

# **AGENDA**

**BOROUGH OF PEAPACK AND GLADSTONE  
REGULAR MEETING  
JULY 28, 2015, 7:30 P.M.**

The Meeting is called to order by Mayor Muller.

The adequate notice statement is read by the Borough Clerk.

**SALUTE TO THE FLAG**

**ROLL CALL:**

CAMINITI, CORIGLIANO, GUNNING, SIMPSON, SMITH, SURIANO

**MINUTES**

Mayor, I move that the reading of minutes be dispensed with and that the minutes of the Regular Meeting of July 14, 2015, stand approved as submitted by the Borough Clerk to the Mayor and Borough Council.

Mayor, I move that the reading of minutes be dispensed with and that the minutes of the Executive Session of July 14, 2015, for content only, stand approved as submitted by the Borough Clerk to the Mayor and Borough Council.

**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**

**REPORTS OF BOROUGH OFFICERS FOR THE MONTH OF**

**CHIEF OF POLICE:** June report has been filed with the Borough Clerk.

CONSTRUCTION OFFICIAL: No report has been filed with the Borough Clerk.

ZONING OFFICIAL: No report has been filed with the Borough Clerk.

PUBLIC WORKS/SANITARY SEWER: No report has been filed with the Borough Clerk.

FIRE CHIEF: June report has been filed with the Borough Clerk.

JUDGE: June report has been filed with the Borough Clerk.

LIBRARY ADVISORY BOARD: No report has been filed with the Borough Clerk.

TAX COLLECTOR/CFO: No report has been filed with the Borough Clerk.

BOARD OF HEALTH: June report has been filed with the Borough Clerk.

LAND USE BOARD: No minutes have been filed with the Borough Clerk.

HISTORICAL PRESERVATION COMMISSION: Minutes have not been filed with the Borough Clerk.

ENVIRONMENTAL COMMISSION: Minutes have not been filed with the Borough Clerk.

GREEN TEAM ADVISORY COMMITTEE: No minutes have been filed with the Borough Clerk.

SHADE TREE COMMISSION: No minutes have been filed with the Borough Clerk.

OFFICE OF EMERGENCY MANAGEMENT: No report has been filed with the Borough Clerk.

RECREATION COMMISSION: June 11th minutes have been filed with the Borough Clerk.

OPEN SPACE COMMITTEE: June 15th minutes have been filed with the Borough Clerk.

TRAILS ADVISORY COMMITTEE: April 13th minutes have been filed with the Borough Clerk.

FARMLAND PRESERVATION AND AGRICULTURAL COMMITTEE: No minutes have been filed with the Borough Clerk.

IT ADVISORY COMMITTEE: No minutes have been filed with the Borough Clerk.

Council comments on the reports

## **COMMITTEE REPORTS**

### **FINANCE:** (Suriano/Corigliano)

1. RESOLUTION TO REFUND PROPERTY TAX OVERPAYMENT ON BLOCK 5, LOT 19 TO IN THE AMOUNT OF \$1,969.53

### **SANITATION/SEWER:** (Smith/Caminiti)

1. RESOLUTION TO CANCEL SEWER CHARGES ON ACCOUNT #573-0 FOR THE PROPERTY LOCATED AT BLOCK 20, LOT 1, 32 APGAR AVENUE, IN THE AMOUNT OF \$132.50

### **BOROUGH PROPERTY:** (Corigliano/Smith)

1. AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF CHESTER AND THE BOROUGH OF PEAPACK & GLADSTONE FOR FLEET MAINTENANCE SERVICES AT A RATE OF \$70 PER HOUR (\$105 PER HOUR OVERTIME RATE)

### **FIRE/INFORMATION SYSTEMS:** (Simpson/Gunning)

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

### **POLICE:** (Gunning/Suriano)

1. AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING SECTION 2-31 "POLICE DEPARTMENT" OF ARTICLE III "DEPARTMENTS" OF CHAPTER II "ADMINISTRATION" OF THE BOROUGH CODE OF THE BOROUGH OF PEAPACK & GLADSTONE, COUNTY OF SOMERSET, STATE OF NEW JERSEY SO AS TO CLARIFY THE ORGANIZATION, PRESENT POLICIES AND PRACTICES OF THE BOROUGH ON THESE SUBJECTS
  - a. PUBLIC HEARING
  - b. FINAL RESOLUTION
2. A RESOLUTION AUTHORIZING RENEWAL OF LIQUOR LICENSES IN THE BOROUGH OF PEAPACK & GLADSTONE

### **ROADS/TRANSPORTATION:** (Caminiti/Simpson)

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

### **LEGAL:** (John E. Bruder, Esq.)

1. AN ORDINANCE AMENDING PORTIONS OF CHAPTER XXIII, ARTICLES I AND IV, TITLED "LAND DEVELOPMENT ORDINANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE ELIMINATING CERTAIN CONDITIONAL USES IN DESIGNATED ZONES
  - a. INTRODUCTION RESOLUTION

**MISCELLANEOUS COUNCIL BUSINESS**

1. RESOLUTION APPOINTING LIBERTY PARK ASSOCIATION  
\*RESOLUTION TO FOLLOW\*

**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**

finance 1

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO.**

RESOLUTION TO REFUND PROPERTY TAX OVERPAYMENT ON BLOCK 5, LOT 19 TO IN THE AMOUNT OF \$1,969.53

WHEREAS, it was determined the house on Block 5, Lot 19 is located in Mendham Township; and

WHEREAS, the total assessment was reduced by \$268,100, beginning with the 2015 tax year, resulting in a reduction of the total 2015 taxes due; and

WHEREAS, payments already made by the owner, Gary & Kara Bossert created a tax overpayment for the year 2015 in the amount of \$1,969.53.

