

AGENDA

BOROUGH OF PEAPACK AND GLADSTONE REGULAR MEETING JUNE 9, 2015 7 P.M.

The Meeting is called to order by Council President Suriano.

The adequate notice statement is read by the Borough Clerk.

SALUTE TO THE FLAG

ROLL CALL

CAMINITI, CORIGLIANO, GUNNING, SIMPSON, SMITH, SURIANO

EXECUTIVE SESSION – *Personnel, Litigation*

MINUTES

May 26, 2015 – Regular Session

May26, 2015 – Closed Session

NON-AGENDA ITEMS

Opportunity for public to inquire if matters they would like discussed but which do not appear on the agenda will be discussed this evening.

PRESENTATIONS

PETITIONS AND COMMUNICATIONS

COMMITTEE REPORTS

FINANCE: (Suriano/Corigliano)

1. BOND ORDINANCE PROVIDING FOR THE PURCHASE OF RADIOS/TELECOMMUNICATIONS EQUIPMENT BY THE BOROUGH OF PEAPACK & GLADSTONE, APROPRIATING \$102,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$97,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF
 - a. PUBLIC HEARING
 - b. FINAL RESOLUTION

2. BOND ORDINANCE PROVIDING FOR MILLING/PAVING IMPROVEMENTS TO VARIOUS ROADS LOCATED WITHIN THE BOROUGH OF PEAPACK AND GLADSTONE, APROPRIATING \$199,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$189,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF
 - a. PUBLIC HEARING
 - b. FINAL RESOLUTION

3. AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO APRUZZESE, MCDERMOTT, MASTRO & MURPHY, P.C. OF LIBERTY CORNER, NEW JERSEY FOR THE SERVICES OF LABOR COUNSEL AT THE RATE OF \$175 PER HOUR IN AN AMOUNT NOT TO EXCEED \$5,000

SANITATION/SEWER: (Smith/Caminiti)

No formal report as of now, but matters may arise for discussion during the meeting.

BOROUGH PROPERTY: (Corigliano/Smith)

1. SENIOR CITIZEN BUS
2. STORYWALK PROJECT – FRIENDS OF THE LIBRARY
3. FIREHOUSE UPPER LEVEL RENOVATIONS UPDATE
4. LAND USE BOARD MASTER PLAN REEXAMINATION REPORT

FIRE/INFORMATION SYSTEMS: (Simpson/Gunning)

No formal report as of now, but matters may arise for discussion during the meeting.

POLICE: (Gunning/Suriano)

No formal report as of now, but matters may arise for discussion during the meeting.

ROADS/TRANSPORTATION: (Caminiti/Simpson)

No formal report as of now, but matters may arise for discussion during the meeting.

LEGAL: (John E. Bruder, Esq.)

No formal report as of now, but matters may arise for discussion during the meeting.

MISCELLANEOUS COUNCIL BUSINESS

Discussion: Library escrow fees

PUBLIC COMMENTS

AUDITING OF CLAIMS

Mayor, I move that the payment of Interim Claims be approved and that all vouchers submitted this date, as per voucher list, be paid after proper audit.

ADJOURNMENT: TIME:_____

BOROUGH OF PEAPACK & GLADSTONE
ORDINANCE NO. 1012

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF
RADIOS/TELECOMMUNICATIONS EQUIPMENT BY THE BOROUGH OF PEAPACK &
GLADSTONE, APROPRIATING \$102,000 THEREFORE AND AUTHORIZING THE
ISSUANCE OF \$97,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF
THE COST THEREOF

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
PEAPACK & GLADSTONE (not less than two-thirds of all members thereof affirmatively
concurring) AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Peapack & Gladstone, a municipal corporation of the State of New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$102,000, including the sum of \$5,000 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment is now available by virtue of the provision for a down payment for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$97,000 pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement or purpose hereby authorized for which bonds or notes are to be issued is the purchase of radios/telecommunications equipment for the Borough's Police and Fire Departments.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 of this bond ordinance.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation stated in Section 1 of this bond ordinance.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the Chief Financial Officer's

signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell a part, or all, of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest, if any, from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale of bond anticipation notes issued pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose described in Section 3 of this bond ordinance, computed on the basis of the amount of obligations authorized for the improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 7 years.

(c) An aggregate amount not exceeding \$10,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost of the improvement or purpose set forth in Section 3 of this bond ordinance.

