreclosure or the Borough of Peapack and Gladstone per se, if such is in possession of the ownership/management of an applicable structure.
- b. Second or subsequent violation for an illegal occupancy shall be limited to those violations that are new and shall not include any continuing violations for which citations are issued by a Public Officer or Code Enforcement Officer during the time period required for summary dispossession proceedings to conclude if the owner/landlord has initiated eviction proceedings in a court of proper jurisdiction.

11-7.8.2 Relocation Assistance.

In accordance with N.J.S.A. 2A:18-61.1g, any tenant who receives a notice of eviction pursuant to N.J.S.A. 2A:18-61.2 that results from zoning or code enforcement activities for illegal occupancy as set forth in paragraph 3 of subsection g. of N.J.S.A. 2A:18-61.1 shall be considered a displaced person and shall be entitled to relocation assistance in an amount equal to six (6) times the monthly rental paid by the displaced person. The owner-landlord of the structure shall be liable for the payment of relocation assistance pursuant to this Section if it can be established that the owner-landlord was aware of the illegal occupancy yet allowed same to continue prior to the occurrence of the zoning or code enforcement activities. The Peapack and Gladstone Joint Municipal Court and the Superior Court of New Jersey shall have jurisdiction of proceeding for the enforcement of the penalty provided herein. Irrespective of any other provision of the Borough Code, the Borough shall not be responsible for paying any relocation costs regarding the provisions of this Section.

11-7.8.3 Second or Subsequent Violations for Illegal Occupancy.

In addition to the provisions of subsection 11-7.8.2 herein, the Borough reserves the right to enforce any additional penalties authorized pursuant to N.J.S.A. 2A:18-61.1g(c) as against any owner-landlord charged with a second or subsequent violation for an illegal occupancy as set forth in paragraph 3 of subsection g. of N.J.S.A. 2A:18-61.1. Any such fines shall be recovered in a civil action by a summary proceeding in the name of the Borough, pursuant to the "Penalty



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Enforcement Law" (N.J.S.A. 2A:58-10 et seq.). The Peapack and Gladstone Joint Municipal Court and the Superior Court of New Jersey shall have jurisdiction of proceeding for the enforcement of the penalty provided herein. For the purposes of this section, and in accordance with N.J.S.A. 2A:18-61.1g(d), "second or subsequent violation for an illegal occupancy" shall be limited to those violations that are new and are a result of distinct and separate zoning or code enforcement activities, and shall not include any continuing violations for which citations are issued by a zoning or code enforcement agent during the time period required for summary dispossession proceedings to conclude if the owner has initiated eviction proceedings in a court of proper jurisdiction. a second or subsequent violation for an illegal occupancy as set forth in N.J.S.A. 2A:18-61.1g(a)

11-7.9 SEVERABILITY, REPEAL OF INCONSISTENT ORDINANCES, AND EFFECTIVE DATE.

11-7.9.1 Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

11-7.9.2 Repeal of Inconsistent Ordinances or Parts Thereof.

All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

11-7.9.3 Effective Date of Ordinance.

This Ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

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MEETING DATE: February 14, 2017

Introduced: February 14, 2017

Public Hearing: February 28, 2017

**AN ORDINANCE AMENDING CHAPTER XVII, TITLED “SEWERS” OF THE
REVISED GENERAL ORDINANCES SUBSECTION 1.27 TITLED “SEWER
CHARGE”**

WHEREAS Chapter XVII, Titled “Sewers” of the revised general ordinances, Subsection 1.27 Titled “Sewer Charge” reads;

17-1.27 Sewer Charge.

Each user of the sanitary sewer system shall pay an annual service charge as hereinafter set forth:

a..... Each single-family residence, apartment, condominium or individual dwelling unit

1. Borough Water Users.....

Service charges shall be comprised of two (2) components, i.e., (1) a fixed charge of five hundred thirty (\$530.00) dollars per year, plus, (2) a usage charge of \$0.00483 per gallon of annual water usage, as determined from the customer's fourth quarter water bill times four.

2. Private Water Users.....

Service charges shall be comprised of two (2) components, i.e., (1) a fixed base charge of five hundred thirty (\$530.00) dollars per year, plus, (2) a usage charge of \$0.00483 per gallon of annual water usage, as determined from the fourth quarter reading of a water meter installed by the Borough at the customer's private water source times four.

b. Each business, institutional, commercial establishment or any other nonresidential user shall pay a minimum charge of one hundred ninety (\$190.00) dollars per quarter plus a charge of nineteen (\$19.00) dollars for each one thousand (1,000) gallons of actual water usage over ten thousand (10,000) gallons.

, and

WHEREAS, it is the recommendation of the Sewer Chairman that a rate reduction is possible for Calendar year 2017 and confirmed by the Finance Chairman, and

WHEREAS, it has been recommended by the Borough Administrator and endorsed by the Sewer Chairman that a more equitable formula be used to calculate sewer usage.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Peapack and Gladstone, in the County of Somerset and State of New Jersey, that

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Chapter XVII, Titled "Sewers" of the revised general ordinances, Subsection 1.27 Titled "Sewer Charge" is amended as follows: (Deletions ~~Crossed Out~~; Insertions in **Bold**)

17-1.27 Sewer Charge.