NOW, THEREFORE BE IT RESOLVED, that the finance officer is hereby authorized to refund the 2015 tax in the amount of \$1,969.53 to Gary & Kara Bossert.

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

Adopted: July 28, 2015

sanitation/sewer 1

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO.**

RESOLUTION TO CANCEL SEWER CHARGES ON ACCOUNT #573-0 FOR THE PROPERTY LOCATED AT BLOCK 20, LOT 1, 32 APGAR AVENUE, IN THE AMOUNT OF \$132.50

WHEREAS, Block 20, Lot 1, 32 Apgar Avenue, is owned by the Borough of Peapack & Gladstone; and

WHEREAS, a sewer billing in the amount of \$132.50 for the 2015 2<sup>nd</sup> quarter was generated on this account; and

WHEREAS, this property is no longer rented; and

WHEREAS, this billing is the Borough’s responsibility and will not be enforceable through the tax sale process.

NOW, THEREFORE BE IT RESOLVED, that the 2015 2<sup>nd</sup> quarter sewer charges in the amount of \$132.50 are hereby cancelled against Block 20, Lot 1, Account #573-0 and that the Tax Collector is relieved of the collection of same.

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

Adopted: July 28, 2015

\_\_\_\_\_  
HECTOR HERRERA  
BOROUGH CLERK

\_\_\_\_\_  
WILLIAM C. MULLER  
MAYOR

borough property 1

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO.**

AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF CHESTER AND THE BOROUGH OF PEAPACK & GLADSTONE FOR FLEET MAINTENANCE SERVICES AT A RATE OF \$70 PER HOUR (\$105 PER HOUR OVERTIME RATE)

WHEREAS, the Borough of Peapack & Gladstone (“Borough”) desires the Township of Chester (“Township”) to provide fleet maintenance and repair services for its fleet of vehicles; and

WHEREAS, N.J.S.A 40 :8A-1 et seq. permits local units of the State to enter into a contract with any other local unit for the provision of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Township of Chester and the Borough of Peapack & Gladstone have set forth their respective responsibilities regarding the provision of the services in an agreement between the two municipalities, a copy of which agreement is annexed to this resolution; and

WHEREAS, the shared services agreement has been reviewed and approved by both the Township of Chester and the Borough of Peapack & Gladstone.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Peapack and Gladstone in the County of Somerset and State of New Jersey, as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the agreement with Chester Township to provide fleet maintenance and repair services for its fleet of vehicles to the Borough of Peapack & Gladstone. Said Agreement is annexed hereto as Exhibit A.
2. Upon execution of the Agreement by the Borough of Peapack & Gladstone, the Borough Clerk shall forward said agreement to the Township of Chester for execution by the Township Council.
3. This agreement shall expire January 21, 2016
4. The Borough of Peapack & Gladstone shall pay the Township of Chester a rate of \$70 per hour (\$105 per hour for overtime) for these services and shall submit payment within 30 days of receipt of monthly invoice.

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

Adopted: July 28, 2015

**SHARED SERVICES AGREEMENT  
FLEET MAINTENANCE**

**THIS AGREEMENT** dated the \_\_\_\_\_ day of \_\_\_\_\_, 2015, is made BETWEEN the Borough of Peapack and Gladstone, whose principal business address is 1 School Road, Peapack, New Jersey (hereinafter "Peapack and Gladstone" or "Service Recipient"), and the Township of Chester, whose principal business address is 1 Parker Road, Chester, New Jersey (hereinafter "Chester" or "Service Provider") (hereinafter collectively "Parties").

**WHEREAS**, each of the Parties hereto is authorized pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., to enter into an agreement with other municipalities and/or local units to jointly provide for any lawful service; and

**WHEREAS**, the need exists in Peapack and Gladstone to enter into an Interlocal Services Agreement with Chester so that Chester is authorized to repair motor vehicles owned by Peapack and Gladstone; and

**WHEREAS**, the governing bodies of Peapack and Gladstone and Chester have authorized this Interlocal Agreement to be entered into; and

**WHEREAS**, this Agreement is executed pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and N.J.S.A. 40:8-1 et seq., and the Parties agree as follows:

1. Services Performed. The Township of Chester, Department of Public Works' Fleet Maintenance shall provide labor and repair services on Peapack and Gladstone vehicles at the rate of \$70.00 per hour. The Overtime rate would be \$105.00 per hour if requested by Peapack and Gladstone and such rate is disclosed by Chester prior to rendering the service.

2. Parts. Peapack and Gladstone will be responsible for any parts and/or fluids that may be needed. Parts will be purchased from local vendors under State contract when available.

3. Tires. Tires will be purchased under State contract pricing when available. The hourly labor rate will apply for tire change-overs performed by Chester.

4. Outside and Body Repairs. All outside and body repairs will be performed by State contract vendors when available. Prior to work being done at an outside repair shop, Chester is to receive written approval from Peapack and Gladstone for the vehicle to be transported and repaired at another location.

5. Labor Time. Chester will provide an estimate for repairs per industry guidelines prior to the signing of this contract. Any repairs that will require time exceeding the industry standard will be communicated to Peapack and Gladstone prior to work being performed.

6. Unscheduled Repairs. Unscheduled repairs will be billed at an hour-for-hour basis, plus parts and materials.

7. Pickup and Delivery. CDL ("Commercial Driver's License") drivers from Chester will be available to pick up and return vehicles outside of Peapack and Gladstone. Hourly rates will apply for this service.