(d) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and submitted to the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough is increased by \$97,000 (the amount of the authorization of the obligations provided for in this bond ordinance). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduced: May 26, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

RESOLVED that the ordinance entitled,

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF RADIOS/TELECOMMUNICATIONS EQUIPMENT BY THE BOROUGH OF PEAPACK & GLADSTONE, APROPRIATING \$102,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$97,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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				
		Mark Corigliano				
		Gerald Gunning				
		T. William Simpson				
		Royal Smith				
		Anthony Suriano				

Adopted: June 9, 2015

BOROUGH OF PEAPACK AND GLADSTONE
ORDINANCE NO. 1013

BOND ORDINANCE PROVIDING FOR MILLING/PAVING IMPROVEMENTS TO VARIOUS ROADS LOCATED WITHIN THE BOROUGH OF PEAPACK AND GLADSTONE, APROPRIATING \$199,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$189,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF PEAPACK AND GLADSTONE (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Peapack and Gladstone, a municipal corporation of the State of New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$199,000, including the sum of \$10,000 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment is now available by virtue of the provision for a down payment for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$189,000 pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement or purpose hereby authorized for which bonds or notes are to be issued is for milling/paving improvements to Church Street, Deer Path and the municipal parking lot located on the corner of Main Street and Willow Avenue, including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 of this bond ordinance.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation stated in Section 1 of this bond ordinance.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond

anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell a part, or all, of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest, if any, from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale of bond anticipation notes issued pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose described in Section 3 of this bond ordinance, computed on the basis of the amount of obligations authorized for the improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 years.

(c) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost of the improvement or purpose set forth in Section 3 of this bond ordinance.

(d) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and submitted to the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough is increased by \$189,000 (the amount of the authorization of the obligations provided for in this bond ordinance). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduced: May 26, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

RESOLVED that the ordinance entitled,

BOND ORDINANCE PROVIDING FOR MILLING/PAVING IMPROVEMENTS TO VARIOUS ROADS LOCATED WITHIN THE BOROUGH OF PEAPACK AND GLADSTONE, APROPRIATING \$199,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$189,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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				
		Mark Corigliano				
		Gerald Gunning				
		T. William Simpson				
		Royal Smith				
		Anthony Suriano				

Adopted: June 9, 2015

BOROUGH OF PEAPACK & GLADSTONE

RESOLUTION NO.

AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO APRUZZESE, MCDERMOTT, MASTRO & MURPHY, P.C. OF LIBERTY CORNER, NEW JERSEY FOR THE SERVICES OF LABOR COUNSEL AT THE RATE OF \$175 PER HOUR IN AN AMOUNT NOT TO EXCEED \$5,000

WHEREAS, the Borough of Peapack & Gladstone is in need of the services of a professional labor attorney to assist with legal advice relating to general employment law related issues which may include reviewing and revising existing documents and providing training on employment related; and

WHEREAS, the Borough Council recommends the appointment of the firm APRUZZESE, MCDERMOTT, MASTRO & MURPHY, P.C. OF LIBERTY CORNER, NEW JERSEY to provide the services listed above for the year 2015 at a rate of \$175 per hour; and

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

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C., has submitted a proposal indicating he will provide legal services to the municipality in accordance with the compensation described hereinabove; and

WHEREAS, APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C., completed and submitted a Business Entity Disclosure Certification which certifies that APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C., has not made any reportable contributions to a political or candidate committee in the name of William H. Horton, Gian-Paolo Caminiti, Mark Corigliano, Gerald J. Gunning, William Muller, T. William Simpson, Royal Smith and/or Anthony Suriano in the previous one year; and

WHEREAS, a certification affirming the availability of funds in accordance with N.J.A.C. 5:34-5.1 et seq. has been provided by the Director of Finance and is attached hereto and made a part hereof, indicating that the appropriation for the within expenditure is to be funded from the 2015 Budget Current Account; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Peapack and Gladstone, County of Somerset and State of New Jersey that it hereby authorizes the

Borough to enter into a contract with APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C., as described hereinabove.

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

BE IT FURTHER RESOLVED, that a notice of this action shall be printed once in the Bernardsville News.

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

Adopted: June 9, 2015

AGREEMENT TO PROVIDE LEGAL SERVICES

This Agreement dated May ____, 2015, is made between the BOROUGH OF PEAPACK AND GLADSTONE, referred to as (“Borough”), and **APRUZZESE, McDERMOTT, MASTRO & MURPHY, P.C.**, Somerset Hills Corporate Center, 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938, referred to as (“AMM&M”).

The Borough agrees that AMM&M will represent it in labor and employment matters assigned by the Borough or its representatives. The legal work shall include, if necessary, all court appearances, arbitrations, conferences, negotiations, meetings, research, investigations, correspondence, telephone calls, preparation and drafting of pleadings and other legal documents, trial preparation, related work and other matters assigned by the Borough.

The Borough has retained the entire firm of AMM&M. While one attorney, Arthur R. Thibault Jr., shall be primarily responsible for the Borough’s matters, and will directly supervise all aspects of these matters, AMM&M reserves the right to assign the appropriate attorneys to handle the various matters for which AMM&M is responsible.

The Borough will be billed hourly for all services rendered at the rate of \$175 AMM&M will send the Borough an itemized monthly statement setting forth the service performed, the time expended and the date performed. In addition to legal fees, the Borough will pay for those costs and expenses incurred in representing the Borough, such as, experts’ fees, courts costs, filing fees, recording fees, computerized legal research costs, facsimile transmissions, deposition costs, messenger services, photocopying charges, travel expenses and any other necessary costs and expenses incurred in representing the Borough. Some expenses such as experts’ fees and deposition costs will be billed directly to the Borough by the vendors and paid by the Borough.

This contract shall be valid through December 31, 2015.

All parties have read and agreed to this Agreement.