Each user of the sanitary sewer system shall pay an annual service charge as hereinafter set forth:

a..... Each single-family residence, apartment, condominium or individual dwelling unit

1. Borough Water Users.....

*Service charges shall be comprised of two (2) components, i.e., (1) a fixed charge of ~~five hundred thirty (\$530.00)~~ **four hundred seventy-five (\$475.00)** dollars per year, plus, (2) a usage charge of \$0.00483 per gallon of annual water usage, as determined from the customer's ~~fourth quarter~~ **average water bill for the previous year minus the six (6) highest months usage where; average monthly water use = (w-x)/6 3, where w = total of last 12 months available water meter readings, x = highest water meter reading over last 12 available months times ~~four~~ three with the amount being applied to all 4 quarters.***

2. Private Water Users.....

*Service charges shall be comprised of two (2) components, i.e., (1) a fixed charge of ~~five hundred thirty (\$530.00)~~ **four hundred seventy-five (\$475.00)** dollars per year, plus, (2) a usage charge of \$0.00483 per gallon of annual water usage, as determined from the customer's ~~fourth quarter~~ **average usage at the water meter installed by the Borough at the customer's private water source for the previous year minus the six (6) highest months of usage where; average monthly water use = (w-x)/6 x 3, where w = total of last 12 months available water meter readings, x = highest water meter reading over last 12 available months times ~~four~~ three with the amount being applied to all 4 quarters..***

*b. Each business, institutional, commercial establishment or any other nonresidential user shall pay a minimum charge of one hundred ~~ninety-eighty (\$190.00)~~ **(\$180.00)** dollars per quarter plus a charge of nineteen (\$19.00) dollars for each one thousand (1,000) gallons of actual water usage over ten thousand (10,000) gallons*

ORDINANCE
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 2017-1034

MEETING DATE: January 24, 2017

Introduced: January 20, 2017

Public Hearing: February 14, 2017

AN ORDINANCE AMENDING CHAPTER XI, TITLED “BUILDING AND HOUSING” OF THE REVISED GENERAL ORDINANCES SECTION 1.1 TITLED “ENFORCEMENT OFFICE ESTABLISHED” ADDING SUBSECTION F “CODE ENFORCEMENT COMMITTEE.”

WHEREAS Chapter XI, Titled “Building and Housing” of the revised general ordinances, section 1.1 Titled “Enforcement Office Established” does not provide for a Council Committee, and

WHEREAS, the Borough of Council wishes to create a Code Enforcement Committee to help facilitate communication between Code and Zoning Enforcement, Mayor and Council, and the Public

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Peapack and Gladstone, in the County of Somerset and State of New Jersey, that Chapter XI, Titled “Building and Housing” Section 1.1 Enforcement Office Established of the revised general ordinances, adding Subsection “f” entitled “Code Enforcement Committee” is amended as follows:

f. There shall be a hoc committee of the Borough Council comprised of two council members, which shall be known as the Code Enforcement Committee. The Code Enforcement Committee shall serve as liaison between the Code Enforcement Officer and/or Zoning Official and the Mayor and Council and shall assist in evaluating the Official(s), working with the Official(s) on matters of a more difficult nature when so requested by the Official(s) and participating in hearings as requested by the Official(s).

ORDINANCE
Borough of Peapack & Gladstone
County of Somerset
State of New Jersey

NUMBER: 2017-1035

MEETING DATE: February 14, 2017

Introduced: February 14, 2017

Public Hearing: March 14, 2017

Amend Chapter XI Building and Housing Adding Section 11-1.8

WHEREAS, there is currently no provision in Borough Code regarding the demolition of a structure connected to the Borough's sanitary sewer system, and

WHEREAS, Mayor and Council wish to provide guidance for the demolition of structures which are connected to the Borough Sewer system.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Peapack & Gladstone, in the County of Somerset and the State of New Jersey, hereby adds Section 1.8 to Chapter XI to read:

11-1.8 Demolition of a Structure Served by the Borough Sewer System

- a. At the time of obtaining a demolition permit for a residential structure or commercial structure connected to the Borough Sewer system the owner of the property shall indicate their desire to remain "connected" or to "disconnect" from the Borough sewer system.
- b. Property Owners that remain "connected" to the sewer system reserve their sewer capacity for the structure or structures that were on the property, and shall continue to pay the annual service charge as calculated by Borough Code under the provisions of Chapter XVII.
- c. Property Owners that wish to "disconnect" from the Borough Sewer system shall relinquish all sewer capacity associated with the subject property, and shall not have to pay an annual service charge once the Construction Official certifies the completion of the project.
- d. Disconnected properties shall have the final sewer bill prorated from the time of last billing to the date of issuance of the completion report by the Construction Official.
- e. Owners of Disconnected Properties who later decide to connect to the sewer system shall be considered a new sewer user as if there was never a sewer connection and shall be required to follow all rules and regulations to make a new sewer connection whether or not a sewer lateral still remains on the property.
- f. Property Owners that wish to "disconnect" from the Borough Sewer system shall properly decommission and abandon the existing sewer lateral and building sewer in accordance with applicable Borough ordinances and/or building codes. Plans for the proposed decommissioning and removal of the existing sewer pipes and appurtenances shall be submitted for approval to the Construction Official for those portions of the work subject to building codes, and to the Borough Engineer for those portions of the work under the control of the Sewer Department.