8. Payment. The administration of scheduling and billing will be the responsibility of the Parties' public works departments. Chester will bill Peapack and Gladstone on a monthly basis for all maintenance and repairs. All invoices for parts, etc., are to accompany the monthly invoices. Payment shall be made to Chester within thirty (30) days of receipt of monthly invoice providing that the billing times with the monthly council bills list approval. The amount of the services for the calendar year are not to exceed \$12,000.00. If during the calendar year, the repairs could exceed \$12,000.00, both sides must agree to this before continuing any service during that calendar year.

9. Miscellaneous.

(a) As much notice as possible shall be given to Chester for the scheduling of maintenance and repairs. In the event of an emergency, every effort will be made to make the necessary repairs as quickly as possible. The timeframe for completion will be communicated to Peapack and Gladstone at the start of the repair. Peapack and Gladstone will reimburse Chester at the hourly rate for all emergency work, including the reimbursement of administrative fees where applicable.

(b) In the event that Chester is unable to perform necessary repairs or maintenance, every reasonable accommodation will be made to have the work completed by a State contracted, when possible, outside repair shop. No outside repairs will be made without approval from Peapack and Gladstone.

10. Duration. This Agreement shall be effective for a term not to exceed six (6) months, commencing on July 21, 2015. Either party can terminate this contract with a 30 day written notice delivered to the other party.

11. Affirmative Action. The Service Recipient agrees to adhere to Affirmative Action requirements of the State of New Jersey as set forth as **Exhibit "A"** and as provided by State Law.

12. Legal Action. The parties agree that in the event of legal action by either party, same shall be by Court proceedings and the parties hereby waive arbitration as a forum for resolution of any dispute.

13. Governing Law; Jurisdiction. This Agreement shall be construed under, subject to, and governed by the laws of the State of New Jersey, without regard to conflict of law principles.

14. Entire Agreement. This Agreement constitutes the sole and complete agreement among the Parties with respect to the settlement of this Action. None of the Parties are relying upon any representation, understanding, undertaking or agreement, whether oral or in writing, not set forth in this Agreement. This Agreement may not be amended, changed, altered, modified or terminated except in a writing signed by all the Parties hereto.

15. Headings. The headings contained in this Agreement are for convenience and reference purposes only and shall not be deemed to be a part of the Agreement or to offer the meaning or interpretation of this Agreement.

16. Exhibits. All documents referenced herein are made part of this Contract as if set forth in length herein.

17. Resolution. This Agreement is expressly contingent upon the adoption of a concurring resolution by the Service Recipient authorizing the execution of this Agreement.

18. Further Assurances. The Parties hereto agree to perform such other and further acts or things and to execute and deliver such other and further documents necessary and appropriate to effectuate the terms and objectives hereof.

19. Signatures. Both Parties have read and agree to this Agreement and the signatories hereto warrant and represent that they are legally authorized and empowered to enter into this Agreement on behalf of the Parties. The Parties hereby signify their agreement to the above terms by their signatures below. All signatories to this Agreement represent that they have carefully read the Agreement, have had sufficient time to review this Agreement before signing it, and have had an opportunity to consult with and have consulted with an attorney prior to signing this Agreement.

Police 1

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO.**

RESOLVED that the ordinance entitled,

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING SECTION 2-31 “POLICE DEPARTMENT” OF ARTICLE III “DEPARTMENTS” OF CHAPTER II “ADMINISTRATION” OF THE BOROUGH CODE OF THE BOROUGH OF PEAPACK & GLADSTONE, COUNTY OF SOMERSET, STATE OF NEW JERSEY SO AS TO CLARIFY THE ORGANIZATION, PRESENT POLICIES AND PRACTICES OF THE BOROUGH ON THESE SUBJECTS

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

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

Adopted: July 28, 2015

**BOROUGH OF PEAPACK & GLADSTONE**  
**ORDINANCE NO. 1014**

AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING SECTION 2-31 “POLICE DEPARTMENT” OF ARTICLE III “DEPARTMENTS” OF CHAPTER II “ADMINISTRATION” OF THE BOROUGH CODE OF THE BOROUGH OF PEAPACK & GLADSTONE, COUNTY OF SOMERSET, STATE OF NEW JERSEY SO AS TO CLARIFY THE ORGANIZATION, PRESENT POLICIES AND PRACTICES OF THE BOROUGH ON THESE SUBJECTS

WHEREAS, Subsection 2-31.1 through Subsection 2-31.19 of Section 2-31 (Police Department) of Article III (Departments) needs to be amended to clarify the organization, policies and practices of the Police Department.

NOW, THEREFORE, BE IT ORDAINED, by the Borough of the Borough of Peapack & Gladstone in the County of Somerset and State of New Jersey that Section 2-31 (Police Department) of Article III (Departments) of Chapter II (Administration) Of The Borough Code Of The Borough Of Peapack & Gladstone, County Of Somerset, State Of New Jersey So As To Clarify The Organization, Present Policies And Practices Of The Borough On These Subjects

**ALL NEW LANGUAGE IS HIGHLIGHTED IN BOLDFACE AND UNDERLINED; ALL REMAINING LANGUAGE HAS NOT BEEN HIGHLIGHTED IN ANY WAY.**

**2-31 POLICE DEPARTMENT**  
**-31 POLICE DEPARTMENT.\***

**2-31.1 General Organization of Department.**

The Police Department of the Borough of Peapack & Gladstone, as heretofore established, is hereby continued as an executive and enforcement function of the Borough. The Police Department shall be under the day-to-day supervision and control of a Director of Public Safety if such position is filled or a Chief of Police. The Department shall consist of a Chief of Police, one (1) Lieutenant, up to two (2) patrol sergeants, and up to eight (8) patrol officers. Patrol officers may be assigned as regular patrolmen except that the Chief of Police may, upon recommendation to and approval of the Mayor and Council, assign one (1) patrol officer to serve as detective and one (1) patrol officer to serve as corporal. To ensure greater supervision within the Police Department and to provide for greater efficiency and economy, from 8:00 a.m. until 12:00 a.m., excluding weekends, Borough holidays, vacation time or other paid time off, all tours of duty shall be supervised by a superior officer. As used in this section, superior officer means the Chief of Police, a lieutenant, if one is

**appointed, or a patrol sergeant.** The Mayor and the Borough Council reserve the right to fill any and all available positions created by this section or to leave any and all positions vacant.

Amending, (Ord. No. 795 § 2-31.1)

### **2-31.2 Appropriate Authority: Police Committee.**

- a. Pursuant to N.J.S.A. 40A:14-118, the Mayor and the Borough Council is hereby established as the "Appropriate Authority," having such power and duties as set forth in such Statute and in accordance with general law.
- b. There is also established a Police Committee which shall consist of up to three (3) members of the Governing Body. The Police Committee shall act as liaison between the Mayor and Council and the Borough Administrator and Police Chief. The Police Committee shall be responsible for making recommendations to the Mayor and Council of overall policy for the police function, negotiating with the recognized bargaining unit for the officers and for selecting and recommending to the Mayor and Council for Council's approval, hearing officers, special legal counsel, and appointments and promotions of officers.

(Ord. No. 795 § 2-31.2)

### **2-31.3 Appointment, Duties and Salaries.**

The members of the Police Department shall be appointed by the Mayor and the Borough Council, according to law, and shall be responsible for the proper enforcement of the ordinances of the Borough and the laws of the State of New Jersey and the United States and shall receive such salaries as may from time-to-time be provided. (Ord. No. 795 § 2-31.3)

### **2-31.4 Present Personnel Continued.**

The members of the Police Department of the Borough of Peapack and Gladstone, as presently constituted, are hereby continued in their respective offices or positions at the salaries heretofore established and nothing contained in this section shall be construed as affecting the status, rank, tenure or any rights heretofore acquired by any member of the existing Police Department, **including those currently assigned as detective and corporal on the effective date of the amendment of this ordinance.** Amending, (Ord. No. 795 § 2-31.4)

### **2-31.5 Chief of Police.**

The Chief of Police, if such position is filled, shall be the head of the Police Department and **shall be** responsible to the **Appropriate Authority** for the **efficiency and** routine day-to-day operations thereof. Subject to such rules and regulations as are established by the **Appropriate Authority** according to law, **and consistent with the policies of the Appropriate Authority, including those established in this ordinance,** the Chief shall:

- a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.
- b. Have, exercise and discharge the functions, powers and duties of the force.
- c. Prescribe the duties and assignments of all subordinates and other personnel.

- d. Delegate such of his or her authority as he or she may deem necessary for the efficient operation of the force to be exercised under his or her direction and supervision.
- e. Coordinate the administrative function of the force with the Borough Administrator and provide information necessary to adequately advise the Borough Administrator and Council with respect to long range planning, staffing, continuing education, budgeting, equipment and press reporting.
- f. Recommend such policies, procedures and manuals as deemed appropriate.
- g. Report at least monthly to the **Appropriate Authority** in such forms as shall be required regarding the administrative and business functions and operations of the Department.
- h. Provide monthly schedule of activities for the Chief and other officers.
- i. Perform such other duties and functions as are set forth in the resolution adopting the Police Department Rules and Regulations, as the same are from time-to-time amended. Amending, (Ord. No. 795 § 2-31.5)

### **2-31.6 Patrol Sergeant.**

**The Patrol Sergeant shall work a 40 hour per week schedule and have the following duties:**

- a. **During an assigned tour of duty, is engaged in patrol activities intended to provide assistance and protection for persons, safeguard property, and assure observance of the laws, and apprehends lawbreakers; does related work as required;**
- b. **Visits and inspects homes and businesses in the Borough, and notes and reports irregularities, fires, and accidents as to their condition and operation;**
- c. **Detects and deters crime;**
- d. **Enforces the motor vehicle laws of the State of New Jersey;**
- e. **Enforces the laws of the United States and the State of New Jersey;**
- f. **Enforces the ordinances of the Borough;**
- g. **Receives complaints and makes needed investigations;**
- h. **Apprehends, warns, or takes into custody violators of the law;**
- i. **Supervises subordinate officers; and**
- j. **Such other duties as may be assigned by the Chief of Police.**  
(New Section)

### **2-31.7 Patrol Officer**

**A patrol officer shall work a schedule as determined by the Chief of Police and consistent with the collective negotiations agreement between the Borough and the PBA and shall perform the following duties, including but not limited to:**

- a. **During an assigned tour of duty, is engaged in patrol activities intended to provide assistance and protection for persons, safeguard property, and assure observance of the laws, and apprehends lawbreakers; does related work as required;**
- b. **Visits and inspects homes and businesses in the Borough, and notes and reports irregularities, fires, and accidents as to their condition and operation;**
- c. **Detects and deters crime;**
- d. **Enforces the motor vehicle laws of the State of New Jersey;**
- e. **Enforces the laws of the United States and the State of New Jersey;**
- f. **Enforces the ordinances of the Borough;**
- g. **Receives complaints and makes needed investigations;**

**h. Apprehends, warns, or takes into custody violators of the law; and**  
**i. Such other duties as may be assigned by the Chief of Police.**

(New Section)

**2-31.8 Director of Public Safety.**

If the office of Chief of Police is not filled, the Mayor and the Borough Council, according to law, may employ and appoint a Director of Public Safety to act as the administrative supervisor of the Police Department. Any such Director shall serve without tenure at the pleasure of the Mayor and the Borough Council and discharge such duties to oversee and operate the Police Department as may be assigned, including such of the duties and responsibilities set forth in subsection 2-31.5 paragraphs a. through i., above as are appropriate to his or her position. The Director of Public Safety shall not be a uniformed member of the Police Department of the Borough of Peapack and Gladstone. (Ord. No. 795 § 2-31.6)

**2-31.9 Establishment of Rules and Regulations.**

As the Appropriate Authority of the Police Department, the Mayor and the Borough Council, by resolution, shall establish and may amend rules and regulations for the governance, maintenance and regulation of the Police Department and for the discipline of its members. The rules and regulations existing on the effective date of this section, as represented by Resolution 80-88, adopted September 13, 1988, shall continue in effect until amended or replaced by resolution passed pursuant to this section; provided, however, that wherever such regulations conflict with this section, the terms of this section shall be controlling. Amending, (Ord. No. 795 § 2-31.7)

**2-31.10 General Qualifications for Members.**

Except as may be otherwise provided by law, no person shall be appointed as a member of the Peapack & Gladstone Police Department, unless that person:

- a. Is a citizen of the United States and a resident of the State of New Jersey.
- b. Is sound of body and of good health, sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey, or the Public Employees' Retirement System, whichever is appropriate, as to eligibility for membership in the retirement system.
- c. Is able to read, write and speak the English language well and intelligently.
- d. Is of good moral character and has not been convicted of any criminal offense involving moral turpitude.
- e. Is at least twenty-one (21) but less than thirty-five (35) years of age, except as otherwise provided by N.J.S.A. 40A:14-127.1, or other applicable law.
- f. Submits to and satisfies such additional requirements as are hereinafter set forth for initial appointment to the force.

(Ord. No. 795 § 2-31.8)

**2-31.11 Probationary Officers.**

Each Police Officer hereafter appointed to the Department shall first serve a probationary period of twelve (12) months from the date of his or her appointment. During this probationary period, he or she shall be known as an Acting Police Officer and his or her employment shall be subject to termination with or without cause, at any time. The Chief shall make a written report to the Police Committee and Borough Administrator, with a copy to the officer, after three (3), six (6) and nine (9) months of evaluating the Officer's performance and making recommendations for improvement if necessary. The Officer may be dismissed at any time after the second review if not adequately performing up to Department standards. At the conclusion of the probationary period, and providing the Acting Police Officer has successfully completed an approved police training course pursuant to N.J.S.A. 52:178-66, et seq., the appointment as a Police Officer shall become permanent upon the recommendation of the Chief of Police and the Police Committee and approval by the Mayor and the Borough Council. (Ord. No. 795 § 2-31.9)

#### **2-31.12 Term of Office.**

Except as otherwise provided by law, the employment of the permanent members and officers of the Police Department shall be indeterminate and continuous during good behavior and efficiency. (Ord. No. 795 § 2-31.10)

#### **2-31.13 Decrease of Membership of Department.**

The Mayor and the Borough Council, if necessary for reasons of economy, may decrease the number of members and officers of the Police Department, or their grades or ranks, as provided in N.J.S.A. 40A:14-143 and as the same may be amended. (Ord. No. 795 § 2-31.11)

#### **2-31.14 Special Law Enforcement Officers.**

The Mayor and the Borough Council may appoint special law enforcement officers, subject to the provisions of the Special Law Enforcement Officers Act, N.J.S.A. 40A:14-146.8 et seq., and as the same may be amended. (Ord. No. 795 § 2-23.12)

#### **2-31.15 Procedure for Initial Appointment to Department.**

- a. The Mayor and the Borough Council shall decide when to advertise for, and hire additional Police Officers, and may restrict applications to only those individuals who are already PTC certified.
- b. The Borough Administrator and the Chief of Police shall advertise for candidates or seek candidates through the police training academies, and shall review applications and resumes, check necessary references, conduct initial interviews and may administer physical agility tests or other tests that they feel necessary. The candidates who, after this process, are worthy of further consideration in the opinion of the Chief of Police and the Borough Administrator shall be referred to the Police Committee with a brief summary report for each candidate.
- c. The Police Committee shall select those candidates from the list referred to them for background checks by the Borough Administrator and the Chief of Police and shall

thereafter recommend to the Mayor and the Borough Council such candidates as they deem appropriate.

- d. The Mayor and the Borough Council shall consider and may make an offer of employment as an Acting Police Officer to one (1) or more of the candidates referred by the Police Committee. Any offer of employment shall be contingent upon a satisfactory full background check and the applicant's successfully passing a medical examination by a physician selected by the Borough, which shall include drug testing, and a psychological examination by a practitioner selected by the Borough. If the applicant does not satisfactorily complete either examination he or she shall not be appointed and the next ranking applicant may be extended an offer, subject to satisfactory completion of the medical and psychological tests until an applicant satisfactorily completes both examinations.
- e. The name or names of any successful candidates who are not hired may be retained by the Borough for up to two (2) years. During such period, if a vacancy occurs, the Mayor and the Borough Council may, if it wishes, fill such vacancy from such prior successful candidates and after such limited inquiry as it deems appropriate. In the alternative, the selection process set forth above may be conducted in full.  
(Ord. No. 795 § 2-31.13)

#### **2-31.16 Promotions and Appointments to Superior Officer Positions.**

- a. Promotions and appointments to the positions of Lieutenant and Chief of Police, as in the case of initial appointments, shall be based upon merit and fitness. To the extent feasible, promotions shall be made from within the membership of the Borough of Peapack and Gladstone Police Department (N.J.S.A. 40A:14-129), from members who have served at least three (3) years in such Department (N.J.S.A. 40A:14-130). Effective January 1, 2006, a candidate for promotion must have at least sixty (60) credits towards a Bachelors degree in criminal justice or a related field. Selection procedures shall first be undertaken only with such person or persons. As added qualifications, candidates for Chief of Police must have at least five (5) years experience in police work and must have a Bachelors degree in criminal justice or a related field. Interviews as hereafter provided shall be conducted by the Mayor and Council.
- b. Candidates for promotion to the position of Lieutenant or Chief of Police shall take a written and oral examination for that particular position, administered and graded by an independent entity designated by the Police Committee.
- c. Those candidates successfully passing all examinations shall be interviewed by the Mayor and Borough Council. Due consideration shall be given to the length and merit of the candidate's service and preference may be given according to seniority in service, as required by law. Each candidate shall be interviewed under similar conditions and the following factors shall be evaluated:
  - 1. Appearance and speaking ability.
  - 2. Comprehension and presentation of ideas.
  - 3. Maturity of judgment.
  - 4. Interest in law enforcement.
  - 5. Evidence of supervisory and administrative ability.

6. Employment history, including job evaluations, disciplinary record, attendance and community contributions.
  7. Educational background.
  8. Results of written and oral examinations.
- d. The Mayor and Borough Council shall rank the applicants based on all of these factors, which shall be weighted as they deem appropriate. Promotions shall be offered to the candidates achieving the highest rank among those deemed fit for promotion. All other qualifications being equal between candidates, any candidate entitled to veterans preference shall be chosen. If two (2) candidates have equal scores and both are veterans, a Borough resident will be preferred over a nonresident.
  - e. The offer of promotion shall be contingent upon a physical and psychological examination by examiners chosen by the Mayor and the Borough Council. If the candidate is found to be physically or psychologically unfit to perform the duties of the superior office, he or she shall be disqualified and an offer subject to these conditions may be made to the next ranked candidate.
  - f. In the event that the foregoing procedures fail to result in filling of any position, or no lawfully qualified candidates are available as members of the Peapack and Gladstone Police Department, then the Police Committee may elect to fill such position or positions by first advertising and then testing and interviewing members of any Police Department who has served a total of five (5) years in any such Police Department. The testing and interviewing procedures for non-Borough Department candidates shall be the same as for Borough Department candidates provided, however, that the references and backgrounds of non-Borough Department candidates shall be investigated by the Borough Administrator and the Chief of Police prior to the interviews by the Mayor and the Borough Council.
  - g. The name or names of any candidates who successfully completed the testing and interviews who are not hired may be retained by the Borough for up to two (2) years. During such period, if a vacancy occurs, the Borough may, if it wishes, fill such vacancy from such prior successful applicants (first from Borough Department applicants) after such inquiry and interview as it deems appropriate.
  - h. Candidates for a promotion to the position of Sergeant shall also be governed by paragraphs a, b, c, e, f, and g. above. However the provisions of the PBA Contract in force at the time the promotional opportunity is announced shall supersede paragraph d. of this subsection.

(Ord. No. 795 § 2-31.14; Ord. No. 826)

### **2-31.17 Disciplinary Proceedings.**

Except as otherwise provided by law, no permanent member or officer of the Police Department shall be removed from his or her office, employment or position for political reasons or for any cause other than incapacity, misconduct or disobedience of rules and regulations established for the government of the Police Department, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment or position thereon, except for just cause as hereinbefore provided and then only upon a written complaint setting forth the charge or charges against such member or officer. The complaint shall be filed with the Borough Clerk and a copy shall be served upon a member or officer so charged, with notice of a

designated hearing thereon before the Mayor and Council, which shall be not less than ten (10), nor more than thirty (30), days from date of service of the complaint. A failure to comply with these provisions as to the service of the complaint shall require a dismissal of the complaint.

The Mayor and the Borough Council shall have the authority to designate and appoint a hearing officer recommended by the Police Committee in lieu of hearing testimony itself.

The Mayor and the Borough Council shall have power to subpoena witnesses and documentary evidence. A Police Officer so charged shall have the right to be represented at the hearing by an attorney at law or a union representative and shall have the right to cross-examine witnesses. The Rules of Evidence shall not be strictly applied.

In the event that the Mayor and the Borough Council designates a hearing officer in lieu of hearing the charges itself, the hearing officer shall, within thirty (30) days after the conclusion of the hearing, present the Mayor and the Borough Council with a written report, which contains findings of fact with respect to the charges, copies of which shall be served on the presenter for the Borough and the Officer.

Following the conclusion of the hearing before the Mayor and Council or following receipt of the hearing officer's report by the Mayor and Council, the Officer shall have the opportunity to appear before them and offer any explanation or mitigating factors relating to the charges and any discipline sought by the presenter arising out of the charges. The Mayor and the Borough Council shall determine whether discipline is appropriate and the particular discipline to be imposed.

All disciplinary hearings, including any presentation before the Mayor and Council, shall be conducted in private unless the Officer requests a public hearing in writing.

If any officer or employee in the Police Department shall be suspended pending a hearing as a result of charges, such hearing shall be commenced within thirty (30) days after service of a copy of the complaint upon him or her; otherwise the charges shall be dismissed and the officer or employee returned to duty. Notwithstanding the thirty (30) day requirement, the officer may waive the thirty (30) day requirement and request an adjournment from the Mayor and the Borough Council or hearing officer as the case may be. All suspensions shall be with pay except when a Grand Jury has returned an indictment against the officer or the officer has been charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty. N.J.S.A. 40A:14-149, 40:A-14-149.1.

Any member of the Police Department who has been convicted after disciplinary hearing may appeal such conviction in the manner provided by law. N.J.S.A. 40A:14-150.

Recovery or reimbursement of pay shall be as provided for in N.J.S.A. 40A:14-149.2, N.J.S.A. 40A:14-149.3 and N.J.S.A. 40A:14-151 and as the same may be amended. (Ord. No. 795 § 2-31-15)

### **2-31.18 Defense of Officers.**

Whenever a member or officer of the Police Department is a defendant in any action or legal proceeding arising out of and directly related to the lawful exercise of police powers in the furtherance of his or her official duties, the Borough shall provide the member or officer with the necessary means for the defense of such action or proceeding but not for his or her defense in a disciplinary proceeding instituted against him or her by the Borough or in criminal proceeding instituted as a result of a complaint on behalf of the Borough. If any such disciplinary or criminal proceeding instituted by or on complaint of the Borough shall be dismissed or finally determined

in favor of the member or officer, he or she shall be reimbursed for the reasonable expense of his or her defense. (Ord. No. 795 § 2-31.16)

**2-31.19 Off-Duty Assignments for Police Officers.**

- a. Members of the Police Department shall be permitted to accept police related employment on behalf of private employers only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough.
- b. Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police or his designee, which approval shall be granted if, in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.
- c. Any person or entity requesting the services of an off-duty law enforcement officer shall estimate the numbers of hours such services are required, which estimate shall be approved in writing by the Chief of Police or his designee, and shall establish an escrow account with the Borough Treasurer by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in paragraph h. for the total estimated hours of service.
- d. Prior to posting any request for services of off-duty officers, the Chief of Police or his designee shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services, except as set forth in paragraph e. No service shall be performed unless all fees and compensation required in the manner described above have been deposited with the Treasurer. No officer shall provide any such services for more hours than are specified in the request for services.
- e. In the event that the funds in such an escrow account should become depleted, services of off-duty officers shall cease, and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above. In the event that emergent circumstances arise which require an officer working an off-duty assignment for a period in excess of the estimated hours of service, the Police Chief or his designee may authorize an officer to continue the off-duty assignment even though the escrow account has been depleted. In the event that additional hours are worked, the person or entity contracting for the services of a Borough Police Officer shall be billed for the additional hours.
- f. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.
- g. All requests for the services of off-duty law enforcement officers in the Borough of Peapack and Gladstone Police Department for a period of one (1) week or longer shall be forwarded to the Chief of Police at least ten (10) days before such services are required whenever possible. Any officers, when so employed by the Borough, shall be treated as an employee of the Borough; provided, however, that wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers

so employed nor shall hours worked for outside employment be considered in any way compensable as overtime.

- h. Rates for compensation for contracting off-duty police officers shall be sixty (\$60.00) dollars per hour, plus an additional ten (\$10.00) dollars per hour for administrative fees, and an additional ten (\$10.00) dollars per hour for the use of a police car (total eighty (\$80.00) dollars per hour). For any detail requiring three (3) or more officers or sixteen (16) hours, the entity will be billed one (1) additional hour for every sixteen (16) scheduled hours. There will be a minimum billing charge of three (3) hours per officer per detail. The entity contracting for off-duty services will be charged the minimum fee per officer for any cancellation less than twelve (12) hours prior to the scheduled start time.
- i. The entity or person shall provide the Borough with proof of general liability insurance in an amount not less than one million (\$1,000,000.00) dollars combined single limit per occurrence.  
(Ord. No. 887; Ord. No. 965)

Introduced: July 14, 2015

**BOROUGH OF PEAPACK AND GLADSTONE**

**RESOLUTION NO.**

**AUTHORIZING RENEWAL OF LIQUOR LICENSES IN THE BOROUGH OF PEAPACK & GLADSTONE**

WHEREAS, the following named have applied to the Mayor and Borough Council of the Borough of Peapack & Gladstone, County of Somerset, for renewal of Plenary Retail Consumption License for the licensing period beginning July 1, 2015 and ending June 30, 2016:

Gladstone Tavern, LLC 273 Main Street Gladstone, NJ 07934	1815-33-001-006	Fee: \$2,500
Essex Hunt Club, Inc. P.O. Box 335 48 Holland Road Peapack, NJ 07977	1815-33-003-002	Fee: \$2,500

WHEREAS, the following named have applied to the Mayor and Borough Council for renewal of Plenary Retail Distribution License for the licensing period beginning July 1, 2015 and ending June 30, 2016:

Westie Three Dog, LLC. t/a Peapack Fine Wines P.O. Box 310 159 Main Street Peapack, NJ 07977	1815-44-002-004	Fee: \$2,500
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WHEREAS, the following named have applied to the Mayor and Borough Council for renewal of Club License for the licensing period beginning July 1, 2015 and ending June 30, 2016:

Somerset Hills Post 216- The American Legion 151 Route 206 Gladstone, NJ 07934	1815-31-008-001	Fee: \$63
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WHEREAS, the Mayor and Borough Council of the Borough of Peapack & Gladstone, County of Somerset and State of New Jersey, the licensing authority, has affirmatively found that:

1. No objection(s) has/have been received by the Borough Clerk of the Borough of the Borough of Peapack & Gladstone to the re-issuance of said licenses; and
2. The Borough Police Department Board of Health have no objection to the renewal of these licenses and are not aware of any circumstances that would prohibit the renewal of said
3. The Borough Clerk has proof of tax clearance as issued by the New Jersey Division of Taxation for said licenses

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Peapack & Gladstone, County of Somerset and State of New Jersey, that the aforesaid applications be approved and that the Borough Clerk be authorized and directed to issue said license forthwith.

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

Adopted: July 28, 2015

**BOROUGH OF PEAPACK & GLADSTONE**

**RESOLUTION NO.**

RESOLVED that the annexed:

Eliminating Conditional Uses In Designated Zones

ORDINANCE be introduced and that the Clerk now read publicly the title of the same as follows:

AN ORDINANCE AMENDING PORTIONS OF CHAPTER XXIII, ARTICLES I AND IV, TITLED "LAND DEVELOPMENT ORDINANCE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE ELIMINATING CERTAIN CONDITIONAL USES IN DESIGNATED ZONES

BE IT FURTHER RESOLVED, that the said pending ordinance be passed on first reading and advertised as required by statute fixing the 8<sup>th</sup> of September 2015 at 7:30 p.m. prevailing time on said day as the time and the Peapack & Gladstone Municipal Building at 1 School Street in said Borough as the place for hearing and final action; and

FURTHER RESOLVED, that the Borough Clerk shall forthwith post on the bulletin board in the Borough Municipal Building at 1 School Street, a true copy of said ordinance and make copies available to members of the general public and spread the same upon the minutes of the meeting.

FURTHER RESOLVED, that the Borough Clerk forward this ordinance to the Borough of Peapack and Gladstone Land Use Board for their meeting to be held 8/5/15 to review and prepare a recommendation.

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

Adopted: July 28, 2015

**BOROUGH OF PEAPACK AND GLADSTONE**  
**ORDINANCE NO.**

AN ORDINANCE AMENDING PORTIONS OF CHAPTER XXIII, ARTICLES I AND IV, TITLED “LAND DEVELOPMENT ORDINANCE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF PEAPACK AND GLADSTONE ELIMINATING CERTAIN CONDITIONAL USES IN DESIGNATED ZONES

WHEREAS, pursuant to the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1 et seq., a governing body of a municipality may adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon within the municipality; and

WHEREAS, consistent with the Municipal Land Use Law, a governing body of a municipality may elect to not only create, but also from time to time modify land use regulations; and

WHEREAS, in accordance therewith and further, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-89, a governing body of a municipality shall periodically provide for a general reexamination of its master plan and development regulations by the municipality’s Planning Board, and the governing body may thereafter elect to adopt any changes recommended as part of the general reexamination; and

WHEREAS, the governing body of the Borough of Peapack and Gladstone did so provide for a general reexamination of its master plan and development regulations by the Borough’s Land Use Board, acting in its capacity as Planning Board; and

WHEREAS, the Borough’s Land Use Board conducted a general reexamination of its master plan, and thereafter authored and adopted a Master Plan Development Regulations Periodic Reexamination Report (“Reexamination Report”) on January 29, 2015, which report made specific findings and recommendations; and

WHEREAS, the Reexamination Report set forth findings and recommended changes to the Master Plan; to wit, the elimination of particular conditional uses in certain zones; and

WHEREAS, and for the reasons as set forth therein, the Reexamination Report recommended the elimination of both public and private schools and houses of worship as permitted uses within the RR-1, RR-2, RR-3, RR-5 and the RE districts, and the elimination of a “Residential health care facilities in conjunction with a school” land use as a permitted conditional use from the RR-5 and the RE zoning districts; and

WHEREAS, the Borough Council finds that the proposed zoning changes as set forth above are supported by the findings as made by the Borough’s Land Use Board, and are otherwise

appropriate to advance the health, safety and welfare of the Borough's residents and property owners and are in the interests of good zoning and planning; and

WHEREAS, the Borough Council believes that it is in the best interests of the Borough and its residents that Chapter XXIII, Articles I and IV of the Borough of Peapack and Gladstone's Land Development Ordinance be amended as set forth herein to effectuate the recommendations as declared in the Reexamination Report; and

WHEREAS, the changes as set forth herein are consistent with the recommendations contained in the most recent periodic general reexamination of the Master Plan by the Land Use Board, thereby obviating the need for individualized notices to surrounding property owners in accordance with N.J.S.A. 40:55D-62.1

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, as follows:

Section 1. Chapter XXIII of the Land Development Ordinance of the Borough of Peapack and Gladstone, Article IV, titled "Zoning", Sections 23-39.1(d)2, 23-39.1(d)3, 23-39.2(c)2 and 23-39.2(c)3 are hereby deleted in their entirety in order to implement the recommendations in the Reexamination Report for elimination of the following uses as permitted conditional uses within the RR-1, RR-2, RR-3, RR-5 and RE Zones: (i) "public or private schools approved by the State of New Jersey, Department of Education", and (ii) "houses of worship".

Section 2. Chapter XXIII of the Land Development Ordinance of the Borough of Peapack and Gladstone, Article IV, titled "Zoning", Sections 23 -39.1(d)4, 23-39.1(d)6, 23-40.10(b)2 and 23-40.10(b)3 are hereby deleted in their entirety in order to implement the recommendations in the Reexamination Report for elimination of the following uses as permitted conditional uses within the RR-5 and RE Zones: (i) "residential healthcare facilities in conjunction with a school", (ii) "assisted living residences", and (iii) "long-term care facilities including nursing care facilities and nursing homes".

Section 3. Chapter XXIII of the Land Development Ordinance of the Borough of Peapack and Gladstone, Article I, titled "General Provisions", Section 23-6.1 is hereby amended to eliminate the following definitions in their entirety: "Assisted living residence", "Long term care facility/ nursing facility/nursing home", and "Nursing facility/nursing home" in order to implement the recommendations in the Reexamination Report for elimination of the above uses as permitted conditional uses within the above-referenced zones.

Section 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Somerset County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15. The Borough Clerk shall execute any necessary Proofs of Service of the notices required by this section, and shall

keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Land Use Board of the Borough of Peapack and Gladstone for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board, acting in its capacity as Planning Board, is directed to make and transmit to the Borough Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. 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.

Section 7. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 8. This Ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.